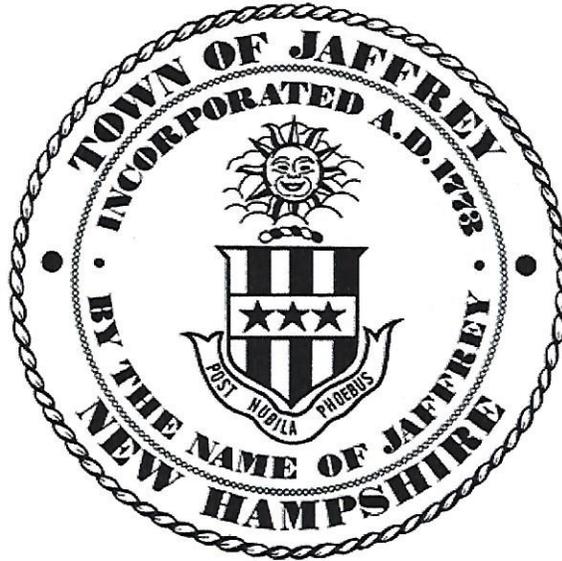


Town of Jaffrey, New Hampshire
Joint Loss Management Committee



SAFETY PLAN

Date: January 1, 2021

Revision: September 7, 2021



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

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Town of Jaffrey Joint Loss Management Committee Safety Plan

Every employee in the Town of Jaffrey has the right to a workplace free from occupational safety and health hazards. A Loss Prevention Management Program is designed to prevent accidents and injuries/illnesses, and is established jointly between labor and management representatives. The purpose of the Joint Loss Management Committee shall be to conduct research, develop recommendations, and study and review matters pertaining to occupational safety and health within the Town of Jaffrey. The committee shall hold regularly scheduled meetings and shall be permitted to hold special meetings whenever necessary. Written minutes of each meeting shall be retained, and shall be made available to all Town employees.

Unsafe acts, unsafe conditions and accidents all demonstrate a weakness in the Town's organizational system. This program provides the framework for safety to be managed like any other function; through planning, organizing, leadership and control. A well trained and properly supervised employee in a safe and healthful environment is less likely to have an accident.



Town of Jaffrey
10 Goodnow Street
Jaffrey, NH 03452
Telephone (603) 532-7880
Fax (603) 532-7862

Town Manager
Jon R. Frederick
jfrederick@townofjaffrey.com
www.townofjaffrey.com

March 26, 2021

Health and Safety Statement

To All Employees:

It is the policy and responsibility of the Town of Jaffrey to adopt all reasonably practicable measures:

- To secure the health, safety and welfare of all employees at places of work under the Town's control and elsewhere when performing their duties;
- To protect persons who are on Town premises against risk to their health or safety which might arise out of activities in those places;
- To maintain equipment and a safe and healthy place of work.

It is also the policy of the Town of Jaffrey to ensure that all employees are aware of their responsibility regarding health and safety. In this regard they should become familiar with the Safety Plan developed by the Town of Jaffrey Joint Loss Management Committee.

We all share the responsibility for the prevention of accidents and should take reasonable care that all procedures used are safely carried out. Any health or safety concerns should be reported to the Joint Loss Management Committee.

I am very supportive of the Committee and encourage all employees to maintain a safe and healthy work environment.

Sincerely,

Jon R. Frederick
Town Manager

*The Town of Jaffrey prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, disability, marital or family status.
The Town of Jaffrey is an equal opportunity employer.*



Town of Jaffrey
Joint Loss Management Committee
Safety Plan

Management and Labor shall be fully responsible for implanting the provisions of this program as they pertain to operations under this jurisdiction. The responsibilities listed are a minimum, and should not be construed to limit individual initiative to implement more comprehensive procedures to control losses.

Joint Loss Management Committee:

- **Officially adopt this program and update at least every five years in accordance with NH Department of Labor regulations.**
- **Provide overall support, direction and commitment.**
- **Ensure that personnel responsible for carrying out the provisions of this program:**
 - ✓ **Have unfettered access to the program**
 - ✓ **Understand content of program**
 - ✓ **Are held accountable for their actions/inactions in accordance with established contracts, personnel policies and procedures.**
- **Obtain required resources as deemed necessary**

Supervisory Personnel:

Personnel with supervisory duties, whether they are front line supervisors or Department Heads, shall have the authority and responsibility to maintain safe and healthful work places and work practices. Specifically, they will do the following:

- ✓ **Comply with the contents of this program.**
- ✓ **Comply with applicable work rules and regulations**
- ✓ **Comply with appropriate union contracts**

- ✓ **Ensure that all employees within their jurisdiction comply with the program and follow all work rules and regulations (Supervisors are expected to set a positive example).**
 - ✓ **Comply with all established personnel policies and procedures as they relate to this program. Specifically, follow disciplinary procedures for violation of work rules as applicable.**
 - ✓ **Educate employees within their jurisdiction:**
 - **Nature of the hazards involved**
 - **Necessary precautions to be taken**
 - **Use of required personal protective equipment**
 - **Use of applicable emergency equipment**
 - **Meet with personnel to review accidents which have occurred and discuss concepts and initiative to minimize reoccurrences and further broaden loss prevention measures.**
-
- **Conduct inspections, investigations, and administrative duties as outlined in the related Administrative Regulations.**
 - **Be accountable for accidents, incidents and near-misses involving their personnel.**
 - ✓ **Especially if it is determined that additional preventative measures can or should have been taken.**
 - ✓ **A supervisor's capability to supervise is measured by the efficiency of his/her operation.**
 - **Include and evaluate an employee's safety record in each formal performance evaluation**
 - **This evaluation may highlight specific performance deficiencies that must be recognized and corrected.**

Employees:

Employees are required to exercise due care in the course of their work to prevent injuries to themselves and to their fellow workers, the general public and equipment entrusted to their care. Employees shall:

- **Understand and follow all work rules and regulations. If an employee does not understand a work rule or regulation, they must notify their immediate supervisor.**
- **Utilize required personal protective equipment.**
- **Report all unsafe acts and conditions to their supervisor**
- **Operate only machines and equipment that they have been properly trained (licensed, if applicable) and authorized to operate.**
- **Must follow all accident reporting procedures**

- **Report to immediate supervisor or Department Head:**
 - ✓ **Any motor vehicle law enforcement action**
 - ✓ **Any motor vehicle conviction or any administrative action by the Department of Motor Vehicles**
 - **These provisions shall not supersede any law or Commercial Drivers' License requirement.**



**Town of Jaffrey
Joint Loss Management Committee
Safety Plan**

Joint Loss Management Committee (Safety Committee)

The purpose of the Joint Loss Management Committee (JLMC) shall be to conduct research, develop recommendations, and study and review matters pertaining to occupational safety and health within the Town of Jaffrey.

The JLMC consists of ten (10) members who are full time employees of the Town of Jaffrey.

The JLMC membership consists of both management and staff personnel and is representative of the major work activities (departments).

The JLMC holds regularly scheduled meetings on the first Thursday of the month, quarterly during the following months: March, June, September and December and will hold special meetings whenever necessary.

Agendas are distributed and posted and the JLMC maintains written minutes of each meeting which are posted, made available to all Town employees and retained.

The duties of the JLMC follow and are generally consistent with the following NH Department of Labor Rules and Regulations:

Lab 603.03 Duties and Responsibilities of Joint Loss Management Committee. To carry out the intent of RSA 281-A: 64, the joint loss management committee shall:

- (a) Meet at least quarterly to carry out its duties and responsibilities;
- (b) Keep minutes of meetings which shall be made available for review of all employees;
- (c) Elect a chairperson, alternating between employee and employer representatives;
- (d) Develop and disseminate to all employees a committee policy statement;
- (e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- (f) Review workplace accident and injury data to help establish the committee's goals and objectives;
- (g) Establish specific safety programs which include, but are not be limited to, the following:
 - (1) Designation, by name and title, of a person who shall be knowledgeable of site-specific safety requirements and be accountable for their implementation and adherence;
 - (2) Provisions for health and safety inspections at least annually for hazard identification purposes;
 - (3) Performance of audits at least annually regarding the inspection findings;
 - (4) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;
 - (5) Where the employer is a public school district, administrative unit, or chartered public school, a prevention and amendment plan pursuant to (6) below for the purpose of reducing violent acts and injuries caused by students against employees, volunteers and visitors;
 - (6) The student violence prevention and management plan shall include the following information:
 - a. Training, education, investigation, and prevention protocols for all staff in the area of reducing violent acts and injuries caused by students; and
 - b. Designation, by name and title, of a person who shall coordinate the training, investigation, and adherence of the implemented program to reduce violent acts and injuries caused by students;
- (h) Assist with the identification of necessary safety and health training for employees; and
- (i) Assist with the identification and definition of temporary, alternate tasks.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13; ss by #13149, eff 12-29-20



**Town of Jaffrey
Joint Loss Management Committee
Safety Plan**

**Joint Loss Management Committee – Current Membership
(January 1, 2021 revised 3/31/2021)**

Andy Baranowski, Management Member and JLMC Chairman, (DPW-Water Dept. Foreman)

David Chamberlain, Management Member, (Fire Dept.)

Todd Muilenberg, Management Member, (Police Dept.)

Linda Gleason, Non-Management Member, (Library)

Tim Gerry, Non-Management Member, (DPW – Highway Dept.)

Sarah Hooper, Non-Management Member, (Recreation Dept.)

Gary Duquette, Non-Management Member, (DPW – Buildings Maintenance)

Judy Zola, Non-Management Member, (Town Office)

Phil St. Cyr, Advisor (Primex)



**Town of Jaffrey
Joint Loss Management Committee**

Agenda

Thursday, December 4th, 2014

1:00 pm

Jaffrey Town Office

1. Call to Order

2. Attendance/Committee

Doug Starr, Chairman (DPW - Adm)
Janet Chalke (DPW – Transfer Station)
Damon Poor (DPW – Highway Dept)
Andy Baranowski (DPW - Water Dept / Fire Dept)
Jason Beckwith (Sewer / United Water)
Karen Morris (Recreation Dept)
Linda Gleason (Library)
Joseph Golinski (Police Dept)
Dawn Oswald (Town Office)
Glenn Ruschioni (DPW – Buildings)

Phil St. Cyr (Primex)

3. September 4, 2014 Minutes

4. Accident Reports (2014 year to date)

Accident Claims (4)

Police Dept.: 1 (1/10/14) no lost time (*not on injury log*)

Recreation Dept.: 1 (1/15/14) 20 hours

Police Dept.: 1 (4/9/14) no lost time

Recreation Dept.: (10/24/14) no lost time

Property/Liability (2)

DPW/Highway: 1 (1/6/14)

DPW/Highway: 1 (2/22/14)

Municipal: 1 (7/10/14) (*false report, still on Primex P3 site*)

5. Old Business

- Inventory of first aid supplies and check eye wash stations at each location – *on-going*
- Chemical Inventory (Hazardous) Inventories at each location – *on-going*
- Future Training Opportunities available in-house as requested: *First Aid, CPR, Fire Extinguisher, Fire Prevention*
- Public Works Safety Training (UNH/T2 Program) Opportunities – *Garage Safety; Employee Safety for Public Works*
- Primex Training – *available*
- Transfer Station employees – available training through NHDES – revised operator certification program
- Safety Vest/Clothing Policy for Town employees – *suggested policy under review – ANSI II, ANSI III requirements (new) – employee handbook updates*
- Traffic Control Workshop for Police, DPW - *completed*
- Written Safety Program (each location) – Town wide safety program required to be updated every two years – *see NH Dept of Labor deficiencies*

6. NH Dept of Labor Inspection – Review deficiencies

7. New Business

- Injury/Incident Reports
- AED Program - continued discussion – move ahead – feedback from Dept. Heads?
- Fire Extinguisher Inspection - **completed**
- Check/confirm 911 from Town buildings
- Panic buttons survey/needs
- National Traffic Incident Management/Responder Training Course completed by Fire Dept. and DPW
- Workplace Harassment Training - Followed up with Town Office and Primex – **Scheduled for Thursday, January 22nd at 9:30 am at Fire Station**
- Lightning Protection for Town Buildings - Follow up – **Survey and work completed at Meetinghouse**
- Building/Facilities Maintenance Request Form (*Glenn's cell phone is 562-4011*)
- Transfer Station/Recycling Center Layout
- Other? Department safety updates?

Next Meetings:

Discuss dates and locations for 2015 JLMC quarterly meetings

(1st Thursdays – quarterly – March 5th; June 4th; September 3rd; December 3rd)



**Town of Jaffrey
Joint Loss Management Committee**

Minutes

Thursday, September 4th, 2014

1:00 pm

Jaffrey DPW/Highway Garage

1. Call to Order

2. Attendance/Committee

Doug Starr, Chairman (DPW - Adm)
Janet Chalke (DPW – Transfer Station)
Damon Poor (DPW – Highway Dept) - EXCUSED
Andy Baranowski (DPW - Water Dept / Fire Dept)
Jason Beckwith (Sewer / United Water) - EXCUSED
Karen Morris (Recreation Dept)
Linda Gleason (Library)
Joseph Golinski (Police Dept) - EXCUSED
Dawn Oswalt (Town Office)
Glenn Ruschioni (DPW – Buildings)
Bill Oswalt (Police Dept)
Phil St. Cyr (Primex)

3. June 12, 2014 Minutes reviewed and approved

4. Accident Reports (2014 year to date) reviewed

Accidents (2)

Police Dept.: 1 (1/10/14) no lost time (*not on injury log*)

Recreation Dept.: 1 (1/15/14) 20 hours

Police Dept.: 1 (4/9/14) no lost time

Property/Liability (2)

DPW/Highway: 1 (1/6/14)

DPW/Highway: 1 (2/22/14)

Municipal: 1 (7/10/14) (*false report*)

5. Old Business

- Inventory of first aid supplies and check eye wash stations at each location – on-going – *Police Dept. to check their eye wash stations*
- Chemical Inventory (Hazardous) Inventories at each location – on-going – *status at Recreation Dept.?*
- Future Training Opportunities available in-house as requested: *First Aid, CPR, Fire Extinguisher, Fire Prevention*
- Public Works Safety Training (UNH/T2 Program) Opportunities – *Garage Safety; Employee Safety for Public Works*
- Primex Training – *available*
- Transfer Station employees – available training through NHDES – revised operator certification program
- Safety Vest/Clothing Policy for Town employees – suggested policy under review – ANSI II, ANSI III requirements (new) – employee handbook updates
- Traffic Control Workshop for Police, DPW
- Written Safety Program (each location) – Town wide safety program required to be updated every two years
- Filed NH/Dept of Labor Report Filed (end of 2011) – new rules, no requirement to file anymore

6. New Business

- **Injury/Incident Reports - reminder**
- **AED Program - continued discussion – move ahead – feedback from Dept. Heads?**
- Fire Extinguisher Inspection - completed
- Check/confirm 911 from Town buildings
- Panic buttons survey/needs
- OSHA Training
- **National Traffic Incident Management/Responder Training Course completed by Fire Dept. and DPW**
- **Workplace Harassment Training - Followed up with Town Office and Primex – TBS this fall**
- **Lightning Protection for Town Buildings - Follow up – will need NH licensed electrician – *coordinate with maintenance – contractor working at Meetinghouse***
- **Building/Facilities Maintenance Request Form (*Glenn's cell phone is 562-4011*)**
- **Transfer Station/Recycling Center Layout**
- Other? Department safety updates?
 - Primex workshop on Recreation & Beach Safety March 6th
 - Traffic Incident Management Workshop April 16th - Jaffrey Fire Station
 - *Beach season report*
 - *DOL Inspection September 8th*
 - *Question on disposal of mace*
 - *Phil updated all on available training from Primex (February '15 training at Keene PD; Fire Symposium; Law Enforcement Symposium Nov 13th; Fork Lift Training)*

Next Meetings:

Thursday, December 4th, 1:00 pm at Jaffrey Fire Station
Discuss dates and locations for 2015 JLMC quarterly meetings



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Safety Statutes, Rules and Regulations

The Town of Jaffrey (JLMC) specific safety policies and procedures are based on compliance with the following New Hampshire state statutes, rules and regulations:

- LAB 1400 Rules – Administrative Rules for safety and Health
- LAB 600 Rules – Safety Programs
- RSA 277 – Safety & Health of Employees
- RSA 277A – Employees Right-to-Know
- RSA 281-A:64 – Safety Provision

Town of Jaffrey Safety Policies

1. Workers Right-to-Know
2. Accident Reporting
3. Bloodborne Pathogens
4. Confined Space Entry
5. Excavating and Trenching
6. Flag-person and Traffic Control
7. Lock out
8. Noise Exposure
9. Personal Protective Equipment
10. Record Keeping
11. Toxic Substances
12. Abrasive Grinding

- 13. Overhead Gantry Hoists and Cranes**
- 14. Tree Care Operations**
- 15. Air Tools**
- 16. Chains, Cables, Ropes and Hooks**
- 17. Compressed Air**
- 18. Compressed Gas Cylinders**
- 19. Dock-Boards**
- 20. Flagger**
- 21. Traffic Control**
- 22. Flammables and Combustible**
- 23. Forklift Truck**
- 24. Hand Tools**
- 25. Ladders**
- 26. Mechanized Equipment**
- 27. Slips, Trips, and Falls**
- 28. Critical Incident Stress Management**
- 29. Cyber Security**
- 30. Seat Belt usage**



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Disciplinary Policy

(see Town of Jaffrey Employee Manual in Appendices)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Accident Reporting

Lab 1403.04 Accident Reporting Requirements. Within 8 hours after its occurrence, an employment accident which is fatal to one or more employees or which results in the hospitalization of 3 or more employees shall be reported to the commissioner of labor. Notification may be given by telephone by calling (603) 271-6297, 271-6850, 271-3699, or 271-3170.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Training Requirements for Safety and Health



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Emergency Evacuation and Response Plans

(Department and/or Town Building Specific)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Safety and Health Communications



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Workplace Violence

(see Town of Jaffrey Employee Manual)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

**CHAPTER 281-A
WORKERS' COMPENSATION**

Section 281-A:64

281-A:64 Safety Provisions; Administrative Penalty. –

- I. Every employer shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. For the purposes of this section, "employer" shall include railroads, even if the employees of such railroads receive compensation for work injuries under federal law rather than RSA 281-A.
- II. All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. After a written safety program has been filed, the program shall be reviewed and updated by the employer at least every 2 years. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program. Where the employer is a public school district, administrative unit, or chartered public school, the safety program shall contain a plan for responding to violent acts committed by students against employees, volunteers, and visitors.
- III. Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on

the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section. For any public school district, administrative unit, or chartered public school, the joint loss management committee shall also address protocols for employees to follow in relation to workplace violence, including training. The department of labor shall adopt rules, pursuant to RSA 541-A, relative to safety programs, joint loss management committees, and employee safety in public schools.

IV. Employers subject to the requirements of paragraph III, other than employers participating in the safety incentive program under RSA 281-A:64-a, shall be placed on a list for early and periodic workplace inspections by the department's safety inspectors in accordance with rules adopted by the commissioner. Such employers shall comply with the directives of the department resulting from such inspections.

V. Notwithstanding paragraphs III and IV, an employer of 15 or more employees may satisfy the requirements of those paragraphs if such employer implements an equivalent loss management and safety program approved by the commissioner.

VI. The commissioner, in conjunction with the National Council of Compensation Insurance (NCCI), shall develop a list of the best and worst performers based on the experience modification factors promulgated by NCCI. The list shall include the top 10 lowest experience modification employers. The commissioner shall publicly recognize these low experience modification employers by presenting them with an award at the department's annual workers' compensation conference. The list of the top 10 highest and lowest experience modification employers shall be provided to the advisory council. The department shall review any specific claim against any employer listed in the top 10 highest experience modification list in conjunction with the safety program on file with the commissioner.

VII. In order to assist self-insurers in developing experience modification factors, self-insurers may submit the appropriate statistical information to the National Council of Compensation Insurance for calculating experience modifications.

VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be deposited in the department of labor restricted fund established pursuant to RSA 273:1-b.

IX. [Repealed.]

Source. 1990, 254:36. 1994, 3:19. 1997, 343:9, 10, eff. Jan. 1, 1998. 2010, 134:1, eff. July 14, 2010. 2012, 144:1, 2, 4, I, eff. Jan. 1, 2013. 2019, 134:20, eff. June 25, 2019; 346:142, eff. July 1, 2019. 2020, 38:11, eff. Sept. 27, 2020.

SAFETY SUMMARY FORM SUPPLEMENTAL INSTRUCTIONS*

The information on the summary of safety and health program form must be specific and completed in full. Forms that are incomplete and/or are too generalized will be sent back for further information. If you do not have enough space on this form, please feel free to use additional paper as necessary. In addition, this form is available and can be submitted on the NH DOL website at www.nh.gov/labor. Businesses with 15 or more employees must file this form only once. If you have questions about the form itself, or with your company's needs, please do not hesitate to call a safety inspector at 271-6850 or 271-6297.

Topics on form which need further instructions:

- Please include Corporate address if filing for more than one New Hampshire Division.
- You are accountable for your total number of employees for establishing your joint loss management committee and for your written safety program. If you have, at any time of the year 15 or more employees, you need to set up a joint loss management committee and develop a written safety program.
- On item #1, **be specific** about both existing or potential safety and health hazards or concerns of your company.
- On item #2, be sure to identify by name and job title, employee representatives as well as employer representatives of your joint loss management committee. Also, identify chairperson. There should be equal representation of both employee/employer representatives.
- On item #3, specify the emergency response procedures as outlined in your written safety program. This should include everything from emergency numbers and evacuation and head count to dealing with any minor or major injuries. Be specific about procedures used in case an emergency occurs.
- On item #5, indicate the safety and health policies or procedures you use, **or would use** if sub-contractors perform work in your facility. This would include anyone from outside of your company coming in to perform any type of work or service.
- On item #7, summarize your policy for providing adequate **time and resources** dedicated to safety. Resources could be equipment, training, personal time, commitment to safety and/or financial investments.

* Please refer to Chapter 600, Safety Programs and Joint Loss Management Committees for further information.

APPENDIX II

STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR

PO BOX 2076

CONCORD, NH 03302-2076

FAX (603) 271-2668

SAFETY SUMMARY FORM DATED _____

COMPANY NAME: _____

COMPANY N.H. PHYSICAL ADDRESS: _____ CITY _____ ST _____ ZIP _____

COMPANY MAILING ADDRESS (Included in this form): _____ CITY _____ ST _____ ZIP _____

CONTACT PERSON: _____ TITLE: _____

PHONE#: _____ FAX#: _____ EMAIL: _____

NUMBER OF N. H. EMPLOYEES: _____ (This includes anyone, who at any time works, in N.H. within the year.)

North American Industry Classification CODE (NCICS): _____ FED. ID. #: _____

NATURE OF BUSINESS: _____

Please list additional NH locations, if any, at the end of this report.

*Answer all of the following questions. If you are not sure how a particular question applies to your company, **contact NH DOL or view the supplemental instructions**, a separate document available for viewing or download at <http://www.nh.gov/labor/documents/safety-summary-instructions.pdf> on the NH DOL web site.*

***“Does not apply”** is not an acceptable response to any of the questions.*

- 1) List **potential** safety and health hazards of your company. (Example: burns, trips/falls, or violence, etc.)

- 2) List the members of your company's joint loss management committee by name and job title. Please indicate which members represent the employer and those which represent employees and identify chairperson. There should be equal representation between management and employees or more employees than management representation.
Management Member(s)-(supervisor) Employee Member(s)-(non-supervisory)

- 3) Specify your emergency response procedures. (Example: call manager; call 911; transport injured employee, etc.)

- 4) Identify person(s) by name and title qualified to take corrective actions on safety and health hazards, conduct on-site inspections, and responsible for employees' safety training.

- 5) Indicate your policy to communicate safety and health concerns with the activities of **sub-contractors or outside service providers**, when, or if utilized. (Example: are they in compliance with OSHA Regulations? Do they have workers' compensation coverage?)

- 6) Summarize your disciplinary policy with regard to violations of your safety and health policies.

- 7) Summarize your policy for providing adequate resources dedicated to safety including providing safety training, posting minutes of the JLMC meetings, providing access to your safety and health manual, and when required, providing personal protective equipment.

 Person completing the form

 Date

**ADDITIONAL NH COMPANY LOCATIONS
 (common owner and same industry type)**

NAME	STREET	CITY	FED ID NO.	NO. of EMP.
------	--------	------	------------	-------------



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policies

- 1. Workers Right-to-Know (1-1-2015)**
- 2. Accident Reporting (1-1-2015)**
- 3. Bloodborne Pathogens (1-1-2015)**
- 4. Confined Space Entry (1-1-2015)**
- 5. Excavating and Trenching (1-1-2015)**
- 6. Flag-person and Traffic Control (1-1-2015)**
- 7. Lock out (1-1-2015)**
- 8. Noise Exposure (1-1-2015)**
- 9. Personal Protective Equipment (1-1-2015)**
- 10. Record Keeping (1-1-2015)**
- 11. Toxic Substances (1-1-2015)**
- 12. Abrasive Grinding (6-4-2015)**
- 13. Overhead Gantry Hoists and Cranes (6-4-2015)**

- 14. Tree Care Operations (1-1-2017)**
- 15. Air Tools (1-1-2017)**
- 16. Chains, Cables, Ropes and Hooks (1-1-2017)**
- 17. Compressed Air (1-1-2017)**
- 18. Compressed Gas Cylinders (1-1-2017)**
- 19. Dock-Boards (1-1-2017)**
- 20. Flagger (1-1-2017)**
- 21. Traffic Control (1-1-2017)**
- 22. Flammables and Combustible (1-1-2017)**
- 23. Forklift Truck (1-1-2017)**
- 24. Hand Tools (1-1-2017)**
- 25. Ladders (1-1-2017)**
- 26. Mechanized Equipment (1-1-2017)**
- 27. Slips, Trips and Falls Policy and Procedures (12-1-2017)**
- 28. Critical Incident Stress Management (1-1-2021)**
- 29. Cyber Security (1-1-2021)**
- 30. Seat belts (1-1-2021)**



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Workers Right-to-Know

277-A:4 Material Safety Data Sheets. –

I. Except as provided in paragraph III, no person shall obtain, purchase, manufacture, formulate, transport or distribute any toxic substance within this state unless the substance is accompanied by a complete material safety data sheet prepared by the manufacturer, producer, or formulator of such substance no more than one year prior to the obtainment, purchase, manufacture, formulation, transportation or distribution.

II. A manufacturer, producer or formulator may provide a single material safety data sheet for a product mixture containing 2 or more toxic substances instead of providing a material safety data sheet for each toxic substance component of such mixture if all of the following are applicable:

(a) The product mixture itself has been submitted to sufficient analysis and testing to justify a valid judgment on its hazardous properties.

(b) Each component toxic substance is identified on the product label individually, within the limits of practicability and feasibility.

(c) A material data safety sheet on each component toxic substance identified pursuant to subparagraph (b) is available upon request.

III. (a) When a manufacturer, producer, formulator or employer considers the identity of or other information concerning a toxic substance to be a protectable trade secret whose disclosure would compromise his competitive advantage, he shall register this information as secret with the commissioner of labor provided that such information is already registered as a trade secret pursuant to any provision of federal law or such information is not registered as a trade secret but is related to a proprietary process the disclosure of which would compromise his competitive position.

(b) The commissioner of labor shall not release any data which discloses any trade secret or proprietary process unless he shall notify, in writing and by certified mail, the submitter of such information of the intent to release the data. The commissioner may not release the information, without the submitter's consent, until the thirtieth day

after the submitter has been furnished such notice. Any subsequent release shall be pursuant to applicable provisions relating to trade secrets or the Freedom of Information Act.

(c) In the event that a toxic substance or product mixture containing 2 or more toxic substances is registered by a manufacturer, producer or formulator as a component of a trade secret or otherwise protected as a proprietary process, such manufacturer, producer or formulator shall not be required to divulge the specific identity of the substance, but shall be required to provide a material safety data sheet containing the information specified in RSA 277-A:3, IV(b)-(h).

(d) In the event that a toxic substance or product mixture containing 2 or more toxic substances is registered as a component of a trade secret or otherwise protected as a proprietary process, the employer shall not be required to divulge the specific identity of the substance but shall otherwise be subject to all of the duties imposed by RSA 277-A:5.

IV. Notwithstanding the provisions of paragraph III, full and complete information regarding any toxic substance or substances to which an employee has been exposed shall be made available to a licensed physician if the information is needed for the purpose of medical diagnosis or treatment of such person.

Source. 1983, 466:1, eff. Oct. 26, 1983.

277-A:5 Employer's Duty to Provide Information. – Subject to the limitations of RSA 277-A:4, III, every employer whose employees handle, use, or are otherwise exposed to any toxic substance during the course and scope of their employment shall:

I. Keep on file in a convenient office location and make available for examination and reproduction upon request a material safety data sheet for each toxic substance or product mixture containing 2 or more toxic substances to which an employee may be exposed in carrying out his duties.

II. Post a notice, written in clearly understandable nontechnical language, in a conspicuous location accessible to the employees and as close to the work area as possible containing the word "Warning" in large letters and all the following information on each toxic substance to which employees may be exposed:

- (a) The name or names of the substance.
- (b) The acute and chronic hazards of exposure to the substance.
- (c) Symptoms of exposure and over-exposure, including known behavioral effects.
- (d) Appropriate emergency treatment for exposure and over-exposure.
- (e) Proper conditions for safe use of and exposure to the substance.
- (f) Procedures for cleanup of leaks and spills of the substance.
- (g) Procedures in case of fire or other environmental changes which would result in increasing the substance's hazardous or toxic properties.

III. Post a notice of the availability of a material safety data sheet for each of the toxic substances to which the employee may be exposed and, upon request by an employee for a material safety data sheet, supply such data sheet within 72 hours.

IV. Conduct an education and training program within 180 days of October 26, 1983, for all employees routinely exposed to toxic substances, and thereafter during the

first month of employment of any such new employee, informing such employees of the nature of the toxic substances to which they will be exposed, prescribing proper and safe procedures for handling under all circumstances, and advising them of the potential risks involved.

V. Make every reasonable effort to obtain from manufacturers, producers, formulators, the Federal Environmental Protection Agency, or any other authoritative source, any new or updated information concerning the toxic substances in his workplace and to make such information available to all affected employees immediately.

VI. Notify all employees of their rights under this chapter.

VII. Send a copy of each material safety data sheet with details of the specific locations of each toxic substance and available extinguishing agents to the local fire department. Such material safety data sheets shall be available for public inspection at such fire departments.

VIII. Maintain on file at the workplace material safety data sheets for a period of at least 30 years after discontinuation of the use of each toxic substance. In the event that the employer ceases operations or relocates, all material safety data sheets shall be submitted to the department of labor to be maintained on file for the statutorily required 30 year period. All rights of access to material safety data sheets provided in this chapter shall apply to the full 30 year period.

Source. 1983, 466:1, eff. Oct. 26, 1983.



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Accident Reporting

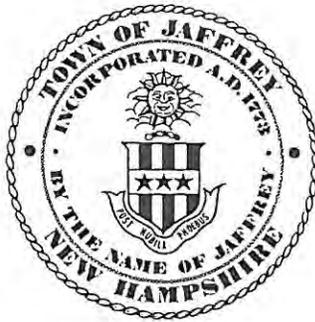
Lab 1403.04 Accident Reporting Requirements. Within 8 hours after its occurrence, an employment accident which is fatal to one or more employees or which results in the hospitalization of 3 or more employees shall be reported to the commissioner of labor. Notification may be given by telephone by calling (603) 271-6297, 271-6850, 271-3699, or 271-3170.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Bloodborne Pathogens

Lab 1403.08 Blood Borne Pathogens. Universal precautions, an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious, shall be observed in all situations where there is a potential for contact with blood or other potentially infectious material and the following requirements shall be met:

(a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

(b) Employees responding to emergencies or other situations where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed.

(c) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other items that come in contact with blood or other potentially infectious materials.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.09)

New. #8796, eff 1-11-07



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Confined Space Entry

*Lab 1403.14 **Confined Space Entry.** The employer shall evaluate the workplace to determine if any areas are confined spaces as defined under Lab 1402.02. If an area is found to be a confined space the employer shall meet the following requirements:*

(a) The employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of and the danger posed by the confined spaces.

(b) A minimum of 2 employees shall be assigned to the work activity involving entry into a confined space. One employee shall act as an attendant/observer and remain outside of the space for the duration of the entry operation.

(c) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space.

(d) Testing required by (c) above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:

- (1) Oxygen content;*
- (2) Flammable gases and vapors; and*
- (3) Potential toxic air contaminants.*

(e) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for

conducting entry operations including purging, making inert, flushing or ventilating the confined space.

(f) Confined space entrants shall use appropriate personal protective and retrieval equipment. The retrieval equipment shall allow for attendant /observer non-entry rescue.

(g) The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them.

(1) The above training shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.

(h) A procedure shall be implemented which shall require documentation that the above steps were taken prior to entering a confined space.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.15)

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Excavating and Trenching

Lab 1403.19 Excavating and Trenching.

(a) Before excavation, underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area.

(b) A competent person as defined in Lab 1402.01 shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter.

(c) An inspection shall be performed at the beginning of each day and at least 3 to 4 times during the workday thereafter; and

(1) Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench.

(2) If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (d) below have been met to safeguard the employees.

(d) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground.

(e) In excavations which employees might be required to enter, excavated or other material shall be stored and retained at least 2 feet or more from the edge of the excavation.

(f) Trenches 4 feet deep or more shall have an adequate means of exit such as

ladders or steps in the protected area of the trench. The exit shall be located so as to require no more than 25 feet of lateral travel.

(g) Excavations near retaining walls, utility poles and other objects that are supported by compacted soil shall be supported at all times to prevent their collapse or undermining.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.23)

New. #8796, eff 1-11-07



**Town of Jaffrey
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**Town of Jaffrey Safety Policy – Flag Person and Traffic
Control**

Lab 1403.21 Flagperson.

(a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flag-person shall be provided.

(b) A flag-person shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with retro-reflectorized material that is visible through the full range of the flag person's body motions.

(c) A flag-person shall be provided with and shall use a combination Stop/Slow Paddle while flagging. The paddle shall be:

- (1) Highly visible; and,*
- (2) At least 18 inches in height and width; and,*
- (3) The lettering at least 6 inches in height.*

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.29)

New. #8796, eff 1-11-07

Lab 1403.58 Traffic Control.

(a) Effective means for control of pedestrian and vehicular traffic shall be instituted on every job site where necessary.

(b) Traffic-control devices shall conform to the applicable federal and state regulations or to applicable sections of Federal Highway Administration Manual on Uniform Traffic Control Devices - 1988 with revisions.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.73)

New. #8796, eff 1-11-07 (from Lab 1403.61)



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Lockout

Lab 1403.32 Lockout.

All stored energy hazards including but not limited to the following shall be released, locked-out, or otherwise rendered non-hazardous prior to commencement of any work which could subject the employee to potential injury:

- (1) hydraulic pressure;*
- (2) pneumatic pressure;*
- (3) steam pressure;*
- (4) vacuum;*
- (5) electricity;*
- (6) mechanical; and*
- (7) gravity.*

(b) Padlocks shall be made available to employees for the purpose of locking-out equipment when required.

(c) Only the individual who is working on the equipment shall be allowed to remove the lockout device.

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06,
EXPIRED: 10-09-06 (formerly Lab 1403.45)

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Noise Exposure

Lab 1403.38 Noise Exposure.

(a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.

(b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 3, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.

(c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

TABLE 14.01 - PERMISSIBLE NOISE EXPOSURE

	<i>Sound Level</i>
	<i>dBA Slow</i>
<i>Duration Per Day, Hours</i>	<i>Response</i>
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.51)

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Personal Protective Equipment

Lab 1403.40 Personal Protective Equipment.

(a) The employer shall be responsible for assessing the hazards, and providing and requiring the use of appropriate personal protective equipment where indicated based upon that assessment.

(b) Where employees furnish their own personal protective equipment, the employer shall be responsible to assure its adequacy and to ensure that the equipment is properly maintained and in a sanitary condition.

(c) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jackets or buoyant work vests.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.53)

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Record Keeping

Lab 1403.46 Record Keeping.

(a) An annual log of all workplace injuries and illnesses, for which an employer's first report of injury is submitted to the department of labor, shall be kept at the place of employment and made available to a safety inspector upon request.

(b) Employers having existing records or logs of injuries and illnesses, required by other agencies, may provide them to meet this requirement.

(c) The log shall include, at a minimum, the following information:

- (1) Date of injury;*
- (2) Name of employee;*
- (3) Occupation of employee;*
- (4) Description of the injury or illness;*
- (5) Whether lost time was involved; and*
- (6) The date employee returned to work.*

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06,
EXPIRED: 10-09-06 (formerly Lab 1403.60)

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Toxis Substances

Lab 1403.57 Toxic Substance.

(a) Engineering and administrative controls shall be implemented to protect workers from exposure to hazardous and toxic substances such as radioactive substances or other hazardous substances which are defined as a toxic substance.

(b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.71)

New. #8796, eff 1-11-07



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Abrasive Grinding

Lab 1403.03 Abrasive Grinding.

(a) Abrasive wheels shall be used only on machines provided with safety guards.

(b) The following shall be exempt from the safety guard requirements:

(1) Wheels used while within the material being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.

(c) Abrasive wheel safety guards for bench and floor stands and for cylindrical grinders shall not expose the grinding wheel periphery for more than 65 degrees above the horizontal plane of the wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch.

(d) Abrasive wheel safety guards shall cover the spindle end, nut, and flange projections.

(e) An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch.

(f) Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they shall not move.

(g) All abrasive wheels shall be closely inspected and ring-tested before mounting to insure that they are free from defects.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED:
10-09-06

New. #8796, eff 1-11-07



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

**Town of Jaffrey Safety Policy – Overhead Gantry Hoists
and Cranes**

Lab 1403. 39 Overheads and Gantry Hoists and Cranes.

(a) All functional operating mechanisms, air and hydraulic systems, chains, rope slings, hooks, and other lifting equipment shall be visually inspected before each use by the operator.

(b) Complete inspection of the crane shall be performed at one to 12 month intervals.

(c) The inspection shall include the following:

(1) Identifying deformed, cracked, corroded, worn, or loose members or parts; and

(2) Ensuring the good working order of the following:

a. brake system;

b. limit indicators;

c. power plant; and

d. electrical apparatus.

(d) Overhead cranes shall have stops at the limit of travel of the wheels.

(e) The rated load of the crane shall be plainly marked on each side of the crane.

(1) If the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and

(2) The marking shall be clearly legible from the ground or floor.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED:
10-09-06 (formerly Lab 1403.21)

New. #8796, eff 1-11-07



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Tree Care Operations

Lab 1403.64 Tree Care Operations

The employer shall ensure compliance with the following requirements:

(a) Head protection shall be worn by workers engaged in tree operations. The head protection worn shall contain the manufacturer's certification that it complies with ANSI Z89.1-1981 with revisions. When working in proximity to electrical lines, the head protection worn shall contain the manufacturer's certification that it is a Class B hard hat which complies with ANSI Z89.1-1981 with revisions;

(b) Safety belts, tree-trimming saddle belts, or a saddle formed by a double bowline on a bight shall be worn to protect workers above ground level;

(c) Saddle belts or safety belts used for climbing operations shall have forged support rings. Snaps used in climbing ropes or in safety straps, for attachment to the forged support ring, shall be of self-closing safety type. Forged support rings shall be designed so that the snaps will not become disengaged, or roll off accidentally;

(d) Climbing ropes shall be used when working aloft in trees. Manila ropes shall have minimum diameter of 1/2 inch 12 mm and shall be 3 or 4 strand first-grade manila, with a rated breaking strength of 2385 pounds or equivalent strength and durability. Synthetic rope shall have a maximum elasticity of not more than 7 percent;

(e) Climbing ropes shall not be used to lower limbs or other parts of trees, or to raise or lower equipment;

(f) The employer shall provide, and the employee shall use, chaps specifically designed to foul a moving chain whenever chain saws are used;

(g) All employees shall be instructed in the hazards associated with working in close proximity to overhead power lines;

(h) *It shall be the responsibility of a competent person, as defined by Lab 1402.01, to determine whether tree care operations can be safely performed near energized power lines;*

(i) *Rescue procedures for employees working above ground shall be established by the employer, and the employees trained accordingly;*

(j) *Brush chipper access panels for maintenance and adjustment shall be closed and secured prior to operation of brush chippers;*

(k) *Each rotary drum tree or brush chipper or disk-type tree or brush chipper not equipped with a mechanical in-feed system shall be equipped with an in-feed hopper not less than 85 inches 2.15 m, measured from the blades or knives to ground level over the centerline of the hopper, and shall have sufficient height on its side members so as to prevent personnel from contacting the blades or knives of the machine during normal operations;*

(l) *Each disk-type tree or brush chipper equipped with a mechanical in-feed system shall have a quick stop and reversing device on the in-feed. The activating lever for the quick stop and reversing device shall be located across the top, along each side of, and as close to the feed end of the in-feed hopper as practicable and within easy reach of the operator;*

(m) *Equipment on which workers stand and spray while the vehicle is in motion shall be equipped with guardrails around the working area;*

(n) *When using portable powered brush cutting saws no one except the operator shall be within 10 feet (3m) of the cutting head of the brush saw;*

(o) *The power unit shall be equipped with a quick shutoff switch readily accessible to the operator;*

(p) *When chainsaws are operated the manufacturer's operating and safety instructions shall be followed;*

(q) *Chain saw used by employees shall be equipped with a properly adjusted inertia chain brake designed to stop the chain rotation in the event of a saw kickback;*

(r) *Chain saws weighing more than 15 pounds 6.8 kg that are used in trees shall be supported by a separate line, except when used from an aerial-lift device;*

(s) *The engine shall be stopped when power saws are being carried. The saw shall not need to be stopped between cuts during consecutive felling, bucking, or climbing or cutting operations on level ground. The chain shall not be turning and the operator's hand shall be off the throttle lever while operators move between work locations. One-man saws shall be carried by the worker on his/her side with the guide bar of the saw pointed to the rear. A two-man saw shall be carried by 2 workers; and*

(t) *The engine shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor where practical, except where manufacturer's procedures require otherwise.*

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.80)

*New. #8796, eff 1-11-07 (formerly Lab 1403.67);
ss by #10809, eff 4-9-15 (from Lab 1403.60)*



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Air Tools

Lab 1403.06 Air Tools.

The employer shall ensure compliance with the following requirements:

(a) Pneumatic power tools shall be secured to the hose or whip with a locking mechanical connector to prevent accidental disconnection;

(b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled;

(c) The manufacturer's safe operating pressure for all fittings shall not be exceeded; and

(d) All hoses exceeding 1/2 inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15



**Town of Jaffrey
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**Town of Jaffrey Safety Policy – Chains, Cables, Ropes and
Hooks**

Lab 1403.09 Chains, Cables, Ropes, and Hooks.

The employer shall ensure compliance with the following requirements:

(a) Chains, cables, ropes, and hooks shall be visually inspected daily by a competent person, for deformation, cracks, excessive wear, twists and stretch, and defective gear shall be replaced or repaired;

(b) Hoist ropes on crawler, locomotive, and truck cranes shall be free from kinks or twists and shall not be wrapped around the load; and

(c) All U-bolt wire rope clips on hoist ropes shall be installed so that the U-bolt is in contact with the short or nonload-carrying end of the rope. Clips shall be installed in accordance with the clip manufacturer's recommendation. All nuts on newly installed clips shall be retightened after the first hour of use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.10)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Compressed Air

Lab 1403.11 Compressed Air Use.

The employer shall ensure that compressed air used for cleaning purposes shall not exceed 30 psi. However, this limitation shall not apply to concrete form or mill scale, or to areas where compressed air is used in a fixed process, such as attached to a machine.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

*New. #8606, INTERIM, eff 4-12-06, EXPIRED:
10-09-06 (formerly Lab 1403.12)*

*New. #8796, eff 1-11-07; ss by #10809, eff 4-9-
15*



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Town of Jaffrey Safety Policy – Compressed Gas Cylinders

Lab 1403.12 Compressed Gas Cylinders.

The employer shall ensure compliance with the following requirements:

(a) Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored;

(b) Cylinder valves shall be closed when work is finished and when cylinders are empty or are moved;

(c) Compressed gas cylinders shall be secured in an upright position at all times, except if necessary for short periods of time when cylinders are actually being hoisted or carried;

(d) Cylinders shall be kept far enough away from the actual welding or cutting operation or protected by a fire resistant barrier so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided, as required by NFPA 51B and Saf-C 6008;

(e) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour; and

(f) Compressed gas shall not be used for cleaning purposes.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

*New. #8606, INTERIM, eff 4-12-06, EXPIRES:
10-09-06 (formerly Lab 1403.13)*

*New. #8796, eff 1-11-07; ss by #10809, eff 4-9-
15*



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Town of Jaffrey Safety Policy – Dock - Boards

Lab 1403.17 Dock-boards.

The employer shall ensure that, dock-boards, meaning metal plates used to bridge the gap between a loading dock and truck over which industrial trucks travel to load or unload shall meet the following requirements:

- (a) Dock-boards shall be strong enough to carry the load imposed on them;*
- (b) Dock-boards that are portable shall be anchored or equipped with devices which shall prevent their slipping. They shall have handholds or other effective means to allow safe handling; and*
- (c) Wheel chocks or other devices shall be provided to prevent railroad cars from being moved while dock-boards are in position.*

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.19)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Flagger

Lab 1403.22 Flagger. The employer shall ensure compliance with the following requirements:

(a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flagger shall be provided;

(b) A flagger shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with high visibility material that is visible through the full range of the flag person's body motions; and

(c) A flagger shall be provided with and use a combination Stop/Slow paddle while flagging that is:

- (1) Highly visible;*
- (2) At least 18 inches in height and width; and*
- (3) With lettering at least 6 inches in height.*

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.32)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.21)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Traffic Control

Lab 1403.62 Traffic Control

(a) The employer shall ensure that an effective means for control of pedestrian and vehicular traffic be instituted on every job site where necessary.

(b) Under the authority of RSA 277:16 and in reference to traffic control devices on job sites, the employer shall ensure compliance with Part 6 of the 2009 Edition with revisions 1 and 2 dated May 2012 of the Federal Highway Administration Manual on Uniform Traffic Control Devices MUTCD approved under 23CFR PART 630, Subpart F, 630.1106 (c), effective January 15, 2010, as specified in Appendix B.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.78)

New. #8796, eff 1-11-07 (from Lab 1403.65); ss by #10809, eff 4-9-15 (from Lab 1403.58)

New. #8796, eff 1-11-07

Lab 1403.58 Traffic Control.

(a) Effective means for control of pedestrian and vehicular traffic shall be instituted on every job site where necessary.

(b) Traffic-control devices shall conform to the applicable federal and state regulations or to applicable sections of Federal Highway Administration Manual on Uniform Traffic Control Devices - 1988 with revisions.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.73)

New. #8796, eff 1-11-07 (from Lab 1403.61)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Flammables and Combustible

Lab 1403.23 Flammables and Combustible.

The employer shall ensure compliance with the following requirements:

(a) Flammable liquids shall be stored only in containers designed for that purpose;

(b) Portable containers in excess of one gallon capacity shall have a self-closing lid and a pressure relief device;

(c) Flammable and combustible liquids shall be drawn from or transferred into containers only through a closed piping system, by means of a device drawing through the top, or by gravity through a self-closing valve. Transferring by means of air pressure shall be prohibited;

(d) Precautions shall be taken to prevent the ignition of flammable vapors;

(e) Automatic overhead extinguishers or portable fire extinguishers shall be available at locations where flammable or combustible liquids are stored;

(f) Conspicuous and legible signs prohibiting smoking shall be posted in service and refueling areas;

(g) A portable fire extinguisher designated at least 6# BC shall be located within 75 feet of any refueling area;

(h) Flammables such as draperies, curtains, area rugs, and other similar furnishings and decorations in educational facilities shall not be permitted unless treated with fire-retardant coatings; and

(i) Artwork and teaching materials in educational facilities shall be permitted to be attached directly to walls. Such materials shall not exceed 20 percent of the wall area in buildings not protected throughout by an approved supervised automatic sprinkler system and 50 percent of the wall area in buildings protected throughout by an approved supervised automatic sprinkler system.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.33)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15



**Town of Jaffrey
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Town of Jaffrey Safety Policy – Forklift Truck

Lab 1403.25 Forklift Trucks and Powered Industrial Trucks.

The employer shall ensure compliance with the following requirements:

(a) If at any time a powered industrial truck is in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition;

(b) Forklift trucks with extended lifts shall be equipped with an overhead guard unless operating conditions do not permit;

(c) Fork trucks shall be equipped with a vertical load backrest extension when the type of load presents a hazard to the operator;

(d) The brakes of highway trucks and trailers shall be set and wheel chocks placed under the rear wheels to prevent the truck from rolling while fork trucks are entering or leaving; and

(e) Employers shall verify that the above equipment shall be operated by competent individuals as defined in Lab 1402.01.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

*New. #8606, INTERIM, eff 4-12-06,
EXPIRED: 10-09-06 (formerly Lab 1403.35)*

*New. #8796, eff 1-11-07; ss by #10809, eff
4-9-15 (from Lab 1403.23)*



**Town of Jaffrey
Joint Loss Control Committee
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Town of Jaffrey Safety Policy – Hand Tools

Lab 1403.27 Hand Tools.

The employer shall ensure compliance with the following requirements:

(a) Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment furnished by employees;

(b) All hand tools shall be kept in safe condition. Handles of tools shall be kept tight in the tool, and wooden handles shall be free of splinters or cracks. Wedges, chisels, and similar tools shall be free of mushroomed heads. Wrenches shall not be used when sprung to the point that slippage occurs; and

(c) Electric power operated tools shall either be double-insulated, grounded, or used with ground fault circuit interrupters.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.38)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (Lab 1403.25)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Ladders

Lab 1403.32 Ladders.

The employer shall ensure compliance with the following requirements:

(a) Fixed ladders shall comply with the following requirements:

- (1) Rungs shall have a minimum diameter of 3/4 inch, if metal, or 1-1/8 inches, if wood;*
- (2) Rungs shall be a minimum of 16 inches in length and be spaced uniformly no more than 12 inches apart;*
- (3) Cages, wells, or safety devices, such as fall prevention systems for ladders shall be provided on all ladders more than 20 feet in length;*
- (4) Landing platforms shall be provided each 30 feet of travel, where cages are provided. Where no cage is provided, landing platforms shall be provided for every 20 feet of travel;*
- (5) Tops of cages on fixed ladders shall extend at least 42 inches above top of landing. The bottom of the cage shall be not less than 7 feet or more than 8 feet above the base of the ladder; and*
- (6) Side rails shall extend 3-1/2 feet above the landing.*

(b) Portable ladders shall comply with the following requirements:

(1) Stepladders shall be equipped with a metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position;

(2) Ladders shall be inspected prior to use and those which have developed defects shall:

a. Be withdrawn from service for repair or destruction; and

b. Be tagged or marked as "Dangerous, Do Not Use";

(3) Ladders that are not self-supporting shall be erected on a sound base at a 4/1 pitch and placed to prevent slipping;

(4) The side rails of a ladder used to gain access to a roof or platform shall extend at least 3 feet above the landing;

(5) Portable metal ladders shall not be used for electrical work or where they might contact electrical conductors; and

(6) Portable ladders shall be safely secured when not in use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.45)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.30)



**Town of Jaffrey
Joint Loss Control Committee
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Town of Jaffrey Safety Policy – Mechanized Equipment

Lab 1403.40 Mechanized Equipment.

The employer shall ensure compliance with the following requirements:

(a) All construction equipment in use shall be checked at the beginning of each shift to assure that all parts, equipment, and accessories that affect safe operation are in proper operating condition and free from defects. All defects shall be corrected before the vehicle is placed in service;

(b) No employer shall use any motor vehicle, earthmoving, or compacting equipment having an obstructed view to the rear unless:

(1) The vehicle has a reverse signal alarm distinguishable from the surrounding noise level; or

(2) The vehicle is backed up only when an appointed observer signals that it is safe to do so; and

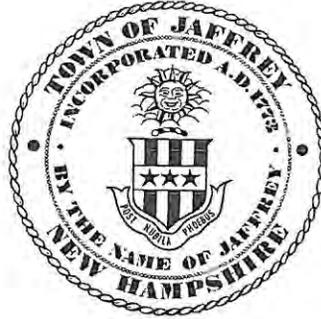
(c) Heavy machinery, equipment, or parts thereof which are suspended or held aloft shall be blocked to prevent falling or shifting before employees are permitted to work under or between them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06,
EXPIRED: 10-09-06 (formerly Lab 1403.53)

New. #8796, eff 1-11-07; ss by #10809, eff
4-9-15 (from Lab 1403.37)



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

**Town of Jaffrey Safety Policy – Slips, Trips and Falls
Prevention Policy and Procedures**

I. Purpose

The purpose of this policy is to reduce and/or eliminate the incidence of employee and citizen slip, trip and fall related events and injuries.

II. Discussion

Slips, trips and falls are among the leading causes of injury and lost work time to employees, and to members of the public visiting municipal property. Accidents often occur from a lack of due diligence to report and address existing conditions that can contribute to these types of events. Therefore, the Town of Jaffrey and its employees will take a proactive approach to managing the risks associated with slip, trip and fall related conditions.

It is the policy of the Town of Jaffrey that its employees will be required to monitor, report, and whenever reasonably possible, correct conditions that have, or likely to cause a slip, trip, and fall related event if corrective action is not take,

III. Procedures

- 1. A Slip, Trip, and Fall Log shall be maintained at each town department or location.*
- 2. Unsafe conditions shall be reported to the appropriate contact for that location (dept head or JLMC member) immediately for corrective action. If the conditions present an immediate threat to the safety of employees or the public the employee will take reasonable steps to prevent injuries until the appropriate personnel arrive.*
- 3. Employees shall wear footwear appropriate for the conditions.*
- 4. Employees operating in inclement weather conditions (i.e. ice and snow) shall wear slip-on traction devices such as Yak Trax provided by the Town. Employees shall follow the guidelines for use as set forth by the manufacturer.*
- 5. Sidewalks, parking lots, stairs, and other areas that employees and the public utilize shall be properly maintained to ensure that not tripping points, ice and snow build up, or other conditions that could contribute to a slip, trip, or fall exist.*
- 6. Interior hallways, stairs, floors, and other areas of foot travel shall be clear of obstructions such as boxes, power cords, frayed carpeting, or weathered matting. Proper signage shall be used to signal wet floors or hazardous conditions which could contribute to a slip, trip, or fall.*

IV. Evaluation and Reporting

All slip, trip, and fall related incidents/injuries will be documented in the Slip, Trip, and Fall Log. Each incident and the log itself will be reviewed by the dept head and the JLMC. Slip, Trip and Fall Logs shall be kept in a centralized file and/or spreadsheet to monitor results, identify emerging trends, and to maintain documentation for potential claims.



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Critical Incident Stress Management

I. PURPOSE

The purpose of this policy is to provide guidelines that shall be uniformly applied to the management of stress resulting from critical incidents. Providing support following any critical incident will assist in minimizing the chances that involved personnel will suffer from the negative physical, cognitive, emotional, and behavioral reactions that may occur.

Unless adequately treated, these situations may cause disabling emotional and physical problems.

II. POLICY

It is the responsibility of departments to manage critical incident stress by providing personnel with a critical incident stress management (CISM) program. The CISM program shall be utilized to provide personnel with information on reactions to the trauma associated with critical incidents and assist in the deterrence of negative responses. It is the policy of this department to take immediate action after such incidents to safeguard the continued mental well-being of all involved personnel.

III. DEFINITIONS

Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to a traumatic event and is diagnosed as such if symptoms persist after 30 days.

Acute Stress Disorder: An anxiety disorder that can result from exposure to a traumatic event and occurs within 30 days of exposure.

Critical Incident: An incident that is unusual, violent, and involves a perceived threat to, or actual loss of, human life that may overwhelm an individual's normal coping mechanisms and cause extreme psychological distress.

Critical Incident Stress Management: A formal process used to assist an individual who has been involved in a traumatic event to return to or maintain an effective level of functioning.

Critical Incident Stress Briefings: A formal one-on-one or group discussion conducted by a qualified mental health professional and, where possible, an appropriately trained peer support officer that is designed to assist participants in understanding their emotions and strengthening their coping mechanisms following a critical incident.

Qualified Mental Health Professional (QMHP): Any individual who is licensed as a mental health professional.

Peer Support Team Members: A formal group of individuals consisting of department members who have undergone training in peer support methods.

Involved Personnel: Any employee who is directly affected by a critical incident. This may include officers who are on the scene at the time of the incident, those individuals who respond to the scene immediately following the incident, and/or support personnel participating in the response to the incident, such as emergency dispatchers.

IV. PROCEDURES

A. Immediate Response Following a Critical Incident

1. During any period where it is reasonable to believe that involved personnel may experience physical, cognitive, emotional, and/or behavioral reactions to a critical incident, the department shall provide personnel with the proper mental health resources.
2. Where possible, the supervisor shall briefly meet with involved personnel to
 - a. ask supportive questions concerning the critical incident.
 - b. discuss any standard investigations that will occur concerning the incident; and
 - c. advise the involved personnel that they may seek legal counsel if necessary.
3. At all times, when at the scene of an incident, the supervisor should interact with all involved personnel in a manner that acknowledges the potential stress caused by the incident and refrain from passing judgment regarding the critical incident or the reactions of individuals.

B. Post-Incident Procedures

1. The supervisor shall notify the appropriate person in his or her chain of command so that a QMHP can be contacted as soon as possible to schedule a one-on-one or group debriefing for all involved personnel. The on-scene supervisor shall brief the QMHP on all important and relevant aspects of the critical incident.
2. All involved personnel shall be required to attend a one-on-one and/or group debriefing provided by the department's QMHP as soon as reasonably possible. After a QMHP meets with the involved personnel, and with the involved personnel's understanding and release, the department shall be advised of
 - a. whether it would be in the best interest of certain individuals to have time off work; and
 - b. the best continued course of counseling and intervention.
3. Follow up counseling services should be made available to every individual who was involved in the critical incident. The initial follow-up should be face-to-face.
4. To promote trust and encourage the use of CISM services, all one-on-one debriefings and other individual counseling sessions shall be kept confidential and shall not have any bearing on the involved personnel's fitness-for-duty evaluation. Any information provided to the QMHP will be used solely for return-to-work status recommendations.
5. This department strongly encourages the families of the involved personnel to take advantage of any available department mental health/counseling services. It is recommended that family/relationship joint counseling services be offered to the involved personnel and their families or significant others whenever possible.
6. Any department investigation of the incident shall be conducted as soon as practical. This department shall make every effort to expedite the completion of any administrative or criminal investigation with the understanding that it can decrease the negative distress reactions that the involved personnel may experience.

C. Daily Stress Recognition

1. Physical, cognitive, emotional, and behavioral reactions or problems may not arise immediately. In addition, involved personnel may attempt to hide their negative responses to the critical incident. Supervisors are responsible for monitoring the behaviors of personnel for any adverse reactions or symptoms.
2. The Department Head may mandate that involved personnel seek assistance or counseling from a QMHP upon recognizing behavioral indicators that suggest stress may be disrupting the individual's job performance.

D. Training

1. This department shall provide employees with training pertaining to the negative physical, cognitive, emotional, and behavioral reactions that may occur following a critical incident and the uniform procedures contained in this policy. This training should be offered on a regular basis.
2. Supervisors and administrators shall be trained to identify physical, cognitive, emotional, and behavioral reactions to critical incidents.
3. Supervisors are responsible for making available to their personnel information about the department's peer support, chaplains, and mental health services.

V. RESOURCES

GRANITE STATE C.I.S.D. TEAM 76 Janet Court Manchester, NH 03103 603-881-9611
Non emergency info. 603-595-3792 Answering Service
Critical Incident Stress Debriefing



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy – Cyber Security

In the event of a cyber security issue contact must be made with the Town's IT Company: Twin Bridge Services 603-315-4476 or allan@twinbridgeservices.com

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

I. Purpose

- A. To define the policy to be followed to ensure continuous, uniform, and efficient computer, network, and communication operations of the Town of Jaffrey. This shall include internal network technologies, external net (Internet), and communication devices.

II. Definitions

- A. PC—Personal computers. A single user computer designed for use by one person at a time, e.g., workstation or desktop, tablet, laptop, or handheld computer.
- B. LAN—Local Area Network. A group of computers and associated devices that share a common communication line or wireless link within a restricted geographical area such as a building or campus.
- C. Information Technology Vendor—A vendor under contract with the Town of Jaffrey that is responsible for managing and servicing operations of electronic data and for determining data processing system development needs.

- D. Email— Electronic mail (email) is the process of exchanging messages in electronic form which can also include images and video. Email communication is made available to Town employees and authorized members for work related purposes through the internal network or other service provider through use of the Internet.
- E. MDT – Mobile Terminal refers to a system of digital data transmission via computer equipment in Town vehicles (mobile computers). Mobile computers may access the State of NH SPOTS Motor vehicles (mobile computers). Mobile computers may access the State of NH SPOTS Motor Vehicle or Haz-Mat databases, Computer Aided Dispatching (CAD) systems and records systems.
- F. Fax - Facsimile (fax) machines are provided to transmit documents electronically to individuals, the news media, courts, and other agencies for work related purposes.
- G. VPN - Virtual Private Network. A secure dedicated communications network utilizing a public network.
- H. Remote Communications - Remote communication consists of computer hardware and software allowing access to a specific department's internal records system from locations off-site from the Town's file servers.
- I. Internet - Internet refers to a worldwide computer network, which facilitates email, information sharing, research, commercial activities, and program access. The Town of Jaffrey may provide access to the Internet for work-related purposes or job requirements as approved by each designated Department Head.
- J. Intranet – Intranet refers to a private network for information sharing and communication among PCs within a department or Town network.
- K. Cellular telephones - Cellular phones are of analog or digital wireless telecommunication technologies that use public communications companies.
- L. Peripheral - Any device connected to, or part of, a computer. Peripherals include, but are not limited to, monitors, printers, scanners, external drives, speakers, keyboards, stylus pens, USB Flash drives (also known as thumb, keychain or Jump drives) and memory cards.

III. Policy

A. Responsibility and Authority

1. Employees do not have a reasonable expectation of privacy when using any Town-owned computer equipment. Management has the right to access, monitor, change, delete, review, and/or retrieve anything on any Town computer, including Internet addresses or downloads and email messages sent either from or to employees.

2. Management has the right to inspect, decipher encrypted data, and remove or inspect software installed on Town provided computers. The Town retains the authority to cause access to any files stored on Town computer equipment. File space utilization by users will be monitored and any unnecessary files and non-work-related files may be deleted due to file server or personal computer space allotments.
3. It is recognized that Town Departments may have the need to install specialized software specific to Department needs and operations. In those instances where such software is to be installed, the department head or his designee will coordinate with the current IT vendor to ensure that added programs are compatible with and do not interfere with the operation of the computer system. Authorized licensing and installation media will be stored in the IT department, or a copy made available to them prior to the install when practical.
4. The IT vendor shall be responsible for the maintenance and control of all software licensing, various computer equipment and related peripherals, including the following Town owned equipment:
 - a. Servers.
 - b. PC's
 - c. Computer hardware, software, and peripheral devices.
 - d. Computer equipment linked to outside agencies.

B. Computers

1. **Net Services** – The Town of Jaffrey offers access to the Internet and Intranet (Netservices), providing powerful communication opportunities with the potential to increase productivity and effectiveness. Employees are encouraged to become comfortable and familiar with these networks.
2. **Passwords** – Users are assigned a username and password when issued an account for access to the Town's network. It is the Department's responsibility to maintain password policies, but it is the user who is responsible for choosing a secure password and maintaining its secrecy. In those instances when an application does not "force" a password change upon first logon, users must be responsible for changing their password from the default to something secure. The standard for a secure password for computer systems is:
 - a. At least 8 characters long
 - b. Contains at least one uppercase letter.
 - c. Contains at least one lower case letter.
 - d. Contains at least one number and/or special character.

For security reasons, once employees have finished using a computer, they are required to log out if access was gained using a username and password.

3. **Purchases** – Prior to initiating any steps toward purchases of hardware or software, and prior to accepting any computer related donations, the IT vendor will be contacted for review,

recommendations, and budgetary purposes, and to alleviate any software conflicts, licensing, or infrastructure/cabling issues. All purchases related to the IT function shall be preapproved by the Department Head. Donations must be approved through the proper authority in accordance with Town Policy.

4. **Town Inventory** - The IT vendor will keep an inventory of all equipment procured and/or maintained by the vendor's staff.

To comply with State and FBI regulations before any system is removed from service, the hard drive will be declassified by performing a "declassification drivewipe" using a wiping algorithm that meets or exceeds the DOD 5220.22-M specification for both "clearing" and "purging" of sensitive information on hard drives.

5. **Data Ownership** - The Town recognizes and appreciates the skills of employees who create spreadsheets, databases, documents, and/or presentations to enhance Town business and productivity. To that end, each employee shall recognize that any programs created, modified, or accessed for and with Town equipment shall become the property of the Town of Jaffrey. Employees do not have a reasonable expectation of ownership or authority when using any Town-owned computer equipment to create or capture data information specific to Town business. Any data capturing programs created by an employee shall supply access, administrative privileges, and locations of all related files to the department head.

6. **General Prohibited Conduct:**

- a. **Personal Use:** Use of the Town's computers is limited to purposes directly related to the mission or intent of the department unless authorized by the department head or his designee. Employees will not use Town equipment for personal use - including games and general web browsing - unless authorized by the department head.
- b. **Personal Files:** Employees shall not store personal files on Town computers unless authorized by the department head.
- c. **Unauthorized Access:** Intentionally seeking passwords of others to gain access to the Town's network or technology is prohibited. No user shall give out their password(s) to unauthorized users.
- d. **Unauthorized Connection:** No computer shall be connected to the Town network without the approval of the Systems Manager or department head.
- e. **Introducing Viruses and Altering Software Components:** Employees shall not purposely interrupt or disrupt the Town's networks or computer services/equipment by introducing viruses or by intentionally altering or damaging any software components. Employees shall not rearrange file structures without the authorization of the Systems Manager or department head.
- f. **Computer Supplies:** Employees shall not procure Town computer supplies for personal

use.

- g. Copying or installing Department Software:** Copyright laws protect most software from unauthorized duplication. Employees/members will not copy or transfer any Town programs for any unauthorized use. Employees shall also not copy, transfer, or install any programs or files onto Town computers without the authorization of the Systems Manager.
- h. Pirated or illegal software and shareware:** Employees will not download, or upload pirated or illegal software of Shareware/Freeware. The Systems Manager must authorize all installation of software.
- i. Dissemination of Confidential and/or Sensitive Information:** Employees will not disseminate any confidential or sensitive information via email or over the Internet to an unsecure site. (NOTE: Messages on email are often considered public records and must be produced if required by law or court order.
- j. Electronic Mail (email) Policies:** Unless involved in an authorized criminal investigation, employees will not utilize Town computers to:

 - 1. Threaten, intimidate, disturb, or harass other users by sending unwanted files or email.
 - 2. Send images or video that contain nudity, or send images, video, or words of an offensive, provocative, or suggestive nature, or anything that can be construed as going against the Town's sexual harassment policy. Should a member receive such email from known associates or acquaintances, s/he shall request that the sender ceases such distribution to them.
 - 3. Send jokes or comments that disparage a person or group because of race, ethnic background, national origin, religion, gender, sexual orientation, age, verbal accent, source of income, physical appearance, or ability, mental or physical disability or occupation. Should a member receive such email from known associates or acquaintances, s/he shall request that the sender cease such distribution to them.
 - 4. If an employee receives inappropriate material on Town-owned equipment as defined in number 2 and 3 above, s/he shall report it to the Department Head.
- k. Internet Prohibitions:** As anonymous as the Internet may seem, information is stored on the server and PCs about the sites visited using interactive programs. Unless involved in an authorized criminal investigation, employees will not utilize Town computers to:

 - 1. Access pornographic or another deviant web sites.
 - 2. Download ANY information from the Internet for personnel use without the prior approval from a supervisor.

3. Use the Internet for gambling, financial gain, for any commercial or illegal activities or for political lobbying.
4. Post messages on bulletin boards, participate in chat rooms, or send instant messages, except for Town related business and with the approval of a supervisor.

Note: The net presents a unique opportunity to visit an inappropriate site by accident. Links upon links can send the user to an unexpected and inappropriate site. If this happens, the user is expected to leave the site, notify his/her immediate supervisor, and send an email message to the Systems Manager with the address of the inappropriate site and date of access, and not visit the site again. The Systems Manager, by use of IT service vendors, will make a notation next to this site listing in the Internet log file and remove any inappropriate material from the hard drive.

I. Encryption: Encryption in any form on Town equipment by employees shall not be allowed unless authorized by the Systems Manager. All passwords for approved encrypted files shall be provided to the Systems Manager.

7. Anti-Virus Software: Before downloading authorized software or updates, the Systems Manager and or IT service provider shall verify that the anti-virus software is up to date on the PC. Users shall not turn the protection off or change the anti-virus options if allowed this access. The exchange of information between home computers and Town computers must be approved in advance by the Systems Manager. This is especially critical when the home computer has Internet access and may be infected with a virus. The exchange of information from a home computer to a Town PC should not occur unless updated IT- approved anti-virus software was first installed and activated on that home PC.

8. Web Pages: Publishing information on Town web sites shall only be done with the approval of the Department head/designee. No employee shall post anything on the Internet alleging to represent the Town of Jaffrey or any affiliated department without the approval of the department Head or designee, or Town Manager.

9. Policy- Personal Peripheral Devices:

- a. The Town of Jaffrey recognizes that employees may have occasion to insert or connect personal peripheral devices such as USB flash drives and PDAs to Town computers for work-related-purposes. Use of these devices shall be approved prior to their use by a supervisor.
- b. Employees DO NOT have a reasonable expectation of privacy when connecting personal peripheral devices to any Town-owned computer. Management has the right to access, monitor, change, delete, review, and/or retrieve anything attached to or left behind on any Town computer, including Internet addresses, downloads, email messages, pictures sent either from or to employees.
- c. All devices connecting to, or inserted into, the Town of Jaffrey's network or personal computer

system shall be subject to and in compliance with shall sections of this policy.

10. Policy - Copier, Facsimile (fax), Scanning Devices and Postal Meter:

- a. Copiers, facsimiles (fax machines), scanning devices, and postal meters are available to members for work-related communication or documentation.
- b. Employees shall report any equipment problems, malfunctions, or supply shortages to the Office Manager.
- c. The use of equipment shall be limited to official business for the Town of Jaffrey, unless approved by the Supervisor.

11. Policy— Remote Communications:

- a. Remote connections to the computer network may be authorized by the Department Head for work-related purposes.
- b. Under certain circumstances, personal home computers of approved employees may be granted remote access but only after they have obtained software and hardware authorized by the Systems Manager.
- c. Employees are responsible for protecting information and access to the LAN via remote communications.
- d. Employees will not allow non-Town personnel remote communications access to any Town technology or allow tampering with, or copying of, Town software.
- e. Employees are responsible for insuring data transmissions via remote access and data storage media utilized on Town computer equipment is free of any software virus or information that would violate departmental regulations.
- f. Employees are responsible for assuring the protection and control of work-related information stored on data storage devices (i.e., USB drives, CD's, hard drives, and laptop computers) against any unauthorized release.

12. Policy - Cellular and Smartphone:

- a. Cellular telephone numbers will not be broadcast on Town mobile radio channels unless designated as a secure channel and will not normally be given to citizens.
- b. If a member uses a Department phone for personal use, the member should note the date, time, and number of the call. The Department head reserves the right to require the employee to compensate the Town of Jaffrey for such personal phone calls when, in the Department Head's

assessment, the cost of such calls exceeds reasonable limits.

c. Employees operating a motor vehicle should use caution when talking on a cell phone to avoid diverting attention from safe driving. RSA 265:105-a prohibits operators of a motor vehicle from text messaging while driving. Town employees are prohibited from text messaging while driving a Town owned vehicle, or while driving their personal vehicle if using a Town- provided phone.

d. The phone user is responsible for securing vehicles and/or securing Town-owned cellular telephones to prevent theft.

13. Social Media: This department recognizes the legitimate and useful purposes in the use of social media sites such as Facebook, Myspace, etc. to facilitate a broad range of communications between town officials and the public. It is critical that these sites are structured and managed in such a way that facilitates communication while maintaining a level of professional integrity and correctness in terms of information displayed and shared.

a. Department sponsored sites: A site or sites created and maintained by department personnel or designated representatives. Such sites will be monitored by department supervisory personnel. The site will be used to facilitate the exchange of information between the department and the public.

b. Personal Private social media sites: This policy does not prohibit employee's from creating and maintaining social media sites for their personal use. Personal sites will, however, be held to the following restrictions regarding information they contain:

1.) No information will be posted, or photographs shown that would bring discredit upon their department or the Town. This includes comments of an explicitly sexual nature, or comments that attack employees of this or any other agency or that would bring question upon the operation of this department.



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Town of Jaffrey Safety Policy - Seat Belt usage

All Town of Jaffrey employees are required to wear seat belts while operating or riding in any vehicle on town business. This applies to all town vehicles, personal vehicles, and the vehicles of others, regardless of the presence of any supplemental restraint, i.e., air bags.

In addition, passengers in all vehicles operated by town staff while on business for the Town of Jaffrey are required to wear seat belts. Additionally, employees who disregard this policy or otherwise disengage an automatic seat belt shall face disciplinary action in accordance with the personnel Rules and Policies of the Town of Jaffrey



**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Regulations

New Hampshire Safety Statutes, Rules and Regulations

- **RSA 281-A:64 – Safety Provision**
- **RSA 277 – Safety & Health of Employees**
- **RSA 277A – Worker’s Right to Known Act**
- **LAB 600 Rules – Guide for Developing a written Safety Program and LAB 600 Rules**
- **LAB 1400 Rules – Administrative Rules for safety and Health**

Section 281-A:64

281-A:64 Safety Provisions; Administrative Penalty. –

I. Every employer shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. For the purposes of this section, "employer" shall include railroads, even if the employees of such railroads receive compensation for work injuries under federal law rather than RSA 281-A.

II. All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. After a written safety program has been filed, the program shall be reviewed and updated by the employer at least every 2 years. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program. Where the employer is a public school district, administrative unit, or chartered public school, the safety program shall contain a plan for responding to violent acts committed by students against employees, volunteers, and visitors.

III. Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section. For any public school district, administrative unit, or chartered public school, the joint loss management committee shall also address protocols for employees to follow in relation to workplace violence, including training. The department of labor shall adopt rules, pursuant to RSA 541-A, relative to safety programs, joint loss management committees, and employee safety in public schools.

IV. Employers subject to the requirements of paragraph III, other than employers participating in the safety incentive program under RSA 281-A:64-a, shall be placed on a list for early and periodic workplace inspections by the department's safety inspectors in accordance with rules adopted by the commissioner. Such employers shall comply with the directives of the department resulting from such inspections.

V. Notwithstanding paragraphs III and IV, an employer of 15 or more employees may satisfy the requirements of those paragraphs if such employer implements an equivalent loss management and safety program approved by the commissioner.

VI. The commissioner, in conjunction with the National Council of Compensation Insurance (NCCI), shall develop a list of the best and worst performers based on the experience modification factors promulgated by NCCI. The list shall include the top 10 lowest experience modification employers. The commissioner shall publicly recognize these low experience modification employers by presenting them with an award at the department's annual workers' compensation conference. The list of the top 10 highest and lowest experience modification employers shall be provided to the advisory council. The department shall review any specific claim against any employer listed in the top 10 highest experience modification list in

conjunction with the safety program on file with the commissioner.

VII. In order to assist self-insurers in developing experience modification factors, self-insurers may submit the appropriate statistical information to the National Council of Compensation Insurance for calculating experience modifications.

VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be deposited in the department of labor restricted fund established pursuant to RSA 273:1-b.

IX. [Repealed.]

Source. 1990, 254:36. 1994, 3:19. 1997, 343:9, 10, eff. Jan. 1, 1998. 2010, 134:1, eff. July 14, 2010. 2012, 144:1, 2, 4, I, eff. Jan. 1, 2013. 2019, 134:20, eff. June 25, 2019; 346:142, eff. July 1, 2019. 2020, 38:11, eff. Sept. 27, 2020.

Section 281-A:64-a

281-A:64-a Safety Incentive Program; Certification of Loss Management Consultants. –

I. To qualify for the incentive discount under this section, an eligible employer shall obtain and carry out a loss management program which shall be developed by a loss management consultant certified by the panel established in paragraph IV. A qualifying loss management program shall address safety improvements in the physical environment of the workplace and in the production process. Such a program shall also involve behavioral elements, including substantial employee involvement in a joint loss management committee, required under RSA 281-A:64, III and alternative work programs which allow and encourage injured employees to return to work, and continuing education of participating employers and employees.

II. To be eligible to participate in a program established pursuant to this section an employer shall:

(a) Be insured in the residual market, and have an annual workers' compensation insurance premium of \$2,500 or more.

(b) Participate in a managed care program approved under RSA 281-A:23-a.

(c) Participate, where otherwise eligible, in a retrospective rating plan, in which it is required that the employer's final rates for workers' compensation insurance are determined based on the employer's actual loss experience during the 3-year credit period.

III. Any participating employer meeting all eligibility requirements under this section and which has participated in a qualifying loss management program established under this section for at least 6 months shall be eligible for a workers' compensation insurance premium credit of 10 percent, phased out over a 3-year period. The credit shall be retroactive to the first day of participation in such qualifying loss management program.

IV. Pursuant to RSA 404-C:1, the insurance commissioner shall call upon the plan administrator of the New Hampshire workers' compensation insurance plan to file a safety incentive rate program incorporating the provisions of this section. Such rate plan shall also include provision for certifying loss management consultants by an independent panel of 3 persons knowledgeable in loss management matters, one each representing employers, employee groups, and workers'

compensation insurers and selected by the insurance commissioner from among candidates recommended by each such constituent group. The commissioners of labor and insurance, or their designees, shall also serve on such certification panel.

Source. 1994, 3:20, eff. Feb. 8, 1994.

Section 281-A:64-b

281-A:64-b Manager of Safety, Training, and Injury Prevention. – There is created within the department of labor the classified full-time position of manager of safety, training, and injury prevention who shall be under the direction of the labor commissioner. The position shall be at labor grade 25. The manager shall be responsible for mandatory workplace safety programs and for the development of effective multi-media workplace safety programs which shall be available to all employers.

Source. 1994, 3:20. 2001, 158:99, eff. Dec. 28, 2001.

TITLE XXIII LABOR

CHAPTER 277 SAFETY AND HEALTH OF EMPLOYEES

Generally

Section 277:1

277:1 Application. – This chapter shall apply to all places of employment in which one or more persons are regularly employed.

Source. 1917, 183:1. 1919, 66:1. 1921, 130:1. PL 177:1. RL 215:1. RSA 277:1. 1955, 291:1. 1963, 220:1. 1985, 243:1, eff. Jan. 1, 1986.

Section 277:1-a

277:1-a Elevator Law. – The provisions of RSA 157-B also apply to all places covered by RSA 277:1.

Source. 1967, 310:2, eff. Jan. 1, 1968.

Section 277:1-b

277:1-b Definitions. –

In this chapter:

I. "Employee" means any person employed to work in a place of employment. Volunteers or auxiliary members of a fire, police department, ambulance service or the state police, whether paid or not paid, shall be deemed to be in the employment of a political subdivision when performing official service or duty for a political subdivision.

II. "Employer" means the state or any of its political subdivisions operating a place of employment.

III. "Imminent danger" means a situation created by any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm either immediately or before such danger could be eliminated through the procedures provided by this chapter.

IV. "Place of employment" means all buildings, offices or other sites owned or leased by the state or by any political subdivision of the state. "Place of employment" includes all buildings, sheds, structures or places used in connection with employee activity at a place of employment.

V. "Serious injury" means an incident that results in an amputation, loss or fracture of any body part, head injury, or internal injury that necessitates immediate hospitalization.

Source. 1985, 243:2, eff. Jan. 1, 1986. 2019, 29:1, eff. July 14, 2019.

Building Construction and Repair Work

Section 277:2

277:2 Scaffolding and Other Devices for Use of Employees. – A person employing or directing another to perform labor of any kind in the erection, demolition, repairing, altering, painting, cleaning or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed and operated as to give proper protection to a person so employed or directed.

Source. 1953, 201:1 par. 39-a, eff. June 3, 1953.

Section 277:3

277:3 Requirements. – Scaffolding or staging more than 14 feet from the ground or floor, swung or suspended from an overhead support or erected with stationary supports, except scaffolding wholly within the interior of a building and covering the entire floor space of any room therein, shall have a safety rail of suitable material properly attached, bolted, braced or otherwise secured, rising at least 34 inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with only such openings as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent it from swaying from the building or structure.

Source. 1953, 201:1 par. 39-b, eff. June 3, 1953.

Section 277:4

277:4 Weight Requirement. – All scaffolding shall be so constructed as to bear 4 times the maximum weight required to be dependent therefrom or placed thereon when in use.

Source. 1953, 201:1 par. 39-c, eff. June 3, 1953.

Section 277:5

277:5 Duty of Commissioner. – The labor commissioner shall immediately inspect a scaffold, ladder, or device concerning which complaint is made. He shall attach to every scaffold, ladder, or device that he inspects a certificate stating that he has made the inspection and has found the same safe or unsafe as the case may be. If unsafe, the commissioner shall at once, in writing, notify the person responsible for the scaffold, ladder, or mechanical device of the fact and shall prohibit the use of it by him or by any other person until all danger is removed by alteration, reconstruction or replacement as the commissioner may direct. Such notice may be

served personally upon the person responsible or by affixing it conspicuously to the scaffold, ladder, or device declared unsafe.

Source. 1953, 201:1 par. 39-d, eff. June 3, 1953.

Section 277:5-a

277:5-a Occupational Safety and Health Administration Certification. –

I. Any person signing a contract to work on a construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building by a state agency, municipality, or instrumentality thereof, and with a total project cost of \$100,000 or more, shall have an Occupational Safety and Health Administration (OSHA) 10-hour construction safety program for their on-site employees. All employees are required to complete the program prior to beginning work. The training program shall utilize an OSHA-approved curriculum. Graduates shall receive a card from OSHA certifying the successful completion of the training program. This section shall apply to the construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building paid for in whole or in part with state funds.

II. Any employee required to complete the OSHA 10-hour construction safety program under this section who has not completed the program shall be subject to removal from the worksite if the employee does not provide documentation of having completed such program by the fifteenth day after the date the employee is found to be in noncompliance. Proof of such documentation provided by the employer shall constitute compliance with this section. The labor commissioner or commissioner's designee shall enforce this section.

III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation and enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. All funds collected under this section shall be deposited into the general fund. The labor commissioner shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

IV. The following individuals are exempt from the requirements of the OSHA 10-hour construction safety program:

- (a) Law enforcement officers involved with traffic control or jobsite security.
- (b) Flagging personnel who have completed the training required by the department of transportation.
- (c) All relevant federal, state, and municipal government employees and inspectors.
- (d) All individuals who are not considered to be on the site of work under the federal Davis-Bacon Act, including, but not limited to, construction and non-construction delivery personnel and non-trade personnel.

Source. 2007, 326:1, eff. Sept. 14, 2007. 2012, 144:3, eff. Jan. 1, 2013.

Maintenance of First Aid Equipment, Appliances, Etc.

Section 277:6

277:6 Medical Chests. – Every employer shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of the city or town, containing plasters, bandages, absorbent cotton, gauze and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Source. 1911, 30:1. PL 177:2. RL 215:2.

Section 277:7

277:7 Penalty. – Whoever violates RSA 277:6 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each week during which such violation continues shall constitute a separate offense.

Source. 1911, 30:2. PL 177:3. RL 215:3. RSA 277:7. 1973, 529:55, eff. Oct. 31, 1973 at 11:59 p.m.

Section 277:8

277:8 Repealed by 1985, 243:8, eff. Jan. 1, 1986. –

Section 277:9

277:9 Repealed by 1985, 243:8, eff. Jan. 1, 1986. –

Section 277:10

277:10 Sanitation, Provision for. – Every employer shall provide and maintain reasonable and proper toilet facilities and reasonably sanitary and hygienic conditions for employees.

Source. 1917, 183:2. PL 177:6. RL 215:6.

Section 277:11

277:11 Safeguards. – Whenever the nature or condition of any such place of employment, or the machinery or other appliances therein, are such as to render work therein or in proximity thereto dangerous to the safety or health of employees, it shall be the duty of the employer to provide and maintain such safeguards, safety devices, appliances and lighting facilities, and to do such other things as may be reasonably necessary and practicable to lessen the dangers of such employment.

Source. 1917, 183:2. PL 177:7. RL 215:7.

Section 277:12

277:12 Interference With. – No person shall remove, displace, damage or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment so as to interfere with the intended use thereof, or interfere in any way with the use thereof by any other person, and no person shall interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment.

Source. 1917, 183:3. PL 177:8. RL 215:8.

Inspections and Orders by Commissioner

Section 277:13

277:13 Inspection. – The labor commissioner shall cause all places of employment subject to this law to be inspected at intervals to be determined by him, for the purpose of determining whether the provisions of this chapter have been complied with and the conditions therein with respect to the safety and health of the employees.

Source. 1917, 183:4. PL 177:9. RL 215:9. RSA 277:13. 1957, 187:15. 1963, 220:2, eff. July 1, 1963.

Section 277:13-a

277:13-a Petition for Inspection. – Any employee may petition the commissioner to inspect any place of employment in which the employee is employed for the purpose of determining whether the employer has violated any of the provisions of this chapter or rules adopted under this chapter. Upon receipt of such petition, the commissioner shall cause such place of employment to be inspected within a reasonable time.

Source. 1985, 243:4, eff. Jan. 1, 1986.

Section 277:14

277:14 Report. – A report of such inspection shall be filed in the office of the commissioner and a copy thereof given the employer.

Source. 1917, 183:4. PL 177:10. RL 215:10.

Section 277:15

277:15 Entry. – The commissioner, factory inspectors and other assistants of the commissioner shall have the right to enter any such place of employment and to examine the same for the purposes of this chapter.

Source. 1917, 183:4. PL 177:11. RL 215:11.

Section 277:15-a

277:15-a Inspections. – In the case of a workplace incident resulting in a serious injury or death involving the state, a state agency, a county, a municipality or municipal agency, a school district, or other public corporation or political subdivision, the commissioner of labor, or his or her designee, shall inspect such place of employment.

Source. 2019, 29:2, eff. July 14, 2019.

Section 277:15-b

277:15-b Reports of Death or Serious Injury. –

I. Every employer shall report the death of any person in the workplace or on the workplace premises within 8 hours of such occurrence to the commissioner of the department of labor by telephone or electronically, stating as fully as possible the cause of the death and the place where the body of the deceased person was sent, and supplying any other information relative to the death that may be required by the commissioner. The commissioner shall investigate the cause of death and may notify the employer of precautions to be taken that may prevent the recurrence of similar events. A statement contained in any such report shall not be admissible in evidence in any action arising out of the death reported.

II. Every employer shall report the serious injury of any person in the workplace or on the workplace premises within 24 hours of such occurrence to the commissioner of the department of labor by telephone or electronically, stating as fully as possible the cause of the injury and the place where the injured person was sent for medical evaluation or treatment, and supplying any other information relative to the injury that may be required by the commissioner. The commissioner may investigate the cause of the injury and notify the employer of precautions to be taken that may prevent the recurrence of similar events. A statement contained in any such report shall not be admissible in evidence in any action arising out of the injury reported.

Source. 2019, 29:2, eff. July 14, 2019.

Section 277:16

277:16 Rulemaking. –

I. The commissioner of labor shall adopt such rules, under RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of RSA 277:10 and 277:11.

II. Prior to January 1, 1987, the commissioner of labor shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the commissioner of labor with sufficient authority to fulfill the regulatory role assigned to him under RSA 277:10-11.

Source. 1917, 183:5. PL 177:12. RL 215:12. RSA 277:16. 1963, 220:3. 1985, 243:6. 1987, 140:1, eff. May 7, 1987.

Section 277:17

277:17 Modification. – Whenever the commissioner, after any place of employment subject to this chapter shall have been inspected in accordance with RSA 277:13, shall be of the opinion that the special conditions in that place of employment render the standards inadequate or unreasonable, as applied to such place of employment, he may, by special order applicable to that place, so modify or extend the requirements of such standards as to make the same adequate and reasonable with respect to such special conditions.

Source. 1917, 183:5. PL 177:13. RL 215:13. RSA 277:17. 1963, 220:4, eff. July 1, 1963.

Section 277:18

277:18 Added Safeguards. – Whenever, after inspection as provided in RSA 277:13, the commissioner shall be of the opinion that compliance with the standards, under the special conditions obtaining in any place of employment, necessitates the use of any safeguard, or the doing of any other act for which the standards adopted by him do not provide, he shall have power, by special order, to require the adoption in that place of employment of such particular safeguards, safety devices, appliances, lighting facilities, or other means as may be reasonable and practicable for the safety and health of the employees.

Source. 1917, 183:5. PL 177:14. RL 215:14. RSA 277:18. 1963, 220:5, eff. July 1, 1963.

Section 277:19

277:19 Repealed by 1963, 220:6, eff. July 1, 1963. –

Section 277:20

277:20 Compliance, Time. – Every order made by the commissioner shall fix the time when it shall take effect, and in every case a reasonable time shall be allowed to the employer affected thereby for compliance with the order.

Source. 1917, 183:6. PL 177:16. RL 215:16. RSA 277:20. 1985, 243:7, eff. Jan. 1, 1986.

Section 277:21

277:21 Notice of Orders. – Notice shall be given by certified mail of every order to those who are required to comply with the order. Notice of any such order of general application may be given by publication in some newspaper having circulation throughout the state.

Source. 1917, 183:6. PL 177:17. RL 215:17. RSA 277:21. 1985, 243:7, eff. Jan. 1, 1986.

Section 277:21-a

277:21-a Consultation. – The commissioner shall provide occupational health and safety services to public and private employers, and shall consult with the commissioner of the department of health and human services relative to the implementation of occupational health unit programs authorized by RSA 125:16-16-d.

Source. 1983, 291:1, I; 410:2. 1995, 310:182, eff. Nov. 1, 1995.

Proceedings Before the Commissioner

Section 277:22

277:22 Powers. – For the purpose of carrying into effect the provisions of this chapter the commissioner shall have power to administer oaths, certify to official acts, issue subpoenas and compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony.

Source. 1917, 183:10. PL 177:18. RL 215:18.

Section 277:23

277:23 Depositions. – The deposition of any witness within or without the state, taken in the manner prescribed by law for depositions in civil actions, may be used in any proceeding for review or appeal.

Source. 1917, 183:11. PL 177:19. RL 215:19.

Section 277:24

277:24 Record. – The commissioner shall keep a complete record of all orders, rules or regulations made and adopted by him.

Source. 1917, 183:10. PL 177:20. RL 215:20.

Review of Orders

Section 277:25

277:25 Petition. – Any employer affected by such order, rule or regulation may petition the commissioner for a review of the validity or reasonableness thereof. The commissioner may join in one proceeding all petitions alleging invalidity or unreasonableness of the same or substantially similar orders, rules or regulations. The petition for review shall be filed within 30

days after notice of the adoption of the order, rule or regulation; provided, that the commissioner may, whenever in his opinion justice may require it, extend the time for filing such petition.

Source. 1917, 183:7. PL 177:21. RL 215:21.

Section 277:26

277:26 Hearing. – Upon receipt of the petition the commissioner shall, if necessary to determine the issue raised, order a hearing. Notice of the time and place of hearing, which shall be open to the public, shall be given to the petitioner and to such other persons as the commissioner may find to be directly interested in the issues raised.

Source. 1917, 183:7. PL 177:22. RL 215:22.

Section 277:27

277:27 Revocation of Order or Regulation. – If, upon such hearing, the commissioner finds that the order, rule or regulation complained of is invalid or unreasonable he shall revoke it, or substitute therefor a new or amended one.

Source. 1917, 183:7. PL 177:23. RL 215:23.

Section 277:28

277:28 Effect of Commissioner's Decision. – The decision of the commissioner upon such petition shall be final unless appeal is taken in the manner herein provided.

Source. 1917, 183:7. PL 177:24. RL 215:24.

Appeals From Orders

Section 277:29

277:29 Petition. – Any employer aggrieved by any order, rule or regulation of the commissioner may file a petition in the superior court against the commissioner to determine the validity and reasonableness thereof. Such petition shall be filed within 30 days after notice of the adoption of the order, rule or regulation, or, if a petition for review is filed, within 30 days from the decision upon such petition.

Source. 1917, 183:8. PL 177:25. RL 215:25.

Section 277:30

277:30 Notice; Procedure. – Such notice shall be given to the commissioner of the pendency of such proceedings as the superior court may order. Such petition, so far as practicable, shall have precedence over other actions in the same court, and the order appealed from shall be prima facie valid and reasonable. The proceedings upon such petition shall be as nearly as may be in accordance with proceedings in equity, and the court shall make such order or decree as justice may require.

Source. 1917, 183:8. PL 177:26. RL 215:26.

Section 277:31

277:31 Reference. – The court may, and on the request of the parties shall, refer any issues arising in such action to one or more persons, who shall find and report the facts, together with his or their recommendations, to the court. One or more of such persons may be a layman conversant with the subject matter involved in such appeal.

Source. 1917, 183:8. PL 177:27. RL 215:27.

Section 277:32

277:32 Effect of Appeal, Etc. – During the pendency of any petition for review, the order, rule or regulation under review shall be suspended, and during the pendency of an appeal to the superior court, it may be suspended by the superior court if justice requires. Except as herein provided, every order, rule or regulation made and adopted under the provisions of this chapter shall have the effect of law.

Source. 1917, 183:9. PL 177:28. RL 215:28.

Inspectors and Other Assistants

Section 277:33

277:33 Inspectors. – For the purpose of inspecting establishments subject to this chapter, the commissioner may employ competent persons who shall be known as inspectors, one of whom shall be a woman, and shall fix their compensation in accordance with the state personnel regulations and within the limits of available appropriations and funds.

Source. 1917, 183:12. 1921, 130:2. PL 177:29. RL 215:29. 1950, 5, part 18:13. 1951, 168:1. RSA 277:33. 1957, 172:1. 1963, 220:7, eff. July 1, 1963.

Section 277:34

277:34 Assistants. – The commissioner may employ such other assistants and clerical employees as may be necessary to the proper discharge of his duties.

Source. 1917, 183:12. 1921, 130:2. PL 177:30. RL 215:30. RSA 277:34. 1963, 220:8, eff. July 1, 1963.

Prosecutions, Penalties, Etc.

Section 277:35

277:35 Preliminary Requirements. – No prosecution against any employer shall be commenced under this chapter until the commissioner shall have made an order in accordance with the provisions hereof, and the employer affected thereby shall have had a reasonable opportunity to comply therewith.

Source. 1917, 183:13. PL 177:31. RL 215:31.

Section 277:35-a

277:35-a Petition for Review. – If an employer retaliates or takes any action against an employee who exercises his rights under this chapter, the employee may petition the commissioner for a review of the employer's action. The commissioner shall hold a hearing pursuant to RSA 277:25. The commissioner may order reinstatement of the employee or such other action as he deems necessary pending his decision.

Source. 1985, 243:3, eff. Jan. 1, 1986.

Section 277:36

277:36 Penalties; Stop Work Order. –

- I. Any employer who does not comply with any lawful order or rule made under this chapter shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.
- II. Any person who willfully violates RSA 277:12 shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.
- III. In case of imminent danger in any place of employment, the commissioner shall direct that work in the area of endangerment cease until the danger is abated. No employee shall suffer loss of wages, salary, seniority, fringe benefit or other benefit as a result of the commissioner's order.

Source. 1917, 183:13. PL 177:32. RL 215:32. RSA 277:36. 1973, 529:56. 1985, 243:5, eff. Jan. 1, 1986.

Section 277:37

277:37 Statements. – Every employer subject to the provisions of RSA 277 shall immediately send to the commissioner a statement setting forth his name, address, business and approximate number of employees. Any employer wilfully neglecting to comply with the provisions of this section shall be guilty of a violation.

Source. 1917, 183:14. PL 177:33. RL 215:33. RSA 277:37. 1973, 531:95, eff. Oct. 31, 1973 at 11:59 p.m.

Section 277:38

277:38 Enforcement of Laws, Orders, and Regulations. – It shall be the duty of the commissioner to administer and enforce, so far as not otherwise provided for, all laws relating to factories, workshops, commercial and mercantile establishments, and all valid orders, rules or regulations.

Source. 1917, 183:12. 1921, 130:2. PL 177:34. RL 215:34.

TITLE XXIII LABOR

CHAPTER 277-A TOXIC SUBSTANCES IN THE WORKPLACE

Section 277-A:1

277-A:1 Name. – This chapter shall be known and may be cited as the "Worker's Right to Know Act."

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:2

277-A:2 Purpose. – The general court hereby finds and declares that the proliferation of toxic substances in the workplace poses a growing threat to the health of employees exposed to these substances; that the number and variety of these substances makes effective monitoring of these potential health hazards by governmental agencies difficult and expensive; that employees themselves are often in the best position to detect symptoms of toxicity, provided they are aware of the nature of the substances to which they are exposed; that employees have an inherent right to know the dangers to which they are potentially exposed in their workplace so that they may make knowledgeable and reasoned decisions with respect to their continued employment under the circumstances and the need for corrective action; and that the workplace often serves as an early warning mechanism for the outside environment. The general court therefore determines that it is appropriate for employers to provide their employees with all available information concerning the nature of the toxic substances to which such employees may be exposed during the course of their employment and the suspected hazards these substances pose and to take all other practicable and feasible measures to protect their employees from the risks of toxic substances.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:3

277-A:3 Definitions. –

As used in this chapter:

- I. "Employee" means any person who currently works or formerly worked, with or without compensation, in a workplace. The term "employee" does not include domestic workers or casual laborers employed at the place of residence of the employer.
- II. "Employee representative" means an individual or organization to which an employee gives written authorization to exercise his rights under this chapter. A recognized or certified collective bargaining agent shall be considered to be an employee representative without regard to written

employee authorization.

III. "Employer" means any person, firm, corporation, partnership, association, the state, any political subdivision of the state, or any other entity which is engaged in a business or in providing services and which employs employees in connection with such business or services.

IV. "Safety data sheet" means a written document prepared on a toxic substance containing all of the following information except as provided by RSA 277-A:4, III(c):

- (a) Identification including product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
- (b) The hazards of the substance.
- (c) Composition and information on ingredients, including information on chemical ingredients and trade secret claims.
- (d) First aid measures including important symptoms or effects, if acute or delayed, and required treatment.
- (e) Firefighting measures including suitable extinguishing techniques and equipment and any chemical hazards from fire.
- (f) Accidental release measures including emergency procedures, protective equipment, and proper methods of containment and cleanup.
- (g) Handling and storage precautions, including incompatibilities.
- (h) Exposure controls and personal protection, including Occupational Safety and Health Administration Permissible Exposure Limits, Threshold Limit Values, appropriate engineering controls, and personal protective equipment.
- (i) Physical and chemical properties and characteristics.
- (j) Stability, reactivity, and the possibility of hazardous reactions.
- (k) Toxicological information including routes of exposure, related symptoms, acute and chronic effects, and numerical measures of toxicity.
- (l) The date such information was compiled and the name and address of the manufacturer, producer, or formulator responsible for compiling it.

V. "Toxic substance" means any radioactive or other substance which is defined as a toxic substance by a rule adopted pursuant to RSA 541-A by the department of health and human services. The department shall define as a toxic substance:

- (a) Any substance which appears on any list of toxic or hazardous substances which is included in any of the following:
 - (1) The United States Department of Transportation's 1980 Emergency Response Guidebook of Hazardous Waste Materials.
 - (2) TLV's: Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment, published by the American Conference of Government Industrial Hygienists.
 - (3) Title 29, Code of Federal Regulations, Section 1910.1000.
 - (4) Standards issued under Section 6(b)(5) of the Occupational Safety and Health Act of 1970.
 - (5) The Director of the Department of Industrial Relations' List of Hazardous Substances, published by the State of California.
- (b) Any substance which has yielded positive evidence of acute or chronic health hazards in human, animal or other biological testing which could be applicable to human beings;
- (c) Any other substance which the department determines should be so defined consistent with the purposes of this chapter and consistent to the extent possible with the methods and criteria used in compiling the lists of toxic or hazardous substances referred to in subparagraph (a). For

the purposes of this chapter, the term "toxic substance" shall not include any liquor or beverage, as those terms are defined in RSA 175:1, VIII and XLII, or any other substance which has been packaged for retail sale or which is contained in a product which has been packaged for retail sale; and

(d) Any substance which is combustible, a compressed gas, explosive, flammable, a health hazard, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive as established by the latest edition of the Fire Protection Guide on Hazardous Materials published by the National Fire Protective Association.

VI. "Trade secret" means any confidential formula, pattern, device or compilation of information which does all of the following:

(a) Is used in the employer's business.

(b) Gives the employer the opportunity to obtain an advantage over competitors who do not know or use it.

(c) Is known only to the employer and to those employees to whom it is necessary to confide.

VII. "Workplace" means any location, permanent or temporary, where an employee performs any work-related duty in the course of his employment.

VIII. "Commissioner" means the commissioner of labor.

Source. 1983, 466:1. 1990, 255:10. 1995, 310:175, 181, eff. Nov. 1, 1995. 2015, 141:1, eff. Jan. 1, 2016.

Section 277-A:4

277-A:4 Safety Data Sheets. –

I. Except as provided in paragraph III, no person shall obtain, purchase, manufacture, formulate, transport or distribute any toxic substance within this state unless the substance is accompanied by a complete safety data sheet prepared by the manufacturer, producer, or formulator of such substance no more than one year prior to the obtainment, purchase, manufacture, formulation, transportation or distribution.

II. A manufacturer, producer or formulator may provide a single safety data sheet for a product mixture containing 2 or more toxic substances instead of providing a safety data sheet for each toxic substance component of such mixture if all of the following are applicable:

(a) The product mixture itself has been submitted to sufficient analysis and testing to justify a valid judgment on its hazardous properties.

(b) Each component toxic substance is identified on the product label individually, within the limits of practicability and feasibility.

(c) A safety data sheet on each component toxic substance identified pursuant to subparagraph (b) is available upon request.

III. (a) When a manufacturer, producer, formulator or employer considers the identity of or other information concerning a toxic substance to be a protectable trade secret whose disclosure would compromise his or her competitive advantage, he or she shall register this information as secret with the commissioner of labor provided that such information is already registered as a trade secret pursuant to any provision of federal law or such information is not registered as a trade secret but is related to a proprietary process the disclosure of which would compromise his or her competitive position.

(b) The commissioner of labor shall not release any data which discloses any trade secret or

proprietary process unless he or she shall notify, in writing and by certified mail, the submitter of such information of the intent to release the data. The commissioner may not release the information, without the submitter's consent, until the thirtieth day after the submitter has been furnished such notice. Any subsequent release shall be pursuant to applicable provisions relating to trade secrets or the Freedom of Information Act.

(c) In the event that a toxic substance or product mixture containing 2 or more toxic substances is registered by a manufacturer, producer or formulator as a component of a trade secret or otherwise protected as a proprietary process, such manufacturer, producer or formulator shall not be required to divulge the specific identity of the substance, but shall be required to provide a safety data sheet containing the information specified in RSA 277-A:3, IV(b)-(I).

(d) In the event that a toxic substance or product mixture containing 2 or more toxic substances is registered as a component of a trade secret or otherwise protected as a proprietary process, the employer shall not be required to divulge the specific identity of the substance but shall otherwise be subject to all of the duties imposed by RSA 277-A:5.

IV. Notwithstanding the provisions of paragraph III, full and complete information regarding any toxic substance or substances to which an employee has been exposed shall be made available to a licensed physician if the information is needed for the purpose of medical diagnosis or treatment of such person.

Source. 1983, 466:1, eff. Oct. 26, 1983. 2015, 141:2, eff. Jan. 1, 2016.

Section 277-A:5

277-A:5 Employer's Duty to Provide Information. –

Subject to the limitations of RSA 277-A:4, III, every employer whose employees handle, use, or are otherwise exposed to any toxic substance during the course and scope of their employment shall:

I. Keep on file in a convenient office location and make available for examination and reproduction upon request a safety data sheet for each toxic substance or product mixture containing 2 or more toxic substances to which an employee may be exposed in carrying out his or her duties.

II. Post a notice, written in clearly understandable nontechnical language, in a conspicuous location accessible to the employees and as close to the work area as possible containing the word "Warning" in large letters and all the following information on each toxic substance to which employees may be exposed:

- (a) The name or names of the substance.
- (b) The acute and chronic hazards of exposure to the substance.
- (c) Symptoms of exposure and overexposure, including known behavioral effects.
- (d) Appropriate emergency treatment for exposure and overexposure.
- (e) Proper conditions for safe use of and exposure to the substance.
- (f) Procedures for cleanup of leaks and spills of the substance.
- (g) Procedures in case of fire or other environmental changes which would result in increasing the substance's hazardous or toxic properties.

III. Post a notice of the availability of a safety data sheet for each of the toxic substances to which the employee may be exposed and, upon request by an employee for a safety data sheet, supply such data sheet within 72 hours.

IV. Conduct an education and training program within 180 days of October 26, 1983, for all employees routinely exposed to toxic substances, and thereafter during the first month of employment of any such new employee, informing such employees of the nature of the toxic substances to which they will be exposed, prescribing proper and safe procedures for handling under all circumstances, and advising them of the potential risks involved.

V. Make every reasonable effort to obtain from manufacturers, producers, formulators, the Federal Environmental Protection Agency, or any other authoritative source, any new or updated information concerning the toxic substances in his or her workplace and to make such information available to all affected employees immediately.

VI. Notify all employees of their rights under this chapter.

VII. Send a copy of each safety data sheet with details of the specific locations of each toxic substance and available extinguishing agents to the local fire department. Such safety data sheets shall be available for public inspection at such fire departments.

VIII. Maintain on file at the workplace safety data sheets for a period of at least 30 years after discontinuation of the use of each toxic substance. In the event that the employer ceases operations or relocates, all safety data sheets shall be submitted to the department of labor to be maintained on file for the statutorily required 30 year period. All rights of access to safety data sheets provided in this chapter shall apply to the full 30 year period.

Source. 1983, 466:1, eff. Oct. 26, 1983. 2015, 141:2, eff. Jan. 1, 2016.

Section 277-A:6

277-A:6 Employees' Rights if Information Not Provided. – Any employee who requests information about a toxic substance required pursuant to RSA 277-A:5, III may, if he does not receive such information within 5 working days, refuse to work with such substance until such time as the employer provides him with such information.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:7

277-A:7 Discharge or Discrimination for Exercise of Rights Forbidden. –

I. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter, or has exercised any right provided in this chapter.

II. Any employee, prospective employee or employee representative who believes that he has been discharged, disciplined, or otherwise discriminated against by an employer pursuant to paragraph I shall, within 30 days of such violation, or 30 days after he first obtains knowledge of such violation, file a complaint with the commissioner of labor alleging such discrimination. Upon receipt of such a complaint, the commissioner shall conduct an investigation as he deems appropriate. If, upon investigation, the commissioner determines the allegation to have substance, he may refer the matter to the attorney general for appropriate action.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:8

277-A:8 Inspection by Department of Labor Permitted. –

I. If the commissioner or his designee finds, or has cause to believe, that any provision of this chapter is being violated, he may enter and inspect the premises of any employer's place of business and take samples of any unknown substance in order to ascertain compliance with this chapter. The laboratory services of the department of health and human services shall be made available to the department of labor for purposes related to enforcement of this chapter, subject to the availability of adequate laboratory support.

II. The following persons may, if they so desire, accompany such agent or employee of the department of labor:

(a) The affected employer.

(b) An employee of the affected employer or an employee representative.

III. It shall be a violation of this chapter for any person to interfere with the agent or employee of the department of labor in the discharge of his duties as prescribed by this chapter.

Source. 1983, 466:1. 1995, 310:181, eff. Nov. 1, 1995.

Section 277-A:9

277-A:9 Penalty. – Any person who violates any provisions of this chapter shall be liable for a penalty of not more than \$2,500 for each such violation, to be collected in a civil action by the commissioner of labor. If the violation is of a continuing nature, each day during which it continues shall constitute an additional and separate offense.

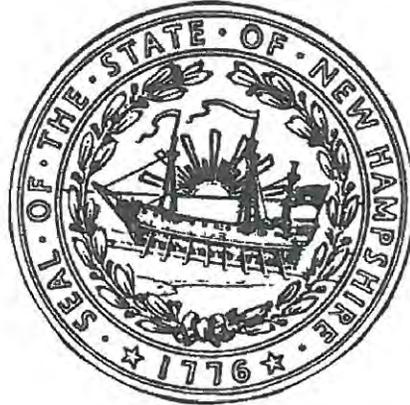
Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:10

277-A:10 Construction of Chapter. – The provisions of this chapter shall be construed as being complementary to and not in lieu of any other law or of any rule adopted under authority of law relative to toxic substances or toxic waste including but not limited to RSA 147-A and RSA 147-B. However, any conflict between this chapter and an existing statute or rule shall be resolved at all times by following the stricter requirement.

Source. 1983, 466:1, eff. Oct. 26, 1983.

**A GUIDE FOR
DEVELOPING
A WRITTEN
SAFETY PROGRAM
AND
LAB 600 RULES**



**PROVIDED BY
THE NEW HAMPSHIRE
DEPARTMENT OF LABOR**

www.nh.gov/labor

-2016-

SAFETY PROGRAM

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Section One

INTRODUCTION

The introductory statement should relate to all employees, the overall goal of the safety program, and also convey to the employees the importance of their participation. Only through the joint commitment on the part of management and employees can workplace accidents and injuries be reduced or eliminated. Employees should be encouraged to not only work safely, and report unsafe conditions, but to also take an active role in safety and health by participating on the Joint Loss Management Committee.

Section Two

MANAGEMENT COMMITMENT

This section is where the employer's policies and philosophies should be stated. It is extremely important that all employees are clearly aware of management's commitment to safety and health.

A mission statement or policy should stress that safety will be as important as any other business function. The policy should be the foundation of the safety program or manual. The statement can include such philosophies as:

- All injuries are preventable
- Working safely is a condition of employment
- All operating exposures can be safeguarded
- Training employees to work safely is essential
- Injury prevention saves money

It should be known to all that management personnel are accountable for the success of the company safety program. The employer should provide responsibility lists to all supervisors and management personnel and their job descriptions should include these provisions. Job performance evaluations, salary increases or bonuses and other incentives must be related to safety and health success.

In order for any safety program to be successful all employees must be aware of the employer's policies and most importantly the **commitment from top management**. This page of the program must demonstrate that commitment to your employees and your management personnel.

Section Three

RESPONSIBILITIES

All employees have responsibilities with regard to safety and health. Top Management is ultimately responsible for the overall success of the program, but everyone has an important role. In this section of the plan, it should spell out, what specifically the various duties are for each level. Examples of some of the various responsibilities are shown below. Be sure to develop your own specific list of responsibilities and not copy from these examples

: MANAGEMENT

Insure that each level of supervision and all employees are made aware of the elements of the safety program, and that those elements are implemented.

If personnel protective equipment is required, assess the hazards, select the proper equipment, and insure that employees are trained in it's proper use.

Correct any unsafe conditions brought to their attention by employees or supervisors.

Support supervisors' decisions that safety comes first.

Assure that proper training is being provided, and that employees are working in a safe and healthy manner.

: SUPERVISORS

Take immediate action to correct any unsafe condition or action.

Provide personal protective equipment, along with training for its use, and make certain it is worn when necessary.

Assure that all machine guarding is in place and functioning properly.

Promptly investigate and report all accidents and incidents.

For violations of company safety and health procedures, issue warnings, per disciplinary procedures.

(Responsibilities con't.)

• EMPLOYEES

Report all accidents and incidents to the supervisor.

Report any unsafe conditions immediately.

Obey all safety and health regulations as stated in the company safety program.

Attend all safety training that may be required.

• SAFETY COORDINATOR/DIRECTOR (if applicable)

Assist and advise all levels of management in establishing an effective safety program.

Provide safety and health training for employees and committee members.

Maintain accident and incident records.

Plan and coordinate inspections, committee meetings, and training sessions; *assist management in all areas of safety and health.*

Review and update rules and programs as needed.

Section Four

SAFETY AND HEALTH COMMITTEES

The safety program or policy manual should include a description of any Joint Loss Management Committee (JLMC) or Safety Committees that function within the workplace. It is important to the success of these programs to encourage employees and supervisors to take an active role in achieving the goals of these committees.

: JOINT LOSS MANAGEMENT COMMITTEE

1. Purpose of the committee.
2. Size.
3. Equality of representation.
4. Employee representative selected by employees.
5. Membership must be representative of the major work activities.
6. Chairperson will be rotated between management and employees.
7. Meet at least quarterly.
8. Duties of the committee (see rules for Joint Loss Mgt. Comm.)

: HAZARDOUS MATERIALS RESPONSE TEAM

Will be trained to respond to hazardous materials spills, if required.

: INCIPIENT FIRE BRIGADE

If it is the policy to fight incipient fires, this group will be trained in their specific responsibilities.

: FIRST AID TEAM

If you have trained first aid volunteers, their functions and duties should be described here.

: EMERGENCY CONTINGENCY TEAM

If you have a team which is established to react in the event of emergencies, their duties and responsibilities should be described.

Section Five

SAFETY STATUTES, RULES AND REGULATIONS

In order for all employees to understand their responsibilities for safety and health, it is very important that applicable statutes, rules and standards be implemented and communicated to employees.

PUBLIC SECTOR

- Lab 1400 rules, Administrative Rules for Safety and Health
- Lab 600 rules, Safety Programs
- RSA 277, Safety & Health of Employees
- RSA 277-A, Employees Right to Know
- RSA 281-A:64, Safety Provisions

Enforcement agency: New Hampshire Department of Labor (NH DOL)

Areas in which the public employers should develop an effective safety and health program can be found in the Lab 1400 rules. Examples:

- *Accident Reporting Requirements- (Lab 1403.04)*
- *Machine Guarding- (Lab 1403.36)*
- *Personal Protective Equipment- (Lab 1403.43)*

PRIVATE SECTOR

- Lab 600 rules, Safety Programs
- RSA 281-A:64, Safety Provision

Enforcement agency: New Hampshire Department of Labor (NH DOL)

- (29 CFR 1910) General Industry Standards
- (29 CFR 1926) Construction Standards

Enforcement agency: Occupational Safety and Health Administration (OSHA)

Areas in which private employers should develop an effective safety and health program can be found in the Code of Federal Regulations (CFR) 29 CFR 1910 General Industry Standards or 29 CFR 1926 Construction Standards:

- *Permit Required Confined Space (29 CFR 1910.146)*
- *Lockout/Tagout (29 CFR 1910.147 CFR)*
- *Respiratory Protection (29 CFR 1910.134)*

Section Six

DISCIPLINARY POLICY

Disregard for safety should be treated in the same manner as disregard for other employment rules such as attendance and quality.

The company should develop, and make known to all employees, its policies for dealing with employees who choose not to comply with established rules and regulations for safety and health.

It is important that these procedures be applied fairly and equally to all employees regardless of their longevity or work record. A sample policy might include such steps as:

1. Verbal warning by foreman or supervisor;
2. Written warning placed in personnel file;
3. Job suspension;
4. Dismissal.

The policy should contain provisions for re-training on safety rules and regulations

Section Seven

ACCIDENT AND INCIDENT REPORTING AND INVESTIGATION

The goal of all accident and incident investigation is to prevent a recurrence, not to find fault.

Employers should have an established written procedure for performing accident or incident investigations. Immediate supervisors, members of the Joint Loss Management Committee, and other designated individuals shall perform the investigation in order to determine:

1. *what happened?*
2. *why it happened?*
3. *what can be done to prevent it from happening again?*

Accident investigations should contain the following:

- Inspections of the scene by trained personnel;
- Interviews with witnesses as soon as possible after occurrence;
- Interview with the victim at appropriate time;
- Attempts to determine cause, or causes;
- Reports;
- Recommendations to prevent it from happening again;
- Photographs or sketches of the scene;
- Samples of chemicals, vapors etc., if required.

An accident/incident report form should be established and all supervisors, foremen, and managers who fill them out should be made aware of the necessary information which should be included.

Section Eight

TRAINING REQUIREMENTS FOR SAFETY AND HEALTH

All employees must be aware of the training requirements for their jobs, as well as, the reasons for such training. No-one should be allowed to work with any hazardous equipment, or with any hazardous materials until they have been properly trained.

The written safety program should describe the purpose for wanting to provide safety and health training and list the areas and individuals who require it.

Some circumstances within your facility when training may be required include:

- All new employees;
- Employees who are transferred to other departments;
- Managers, supervisors and foremen;
- Outside contractors entering your facility;
- Employee disregard for safety rules and regulations;
- Whenever new processes or equipment are added;
- Employees who volunteer for special teams or committees such as fire brigades, emergency response team, etc;
- Joint Loss Management Committee members

Section Nine

EMERGENCY EVACUATION AND RESPONSE PLANS

All employers, regardless of the size of the business, must establish procedures for dealing with emergencies such as fire, medical, hazardous material spill, or natural disaster.

Preparedness in the event of such an emergency is vital. All employees should know the correct procedures to follow so that there will be no delays in reaction and response. The specific plans for evacuation should be described in the program, indicating how employees leave the building and where they go after exiting. The method of alarm should be well defined and practice evacuation drills should be planned. Included in this plan should be the responsibilities of all supervisors, foremen and designated response teams.

In the event of a medical emergency, the plan should deal with concerns such as:

- Who notifies the ambulance?
- Are employees trained first aiders and supplies available on site?
- Who are the trained people?
- Who is designated to meet and direct medical help to the area where help is needed?
- Who from management must be notified?
- If an emergency is the result of accident, is the area safe?

In emergencies requiring response from either an in house fire brigade, first aid team or hazardous materials spill team, the procedures for their response must be included in their training, as well as, in the company's safety program.

It is important to remember that in the event of a fire emergency, one of the first questions you will be asked by the responding fire department will be

Is everyone out of the building?

Section Ten

SAFETY AND HEALTH COMMUNICATION

The key to success of any safety & health program is an open line of communication between employees and management.

The program should encourage employees to suggest safety and health changes to management, to notify management of any unsafe conditions or equipment, and to actively participate on company safety committees.

Some ways in which management can keep employees informed on issues of safety & health are:

- Providing all employees with a copy of the safety program;
- Posting information such as notification of safety meetings and the minutes of the meetings;
- Safety & Health signs and Posters;

Section Eleven

WORKPLACE VIOLENCE

Workplace violence can strike anywhere, anytime, and no one is immune.

Employees must be able to recognize the high risk behaviors.

“No single strategy for preventing occupational violence will ever fit all workplaces. Employers and workers should develop and pursue the mix of actions most appropriate for the specific circumstances”. NIOSH Director Linda Rosentock, M.D., M.P.H.

WHO IS AT RISK OF WORKPLACE VIOLENCE?

Factors that may increase the risk of violence for some workers are: *exchanging money with the public, working alone or in isolated areas, and working after hours in the evening.*

HOW TO REDUCE THE RISK:

1. **Assessing the workplace, identify methods for reducing the risk.**
 - Implement **engineering controls, administrative controls** and **training** the employees to recognize dangerous situations.
 - **Engineering Controls:** prudent cash-handling polices such as physical separation of workers from customers, good lighting, security devices, and any other controls to discourage would-be assailants.
 - **Administrative controls:** Establish policies and work practices aimed at maintaining a safe working environment which covers all workers, clients, visitors and anyone else who can come in contact with employees.
 - **Training** employees to anticipate, recognize and respond to conflict and potential violence in the workplace

2. **Public Sector: Town Offices**
 - A. Clerk’s counter should be at a height even to customer.
 - B. Physical barrier separating customers and clerks with sliding window panels, banking windows, interior double hung windows, and wide counter space between customer and clerk.
 - C. No swinging doors to allow intruders behind the work environment.
 - D. Proper lighting in hallways, and parking lots.

TITLE XXIII
LABOR
CHAPTER 281-A
WORKERS' COMPENSATION

Section 281-A:64

281-A:64 Safety Provisions; Administrative Penalty. –

I. Every employer shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. For the purposes of this section, "employer" shall include railroads, even if the employees of such railroads receive compensation for work injuries under federal law rather than RSA 281-A.

II. All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. After a written safety program has been filed, the program shall be reviewed and updated by the employer at least every 2 years. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program.

III. Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section.

IV. Employers subject to the requirements of paragraph III, other than employers participating in the safety incentive program under RSA 281-A:64-a, shall be placed on a list for early and periodic workplace inspections by the department's safety inspectors in accordance with rules adopted by the commissioner. Such employers shall comply with the directives of the department resulting from such inspections.

V. Notwithstanding paragraphs III and IV, an employer of 15 or more employees may satisfy the requirements of those paragraphs if such employer implements an equivalent loss management and safety program approved by the commissioner.

VI. The commissioner, in conjunction with the National Council of Compensation Insurance (NCCI), shall develop a list of the best and worst performers based on the experience modification factors promulgated by NCCI. The list shall include the top 10 lowest experience modification employers. The commissioner shall publicly recognize these low experience modification employers by presenting them with an award at the department's annual workers' compensation conference. The list of the top 10 highest and lowest experience modification employers shall be provided to the advisory council. The department shall review any specific claim against any employer listed in the top 10 highest experience modification list in conjunction with the safety program on file with the commissioner.

VII. In order to assist self-insurers in developing experience modification factors, self-insurers may submit the appropriate statistical information to the National Council of Compensation Insurance for calculating experience modifications.

VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be deposited in the general fund.

IX. [Repealed.]

Source. 1990, 254:36. 1994, 3:19. 1997, 343:9, 10, eff. Jan. 1, 1998. 2010, 134:1, eff. July 14, 2010. 2012, 144:1, 2, 4, I, eff. Jan. 1, 2013.

CHAPTER Lab 600 SAFETY PROGRAMS AND JOINT LOSS MANAGEMENT COMMITTEES

REVISION NOTE:

Document #5909, effective 10-13-94, made extensive changes to the wording, format, structure, and numbering of rules in Chapter Lab 600. Document #5909 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Lab 600 include the following documents:

Source. #5372, eff 4-14-92

PART Lab 601 DEFINITIONS

Lab 601.01 "Employer representative" as used in RSA 281-A: 64, III means any individual who serves as the management member of the joint loss management committee and who has the authority delegated by the employer to use his/her judgment in the interest of the employer to take the following actions:

- (a) Hire;
- (b) Transfer;
- (c) Suspend;
- (d) Lay off;
- (e) Recall;
- (f) Promote;
- (g) Discharge;
- (h) Assign;
- (i) Reward;
- (j) Discipline;
- (k) Direct them; or
- (l) Adjust grievances or effectively to recommend such actions.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

PART Lab 602 SAFETY PROGRAMS

Lab 602.01 Program Requirements. Asset forth in RSA 281-A: 64, II, the written safety program shall include the following:

- (a) The components required by Lab 603.03(g);
- (b) The process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program;
- (c) Provision(s) for the commitment of adequate resources solely for safety;
- (d) Provision(s) for medical services, emergency response, first aid, and accident reporting and investigation;
- (e) Provision(s) for review of the current written safety program by all employees;
- (f) Provision(s) for review and update of the written safety program by an employer representative at least every 2 years; and

(g) Provision(s) for a signature of the above employer representative which shall include the date the program was reviewed and updated.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 602.02 Filing Procedures. Under the authority of RSA 281-A: 64, II, an employer with 15 or more employees shall file a single submission of the summary of the above written safety program with the commissioner of labor by completing and submitting a Safety Summary Form WCSSF 10/07/15. See Appendix II.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94; ss by # #6735, eff 4-23-98; ss by #8592, eff 3-24-06; ss by #10379, eff 7-18-13 ss by: #11051, eff 3-10-16

PART Lab 603 JOINT LOSS MANAGEMENT COMMITTEES

Lab 603.01 Purpose. To carry out the purpose of RSA 281-A: 64, a joint loss management committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.02 Establishment of Joint Loss Management Committee.

(a) Pursuant to RSA281-A: 64, III, all employers of 15 or more employees shall establish a working joint loss management committee composed of equal numbers of employer and employee representatives or more employee representatives as follows:

- (1) The size of the joint loss management committee shall be determined as follows:
 - a. Employers with 15 to 20 employees shall have a minimum of 2 members; and
 - b. Employers with more than 20 employees shall have a minimum of 4 members;
- (2) Employee representatives shall be selected by the employees;
- (3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;
- (4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by a labor organization, each bargaining unit of represented employees and any residual group of employees not represented shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group; and
- (5) Committee members shall be representative of the major work activities of the employer.

(b) An employer's auxiliary, mobile or satellite location, maybe combined into a single, centralized joint loss management committee when an employer owned/leased facility is physically and/or geographically separated from the employer's primary facility such as would be found in construction operations, trucking, branch or field offices, sales operations or highly mobile activities, which shall represent the safety and health concerns of all locations.

(c) A joint loss management committee shall be located at each of the employer's primary places of employment at a major economic unit at a single geographic location comprised of a building or group of buildings and all surrounding facilities. The location shall have both employer and employee representatives present, control of a portion of a budget, and the ability to take action on the majority of the recommendations made by the joint loss management committee.

(d) Committee members shall be trained in workplace hazard identification and accident/incident investigation adequate to carry out the committee's responsibilities.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.03 Duties and Responsibilities of Joint Loss Management Committee. To carry out the intent of RSA 281-A: 64, the joint loss management committee shall:

- (a) Meet at least quarterly to carry out their duties and responsibilities.
- (b) Keep minutes of meetings which shall be made available for review of all employees;
- (c) Elect a chairperson, alternating between employee and employer representatives;
- (d) Develop and disseminate to all employees a committee policy statement;
- (e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- (f) Review workplace accident and injury data to help establish the committee's goals and objectives;
- (g) Establish specific safety programs which include, but are not be limited to, the following:
 - (1) Designation, by name and title, of a person who shall be knowledgeable of site specific safety requirements and be accountable for their implementation and adherence;
 - (2) Provisions for health and safety inspections at least annually for hazard identification purposes;
 - (3) Performance of audits at least annually regarding the inspection findings; and
 - (4) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;
- (h) Assist with the identification of necessary safety and health training for employees; and
- (i) Assist with the identification and definition of temporary, alternate tasks.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.04 Duties and Responsibilities of the Employer. To carry out the intent of RSA 281-A: 64, the employer shall:

- (a) Respond in writing to recommendations made by the committee, or make a verbal response that is recorded in the committee's official minutes;
- (b) Pay any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, at his/her regular rate of pay for all time spent on such activities; and
- (c) Provide for the required and necessary safety and health training for employees, at no cost and without any loss of pay so they can perform their work in a safe and healthy manner and environment.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

APPENDIX I

RULE	STATUTE
Lab 601	RSA 281-A: 64
Lab 602	RSA 281-A: 64
Lab 602.02	RSA 281-A: 64, II
Lab 603	RSA 281-A: 64

Appendix II

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
PO BOX 2076
CONCORD, NH 03302-2076
FAX (603) 271-2668

SAFETY SUMMARY FORM DATED _____

COMPANY
NAME:

COMPANY N.H. PHYSICAL
ADDRESS: _____ CITY _____ ST _____ ZIP _____

COMPANY MAILING ADDRESS
(Included in this
form): _____ CITY _____ ST _____ ZIP _____

CONTACT PERSON: _____ TITLE: _____

PHONE#: _____ FAX#: _____ EMAIL: _____

NUMBER OF N. H. EMPLOYEES: _____ (This includes anyone, who at any time works, in N.H. within the year.)

North American Industry Classification CODE (NCICS): _____ FED. ID. #: _____

NATURE OF BUSINESS:

Please list additional NH locations, if any, at the end of this report.

Answer all of the following questions. If you are not sure how a particular question applies to your company, contact NH DOL or view the supplemental instructions, a separate document available for viewing or download at <http://www.nh.gov/labor/documents/safety-summary-instructions.pdf> on the NH DOL web site.

"Does not apply" is not an acceptable response to any of the questions.

- 1) List **potential** safety and health hazards of your company. (Example: burns, trips/falls, or violence, etc.)

- 2) List the members of your company's joint loss management committee by name and job title. Please indicate which members represent the employer and those which represent employees and identify chairperson. There should be equal representation between management and employees or more employees than management representation.
Management Member(s)-(supervisor) Employee Member(s)-(non-supervisory)

- 3) Specify your emergency response procedures. (Example: call manager; call 911; transport injured employee, etc.)

- 4) Identify person(s) by name and title qualified to take corrective actions on safety and health hazards, conduct on-site inspections, and responsible for employees' safety training.

- 5) Indicate your policy to communicate safety and health concerns with the activities of **sub-contractors or outside service providers**, when, or if utilized. (Example: are they in compliance with OSHA Regulations? Do they have workers' compensation coverage?)

- 6) Summarize your disciplinary policy with regard to violations of your safety and health policies.

- 7) Summarize your policy for providing adequate resources dedicated to safety including providing safety training, posting minutes of the JLMC meetings, providing access to your safety and health manual, and when required, providing personal protective equipment.

 Person completing the form

 Date

**ADDITIONAL NH COMPANY LOCATIONS
 (common owner and same industry type)**

NAME	STREET	CITY	FED ID NO.	NO. of EMP.
------	--------	------	------------	-------------

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
PO BOX 2076
CONCORD, NH 03302-2076

SAFETY SUMMARY FORM SUPPLEMENTAL INSTRUCTIONS*

The information on the summary of safety and health program form must be specific and completed in full. Forms that are incomplete and/or are too generalized will be sent back for further information. If you do not have enough space on this form, please feel free to use additional paper as necessary. In addition, this form is available and can be submitted on the NH DOL website at www.nh.gov/labor. Businesses with 15 or more employees must file this form only once. If you have questions about the form itself, or with your company's needs, please do not hesitate to call a safety inspector at 271-6850 or 271-6297.

Topics on form which need further instructions:

- Please include Corporate address if filing for more than one New Hampshire Division.
- You are accountable for your total number of employees for establishing your joint loss management committee and for your written safety program. If you have, at any time of the year 15 or more employees, you need to set up a joint loss management committee and develop a written safety program.
- On item #1, **be specific** about both existing or potential safety and health hazards or concerns of your company.
- On item #2, be sure to identify by name and job title, employee representatives as well as employer representatives of your joint loss management committee. Also, identify chairperson. There should be equal representation of both employee/employer representatives.
- On item #3, specify the emergency response procedures as outlined in your written safety program. This should include everything from emergency numbers and evacuation and head count to dealing with any minor or major injuries. Be specific about procedures used in case an emergency occurs.
- On item #5, indicate the safety and health policies or procedures you use, **or would use** if sub-contractors perform work in your facility. This would include anyone from outside of your company coming in to perform any type of work or service.
- On item #7, summarize your policy for providing adequate **time and resources** dedicated to safety. Resources could be equipment, training, personal time, commitment to safety and/or financial investments.

* Please refer to Chapter 600, Safety Programs and Joint Loss Management Committees for further information.

SAFETY AND HEALTH PROGRAM UPDATE LOG

COMPANY NAME:

ADDRESS:

CITY/TOWN:

COMPANY SAFETY AND HEALTH PROGRAM

**REVIEW DATE
or REVISION
DATE**

AUTHORIZED SIGNATURES

TITLE

REVIEW DATE or REVISION DATE	AUTHORIZED SIGNATURES	TITLE

NH DOL, RSA 281-A:64, LAB 602.2

SAFETY & HEALTH ASSISTANCE RESOURCES

The following is a list of agencies or associations which can be of assistance to employers in issues concerning safety & health.

New Hampshire Department of Labor
PO Box 2076
Concord, New Hampshire 03302-2230
Tel. (603) 271-6850 or (603) 271-7822
www.nh.gov/labor

Safety & Health Council of New Hampshire
57 Regional Drive Unit # 6
Concord, New Hampshire 03301
Tel. (603) 228-1401
www.shcnne.org

WorkWISE NH
(formerly NH Occupational Safety & Health Consultation Program)
Keene State College
175 Ammon Drive Suite 101
Manchester, New Hampshire 03103
Tel. (603) 222-1569
www.keene.edu/workwisenh

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Lab 1400 SAFETY AND HEALTH OF EMPLOYEES

Statutory Authority: RSA 281-A 60 I. (o) and RSA 277:16

PART Lab 1401 SCOPE OF RULES

Lab 1401.01 Scope. This rule is intended to carry out the intent of RSA 281-A:64 and RSA 277:16 by establishing procedures and rules for workplace safety inspections.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1401.02 Applicability. These rules shall be applicable to all public employees' workplaces including workplaces in buildings, sheds, structures, offices, sites or places owned, leased by the state of New Hampshire or by any political subdivision of the state, including all places used in connection with employee activity at a place of employment in the State. The following requirements shall not preclude compliance with RSA 155-A, the State Building Code, or other state or federal laws, rules, regulations, or codes. If a conflict should arise between these rules and any other applicable law, rule, regulation or code, these rules shall not supersede the more protective requirements.

Source. #8796, eff 1-11-07 (from Lab 1401.01); ss by #10809, eff 4-9-15

PART Lab 1402 DEFINITIONS

Lab 1402.01 "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authority to take prompt corrective measures to eliminate them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1402.02 "Confined space" means a space that meets the following criteria:

- (a) Large enough and so configured that an employee can bodily enter and perform assigned work;
- (b) Has limited or restricted means for entry or exit;
- (c) Is not designed for continuous employee occupancy; and
- (d) Is potentially hazardous because it:
 - (1) Contains or has a potential to contain a hazardous-atmosphere;
 - (2) Contains a material that has the potential for engulfing an entrant;

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(3) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or

(4) Contains any other recognized serious safety or health hazard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1402.03 “Fixed location” means all buildings, offices, garages, or other permanent structures which serve as a regular place of employment.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07 (formerly Lab 1402.04); ss by #10809, eff 4-9-15

Lab 1402.04 “Flagger” means all personnel, including uniformed police officers, who conducts temporary traffic control (TTC) on roads where 2 lanes of vehicle traffic have been reduced to one lane.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #10809, eff 4-9-15

Lab 1402.05 “Hospitalization” means care in a hospital that includes admission as an inpatient and an overnight stay.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #12904, eff 10-23-19

Lab 1402.06 - 1402.09 - EXPIRED

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

PART Lab 1403 RULES FOR EMPLOYEE SAFETY AND HEALTH

Lab 1403.01 Safety and Health Requirements.

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(a) Each employer shall furnish to each of its employees employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees.

(b) Each employee shall comply with all safety rules and regulations that are applicable to the employee's own actions and conduct.

(c) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the rules applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(d) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of these rules shall be prohibited.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.02 Abrasive Blasting. The employer shall ensure compliance with the following requirements:

(a) Blast cleaning nozzles shall be equipped with an operating valve which shall be held open manually. A support shall be provided on which the nozzle may be mounted when not in use; and

(b) Blast cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air shall be maintained at all openings in the enclosure during the blasting operation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.03 Abrasive Grinding. The employer shall ensure compliance with the following requirements:

(a) Abrasive wheels shall be used only on machines provided with safety guards;

(b) The following shall be exempt from the safety guard requirements:

(1) Wheels used while within the material being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter;

(c) Abrasive wheel safety guards for bench and floor stands and for cylindrical grinders shall not expose the grinding wheel periphery for more than 65 degrees above the horizontal plane of the wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch;

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- (d) Abrasive wheel safety guards shall cover the spindle end, nut, and flange projections;
- (e) An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch;
- (f) Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they shall not move; and
- (g) All abrasive wheels shall be closely inspected and ring-tested before mounting to insure that they are free from defects.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.04 Accident Reporting Requirements for Fatality and Serious Injury.

(a) Within 8 hours after its occurrence, the employer shall report an employment accident which is fatal to one or more employees to the commissioner of labor. Notification may be given by telephone by calling (603) 271-0127 or 271-6850 or via e-mail at SafetyDiv@dol.nh.gov.

(b) The reporter shall include the following information:

- (1) Date and time of fatality;
- (2) Location of fatality;
- (3) Cause of death; and
- (4) Place where the body of the deceased person was sent.

(c) Within 24 hours after the occurrence of a workplace injury which necessitates hospitalization for a serious injury for one or more employees, the employer shall report the employment accident to the commissioner of labor. Notification may be given by telephone by calling (603) 271-0127 or 271-6850 or via email to SafetyDiv@dol.nh.gov.

(d) The reporter shall include the following information;

- (1) Date of injury;
- (2) Time of injury;
- (3) Cause of the injury;
- (4) Place where the injured person was sent for medical evaluation or treatment; and
- (5) Place where the injured person was hospitalized.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15; ss by #12904, eff 10-23-19

Lab 1403.05 Aerial Lifts.

- (a) This section shall not apply to fire fighting apparatus.
- (b) Prior to the use of an aerial-lift device, a visual inspection and operational check shall be made by a competent person in accordance with the manufacturer's and owner's instructions.
- (c) Operators of aerial-lift equipment shall be provided with some means of anchorage to which a safety belt or lanyard can be secured to the buckets, platforms, or booms.
- (d) The combined load, including workers, material, and tools, shall not exceed the rated lift capacity as stated by the manufacturer. Such rated lift capacity shall be conspicuously and permanently posted on the lift.
- (e) When operating an aerial-lift device, the operator shall look in the direction of travel of the bucket and be aware of the booms in relation to all other objects and hazards.
- (f) All hoses affecting the nonconductive characteristics of equipment shall be made of nonconductive material. Hydraulic fluids for insulated equipment shall be of the insulating type.
- (g) An aerial-lift truck shall not be moved when the boom is elevated in a working position with workers in the basket, except for equipment that is specifically designed for this type of operation. The booms of a fully articulated aerial device shall not be considered elevated in a working position when the basket is directly in front of or behind the truck with the booms held as low as feasible and low enough so that the operator's head is below the highest point of the vehicle.
- (h) During aerial-lift operations, workers not engaged in line clearance shall maintain a minimum clearance of 10 feet (3 m) from energized conductors rated 50 kV phase-to-phase or less. For lines rated over 50 kV phase-to-phase the minimum clearance shall be 10 feet plus .4 inches (3 m plus 10 mm) for each kilovolt over 50 kV phase-to-phase.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.06 Air Tools. The employer shall ensure compliance with the following requirements:

- (a) Pneumatic power tools shall be secured to the hose or whip with a locking mechanical connector to prevent accidental disconnection;
- (b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled;
- (c) The manufacturer's safe operating pressure for all fittings shall not be exceeded; and

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(d) All hoses exceeding 1/2 inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.07 Belt Sanding Machines. The employer shall ensure that belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.08)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.08 Blood Borne Pathogens. To eliminate or minimize employee exposure to human body fluids or infectious waste, the employer shall ensure that the following safety work practices shall be followed:

(a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV, and other blood borne pathogens;

(b) Employees responding to emergencies or other situations where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed; and

(c) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other items that come in contact with blood or other potentially infectious materials.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.09)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.09 Chains, Cables, Ropes, and Hooks. The employer shall ensure compliance with the following requirements:

(a) Chains, cables, ropes, and hooks shall be visually inspected daily by a competent person, for deformation, cracks, excessive wear, twists and stretch, and defective gear shall be replaced or repaired;

(b) Hoist ropes on crawler, locomotive, and truck cranes shall be free from kinks or twists and shall not be wrapped around the load; and

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(c) All U-bolt wire rope clips on hoist ropes shall be installed so that the U-bolt is in contact with the short or nonload-carrying end of the rope. Clips shall be installed in accordance with the clip manufacturer's recommendation. All nuts on newly installed clips shall be retightened after the first hour of use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.10)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.10 Chipguards. The employer shall ensure that protective shields or barriers shall be provided in operations involving cleaning with compressed air, to protect personnel against flying chips or other such hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.11)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.11 Compressed Air Use. The employer shall ensure that compressed air used for cleaning purposes shall not exceed 30 psi. However, this limitation shall not apply to concrete form or mill scale, or to areas where compressed air is used in a fixed process, such as attached to a machine.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.12)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.12 Compressed Gas Cylinders. The employer shall ensure compliance with the following requirements:

(a) Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored;

(b) Cylinder valves shall be closed when work is finished and when cylinders are empty or are moved;

(c) Compressed gas cylinders shall be secured in an upright position at all times, except if necessary for short periods of time when cylinders are actually being hoisted or carried;

(d) Cylinders shall be kept far enough away from the actual welding or cutting operation or protected by a fire resistant barrier so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided, as required by NFPA 51B and Saf-C 6008;

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(e) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour; and

(f) Compressed gas shall not be used for cleaning purposes.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.13)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.13 Concrete, Concrete Forms, and Shoring. The employer shall ensure compliance with the following requirements:

(a) Employees shall not work above vertically protruding reinforcing steel, unless it has been protected to eliminate the hazard of impalement;

(b) Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a deadman-type operating control; and

(c) Formwork and shoring shall safely support all loads imposed during concrete placement. Drawings or plans of jack layout, formwork, shoring, working decks, and scaffolding systems shall be available at the jobsite.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED 10-09-06
(formerly Lab 1403.14)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.14 Confined Space Entry.

(a) The employer shall evaluate the workplace to determine if any areas are confined spaces as defined under Lab 1402.02.

(b) If an area is found to be a confined space, the employer shall meet the following requirements:

(1) The employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of, and the danger posed by, the confined spaces;

(2) A minimum of 2 employees shall be assigned to the work activity involving entry into a confined space. One employee shall act as an attendant/observer and remain outside of the space for the duration of the entry operation;

(3) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space;

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(4) Testing required by (b) (3)-above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:

- a. Oxygen content;
- b. Flammable gases and vapors; and
- c. Potential toxic air contaminants;

(5) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for conducting entry operations including purging, making inert, flushing or ventilating the confined space;

(6) Confined space entrants shall use appropriate personal protective and retrieval equipment. The retrieval equipment shall allow for attendant /observer non-entry rescue;

(7) The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them; and

(8) A procedure shall be implemented which shall require a written permit evidencing that the above steps were taken prior to entering a confined space.

(c) The training in (b)(7) above shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.15)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.15 Cranes and Derricks. The employer shall ensure compliance with the following requirements:

(a) The employer shall comply with the manufacturer's specifications and limitations as supplied by the manufacturer;

(b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be conspicuously posted on all equipment and complied with. Instructions or warnings shall be visible from the operator's station;

(c) Equipment shall be inspected by a competent person before each use and during use, and all deficiencies corrected before further use;

(d) Accessible areas within the swing radius of the rear of the rotating superstructure shall be barricaded to prevent employees from being struck or crushed by the crane;

(e) No part of a crane or its load shall be operated:

- (1) Within 10 feet of a line rated 50 kV or below;

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- (2) Within 10 feet + 0.4 inches for each 1 kV over 50 kV for lines rated over 50 kV; or
- (3) Within twice the length of the line insulator, but never less than 10 feet; and

(f) The requirements of the above shall not apply where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers have been erected to prevent physical contact with the lines.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.16)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.16 Disposal Chutes. The employer shall ensure compliance with the following requirements:

(a) Whenever materials are dropped more than 20 feet to any exterior point of a building, an enclosed chute shall be used; and

(b) When debris is dropped through holes in the floor without the use of chutes, the area where the material is dropped shall be enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edges of the opening above. Warning signs of the hazard of falling material shall be posted at each level.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.18)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.17 Dock-boards. The employer shall ensure that, dock-boards, meaning metal plates used to bridge the gap between a loading dock and truck over which industrial trucks travel to load or unload shall meet the following requirements:

(a) Dock-boards shall be strong enough to carry the load imposed on them;

(b) Dock-boards that are portable shall be anchored or equipped with devices which shall prevent their slipping. They shall have handholds or other effective means to allow safe handling; and

(c) Wheel chocks or other devices shall be provided to prevent railroad cars from being moved while dock-boards are in position.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.19)

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New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.18 Ergonomics.

(a) Each employer shall evaluate all incidences of ergonomically related injuries, such as repetitive motion trauma, carpal tunnel syndrome and back injuries, and make necessary workplace modifications to prevent recurrences.

(b) The employer shall develop training procedures for employees who might be subject to ergonomic exposures such as those listed above.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.22)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.19 Excavating and Trenching. The employer shall ensure compliance with the following requirements:

(a) Before excavation, underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area;

(b) A competent person as defined in Lab 1402.01 shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter;

(c) The inspection shall be performed at the beginning of each day and at least 4 times during the workday thereafter, and include the following:

(1) Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench; and

(2) If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (d) below have been met to safeguard the employees;

(d) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground;

(e) In excavations which employees might be required to enter, excavated or other material shall be stored and retained at least 2 feet or more from the edge of the excavation;

(f) Trenches 4 feet deep or more shall have an adequate means of exit such as ladders or steps in the protected area of the trench. The exit shall be located so as to require no more than 25 feet of lateral travel; and

(g) Excavations near retaining walls, utility poles and other objects that are supported by compacted soil shall be supported at all times to prevent their collapse or undermining.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.23)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.20 Exits.

(a) Every building designed for human occupancy shall be provided with exits sufficient to permit safe escape of occupants in case of emergency.

(b) In hazardous areas, or where employees might be endangered by the blocking of any single means of egress due to fire or smoke, there shall be at least 2 means of egress remote from each other.

(c) Exits and the way of approach and travel from exits shall be maintained so that they are unobstructed and are accessible at all times.

(d) All exits shall discharge directly to the street or other open space that provides safe access to a public way.

(e) Exit doors serving more than 50 people, or at high hazard areas, shall swing in the direction of exit travel.

(f) Exits shall be marked by clearly visible, suitably illuminated exit signs. Exit signs shall be distinctive in color and provide contrast with the surroundings. The word "EXIT" shall be of plainly legible letters, not less than 6 inches high.

(g) Any door, passage, or stairway which is neither an exit nor a way of exit access, and which is so located or arranged as to be likely mistaken for an exit, shall be identified by a sign reading "Not An Exit".

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.25)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.21 Fall Protection.

(a) This section shall not apply to stairways, ladders and scaffolds, cranes and derricks or steel erection.

(b) The employer shall ensure that each employee on a walking/working surface with an unprotected side or edge which is 4 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems or personal fall arrest systems.

(c) The requirement in (a) above shall apply to the following surfaces:

- (1) Hoist areas;
- (2) Holes;
- (3) Form-work and reinforcing steel;
- (4) Ramps;

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- (5) Runways and walkways;
- (6) Excavations;
- (7) Bricklaying;
- (8) Working above dangerous equipment;
- (9) Roofing work;
- (10) Pre-cast concrete erection;
- (11) Wall openings; and
- (12) Other walking/working surfaces.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.29)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.20)

Lab 1403.22 Flagger. The employer shall ensure compliance with the following requirements:

- (a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flagger shall be provided;
- (b) A flagger shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with high visibility material that is visible through the full range of the flag person's body motions; and
- (c) A flagger shall be provided with and use a combination Stop/Slow paddle while flagging that is:
 - (1) Highly visible;
 - (2) At least 18 inches in height and width; and
 - (3) With lettering at least 6 inches in height.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.32)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.21)

Lab 1403.23 Flammables and Combustible. The employer shall ensure compliance with the following requirements:

- (a) Flammable liquids shall be stored only in containers designed for that purpose;

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(b) Portable containers in excess of one gallon capacity shall have a self-closing lid and a pressure relief device;

(c) Flammable and combustible liquids shall be drawn from or transferred into containers only through a closed piping system, by means of a device drawing through the top, or by gravity through a self-closing valve. Transferring by means of air pressure shall be prohibited;

(d) Precautions shall be taken to prevent the ignition of flammable vapors;

(e) Automatic overhead extinguishers or portable fire extinguishers shall be available at locations where flammable or combustible liquids are stored;

(f) Conspicuous and legible signs prohibiting smoking shall be posted in service and refueling areas;

(g) A portable fire extinguisher designated at least 6# BC shall be located within 75 feet of any refueling area;

(h) Flammables such as draperies, curtains, area rugs, and other similar furnishings and decorations in educational facilities shall not be permitted unless treated with fire-retardant coatings; and

(i) Artwork and teaching materials in educational facilities shall be permitted to be attached directly to walls. Such materials shall not exceed 20 percent of the wall area in buildings not protected throughout by an approved supervised automatic sprinkler system and 50 percent of the wall area in buildings protected throughout by an approved supervised automatic sprinkler system.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.33)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.24 Floor Openings and Open Sides. The employer shall ensure compliance with the following requirements:

(a) Every stairway and ladder way floor opening shall be guarded by a standard railing on all exposed sides except at the entrance. The entrance to ladder way openings shall be guarded to prevent a person from walking directly into the opening;

(b) Every hatchway and chute floor opening shall be guarded by a hinged floor opening cover equipped with standard railings to leave only one exposed side or by a removable railing with toeboard on not more than 2 sides and a fixed standard railing with toeboards on all other exposed sides; and

(c) Every floor hole into which persons can accidentally walk shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover capable of supporting at least twice the weight of employees, equipment, and materials that might be imposed on the cover at any one time. All covers shall be secured to prevent accidental displacement and shall be marked with the word "hole" or "cover" to provide warning of the hazard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.34)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.22)

Lab 1403.25 Forklift Trucks and Powered Industrial Trucks. The employer shall ensure compliance with the following requirements:

(a) If at any time a powered industrial truck is in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition;

(b) Forklift trucks with extended lifts shall be equipped with an overhead guard unless operating conditions do not permit;

(c) Fork trucks shall be equipped with a vertical load backrest extension when the type of load presents a hazard to the operator;

(d) The brakes of highway trucks and trailers shall be set and wheel chocks placed under the rear wheels to prevent the truck from rolling while fork trucks are entering or leaving; and

(e) Employers shall verify that the above equipment shall be operated by competent individuals as defined in Lab 1402.01.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.35)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.23)

Lab 1403.26 Guards. The employer shall ensure that guards for mechanical power transmission equipment be made of metal or other rigid material. Except that wood guards may be used in the woodworking and chemical industries, in industries where atmospheric conditions would rapidly deteriorate metal guards, or where temperature extremes make metal guards undesirable.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.37)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.24)

Lab 1403.27 Hand Tools. The employer shall ensure compliance with the following requirements:

(a) Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment furnished by employees;

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(b) All hand tools shall be kept in safe condition. Handles of tools shall be kept tight in the tool, and wooden handles shall be free of splinters or cracks. Wedges, chisels, and similar tools shall be free of mushroomed heads. Wrenches shall not be used when sprung to the point that slippage occurs; and

(c) Electric power operated tools shall either be double-insulated, grounded, or used with ground fault circuit interrupters.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.38)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (Lab 1403.25)

Lab 1403.28 Hoists. The employer shall ensure compliance with the following requirements:

(a) The employer shall comply with the hoist manufacturer's specifications and limitations as to the proper use and installation of the equipment, whether at a portable or fixed location;

(b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be visibly marked on cars and platforms;

(c) Hoistway entrances of material hoists shall be protected by full width gates or bars;

(d) Hoistway doors or cages of personnel hoists shall be not less than 6 feet 6 inches high and shall be protected with mechanical locks which cannot be operated from the landing side and shall be accessible only to persons on the car; and

(e) Overhead protective coverings shall be provided on the top of the hoist cage or platform.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.39)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.26)

Lab 1403.29 Housekeeping. The employer shall ensure compliance with the following requirements:

(a) Form and scrap lumber with protruding nails and all other debris shall be kept clear from all work areas;

(b) Combustible scrap and debris shall be removed from work areas at least daily;

(c) Trash shall be disposed of on a regular basis, and at other times when necessary;

(d) All places of employment, passageways, storerooms, and service rooms shall be kept clean and in a sanitary condition; and

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(e) All floors shall be kept clean, dry, safely maintained, and free from trip hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.40)

New. #8796, eff 1-11-07 (formerly and moved by Lab
1403.28); ss by #10809, eff 4-9-15 (from Lab 1403.27)

Lab 1403.30 Hygiene and Sanitation. The employer shall ensure compliance with the following requirements:

(a) A supply of potable water shall be provided in all places of employment;

(b) Potable drinking water containers shall be capable of being tightly closed and be equipped with a tap;

(c) Every employer shall provide and maintain sanitary and hygienic toilet facilities; and

(d) The above shall not apply to mobile crews or normally unattended locations, as long as employees working at these locations have transportation immediately available to nearby locations that provide water and sanitary facilities.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.41)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.28)

Lab 1403.31 Jointers. The employer shall ensure compliance with the following requirements:

(a) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which shall cover the section of the head on the working side of the fence or cage, and a guard which shall cover the back of the cage or fence; and

(b) A jointer guard shall automatically adjust itself to cover the unused portion of the head, and shall remain in contact with the material at all times.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.42)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.29)

Lab 1403.32 Ladders. The employer shall ensure compliance with the following requirements:

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(a) Fixed ladders shall comply with the following requirements:

- (1) Rungs shall have a minimum diameter of 3/4 inch, if metal, or 1-1/8 inches, if wood;
- (2) Rungs shall be a minimum of 16 inches in length and be spaced uniformly no more than 12 inches apart;
- (3) Cages, wells, or safety devices, such as fall prevention systems for ladders shall be provided on all ladders more than 20 feet in length;
- (4) Landing platforms shall be provided each 30 feet of travel, where cages are provided. Where no cage is provided, landing platforms shall be provided for every 20 feet of travel;
- (5) Tops of cages on fixed ladders shall extend at least 42 inches above top of landing. The bottom of the cage shall be not less than 7 feet or more than 8 feet above the base of the ladder; and
- (6) Side rails shall extend 3-1/2 feet above the landing.

(b) Portable ladders shall comply with the following requirements:

- (1) Stepladders shall be equipped with a metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position;
- (2) Ladders shall be inspected prior to use and those which have developed defects shall:
 - a. Be withdrawn from service for repair or destruction; and
 - b. Be tagged or marked as "Dangerous, Do Not Use";
- (3) Ladders that are not self-supporting shall be erected on a sound base at a 4/1 pitch and placed to prevent slipping;
- (4) The side rails of a ladder used to gain access to a roof or platform shall extend at least 3 feet above the landing;
- (5) Portable metal ladders shall not be used for electrical work or where they might contact electrical conductors; and
- (6) Portable ladders shall be safely secured when not in use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.45)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.30)

Lab 1403.33 Lasers. The employer shall ensure compliance with the following requirements:

- (a) Only employees who have had training by the employer or equipment manufacturer shall be assigned to install, adjust, and operate laser equipment;

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(b) Employees shall wear appropriate eye protection designed to safeguard against potential exposure to laser light greater than 0.005 watts (5 milliwatts);

(c) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off;

(d) Employees shall not be exposed to light intensities above the following:

- (1) Direct staring - 1 micro-watt per square centimeter;
- (2) Incidental observing - 1 milliwatt per square centimeter; and
- (3) Diffused reflected light - 2-1/2 watts per square centimeter; and

(e) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.46)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.31)

Lab 1403.34 Liquefied Petroleum Gas (LPG). The employer shall ensure compliance with the following requirements:

(a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators which are designed for use with LPG;

(b) Every container and vaporizer shall be provided with one or more safety relief valves or device;

(c) Containers shall be placed upright on firm foundations or otherwise firmly secured;

(d) Portable heaters shall be equipped with an automatic device to shut off the flow of gas in the event of flame failure;

(e) Storage of LPG within buildings shall be prohibited; and

(f) Storage locations shall have at least one portable fire extinguisher, designed 20#BC.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.47)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.35 Lockout The employer shall ensure compliance with the following requirements:

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(a) All stored energy hazards including but not limited to the following shall be released, locked-out, or otherwise rendered non-hazardous prior to commencement of any work which could subject the employee to potential injury:

- (1) Hydraulic pressure;
- (2) Pneumatic pressure;
- (3) Steam pressure;
- (4) Vacuum;
- (5) Electricity;
- (6) Mechanical; and
- (7) Gravity.

(b) Padlocks shall be made available to employees for the purpose of locking-out equipment when required.

(c) Only the individual who is working on the equipment shall be allowed to remove the lockout device.

(d) Lockout devices shall indicate the identity of the employee applying the device(s).

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.48)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.32)

Lab 1403.36 Machine Guarding. The employer shall ensure compliance with the following requirements:

(a) Machine guarding shall be provided to protect employees from hazards such as those created by point of operation, nip points, rotating parts, flying chips and sparks.

(b) Machine guarding shall comply with the following requirements:

- (1) The guard shall be such that it cannot pose an accident hazard in itself; and
- (2) Point of operation guarding devices shall be so designed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(c) Machines which require point of operation guarding shall include:

- (1) Guillotine cutters;
- (2) Shears;
- (3) Alligator shears;

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- (4) Power presses;
- (5) Milling machines;
- (6) Power saws;
- (7) Jointers; and
- (8) Forming rolls and calendars.

(d) Special supplemental hand tools shall be used for placing and removing materials within the danger zone of the machine.

(e) Except as allowed by (i) below, Guards shall be required within 7 feet of the floor or working platform to protect from the following machinery:

- (1) Fan blades;
- (2) Belts;
- (3) Pulleys;
- (4) Sprockets;
- (5) Chains;
- (6) Flywheels;
- (7) Shafting;
- (8) Shaft projections;
- (9) Gears;
- (10) Couplings; and
- (11) Rotating or reciprocating parts.

(f) Flywheels protruding through a working floor shall be guarded.

(g) Where both runs of horizontal belts are 7 feet or less from the floor or working surface, the guard shall extend at least 15 inches above the belt.

(h) Safety sleeves shall be required to guard couplings with bolts, nuts, or set screws extending beyond the flange.

(i) Belts, pulleys, and shafting located in rooms used exclusively for power transmission apparatus shall not be required to be guarded when the following requirements have been met:

- (1) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance; or
- (2) The route followed by the oiler is protected in such a manner as to prevent accidents.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.49)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.33)

Lab 1403.37 Machinery in a Fixed Location. The employer shall ensure that machines designed for a fixed location shall be securely anchored to prevent walking or moving, or designed in such a manner that they do not move in normal operation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.50)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.34)

Lab 1403.38 Mechanical Power Presses. The employer shall ensure compliance with the following requirements:

(a) The employer shall provide and ensure the usage of point-of-operation guards or properly applied and adjusted point-of-operation devices, per the manufacturer's recommendation, to prevent entry of hands or fingers into the point-of-operation by reaching through, over, under, and around the guard on every operation performed on a mechanical power press. This requirement shall not apply when the point-of-operation opening is 1/4 inch or less;

(b) A guard shall be placed over the treadle of foot-operated presses;

(c) Pedal counterweights, if provided on foot-operated presses, shall have the path of travel of the weight enclosed; and

(d) Machines using full revolution clutches shall incorporate a single stroke mechanism except where automatically fed in continuous operation and where the points of operation are safeguarded by a fixed barrier guard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.51)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.35)

Lab 1403.39 Medical Services. In addition to the requirement for a medical chest required in RSA 277:6, the employer shall ensure emergency telephone numbers for ambulance service, hospital, or physician shall be posted throughout the facility.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.21)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.36)

Lab 1403.40 Mechanized Equipment. The employer shall ensure compliance with the following requirements:

(a) All construction equipment in use shall be checked at the beginning of each shift to assure that all parts, equipment, and accessories that affect safe operation are in proper operating condition and free from defects. All defects shall be corrected before the vehicle is placed in service;

(b) No employer shall use any motor vehicle, earthmoving, or compacting equipment having an obstructed view to the rear unless:

(1) The vehicle has a reverse signal alarm distinguishable from the surrounding noise level; or

(2) The vehicle is backed up only when an appointed observer signals that it is safe to do so; and

(c) Heavy machinery, equipment, or parts thereof which are suspended or held aloft shall be blocked to prevent falling or shifting before employees are permitted to work under or between them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.53)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.37)

Lab 1403.41 Noise Exposure. The employer shall ensure compliance with the following requirements:

(a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.

(b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 1400.1, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.

(c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

Table1400.1 Permissible Noise Exposure

	Sound Level
	dBA Slow
Duration Per Day, Hours	Response
8	90

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6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.54)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.38)

Lab 1403.42 Overheads and Gantry Hoists and Cranes. The employer shall ensure compliance with the following requirements:

(a) All functional operating mechanisms, air and hydraulic systems, chains, rope slings, hooks, and other lifting equipment shall be visually inspected before each use by the operator;

(b) Complete inspection of the crane shall be performed at least once per year;

(c) The inspection shall include the following:

(1) Identifying deformed, cracked, corroded, worn, or loose members or parts; and

(2) Ensuring the good working order of the following:

- a. Brake system;
- b. Limit indicators;
- c. Power plant; and
- d. Electrical apparatus;

(d) Overhead cranes shall have stops at the limit of travel of the wheels; and

(e) The rated load of the crane shall be plainly marked on each side of the crane as follows:

(1) If the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block; and

(2) The marking shall be clearly legible from the ground or floor.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.55)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.39)

Lab 1403.43 Personal Protective Equipment. The employer shall ensure compliance with the following requirements:

(a) The employer shall assess the hazards and provide and require the use of appropriate personal protective equipment where indicated based upon that assessment;

(b) Where employees furnish their own personal protective equipment, the employer shall be responsible to, assure its adequacy and, to ensure that the equipment is properly maintained and in a sanitary condition;

(c) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jackets or buoyant work vests; and

(d) Emergency eye wash/shower stations shall be tested periodically and testing records shall be maintained by the employer.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.56)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.40)

Lab 1403.44 Portable Abrasive Wheel Machinery. The employer shall ensure compliance with the following requirements:

(a) Abrasive wheels shall be used only on machines provided with safety guards; ;

(b) The following shall be exempt from the safety guard requirement in (a) above:

(1) Wheels used while within the work being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.

(c) A safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel;

(d) Safety guards used on right angle head or vertical portable grinders shall:

(1) Have a maximum exposure angle of 180 degrees; and

(2) Meet the following minimum requirements:

a. The above guard shall be so located so as to be between the operator and the wheel during use; and

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- b. Adjustment of the guard shall be such that pieces of an accidentally broken wheel shall be deflected away from the operator.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.58)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.41)

Lab 1403.45 Portable Pneumatic Powered Tools. The employer shall ensure compliance with the following requirements:

(a) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled; and

(b) Hose and hose connections used for delivering compressed air shall be designed for the pressure and service to which they are used.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.58)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
1403.42)

Lab 1403.46 Powder-Actuated Tools. The employer shall ensure compliance with the following requirements:

(a) Only employees trained by the employer or equipment manufacturer shall be allowed to operate powder-actuated tools;

(b) All powder-actuated tools shall be tested by the employee before each use and all defects discovered before or during use shall be corrected; and

(c) Tools shall not be loaded until immediately before use. A loaded tool shall not be left unattended.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.60)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.43)

Lab 1403.47 Radiation. The employer shall ensure compliance with the following requirements:

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- (a) Employers shall provide controls to prevent any employee from being exposed to radiation, either ionizing or electromagnetic, in excess of acceptable limits as established by He-P 4001;
- (b) Each radiation area shall be conspicuously posted with visible signs and/or barriers; and
- (c) Employers shall maintain records of the radiation exposure of all employees who are required to work in these areas.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.61)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.44)

Lab 1403.48 Railings. The employer shall ensure compliance with the following requirements:

- (a) This section shall not apply to scaffolding and stairway railings;
- (b) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches from upper surface of top rail to floor, or platform;
- (c) A railing for open-sided floors, platforms, and runways shall have a toeboard which shall be a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials whenever persons can pass beneath the open side, or where there is equipment with which falling materials could cause a hazard; and
- (d) Railings shall be of such construction that the complete structure shall be capable of withstanding a load of at least 200 pounds in the vertical or horizontal direction.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.62)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.45)

Lab 1403.49 Record Keeping. The employer shall ensure compliance with the following requirements:

- (a) An annual log of all workplace injuries and illnesses, for which an employer's first report of injury is submitted to the department of labor, shall be kept at the place of employment and made available to a safety inspector upon request;
- (b) Employers having existing records or logs of injuries and illnesses, required by other agencies, may provide them to meet this requirement; and
- (c) The log shall include, at a minimum, the following information:
 - (1) Date of injury;

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- (2) Name of employee;
- (3) Occupation of employee;
- (4) Description of the injury or illness;
- (5) Whether lost time was involved; and
- (6) The date employee returned to work.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.63)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.46)

Lab 1403.50 Respiratory Protection. The employer shall ensure compliance with the following requirements:

- (a) Respirators shall be selected by the employer on the basis of the hazard to which the worker is exposed and shall be provided by the employer as necessary to protect the health of the workers;
- (b) Employees who are expected to use respirators shall be fit tested to ensure that an adequate face-to-facepiece seal can be maintained;
- (c) Both the supervisors and the workers shall be instructed, by the employer, in the selection, use, and maintenance of respirators;
- (d) Respirators shall be cleaned and disinfected, and shall be inspected during cleaning. Deteriorated parts shall be replaced;
- (e) Respirators for emergency use shall be inspected at least once a month and after each use; and
- (f) When not in use, respirators shall be stored in a clean and sanitary location.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.64)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.47)

Lab 1403.51 Revolving Drums. The employer shall ensure that revolving drums, barrels, or containers shall be guarded by an interlocked enclosure that shall prevent the drum from revolving unless the guard enclosure is in place.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.65)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.48)

Lab 1403.52 Rollover Protective Structures (ROPS). The employer shall ensure that, except for side boom pipe laying tractors and compactors, rollover protective structures of substantial strength be used with the following types of materials handling equipment:

- (a) All rubber-tired, self-propelled scrapers;
- (b) Rubber-tired front-end loaders;
- (c) Rubber-tired dozers;
- (d) Wheel-type agricultural and industrial tractors;
- (e) Crawler tractors;
- (f) Crawler-type loaders;
- (g) Motor graders, with or without attachments, that are used in construction work; and
- (h) Forklifts trucks and powered industrial trucks.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.66)

New. #8796, eff 1-11-07 (from Lab 1403.56); ss by
#10809, eff 4-9-15 (from Lab 1403.49)

Lab 1403.53 Safety Nets. The employer shall ensure that, where nets are used, operations shall not be undertaken until the net system is installed by a person trained by the employer or equipment manufacturer and the system complies with all industry standards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.67)

New. #8796, eff 1-11-07 (from Lab 1403.57); ss by
#10809, eff 4-9-15 (from Lab 1403.50)

Lab 1403.54 Saws. The employer shall ensure compliance with the following requirements:

- (a) Band saws shall comply with the following requirements:
 - (1) All portions of band saw blades shall be enclosed or guarded except for the working portion of the blade between the bottom of the guide rolls and the table; and

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- (2) Band saw wheels shall be fully enclosed according to the following requirements:
 - a. The outside periphery of the enclosure shall be solid; and
 - b. The front and back shall be either; solid wire mesh or perforated metal;
- (b) Portable circular saws shall comply with the following requirements:
 - (1) All portable power-driven circular saws having a blade diameter greater than 2 inches shall be equipped with guards above and below the base plate or shoe;
 - (2) The lower guards shall cover the saw to the depth of the teeth, except for the minimum area required to permit the base plate to be tilted for bevel cuts, and shall automatically return to the covering position when the blade is withdrawn from the work;
- (c) The above provision shall not apply to circular saws used in the meat industry for meat cutting purposes;
- (d) Radial saws shall comply with the following requirements:
 - (1) Radial saws shall have an upper guard which completely encloses the upper half of the saw blade;
 - (2) The sides of the lower exposed portion of the blade shall be guarded by a device that shall automatically adjust to the thickness of the material and remain in contact with the material being cut;
 - (3) Radial saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted;
 - (4) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the table, or the position necessary to complete the cut in repetitive operations; and
 - (5) Radial saws shall be installed so that the cutting head shall return to the starting position when released by the operator;
- (e) Swing or sliding cut-off saws shall comply with the following requirements:
 - (1) All swing or sliding cut-off saws shall be provided with a hood that shall completely enclose the upper half of the saw;
 - (2) Limit stops shall be provided to prevent swing or sliding type cut-off saws from extending beyond the front or back edges of the table;
 - (3) Each swing or sliding cut-off saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel; and
 - (4) Inverted cut-off saws shall be provided with a hood that shall cover the part of the saw that protrudes above the top of the table or material being cut; and
- (f) Table saws shall comply with the following requirements:
 - (1) Circular table saws shall have a hood over the portion of the saw above the table, with the hood mounted so that it shall automatically adjust itself to the thickness of and remain in contact with the material being cut;

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(2) Circular table saws shall have a spreader aligned with the blade spaced no more than 1/2 inch behind the largest blade mounted in the saw. The provision of a spreader in connection with grooving, dadoing, or rabbeting shall not be required;

(3) Circular table saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted; and

(4) Feed rolls and blades of self-feed circular saws shall be protected by a hood or guard to prevent the hand of the operator from coming in contact with the in-running rolls at any point.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.58)

New. #8796, eff 1-11-07 (from Lab 1403.58); ss by #10809, eff 4-9-15 (from Lab 1403.51)

Lab 1403.55 Scaffolds. The employer shall ensure compliance with the following requirements:

(a) Scaffolds shall be erected on sound, rigid footing capable of carrying the maximum intended load without settling or displacement;

(b) All planking shall stress-graded lumber to assure the quality of the lumber; and

(c) The maximum permissible spans for 2 x 10 or wider planks shall be as shown in Table 4 1400.2, Planking Material Thickness:

Table 1400.2 – Planking Material Thickness

	Full Thickness Undressed Lumber			Nominal Thickness Lumber	
	25	50	75	25	50
Working load (p.s.f.)					
Permissible Span (ft.)	10	8	6	8	6

(d) The maximum permissible span for 1-1/4 x 9 inch or wider plank of full thickness is shall be 4 feet, with medium loading of 50 p.s.f.;

(e) Scaffold planking shall be overlapped a minimum of 12 inches or secured from movement;

(f) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches;

(g) Defective parts of all scaffolding and accessories shall immediately be replaced or repaired;

(h) An access ladder or equivalent safe access shall be provided;

(i) Mobile platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening, and platforms shall be secured in place;

(j) All employees working on suspension scaffolds shall be protected by a safety life belt attached to a lifeline which shall comply with the following requirements:

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(1) The lifeline shall be securely attached to substantial members of the structure, not the scaffold, or to securely rigged lines, which shall safely suspend the employee in case of a fall; and

(2) In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be changed as the work progresses; and

(k) Tubular welded frame scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, as follows:

(1) The cross braces shall be of such length as shall automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid; and

(2) All brace connections shall be made secure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.69)

New. #8796, eff 1-11-07 (from Lab 1403.59); ss by
#10809, eff 4-9-15 (from Lab 1403.52)

Lab 1403.56 Spray Finishing Operations. The employer shall ensure compliance with the following requirements:

(a) In conventional dry type spray booths, over-spray dry filters or filter rolls shall ensure an average air velocity over the face of the booth of not less than 100 linear feet per minute;

(b) Electrostatic spraying operations shall be conducted with an air velocity of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics ;

(c) Visible gauges or an audible alarm or pressure-activated devices shall be installed to indicate or ensure that the required air velocity is maintained;

(d) Filter pads shall be inspected, and clogged filter pads discarded, and replaced. Filter rolls shall be inspected to ensure proper replacement of filter media;

(e) Spray booths shall be so installed that all portions are readily accessible for cleaning;

(f) A clear space of not less than 3 feet on all sides of a spray booth shall be kept free from storage or combustible construction;

(g) There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition capable of stopping vapor travel;

(h) Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area shall be of explosion proof type;

(i) The quantity of flammable or combustible liquids kept in the vicinity of spraying operations shall be the minimum required for operations and shall not exceed a supply for one day or one shift;

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(j) Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be bonded and grounded to prevent discharge sparks of static electricity;

(k) All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonspark material;

(l) Residue scrapings and debris contaminated with residue shall be immediately removed from the premises; and

(m) "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.70)

New. #8796, eff 1-11-07 (from Lab 1403.60); ss by
#10809, eff 4-9-15 (from Lab 1403.53)

Lab 1403.57 Stairs. The employer shall ensure compliance with the following requirements:

(a) Every flight of stairs having 4 or more risers shall be equipped with standard stair railings or standard handrails as specified below:

(1) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(2) On stairways less than 44 inches wide having both sides open, one stair railing on each side; and

(3) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(b) A stair railing shall be not more than 34 inches nor less than 30 inches from the upper surface of the top rail to the surface of tread in line with the face of riser at the forward edge of tread;

(c) Riser height and tread width shall be uniform throughout any flight of stairs;

(d) Hollow pan-type metal stairs shall be filled to the level of the nosing with solid material;

(e) Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels and for access to operating platforms at any equipment which requires attentions routinely during operations. Fixed stairs shall also be provided where access to a raised structure or floor is traveled daily or at each shift where such work might expose employees to harmful substances, or for which purposes that carrying of tools or equipment by hand is normally required; and

(f) Spiral stairways shall be prohibited except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

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New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.71)

New. #8796, eff 1-11-07); ss by #10809, eff 4-9-15

Lab 1403.58 Storage. The employer shall ensure compliance with the following requirements:

(a) All stored materials stacked in tiers shall be stacked, blocked, interlocked, and limited in height so that they are secure against sliding or collapse;

(b) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage. Vegetation control shall be exercised when necessary; and

(c) Where mechanical handling equipment is used, aisles that are not clearly defined shall be marked with reflective paint or tape, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways, and whenever turns or passage is made.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.73)

New. #8796, eff 1-11-07 (from Lab 1403.61); ss by
#10809, eff 4-9-15 (from Lab 1403.54)

Lab 1403.59 Tanks with Open Surface. The employer shall ensure compliance with the following requirements:

(a) Where ventilation is used to control potential exposure to employees, it shall reduce the concentration of the air contaminant to the degree that a hazard to employees does not exist;

(b) Whenever there is a danger of toxic substances being splashed, the employees shall wear either tight-fitting chemical goggles or an effective face shield;

(c) Near each tank containing liquid which might be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch. At no time shall water pressure for eyewashes exceed 25 p.s.i. Alternatively, deluge showers and eye flushes shall be provided; and

(d) All employees working in and around open-surface tank operations shall be trained by the employer as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.74)

New. #8796, eff 1-11-07 (from Lab 1403.62); ss by
#10809, eff 4-9-15 (from Lab 1403.55)

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Lab 1403.60 Tire Cages. The employer shall ensure that a safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.75)

New. #8796, eff 1-11-07 (from Lab 1403.63); ss by
#10809, eff 4-9-15 (from Lab 1403.56)

Lab 1403.61 Toxic Substance

(a) The employer shall remove hazards from the workplace, and establish policies and work practices aimed at maintaining a safe work environment to protect workers from exposure to hazardous and toxic substances such as radioactive substances or other hazardous substances which are defined as a toxic substance under RSA 277-A:3 V.

(b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.77)

New. #8796, eff 1-11-07 (from Lab 1403.64); ss by
#10809, eff 4-9-15 (from Lab 1403.57)

Lab 1403.62 Traffic Control.

(a) The employer shall ensure that an effective means for control of pedestrian and vehicular traffic be instituted on every job site where necessary.

(b) Under the authority of RSA 277:16 and in reference to traffic control devices on job sites, the employer shall ensure compliance with Part 6 of the 2009 Edition with revisions 1 and 2 dated May 2012 of the Federal Highway Administration Manual on Uniform Traffic Control Devices MUTCD approved under 23CFR PART 630, Subpart F, 630.1106 (c), effective January 15, 2010, as specified in Appendix B.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.78)

New. #8796, eff 1-11-07 (from Lab 1403.65); ss by
#10809, eff 4-9-15 (from Lab 1403.58)

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Lab 1403.63 Trash. The employer shall ensure that all sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary to maintain good sanitary conditions.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.79)

New. #8796, eff 1-11-07 (formerly Lab 1403.66); ss by #10809, eff 4-9-15 (from Lab 1403.59)

Lab 1403.64 Tree Care Operations. The employer shall ensure compliance with the following requirements:

(a) Head protection shall be worn by workers engaged in tree operations. The head protection worn shall contain the manufacturer's certification that it complies with ANSI Z89.1-1981 with revisions. When working in proximity to electrical lines, the head protection worn shall contain the manufacturer's certification that it is a Class B hard hat which complies with ANSI Z89.1-1981 with revisions;

(b) Safety belts, tree-trimming saddle belts, or a saddle formed by a double bowline on a bight shall be worn to protect workers above ground level;

(c) Saddle belts or safety belts used for climbing operations shall have forged support rings. Snaps used in climbing ropes or in safety straps, for attachment to the forged support ring, shall be of self-closing safety type. Forged support rings shall be designed so that the snaps will not become disengaged, or roll off accidentally;

(d) Climbing ropes shall be used when working aloft in trees. Manila ropes shall have minimum diameter of 1/2 inch 12 mm and shall be 3 or 4 strand first-grade manila, with a rated breaking strength of 2385 pounds or equivalent strength and durability. Synthetic rope shall have a maximum elasticity of not more than 7 percent;

(e) Climbing ropes shall not be used to lower limbs or other parts of trees, or to raise or lower equipment;

(f) The employer shall provide, and the employee shall use, chaps specifically designed to foul a moving chain whenever chain saws are used;

(g) All employees shall be instructed in the hazards associated with working in close proximity to overhead power lines;

(h) It shall be the responsibility of a competent person, as defined by Lab 1402.01, to determine whether tree care operations can be safely performed near energized power lines;

(i) Rescue procedures for employees working above ground shall be established by the employer, and the employees trained accordingly;

(j) Brush chipper access panels for maintenance and adjustment shall be closed and secured prior to operation of brush chippers;

(k) Each rotary drum tree or brush chipper or disk-type tree or brush chipper not equipped with a mechanical in-feed system shall be equipped with an in-feed hopper not less than 85 inches 2.15 m,

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measured from the blades or knives to ground level over the centerline of the hopper, and shall have sufficient height on its side members so as to prevent personnel from contacting the blades or knives of the machine during normal operations;

(l) Each disk-type tree or brush chipper equipped with a mechanical in-feed system shall have a quick stop and reversing device on the in-feed. The activating lever for the quick stop and reversing device shall be located across the top, along each side of, and as close to the feed end of the in-feed hopper as practicable and within easy reach of the operator;

(m) Equipment on which workers stand and spray while the vehicle is in motion shall be equipped with guardrails around the working area;

(n) When using portable powered brush cutting saws no one except the operator shall be within 10 feet (3m) of the cutting head of the brush saw;

(o) The power unit shall be equipped with a quick shutoff switch readily accessible to the operator;

(p) When chainsaws are operated the manufacturer's operating and safety instructions shall be followed;

(q) Chain saw used by employees shall be equipped with a properly adjusted inertia chain brake designed to stop the chain rotation in the event of a saw kickback;

(r) Chain saws weighing more than 15 pounds 6.8 kg that are used in trees shall be supported by a separate line, except when used from an aerial-lift device;

(s) The engine shall be stopped when power saws are being carried. The saw shall not need to be stopped between cuts during consecutive felling, bucking, or climbing or cutting operations on level ground. The chain shall not be turning and the operator's hand shall be off the throttle lever while operators move between work locations. One-man saws shall be carried by the worker on his/her side with the guide bar of the saw pointed to the rear. A two-man saw shall be carried by 2 workers; and

(t) The engine shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor where practical, except where manufacturer's procedures require otherwise.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.80)

New. #8796, eff 1-11-07 (formerly Lab 1403.67); ss by
#10809, eff 4-9-15 (from Lab 1403.60)

Lab 1403.65 Wall Openings. The employer shall ensure that wall openings, from which there is a drop of more than 6 feet and the bottom of the opening is less than 3 feet above the working surface, be guarded.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.81)

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New. #8796, eff 1-11-07 (formerly Lab 1403.68); ss by #10809, eff 4-9-15 (from Lab 1403.61)

Lab 1403.66 Washing Facilities. The employer shall ensure compliance with the following requirements:

(a) Washing facilities shall be maintained in a sanitary condition and be provided in every place of employment except for mobile crews or normally unattended work locations where employees have ready access to nearby sanitary facilities; and

(b) A cleaning agent and either individual hand towels, sections of cloth or paper, warm air blowers, or clean individual sections of continuous cloth toweling shall be provided at washing facilities.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.82)

New. #8796, eff 1-11-07 (formerly Lab 1403.69); ss by #10809, eff 4-9-15 (from Lab 1403.62)

Lab 1403.67 Welding and Cutting. The employer shall ensure compliance with the following requirements:

(a) Welding equipment shall be chosen for safe application to the work and shall be installed properly. Employees designated to operate welding equipment shall be properly instructed and qualified by the employer or equipment manufacturer to operate it;

(b) Mechanical ventilation shall be provided when welding or cutting in an area with less than 10,000 cubic feet per welder, or where the overhead height is less than 16 feet;

(c) Proper shielding and eye protection to prevent exposure of personnel from welding hazards shall be provided;

(d) When welding in a fixed location the welder shall be enclosed with a booth, or non-combustible screening, with a finish of low reflectivity with respect to visible and ultraviolet radiation;

(e) Proper precautions for fire protection such as isolating welding and cutting, removing fire hazards from vicinity, and providing a fire watch shall be taken in areas where welding or cutting is being done;

(f) When welding operations requiring fluxes, coverings, coatings, or alloys, or involving fluorine compounds, zinc, lead, beryllium, cadmium or mercury produce specific health hazards, a competent person shall evaluate potential exposure and ensure necessary protective measures, such as ventilation and personal protective equipment, are used;

(g) Welding and cutting operations shall be shielded by noncombustible or flameproof shields to protect employees from direct arc rays;

(h) Arc welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays;

(i) When electrode holders are left unattended, the electrodes shall be removed and the holder shall be placed or protected so that they cannot make electrical contact with employees or conducting objects;

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(j) All arc welding and cutting cables shall be completely insulated and be capable of handling the maximum current requirements for the job. There shall be no repairs or splices within 10 feet of the electrode holder, except where splices are insulated equal to the insulation of the cable. Defective cable shall be repaired or replaced;

(k) Fuel gas and oxygen hose shall be easily distinguishable and shall not be interchangeable. Hoses shall be inspected at the beginning of each shift and shall be repaired or replaced if defective; and

(l) Oxygen and fuel gas regulators shall be in proper working order when in use.

Source. #10809, eff 4-9-15 (from Lab 1403.63)

Lab 1403.68 Welding in Confined Spaces. The employer shall ensure compliance with the following requirements:

(a) In addition to the requirements in Lab 1403.14, all welding and cutting operations carried on in confined spaces shall be ventilated to prevent the accumulation of toxic substances or possible oxygen deficiency;

(b) In such operations where it is impossible to provide such ventilation, air supplied respirators or hose masks, which are labeled to indicate they are approved by Mine Safety and Health Administration MSHA for this purpose, shall be used;

(c) In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be labeled to indicate it is approved by MSHA;

(d) Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment, a worker shall be stationed on the outside of such confined spaces to ensure the safety of those working within; and

(e) Oxygen shall never be used for ventilation.

Source. #10809, eff 4-9-15 (from Lab 1403.64)

Lab 1403.69 Wire Ropes, Chains, and Rigging Equipment. The employer shall ensure compliance with the following requirements:

(a) Wire ropes, chains, ropes, and other rigging equipment shall be inspected prior to use and as necessary during use to assure their safety. Defective gear shall be removed from service;

(b) Job or shop hooks and links, or makeshift fasteners, formed from bolts and rods, or other such attachments, shall not be used;

(c) When U-bolts are used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope; and

(d) When U-bolt wire rope clips are used to form eyes, Table-1400.3, number and spacing of U-Bolt Wire Rope Clips, shall be used to determine the number and spacing of clips:

Table 1400.3 Number and Spacing of U-Bolt Wire Rope Clips

Improved Plow Steel	Drop	Other	Minimum
Rope Diameter Inches	Forged	Material	Spacing (inches)
½	3	4	3

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5/8	3	4	3-3/4
3/4	4	5	4-1/2
7/8	4	5	4-1/2
1	5	6	6
1-1/8	6	6	6
1-1/4	6	7	7-1/2
1-3/8	7	7	8-1/4
1-1/2	7	8	9

Source. #10809, eff 4-9-15 (from Lab 1403.65)

Lab 1403.70 Woodworking Machinery. The employer shall ensure compliance with the following requirements:

(a) All woodworking machinery such as table saws, swing saws, radial saws, band saws, jointers, tenoning machines, boring and mortising machines, shapers, planers, lathes sanders, and veneer cutters, shall be effectively guarded to protect the operator and other employees from hazards inherent to their operation;

(b) A power control device shall be provided on each machine to make it possible for the operator to cut off the power to the machine without leaving his or her position at the point of operation;

(c) Power controls and operating controls shall be located within easy reach of the operator while he or she is at his or her regular work location, making it unnecessary to reach over the cutter to make adjustments. This shall not apply to constant pressure controls used only for setup purposes;

(d) Each operating treadle shall be protected against unexpected or accidental tripping;

(e) Disconnect switches shall be capable of being locked or tagged in the off position; and

(f) On applications where injury to the operator might result if motors were to restart after a power failure, provision shall be made to prevent machines from automatically restarting upon restoration of power.

Source. #10809, eff 4-9-15 (from Lab 1403.66)

APPENDIX A

Rule	Statute
Lab 1401.01 & 1401.02	RSA 281-A:64, RSA 273:9, RSA 277:13, RSA 277:15
Lab 1401.03 - Lab 1403.35	RSA 281-A:64
Lab 1402.01 & 1402.03	RSA 281-A:64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1402.04	RSA 281-A:64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1402.05	RSA 277:1-b, V
Lab 1403.04	RSA 277:15-a, RSA 277:15-b
Lab 1403.05 – 1403.29	RSA 281-A:64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.30	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.31 - 1403.54	RSA 281-A: 64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.55	RSA 281-A: 64, RSA 273:9, RSA 277: 2, RSA 277:3, RSA 277: 4,

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	RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.56 - 1403.65	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA277:11, RSA 277:13, RSA 277:15
Lab 1403.66	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.67 - 1403.70	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15

APPENDIX B

Rule	Title	Obtain at:
Lab 1403.62(b)	Part 6 of the 2009 Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) with Revisions 1 and 2, May 2012 approved under Rules 23CFR PART 630, Subpart F, 630.1106 (c), effective January 15, 2010	<p>The material can be obtained at no cost on the US Department of Transportation Federal Highway Administration's web site: http://mutcd.fhwa.dot.gov/pdfs/2009/part6.pdf and Links to hard copy publications can be found on their web site at http://mutcd.fhwa.dot.gov/ser-pubs.htm.</p> <p>Costs for hard a copy of publication: AASHTO Bookstore - \$60.00 for non-members; American Traffic Safety Services Assoc. - \$29.70 for non-members (\$22.50 for Flash Drive); Institute of Transportation Engineers - \$50.00; IMSA \$100.00</p>



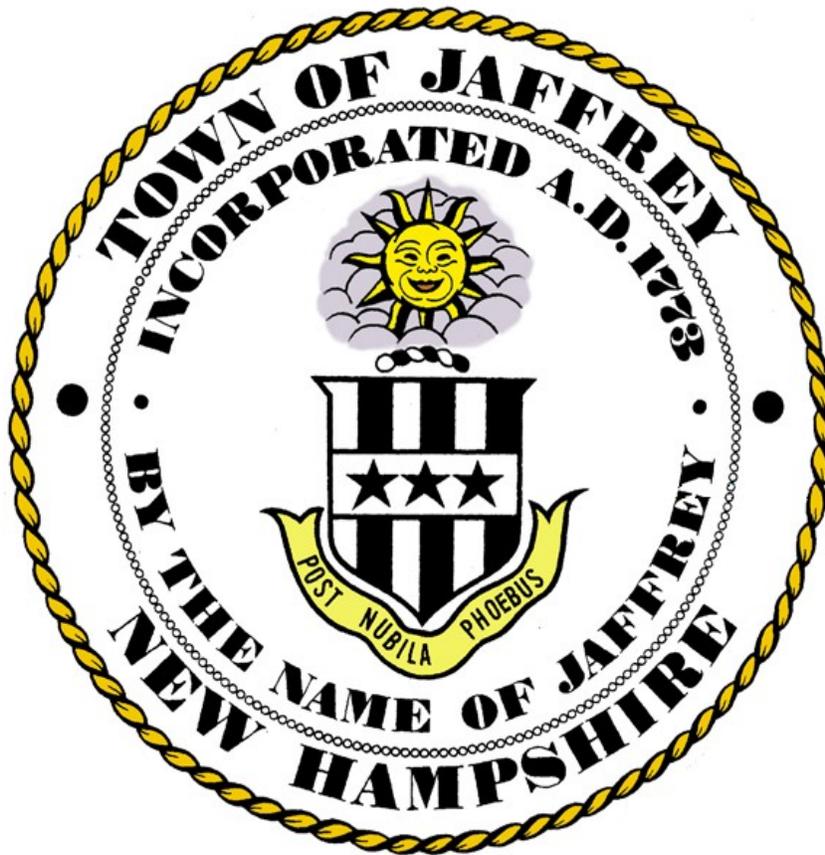
**Town of Jaffrey
Joint Loss Control Committee
Safety Plan**

Appendices

Town of Jaffrey, New Hampshire Employee Handbook

(February 29, 2016 Revision)

(April 29, 2021 Revision)



**TOWN OF JAFFREY
NEW HAMPSHIRE**

EMPLOYEE HANDBOOK

February 29, 2016

Revisions:
April 29, 2021

Town of Jaffrey, NH EMPLOYEE HANDBOOK

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Town of Jaffrey, NH

EMPLOYEE HANDBOOK

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- ❖ Town Offices & Management
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Town of Jaffrey, NH EMPLOYEE HANDBOOK

WELCOME

Congratulations on your appointment and welcome to the Town of Jaffrey. Our staff, volunteers and elected leadership look forward to working with you to ensure your work experience is enjoyable and rewarding.

The information contained within this employee handbook is designed to acquaint you with the organization and set forth obligations, responsibilities, benefits and expectations of both the Town and its employees. Please understand that this information provided in this document is subject to change based upon any pertinent changes to policies and laws of the Town, State of New Hampshire and the United States, as well as fiscal decisions made by the voters at our annual Town Meeting.

The Town of Jaffrey is first and foremost a service organization - we are here to serve the public. We rely on a team approach and open communication to deliver a high level of service to our citizens. We rely on every member of our team to do their part to the best of their ability to deliver outstanding service. Always remember that you represent the Town when carrying out your job duties. It is essential that you maintain a superior level of integrity and respect when interacting with the public and your coworkers.

Again, welcome to the Town of Jaffrey. We look forward to your personal and professional success and the contributions you will make to the Town.

Sincerely,



Jon Frederick
Town Manager

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 1 – INTRODUCTION TO THE TOWN OF JAFFREY

INTRODUCTORY STATEMENT

This Handbook is designed to acquaint you with the Town of Jaffrey as an employer, and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the Handbook, as it will answer many of the questions about employment with the Town of Jaffrey. You should consult with your supervisor or a member of management if you have questions about this Handbook.

This Handbook is presented as a matter of information only and as a guide to the policies of the Town of Jaffrey and is not to be understood or construed as a promise or contract between the Town and its employees. The language used in this Handbook is not intended and should not be construed to constitute expressed or implied contractual terms or conditions of employment. As an employee-at-will, your employment can be terminated, with or without cause, and with or without notice, at any time, at the option of either the Town or yourself.

No employee handbook can anticipate every circumstance or question that may arise about policy. The Town reserves the right to revise, supplement, disregard or rescind any policies or portion of the handbook as the Town deems appropriate. Should changes occur, you will be informed as soon as possible. The adoption of these policies supercedes all previous personnel policies or practices.

All employees including members of a collective bargaining unit must abide by the policies contained in this Handbook. However in the event of a conflict between the collective bargaining agreement and this Handbook, the collective bargaining agreement will prevail.

Employees will be asked to acknowledge, in writing, the receipt of the employee handbook. Said receipt shall become part of the employee's personnel file.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval by the Town Manager of the Town of Jaffrey.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

EMPLOYEE HANDBOOK RECEIPT

The Employee Handbook describes important information about the Town of Jaffrey, and I understand that I am responsible for reading the contents of the Handbook and I should consult my Department Head regarding any questions not answered in this Handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I further understand that the benefits described within the handbook are not guaranteed. Only the Town Manager of the Town of Jaffrey has the ability to adopt any revisions to the policies in this handbook.

Furthermore, **I acknowledge that this handbook is neither an employment contract nor a legal document.** I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

ABOUT THE TOWN OF JAFFREY, NH

There is a special character and quality to Jaffrey, New Hampshire of which its residents appreciate, and visitors admire, long after they return home. Perhaps it is the comforting, peaceful presence of Mount Monadnock that quietly looms over the town. Maybe it is the Town's small, but diverse population - an eclectic combination of families who have lived here for generations, summer people, retired couples who want a quieter life, and families who have moved here to raise their children and educate them in our fine local schools. Regardless, everyone will probably tell you when asked that they come and they stay to enjoy the benefits of rural life and small town living, along with the multitude of recreational, cultural and economic opportunities.

Jaffrey is nestled at the base of famous Grand Monadnock, a part of Cheshire County in the Southwestern corner of New Hampshire, with a population of about 5,500 people. With its three sparkling lakes, rolling countryside, and magic beauty of village greens, Jaffrey is well known as being an outstanding vacation destination. This is a town of spectacular natural beauty and outstanding opportunities for recreation, education, commerce and a safe, healthy life-style.

Indeed, most of us who live here find it to be the best of all worlds.

TOWN OFFICES & MANAGEMENT TEAM

Select Board:	Franklin W. Sterling, Jr. John E. Belletete Kevin Chamberlain
Town Manager:	Jon R. Frederick
Superintendent of Highways & Facilities:	Todd Croteau
Superintendent of Utilities:	Tony Cavaliere
Economic Development Director:	Jo Anne Carr
Finance Director:	Elisa FitzGerald
Fire Chief:	David Chamberlain
Police Chief:	Todd Muilenburg
Public Library Director:	Julie Perrin
Recreation Director:	John Kohlmorgen
Welfare Director:	Carrie Traffie

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 2 – EMPLOYMENT POLICIES

- ❖ Employment-At-Will
- ❖ Employee Relations
- ❖ Equal Employment Opportunity
- ❖ Workplace Harassment
- ❖ Americans with Disabilities Act (ADA)
- ❖ Drug & Alcohol Use
- ❖ Drug/Alcohol Testing
- ❖ Security Inspections
- ❖ Electronic Usage Policy
- ❖ Employment of Relatives

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 2 – EMPLOYMENT POLICIES

201 Employment-At-Will Policy

Employment with the Town of Jaffrey is entered into voluntarily. Employment, unless specifically stated otherwise in writing by the Town Manager, is at-will. This means that you may resign from employment at any time and the Town may terminate your employment at any time for any lawful reason. Only the Town Manager has the authority to agree to enter into a contractual relationship on behalf of the Town.

202 Employee Relations

The Town of Jaffrey believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the Town of Jaffrey amply demonstrates its commitment to employees by responding effectively to employee concerns.

203 Equal Employment Opportunity Policy

The Town of Jaffrey is an Equal Opportunity Employer with a policy of non-discrimination and equal opportunity in hiring and promotion. Individuals are hired and promoted on the basis of their qualifications, experience, ability, and performance. The Town does not discriminate in its employment practices or opportunities on the basis of race, color, religion, national origin, marital or family status, veteran status, sex, sexual orientation, age, physical or mental disability or any other legally protected class. This covers all aspect of the employment relationship.

It is also the policy of The Town of Jaffrey to ensure that all personnel policies and actions, including compensation, benefits, transfers, training programs and discipline be administered without discrimination.

It is the responsibility of every supervisor and manager throughout our organization to ensure full adherence to our equal employment opportunity policy.

If you believe you have been the subject of such discrimination or have witnessed acts of discrimination involving others, please bring this to the attention of a member of management so that it can be investigated and dealt with immediately.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

204 Workplace Harassment Policy

The Town of Jaffrey is committed to providing a work environment that is free from unlawful harassment. Specifically, we prohibit harassment by employees, vendors, agents, or citizens. The Town is committed to providing a workplace free from all types of harassment, including, but not limited to, sexual harassment.

Harassment is unwelcomed annoyances, threats or demands when:

- submission to that conduct is made either explicitly or implicitly as a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component for the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The Town of Jaffrey takes allegations of harassment very seriously and will actively investigate all complaints. If an employee feels that he or she has encountered harassment, the employee should bring the facts to his or her immediate supervisor, the next level manager, the Town Manager, or any level of management with whom the employee feels comfortable.

If it is determined that an individual has engaged in conduct prohibited under this policy, the Town will take appropriate disciplinary action. Any employee, supervisor, or agent who has been found by the employer to have harassed another in the workplace, will be subject to disciplinary action, up to and including termination of employment.

Every effort will be made to treat the complaint in a confidential manner. However, the Town reserves the right to disclose information necessary to conduct an effective investigation. It is unlawful and a violation of this policy to retaliate against an employee for filing a complaint of harassment or for cooperating in an investigation of a harassment complaint.

Employees can raise concerns and make reports without fear of reprisal. However, due to the sensitivity of this issue, and the severity of the consequences for an employee who is found to have engaged in sexual harassment, any employee who is found to have knowingly filed a false claim against any other employee or town official, for whatever reason, will be discharged from employment.

Although employees are encouraged to file their complaint through the Town of Jaffrey's complaint procedure as outlined, the following State agencies also process complaints of harassment:

The United States Equal Employment Opportunity Commission (EEOC)
John F Kennedy Federal Building, 475 Government Center, Boston, MA 02203
1-800-669-4000

New Hampshire Commission for Human Rights
2 Chenell Drive, Concord, NH 03301-8501 (603) 271-2767

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

205 Americans with Disabilities Act (ADA) Policy

The Town is committed to the provisions and principles of the Americans with Disabilities Act (ADA). One of the purposes of this Act is to provide equal employment opportunity for qualified individuals with disabilities. In compliance with ADA, the Town does not discriminate on the basis of disability in any employment policy or program.

A qualified disabled applicant or employee is someone who can perform the essential functions of a job with reasonable accommodation(s). The Town will make reasonable accommodation(s) for such individuals unless it would cause undue business hardship. An individual may self-identify as an individual with a disability at the time of application or at any point during their course of employment. This policy covers all aspects of employment. To request a reasonable accommodation(s) or for additional information regarding ADA, please contact your supervisor or the Town Manager.

206 Drug & Alcohol Use Policy

The Town is required, under the Federal Drug-free Workplace Act, to maintain a drug-free workplace as a condition of receiving federal grants. Therefore, the Town prohibits drug and alcohol use and possession on all Town premises, including during use of Town vehicles or at Town-sponsored events.

Under the Drug-Free Workplace Act, an employee must notify the Town of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction. The Town is also required to report such an incident to the appropriate Federal agency within ten (10) days of such conviction.

While on the Town of Jaffrey premises and while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. In addition, it is prohibited for an employee to use Town property or one's position within the Town to manufacture, transfer, or traffic intoxicants or other illegal drugs.

It is the Town's desire to provide a drug-free, healthy, and safe workplace. To promote this, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Employees who report to work and are unable to perform their duties because of drug or alcohol use, will be sent home without pay and will be subject to disciplinary action up to, and including termination of employment.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees should notify their supervisor of the need to take any legal prescription drug which may affect their ability to perform their job functions safely. Supervisors, in conjunction with the Town Manager, will determine if the employee should remain at work, be assigned to restricted duty, or be sent home. This confidential information will be safeguarded to the extent possible to determine if the employee is able to remain at work.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

In order to determine if an employee has violated this policy, the Town reserves the right to test employees by requiring a medical examination or medical test to determine illegal drug or alcohol use (*See Section 207*). Employees who violate this policy will be subject to disciplinary action, up to and including immediate termination of employment. Disciplinary action may include required participation in a substance abuse rehabilitation or treatment program as a condition of continued employment. Such violations may also have legal consequences.

The Town of Jaffrey encourages employees whose job performance may be affected by alcohol or drug use outside the workplace to seek assistance through our Employee Assistance Program (EAP). The Employee Assistance Program (EAP) provides confidential counseling and referral services to employees for assistance with such problems as drug and/or alcohol abuse or addiction. However, all employees are accountable for acceptable performance standards and may be subject to disciplinary action, up to and including termination of employment, if those performance standards are not met.

The Employee Assistance Program is described in Section 518.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Town Manager.

207 Drug/Alcohol Testing

The Town of Jaffrey is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

All employees required to have a Commercial Driver's License (CDL) are covered by the Omnibus Transportation Employee Testing Act of 1991, and must comply with its provisions. Questions concerning this policy or its administration should be directed to the Department Manager.

Please refer to the *Drug & Alcohol Use Policy described in Section 206* for more information.

208 Security Inspections

The Town of Jaffrey wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Town of Jaffrey prohibits the possession, transfer, sale, or use of such materials on its premises. The Town of Jaffrey requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but they remain the sole property of the Town of Jaffrey. The Town may, upon reasonable suspicion of this policy violation, search and inspect personal property on Town premises. By entering Town premises, the employee consents to such searches and inspections. Searches will only be conducted with reasonable suspicion and may be conducted at any time, either with or without prior notice, but only with prior approval from the Town Manager.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

209 Electronic Usage Policy (Email/voicemail/internet)

The Town of Jaffrey provides an email/voice mail/internet system to assist employees in the conduct of business within and on behalf of the Town, and has established a policy with regard to access and disclosure of e-mail/voicemail/internet messages created, sent or received by Town employees.

The objective of the Town's electronic usage policy is to assure that:

- The general use of e-mail/voice mail/internet usage is related to Town business;
- Unnecessary disruptions to the Town's business, attributable to e-mail/voice mail/internet usage, is avoided;
- There is an efficient and appropriate use of computer resources;
- A secure and pleasant work environment exists for all employees;
- All Town employees are informed of acceptable uses of e-mail/voice mail/internet and privacy limitations.

The use of e-mail/voice mail/internet is a privilege and certain responsibilities accompany this privilege. The following outlines employee e-mail/voice mail/internet responsibilities:

- All electronic mail/voicemail/internet, use the Town's system hardware and software and therefore are company property. Additionally, all messages composed, sent, or received on the electronic mail, voice mail, or internet belong to and remain the property of the Town. They are not the private property of any employee.
- The Town provides access to e-mail/voicemail and internet access for the conduct of Town business only. Usage of electronic systems must be work-related.
- E-Mail/voice mail/internet should not be used to solicit for any purpose not directly related to the business of the Town.
- E-Mail/voice mail/internet is not to be used to create any offensive or disruptive messages. Among those considered offensive are, any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, disability, or other legally protected class. If an employee receives e-mail/voice mail that is annoying, harassing or abusive, the message in question should be saved or printed and reported immediately to a supervisor, department head, or to the Town Manager.
- The Town reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent via email, voicemail, or internet use, for any purpose. The contents of electronic mail/voice mail/internet use, properly obtained for legitimate business purposes, may be disclosed within the Town without the permission of the employee.
- The Town reserves the right to monitor employee activities and take appropriate actions to maintain appropriate business use of the internet and compliance with this policy.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

- The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the Town upon request.
- Notwithstanding the Town's right to retrieve and read/listen to any electronic mail, voicemail, or internet access, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read/listen to any E-Mail/voice mail messages that are not sent to them. Any exception to this policy must receive prior approval by the Town Manager
- Employees shall not use a code, access a file, or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords must be provided to supervisors. No password may be used that is unknown to the Town.
- Any employee who discovers a violation of this policy is required to notify their supervisor or the Town Manager.
- Any employee who violates this policy or uses E-Mail/voice mail/internet for improper purposes will be subject to disciplinary action, up to and including termination of employment.

210 Employment of Relatives

The Town of Jaffrey has no prohibition against hiring relatives of existing employees. However, in order to prevent potential conflicts and discourage situations where managerial judgment could be compromised, certain limitations and restrictions on the employment of relatives exist.

They include:

- Relatives may not supervise each other either directly or through subordinates.
- Relatives may not work in positions where one relative could influence salary, advancement, performance reviews or disciplinary actions of the other.

In the event that employees marry or become related by marriage during their employment and, as a result, are in breach of this policy, the Town will review the circumstances and make every effort to reassign one or both of the employees to an available position (for which the employee is qualified) to avoid terminating the employment of one or both of the employees.

For the purposes of this policy, relatives are defined as spouse, parent, child, sibling, grandparent, grandchild, in-laws (mother, father, sister, brother, daughter or son) or any other relative residing in the same household of the employee.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 3 – TOWN OF JAFFREY EMPLOYMENT

- ❖ Offers of Employment & Promotions
- ❖ Employment Testing & Investigations
- ❖ Outside Employment
- ❖ Employment Categories
- ❖ Access to Personnel Files
- ❖ Changes in Employee Information
- ❖ Employment Reference Checks
- ❖ Introductory Period
- ❖ Employment Applications
- ❖ Job Postings

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 3 – TOWN OF JAFFREY EMPLOYMENT

301 Offers of Employment & Promotions

Unless otherwise specifically noted in this policy or by statute, the Town Manager shall be considered the hiring authority for the Town of Jaffrey (RSA 37:6). This applies to all appointed positions except as otherwise provided by law (RSA 37). All offers of employment, including promotions, must receive prior written approval by the Town Manager. The term “date of hire” refers to the first day of employment when the employee begins to earn wages.

302 Pre-Employment Testing & Investigations

To help ensure that employees are able to perform their duties safely and lawfully, medical examinations, motor vehicle checks, background (criminal) investigations, and credit history are required as follows, at the discretion of the Town Manager:

Medical Examinations	All Full Time, Regular Part Time and all Public Safety positions including On-Call firefighters.
Criminal Investigation	Public Safety, exposure to Town funds, or direct contact with children.
MV Record	When position requires driving or transport of minors.
Credit History	Exposure to Town funds.
Drug & Alcohol	May be applicable for employees with a Commercial Driver’s License (CDL) and Public Safety positions

After a conditional offer of employment has been made to an applicant entering a designated job category, a health professional of the Town of Jaffrey’s choice and expense, will perform a medical examination. In addition, one or more of the above investigations may be conducted. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam and investigations.

Information obtained during employment testing and investigations will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those within the Town who have a legitimate need to know. An employee may request a copy of the results of a credit report, if conducted.

See *Section 207* for information on Drug & Alcohol Testing.

303 Outside Employment

An employee may hold a job with another organization as long as the employee satisfactorily performs his or her job responsibilities with the Town of Jaffrey. In addition, any outside employment must not pose a possible conflict of interest with an employee’s duties at the Town. All employees will be judged by the same performance standards and will be subject to the Town of Jaffrey's scheduling demands, regardless of any existing outside work requirements (paid or volunteer).

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

If the Town of Jaffrey determines that an employee's outside work interferes with performance or the ability to meet the requirements, or if there is the potential for a conflict of interest with the Town of Jaffrey, as duties and positions are modified from time to time, the employee may be asked to terminate the outside employment in order to remain employed with the Town of Jaffrey.

Outside work while on paid or unpaid sick leave, or workers' compensation from the Town of Jaffrey is not permitted and will result in disciplinary action, up to and including termination of employment.

Use of Town time, facilities, equipment, personnel, or property for personal or outside employment activities is likewise prohibited.

304 Employment Categories

304.1 Employment Status

Each employee is designated as either NON-EXEMPT or EXEMPT from Federal and State wage and hour laws.

- **Exempt:** Employees who are exempt from the Fair Labor Standards Act and overtime pay requirements.
- **Non-Exempt:** Employees covered under the Fair Labor Standards Act which specifies a federal minimum wage, requires overtime pay and restricts child labor.

An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by the Town Manager or changes mandated by law.

In addition to the above categories, each employee will also belong to one other employment category:

304.2 Employment Classifications:

Regular Full-Time employees are those who are not in a temporary or introductory status and who are regularly scheduled to work the Town of Jaffrey's full-time schedule of at least thirty-five (35) hours per week. Generally, they are eligible for the Town of Jaffrey's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-Time employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule, but at least 20 hours per week for at least 36 continuous weeks. Regular part-time employees are eligible for some benefits sponsored by the Town of Jaffrey, subject to the terms, conditions, and limitations of each benefit program.

Part-Time employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 20 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town of Jaffrey's other benefit programs.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

Introductory (probationary) employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the Town of Jaffrey is appropriate. Employees who satisfactorily complete the introductory period will be notified of a new employment classification when appropriate.

Direct Hire Temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project or grant, or seasonal recreation or other type program. Employment assignments in this category are of a limited duration (generally less than six months). Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified in writing of a change. Temporary employees receive only legally mandated benefits (such as workers' compensation insurance and Social Security); and are ineligible for all of the Town of Jaffrey's other benefit programs.

On-Call employees are those who have established an employment relationship with the Town of Jaffrey but who are assigned to work on an intermittent and/or unpredictable basis. They receive only legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the Town of Jaffrey's other benefit programs. Some examples of On-Call employment are Auxiliary Officers and On-Call Firefighters.

305 Access to Personnel Files

The Town of Jaffrey maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the Town of Jaffrey, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Town of Jaffrey who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Town Manager. With reasonable advance notice, employees may review their own personnel files in the Town of Jaffrey's offices and in the presence of an individual appointed by the Town of Jaffrey to maintain the files.

306 Changes in Employee Information

It is the responsibility of each employee to promptly notify the Payroll Officer or Benefits Administrator of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, changes in dependent eligibility, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Finance Department in writing. An Employee Status/Change Notice form is available from your Department Head.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

307 Employment Reference Checks

To ensure that individuals who join the Town of Jaffrey are well qualified and have a strong potential to be productive and successful, it is the policy of the Town of Jaffrey to check the employment references of all applicants.

Only the Town Manager or Department Head may respond to all reference check inquiries from other employers. Responses to such inquiries will be limited to factual information that can be substantiated by the Town of Jaffrey's records.

308 Introductory Period

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town of Jaffrey uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town of Jaffrey may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first six (6) months after their date of hire. Employees who are promoted or transferred to a "critical position" within the Town of Jaffrey may be required to complete a secondary introductory period of the same length. The definition of "critical position" and the need for a secondary introductory period will be determined by the Town Manager. Any significant absence will automatically extend an introductory period by the length of the absence. If the Town of Jaffrey determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period, not to exceed a total of 12 months (introductory period for police officers may be extended in order to afford the officer the opportunity to complete certification training).

During the initial introductory period, new employees are eligible for those benefits that are required by law, such as worker's compensation insurance and Social Security. They may also be eligible for other Town of Jaffrey-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

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

Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

The Town Manager and the Department Manager must approve all promotions or transfers within any department. Promotions and transfer will be awarded on the basis of merit. Employment status is not changed during the secondary introductory period which results from a promotion or transfer within the Town of Jaffrey.

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309 Employment Applications

The Town of Jaffrey relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town of Jaffrey's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

NO OFFERS OF EMPLOYMENT MAY BE MADE EXCEPT BY THE DEPARTMENT MANAGER, AFTER RECEIVING WRITTEN AUTHORIZATION BY THE TOWN MANAGER.

Unless otherwise specifically noted in this policy or by statute, the Town Manager shall be considered the hiring authority for the Town of Jaffrey (RSA 37:6). This applies to all appointed positions except as otherwise provided by law (RSA 37). All offers of employment, including promotions, must receive prior written approval by the Town Manager.

310 Job Posting

The Town of Jaffrey seeks to fill each available position with the most qualified person. It is also the Town's goal to enhance internal career opportunities for each employee. Therefore the Town provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although the Town of Jaffrey reserves its discretionary right not to post a particular opening.

Job openings will be posted on the employee bulletin board and normally remain open for 10 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have performed competently in their current position. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a job posting application to the Department Manager listing job-related skills and accomplishments. It should also describe how their current experience with the Town of Jaffrey and prior work experience and/or education qualifies them for the position.

An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Other recruiting sources may also be concurrently used to fill open positions in the best interest of the organization. This may include advertisement in at least one area newspaper, listing with the State's Department of Employment Security, the Internet, a minority organization or publication actively engaged in listing work opportunities, or any other means deemed appropriate by the Town.

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SECTION 4 – SALARY ADMINISTRATION

- ❖ Salary and Wages
- ❖ Work Schedules
- ❖ Overtime
- ❖ Compensatory Time
- ❖ Timekeeping
- ❖ Paydays
- ❖ Pay Advances/ Employee Loans
- ❖ Administrative Pay Corrections
- ❖ Pay Deductions & Loan Repayments
- ❖ Direct Deposit
- ❖ Performance Evaluations
- ❖ Compensation for Travel & Training
- ❖ Business Travel Expenses
- ❖ Emergency Town Closing

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SECTION 4 – SALARY ADMINISTRATION

401 Salary and Wages

The Town of Jaffrey does not discriminate in payment of wages on the basis of race, color, religion, sex, sexual preference, marital status, national origin, age, disability, or any other legally protected class. See *Section 203* for more information on Equal Employment Opportunity.

The Town of Jaffrey utilizes a salary classification plan with a ~~10-step~~ wage schedule for all positions with the exception of temporary and certain On-Call positions. The Town of Jaffrey awards merit-based pay adjustments in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by the performance evaluation process and budgetary approval.

The Town Manager is the determinant for all wages and salary adjustments.

402 Work Schedules

Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules, meals and rest breaks. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Requests for schedule changes should be made in writing to your supervisor.

All employees are entitled to an unpaid half-hour lunch or eating period after no more than 5 consecutive hours of work. The employees wishing to work through their lunch or eating period, upon approval of their supervisor, may file a waiver. More information and forms are available in the Finance Department.

Schedules may change at any time during your employment with the Town. Changes to schedule for Part-Time employees should also be communicated in writing to the Finance office.

The normal pay period, except as provided by specific department schedules, is 12:01 A.M. Monday thru midnight (12:00 A.M.) on Sunday.

403 Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these assignments will be provided. All overtime work must receive the supervisor's prior authorization.

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Overtime compensation for non-exempt employees will be paid at straight time for hours worked up to 40 hours a week and time and a half for any time worked in excess of 40 hours a week. Overtime pay is based on actual hours worked. Time off for any leave of absence except vacation, holiday, voting time off, and military leave, will not be considered hours worked for purposes of performing overtime calculations. In addition, up to four (4) hours per pay period for Jury Duty and Crime Victim Leave will be counted as hours worked.

Employees who work overtime without receiving prior authorization from their supervisor may be subject to disciplinary action, up to, and including termination of employment.

404 Compensatory Time-Off

404.1 NON-EXEMPT - Whenever possible, employees who work additional hours in a work day should arrange with their supervisor to take equal time off in the same period. When this is not feasible, non-exempt employees who work in excess of 40 hours in a pay period may elect to accrue compensatory (“comp”) time in lieu of cash overtime pay.

As stated in Section 403 *Overtime*, all time off for any leave of absence is excluded from “hours worked” for the purposes of calculating overtime hours, with the exception of Vacation, Holiday, Voting Time Off, and Military Leave. In addition, up to four (4) hours per pay period for Jury Duty and Crime Victim Leave will be counted as hours worked. All overtime hours must receive the supervisor’s prior authorization and be recorded on the employee’s time sheet in accordance with Section 405 *Timekeeping*. Employees who wish to apply the overtime hours as comp time must annotate this on their time sheet and adjust the Total Hours to reflect the hours they wish to be paid in cash.

Compensatory (comp) hours are accrued at the rate of one and one-half hours for each hour of overtime worked. The maximum accrual of compensatory time is sixty (60) hours for forty (40) hours of overtime worked. Overtime hours in excess of the cap will be paid to the employee. Compensatory time off hours are not counted as hours worked for the purpose of calculating overtime.

When the non-exempt employee requests the use of accrued comp hours, the request shall be honored within a reasonable period of time unless doing so would unduly disrupt the operations of the Town.

404.2 EXEMPT - Exempt employees are paid on a salaried basis in recognition of the fact that they do not work a fixed schedule and are expected to put in additional time, when necessary to fulfill their job responsibilities. An exempt employee's duties may, on occasion, require the employee to work a substantial amount of additional time in a pay week. In those circumstances, the employee may take Comp Time that he/she has accrued. All accrued comp time must be approved by the Town Manager and submitted to payroll on a weekly basis (Monday) for tracking purposes. Any comp time remaining on the books at time of separation will not be paid out.

404.3 TERMINATION - Upon termination of employment for any reason, a non-exempt employee shall be paid for accrued/unused comp time at the final rate of pay, or the average rate received during the last three years of employment, whichever is higher.

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405 Timekeeping

Timesheets serve as the official Town's record of an employee's time worked. It is important that timesheets are recorded accurately. Accurately recording time worked is the responsibility of each employee. Federal and state laws require the Town of Jaffrey to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked includes all time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the precise time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Travel time to a work site, workshop, or any other school or training facility is not compensable. See Section 412 *Compensation for Travel & Training* for more information.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to, and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded, and that time sheets are turned into their supervisor on Monday mornings, no later than the hour designated by the Department Head. The supervisor will review and then sign the time record before submitting it for payroll processing.

406 Paydays

With the exception of fire-fighters and certain stipend-only positions, all employees are paid weekly every Thursday for the previous week. Stipend-only and fire fighter positions are generally paid the last Thursday of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In extraordinary circumstances, stipend-only employees may request payment of wages prior to the scheduled pay period above. Any advance payments must be approved by the Finance Director.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Town of Jaffrey. Employees will receive an itemized statement of wages when the Town of Jaffrey makes direct deposits. See *Section 410 Direct Deposit* for information.

407 Pay Advances/Employee Loans – Rescinded February 29, 2016

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408 Administrative Pay Corrections

The Town of Jaffrey takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Department Head so that corrections can be made as quickly as possible. The Town of Jaffrey reserves the right to withhold any overpayments issued in error.

409 Pay Deductions

The law requires that the Town of Jaffrey make certain deductions from every employee's compensation. Among these are applicable federal, state and local income taxes. The Town of Jaffrey also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Town of Jaffrey also contributes to an employee's Social Security taxes in an amount as established by federal law.

The Town may also deduct applicable court-ordered wage garnishments required by federal and state law.

The Town of Jaffrey offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. The employee's signature on an enrollment form shall serve as authorization to withhold the applicable deduction.

If you have questions concerning why deductions were made from your pay check or how they were calculated, contact your supervisor or the Finance Department for assistance.

410 Direct Deposit

Direct deposit of pay is a convenient means by which an employee's pay is electronically deposited into a designated bank account(s) each payday. The employee will receive a pay advice form showing total hours worked, pay rates, legally required and elected deductions, as well as gross and net pay. An employee may allocate up to ten deposits into checking and savings accounts in any bank nationwide.

The use of direct deposit by employees is strongly encouraged. This benefit has many positive reasons to enroll:

- * No waiting in lines at the bank
- * No special arrangements for your paycheck when you are out of town or sick
- * Safety and Confidentiality
- * Eliminates lost, stolen or damaged paychecks.
- * Guaranteed to be in your account(s) on payday
- * All direct deposit fees are paid by the town
- * You can select up to ten checking and savings accounts at any bank within the United States
- * Change in selections can be made any time during the year, as often as needed, and can usually take effect with the next payroll processing

For questions regarding direct deposit, or to enroll or make changes to existing allocations, contact the

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Finance Department.

411 Performance Evaluations

It is the policy of Town of Jaffrey that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance in a confidential manner. The performance based pay system is designed to support and promote organizational effectiveness through improved performance at the individual and department level, and reward employees for their performance. It provides a method for assessing achievements, building relationships, and seeks to incorporate principles and strategies that encourage success, and contribute as one basis for consideration of merit and/or bonus awards.

411.1 Authorization - The Town Manager has the authority to carry out this policy.

411.2 Responsibility - Department Heads are responsible for assisting in implementing this policy within their respective span of supervision. With the approval of the Town Manager, it is the responsibility of the Department Heads to ensure that the employee appraisal process takes place throughout the year (culminating in the annual review period), and otherwise complies with the requirements of this policy.

411.3 Definitions

Supervisor – For the purposes of this policy, supervisors are those full-time employees who supervise or manage other full and regular part-time employees and shall follow the chain-of-command as designated in the Town’s organizational chart, as approved by the Town Manager.

Employee – All full and regular part-time employees not represented under a collective bargaining agreement as described under Section 304.2 of the Town’s Employee Handbook.

411.4 Policy Guidelines and Procedures

411.4.1 General

- A. Performance evaluations will consist of a review between the supervisor and the employee using Town of Jaffrey’s Employee Performance Evaluation form, as attached. In general, the Employee Performance Appraisal System shall consist of the following:
 - i. Review Job Description
 - ii. Evaluate Employee Performance
 - iii. Produce Employee Work Plan
 - iv. Employee Comments and Signatures
 - v. Return to Town Manager

- B. Review Job Description - The first step in the appraisal process is for the supervisor to review and recommend any necessary changes or updates to the job description to the Town Manager. The final job description should be shared with and understood by the employee. Since the job description outlines the essential or primary duties, responsibilities, and details of the position, the employee should be informed of any modifications to the job description.

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C. Evaluate Employee Performance - Supervisors will evaluate the performance of their employees based upon a set of factors, as determined by the Town Manager. The performance factors are intended to provide a road map so employees understand the knowledge, skills, and abilities necessary for appropriate performance that have been identified as being critical to the success of the organization. Although factors may be changed from year to year, they may include factors such as the following:

- i. Job Knowledge, Skills and Abilities
- ii. Productivity and Quality of Work
- iii. Initiative
- iv. Professional Conduct and Reliability
- v. Teamwork and Working Relationships
- vi. Customer Service
- vii. Safety
- viii. Mission Accomplishment
- ix. Leadership

Each supervisor will objectively consider the employee's performance and select the rating level in each area that most accurately describes how well the employee accomplished or did not accomplish a given factor. The supervisor will provide written justifications and performance examples for any ratings given which are considered outside of the ordinary. Prior to sharing the completed performance ratings with the employee during a formal review meeting, each supervisor will submit the completed performance ratings to the Town Manager, in order to ensure organizational equity.

D. Produce Employee Work Plan - After a preliminary review of the performance ratings has been completed, the supervisor and the employee will meet to discuss the evaluation, progress made in performance since the last evaluation, and any areas that need improvement. During this meeting, the supervisor will review the evaluation and facilitate an open exchange concerning expectations and results. The supervisor should be open and make every effort to respond in a positive and encouraging manner. The supervisor and employee will focus on creating goals to improve job performance according to departmental and organizational objectives. The Employee Work Plan should focus on no more than two or three main performance goals. Other short-term goals should be discussed, set, and met throughout the year. The Employee Work Plan will also include an action plan to help the employee reach those goals, along with reasonable deadlines to complete them.

E. Employee Comments and Signatures - An opportunity will also be given for employees to record remarks and give feedback on the performance evaluation process. Both the supervisor and employee must sign the appraisal form. If the employee refuses to sign the appraisal document, the supervisor will indicate this on the signature line along with the date and time, indicating that the employee refused to sign. If the Department Head is not the supervisor of the employee being appraised, the Department Head should also review the appraisals and insert their initial next to the supervisor's signature before forwarding the appraisal packet to the Town Manager.

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- F. Return to Town Manager - Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the confidential information of that file. As a private and confidential personnel file, the performance evaluation is not to be shared with employees outside of the evaluation, review and approval process of the employee evaluated. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

411.4.2. Performance Periods

A. Introductory Period

- i. Employees working in the introductory period shall have a performance evaluation at the end of the designated introductory period.
- ii. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- iii. Introductory employees should understand that their performance evaluations and the results of such evaluations shall not obligate Town of Jaffrey to a particular course of action relative to introductory employees, nor shall it create any property/due process rights for introductory employees relative to their jobs/positions.

B. Annual

- i. The employee appraisal process takes place throughout the year, culminating in the official Employee Performance Appraisal System process, which will take place annually towards the end of the Town's budget year.
- ii. Although a salary adjustment never automatically follows the completion of the Employee Performance Appraisal System, the process documentation will be included as a component of any future compensation increase.
- iii. Employees who have less than six months of service to the community in the evaluation period, or who have yet to complete the introductory period shall not be eligible for a merit/bonus award for that calendar year.
- iv. Employees whose performance warrants an overall unsatisfactory rating and deemed by the supervisor or Town Manager to warrant additional periodic reviews and/or training shall not be eligible for a merit/bonus award for the calendar year in which the unsatisfactory job performance occurred.

411.4.3. Merit and Bonus Awards

A. Definitions

Merit - Merit is an on-going monetary reward that reflects improved job competency and proficiency. Merit is expressed as a percentage of the employee's salary. To qualify for merit, an employee's performance must be

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consistently exceed expectations or better. Merit is a deserving reward for work of praiseworthy quality which provides long-term and ongoing contributions to the Town. A merit system is designed to encourage superior performance by employees.

Merit is determined by the performance indicated on the employee's evaluation. Overall, merit is determined by the two portions of the evaluation: performance on goals and objectives that have been established by the supervisor and employee, and ratings on performance elements.

Bonus - Bonus is a lump sum amount received during the evaluation period. It is for specific accomplishments during the rating period. It is in addition to what was expected or due. Bonus can also recognize extraordinary achievement or effort when performing everyday duties or extraordinary or superior achievements. It is not intended for meeting minimal job requirements. Bonus payments are one-time payments and are not factored into the employee's on-going base pay.

- B. Merit and Bonus Funding - Merit and bonus allocations are recommended annually by the Budget Committee and implemented as funded by Town Meeting.
- C. Merit and Bonus Processing – Employees and Supervisors are to complete the process set forth in Section IV. 1., Policy Guidelines and Procedures
- D. Use of Evaluation for Allocation of Merit/Bonus Adjustments
 - i. Each supervisor may recommend to the Town Manager a merit or bonus adjustment, if warranted, for each of their employees.
 - ii. The Town Manager will meet individually with Department Heads to receive input on employee evaluations and the allocation of merit increases considering the review of each employee.
 - iii. The Town Manager determines and authorizes the merit/bonus adjustments for each employee, based upon performance evaluation, attainment of goals and objectives, overall job performance and current placement on the wage scale, all in relation to all other eligible employees.
- E. Criteria - A bonus item is considered upon the following criteria.
 - i. Extreme Conditions
 - (a) Effort
 - (b) Time/Schedule Demands
 - (c) Stress/Responsibility
 - ii. Impacts on Overall Town Goals and Objectives

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- (a) Risk
- (b) Long Term Impact
- (c) High Visibility Significant Community/Organizational Impact
- (d) Select Board/Manager Interest

iii. Provides On-going Benefit to Town

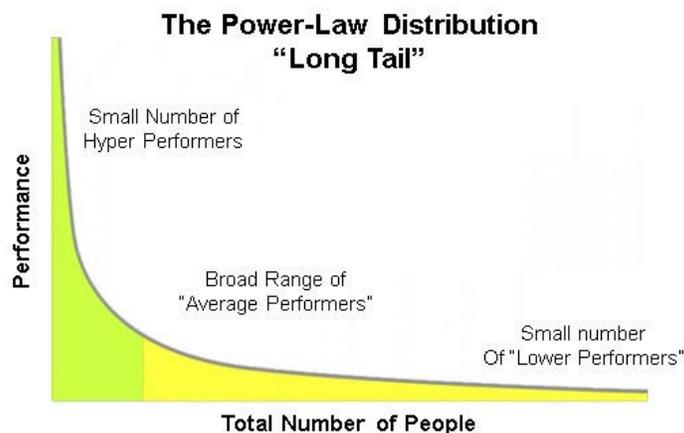
- (a) Economic/Financial
- (b) Other Benefits
- (c) Benefit to Department only

iv. Overall Work Attitude and Impact on Those Around You

- (a) Volunteers to Do Work Assignments
- (b) Demonstrates Can-do Attitude
- (c) Influence on Department/Organization

411.5 Guiding Principles - It is hereby the policy of the Town of Jaffrey that the Merit and Bonus Awards program is designed to reward exemplary performance. Employees who execute the minimal requirements of their positions shall not be considered for wage adjustments beyond whatever appropriations Town Meeting may approve for implementation of a cost of living adjustment (COLA). COLA is designed to assist employees to meet the increased cost of living and to ensure that the Town's wage scales remain competitive in the marketplace.

The Town will use a comparative analysis model in which to evaluate and award any merit/bonus adjustments. Typically, in an organization, a bell curve is used to determine the number of high performers in an organization. The goal of this policy is to develop employees into high performers under the long-tail model, which will recognize exemplary performance, and through the employee evaluation and work plan process, encourage others to move to the "left side" of the diagram:



The Town is not required to expend the entire merit/bonus award appropriation and will adjust compensation based upon individual and team performance up to the appropriation, as compared to the performance of all eligible employees, attainment of goals and overall job performance.

411.6. Available Funding - The amount of funding available shall be determined by voter action on the annual budget. As noted above, only employees performing at exemplary or high-

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performing levels as described previously and documented in the Employee Performance Evaluation form shall be eligible for monetary recognition. When any monetary recognition is awarded in the form of merit and not bonus, the adjustment shall then be incorporated into the employee's base wage within that position's minimum and maximum wage points. As such, in addition to the traditional step system creating unrealistic wage considerations in today's marketplace, merit awards under this program would in all likelihood not result in an employee be "slotted" into a specific step. Accordingly, the present grade/step scale shall be replaced with a min/midrange/max scale, with a requirement that all employees be compensated within the minimum and maximum wages on their respective scale.

411.7. Expectations - Job performance is often highlighted by extraordinary achievement on a specific assignment, project or activity; this is contrasted with consistent exemplary performance beyond what is envisioned or required as set forth in an employee's job description. The former is rewarded through a bonus program; the latter may be rewarded by either bonus consideration or merit adjustment to an employee's base wage.

Adjustment of an employee's base wage includes a number of considerations:

- 1) Has the exemplary performance been consistent throughout the evaluation period and provides measurable, long-term benefits to the organization;
- 2) Recognizing that the mid-point on the wage range should reflect market value, is the employee currently compensated at a point less than mid-range, and should warrant an adjustment in base to reflect greater job proficiency;
- 3) Is the employee currently being compensated at a point lower on the pay grade than similar employees who have not demonstrated a similar proficiency, therefore deserving of consideration for an adjustment to base pay.

Based upon studies by Hay Management Consultants and others in the personnel management field, it is anticipated that approximately 1/3 of the performance pay pool may be allocated for merit adjustments and 2/3 for bonus awards, although the allocation will vary dependent upon the various factors identified throughout this policy.

411.8. Transition Process (2015)

In a typical calendar year, supervisors shall be responsible for meeting with employees at the end of the budget year to review past performance and goals attainment, as well as establish new goals for the following year. For 2015, supervisors shall meet with eligible employees in April to establish goals and objectives for 2015. In November/December, 2015, the employee evaluation process shall take place and be the basis for consideration of any merit/bonus adjustment. Bonus adjustments shall be awarded prior to the end of the 2015 budget year, merit adjustments will be implemented beginning on January 1, 2016.

412 Compensation for Travel & Training

The Town of Jaffrey will reimburse employees for reasonable business travel incurred while on assignments away from the normal work location. The Department Head must approve all business travel in advance. See *Section 413 Business Travel Expenses* for a list of acceptable travel expenses.

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Travel Time to a work site, training, seminar or workshop facility is not considered compensable time, nor is it included as hours worked for the purpose of calculating overtime.

Training Time, if required, is compensable. Compensable mandatory training is determined by State statutes (i.e. instances where an employee must be certified to perform an essential function the job), or the New Hampshire Police Standards and Training Council. Additionally, mandatory training can also be required by the Department Head where refusal to attend, could result in disciplinary action for the employee.

At the discretion of the Department Head, non-mandatory training may be compensable if the training is directly related to, or beneficial to the employee's job performance. Compensable training hours should be annotated on the employee's time sheet and approved by the Department Head, excluding hours for travel.

Mileage Reimbursement for use of a personal vehicle may be given to employees for off-site training that is directly related to, or beneficial to the employee's job performance, at the discretion of the Department Head. Mileage reimbursement for travel over 100 miles round trip will be denied in instances where the use of a town vehicle is made available, but declined by the employee.

Pursuant to IRS regulations, mileage for business travel is calculated from the place of employment, not the residence of the employee, without regard to whether the destination is closer to, or further away from the employee's residence. Employees must indicate the address of their travel destination and notate the starting and ending odometer reading, less any mileage for personal use.

A Travel & Miscellaneous Expense Reimbursement form is available from your Department Head.

413 Business Travel Expenses

The Town of Jaffrey will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. The Department Head must approve all business travel in advance. Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, allowable travel expenses directly related to accomplishing business travel objectives will be reimbursed by the Town of Jaffrey. Receipts for all individual expenses must accompany the report, with the exception of meals. Employees are expected to limit expenses to reasonable amounts.

Expenses generally reimbursed include the following:

1. Mileage costs for use of personal vehicle, at the prevailing IRS rate. See *Section 412 Compensation for Travel & Training for more information.*
2. Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.

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3. Dining – The Town will issue a standard per diem to employees on Business Travel in the following amounts (breakfast and dinner when overnight stay is required)

Breakfast	\$10.00/day
Lunch	\$15.00/day
Dinner	\$30.00/day

Payment for meals will not be made when those meals are provided within the conference, workshop, training, etc. and are part of the registration costs.

4. Charges for telephone calls, fax and similar services required for business purposes.
5. Charges for one personal telephone call, up to 10 minutes each day.
6. Other costs directly relating to business purpose, such as tolls, parking fees.

Employees who are involved in an accident while traveling on business in a town vehicle must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Town of Jaffrey may not be used for personal use without prior approval.

With prior approval, a family member or friend may accompany employees on business travel, when the presence of a companion will not interfere with successful completion of business objectives. The Town does not cover expenses for a family member accompanying an employee.

Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within 30 days.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, will be grounds for disciplinary action, up to and including termination of employment.

414 Emergency Town Closings

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt operations. In extreme cases, these circumstances may require the closing of a work facility.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid for the following employees:

- * Regular full-time employees
- * Regular part-time employees
- * Part-time employees
- * Introductory employees

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Time off for emergency closings does not count as time worked for the purposes of overtime.

When possible, closure of work requires the approval of the Town Manager or the Chair of the Board of Selectmen if the Town Manager is unavailable.

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SECTION 5 - EMPLOYEE BENEFIT PROGRAMS

- ❖ Benefits Eligibility
- ❖ Cost of Benefits Plans
- ❖ Benefit Elections & Employee Status Changes
- ❖ Health Insurance
- ❖ Health Insurance Opt-Out Option
- ❖ Dental Insurance
- ❖ Continuation of Insurance (COBRA)
- ❖ Vacation Benefits
- ❖ Sick Leave Benefit
- ❖ Holidays
- ❖ Time Off to Vote
- ❖ New Hampshire Retirement System (NHRS)
- ❖ Deferred Compensation Plan (ICMA)
- ❖ Flexible Spending Accounts (FLEX Plan)
- ❖ Life Insurance/Accidental Death & Dismemberment Insurance
- ❖ Worker's Compensation
- ❖ Supplemental Pay for Disabled Employees
- ❖ Employee Assistance Program (EAP)
- ❖ Survivor Benefits
- ❖ Educational Assistance
- ❖ Direct Deposit
- ❖ Voluntary Supplemental AFLAC Insurance

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SECTION 5 – BENEFIT PROGRAMS

501 Benefits Eligibility

Eligible employees at the Town of Jaffrey are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Regular Full and Regular Part-Time employees as of February 29, 2016 who are regularly scheduled to work 20 hours or more per week are eligible. Benefits for Regular Part-time employees are pro-rated based on the regularly scheduled weekly hours. For medical and dental benefits, Regular Part-Time employees hired after February 29, 2016 who are regularly scheduled to work 30 hours or more per week will be eligible.

Benefits eligibility is dependent upon a variety of factors, including employee classification and the provisions of the plan document. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found in the following section of this Employee Handbook.

Please see official Summary of Benefits and Coverage (SBC's) for individual benefits explanations and specific eligibility requirements and allocations.

Changes to your employment status may affect your benefits. You should consult with your supervisor or the Finance Department to understand how any changes might impact your benefits.

502 The Cost of Employee Benefit Plans

The benefit package provided by the Town of Jaffrey is a comprehensive and highly competitive; some benefit programs require contributions from employees. The benefit package for regular full-time employees represents an additional cost to the Town of Jaffrey of approximately 40 to 50 percent of wages.

503 Benefit Elections & Status Changes

Benefits elections are done on an annual basis for the calendar year and/or fiscal year based on the Carrier's contract. In order to change your elections outside the normal election period, you must experience a qualifying life status change (such as birth/adoption of a child, change in employment status for you or your spouse, death, marriage, divorce, legal separation).

If you wish to add a family member due to marriage or birth/adoption, you have thirty days from the event (wedding/birth/adoption) to complete the necessary paperwork. In the event of divorce, a copy of a divorce decree section that establishes insurance responsibility must be provided. Contact the Finance Department for more information.

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504 Health Insurance

The Town of Jaffrey's health insurance plan provides employees and their dependents access to medical insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan effective the first of the month following the date of hire:

- * Regular full-time employees
- * Regular part-time employees as set forth in Section 501
- * Introductory employees working in Regular full or part-time capacity

See Section 304 for definition of employee classifications

The percentage of employer and employee costs of the premium is determined prior to the annual open enrollment period. Employees who become Medicare eligible may enroll in a supplemental insurance plan if available. The same Employee/Employer cost sharing percentage ratio applies. Medicare eligible employees who choose not to remain on the group may opt out of town insurance and receive a buy-out defined in policy 505 *Health Insurance Opt-Out Option*.

Participation in the health insurance plans is subject to all terms and conditions of the agreement between the Town of Jaffrey and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to Section 507 *Benefits Continuation (COBRA)* for more information.

Specific details for the health insurance plan, are described in the Summary of Benefits and Coverage. A Summary of Benefits and Coverage and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Finance Department for more information regarding health insurance benefits.

505 Health Insurance Opt-Out Option

An employee eligible for group health insurance through the Town of Jaffrey (described in Section 504) who is covered under an individual policy or spouse's or civil union partner's group plan, and is not on the Town's group plan as a dependent, may elect to receive a taxable buy out equal to 25% of the calendar year premium of a qualifying plan.

A *qualifying plan* refers to the Plan Type the employee has under the non-Town of Jaffrey group plan: for example, Single, Two Person, or Family Plan.

To apply for this buy out, contact the Finance Department for a Health Insurance Opt-Out Agreement form. This form must be completed the initial year of enrollment, along with proof of existing medical coverage; therefore, a copy of a valid insurance card must be submitted annually.

The insurance card (or other proof of coverage) must show:

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- Name of the insurance
- Subscriber's Name
- Covered dependents (to determine the qualifying plan)
- Period of coverage

Participants of the Health Insurance Opt-Out will receive payment in mid-December. For partial years, the buy-out is prorated to the length of service for that calendar year. An employee who terminates employment prior to the mid-December payment will receive the payment in the final paycheck.

Proof of medical insurance must be provided no later than December 1st each year in order to receive payments.

506 Dental Insurance

The Town of Jaffrey's Dental insurance plan provides employees and their dependents access to diagnostic, preventative and restorative dental benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan effective the first of the month following the date of hire:

- * Regular full-time employees
- * Regular part-time employees as set forth in Section 501
- * Introductory employees working in Regular full or part-time capacity

Eligible employees may participate in the dental insurance plan subject to all terms and conditions of the agreement between the Town of Jaffrey and the insurance carrier.

Details of the dental insurance plan are described in the Summary of Benefits and coverage (SBC). An SBC and information on the cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Finance Department for more information about dental insurance benefits.

507 Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents/beneficiaries the opportunity to continue health insurance coverage under the Town of Jaffrey's health plan (including Health, Dental and the Flexible Medical Reimbursement Plan) when a "qualifying event" would normally result in the loss of eligibility. Some common examples of qualifying events include resignation, termination of employment, active military duty, employee's death; a reduction in an employee's hours; a leave of absence; an employee's divorce or legal separation; when a dependent child no longer meets eligibility requirements and when an insured employee or retiree becomes entitled to Medicare or Medicaid benefits.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town of Jaffrey's group rates plus a 2% administration fee. The Town of Jaffrey provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for continued coverage under the Town of Jaffrey's health insurance plan. The notice contains important information about the employee's rights and obligations, including the process and deadline to elect COBRA coverage, duration of COBRA benefit, and current cost of COBRA coverage, due dates and where to submit payment. Contact the Finance Department for more information.

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508 Vacation Benefits

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classifications are eligible to earn and use vacation time as described in this policy:

- * Regular full-time employees
- * Regular part-time employees (proportional to normally scheduled work week)
- * Introductory employees working in a full time or regular part-time capacity

See Section 304 for a description of employee classifications.

The amount of paid vacation time increases with the length of eligible service. Eligible Service is defined as continuous employment with the Town in a “benefit year”, with the exception of military leave. A benefit year is the 12-month period beginning with the employees first day of employment with the Town and each subsequent year. Vacation is accrued on the first of the month beginning with the 4th month of employment. The initial month of employment will be counted as the first month if hired by the 20th of the month.

508.1 Vacation Accrual Table

Initial eligibility: Entering 4 th month	7 days (56 hours), accrued at the rate of 6.2222 hours/month
1st year anniversary:	10 days, (80 hours) accrued at the rate of 6.6667 hours/month
3 rd anniversary:	12 days, (96 hours) accrued at the rate of 8.0 hours/month
5 th anniversary:	15 days, (120 hours) accrued at the rate of 10.0 hours/month
10 th anniversary:	20 days, (160 hours) accrued at the rate of 13.3333 hours/month
15 th anniversary:	22 days, (176 hours) accrued at the rate of 14.6667 hours/month
20 th anniversary:	25 days, (200 hours) accrued at the rate of 16.6667 hours/month

508.2 Maximum Vacation Balances

Employees may choose to carry over unused, earned vacation into the next calendar year, provided the balance, **at any time**, does not exceed the maximum cap of two times the annual accrual total. Employees whose accrual balance meet or exceed the maximum allowed under this Section will cease accruing additional time until their accrual balance falls below the allowable threshold.

508.3 Waiting Period

Before a new employee can use vacation time, a waiting period of three months must be completed. New employees who have taken approved time off without pay during the waiting period may request compensation for that time, once the waiting period has been completed.

508.4 Requesting Vacation Time

Employees must request vacation in advance from their supervisor by completing a Request for Leave form. Approval of vacation requests shall be based upon a number of factors including the Town’s needs

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and staffing requirements. The minimum amount requested shall be 1 hour for nonexempt employees and whole-day increments for exempt positions.

508.5 Suspension of Accrual During Leaves of Absence

Vacation accrual is suspended during periods of extended, approved leave of absence lasting 51% or more working days in a month. This includes medical or family leave, workers compensation or any other approved leave without pay except for military leave.

Employees who have been placed on “administrative leave with pay” pending a disciplinary investigation accrue vacation during administrative leave. If no discipline results from the investigation the vacation that would have accrued during the leave is credited to the employee.

508.6 Vacation Payout

It is the policy of the Town of Jaffrey that accrued vacation time should be used to provide opportunities for employee rest, relaxation and personal pursuits. Under extreme and extenuating circumstances beyond the employee’s control, the Town Manager may authorize a pay-out of unused accrued vacation leave.

508.7 Termination of Employment

Upon termination of employment, employees will be paid for unused vacation leave that has been earned through the last day of work. The date of termination is the last day in which the employee has reported to work. In the event of an employee’s death, accrued vacation benefits will be paid according to the employee’s Life Insurance policy beneficiary designation.

509 Sick Leave Benefit

The Town of Jaffrey provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classifications include:

- * Regular full-time employees
- * Regular part-time employees (in proportion to normally scheduled work week).
- * Introductory employees working in the capacity of Full-Time or Regular Part-Time.

See Section 304 for definition of employee classifications.

Eligible employees will accrue sick leave benefits at the rate of one (1) day for every full month of service beginning with the fourth month of employment. Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits. The initial month of employment will be counted as the first month of employment for employees hired by the 20th of the month.

Effective July 1, 2010, non-bargaining unit employees who do not use sick leave during any six (6) month period (January 1-June 30 or July 1 – December 31) will earn a bonus vacation day. The maximum vacation cap still applies.

Employees can request use of paid sick leave after completing a waiting period of 3 months from the date of hire (no waiting period to supplement work-related injuries). At the end of the 3 month waiting period,

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employees may request compensation for unpaid sick leave taken during the waiting period. Requests must be submitted to Finance Department in writing.

Eligible employees may use sick leave benefits for an absence due to their own illness, doctor appointment, injury, or that of an immediate family member (as defined in Section 607).

In instances where an employee's spouse has given birth, the employee is allowed three days of paid sick leave unless a medical qualification under FMLA applies (Refer to Section 601 on FMLA). Employees may also use vacation time off beyond the three (3) days of sick leave with the Department Head's approval.

A minimum of one hour of sick leave will be charged. An employee on vacation or holiday may not exchange vacation or holiday leave for sick leave in the event an injury or illness should occur while on leave.

Employees who are unable to report to work due to illness or injury must notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of 5 calendar days or more, an employee must provide a physician's verification that he or she may safely return to work. Physician statements and verifications are at the expense of the employee.

If an employee anticipates being out for more than four days, they must notify their supervisor and provide sufficient information in order for the Town to determine if the situation qualifies under FMLA.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. Sick leave benefits may be used to supplement payments that an employee is eligible to receive from workers' compensation. For more information on this, see Section 517 *Supplemental Pay for Disabled Employees*.

Unused sick leave benefits may be accumulated until the employee has accrued a maximum total of sixty (60) days. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the maximum limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Use of sick leave for purposes other than stated within this section is subject to disciplinary action, up to and including termination of employment. Unused sick leave benefits will not be paid to employees while they are employed or upon termination, except as provided by retirement described below. In the event of death of the employee, accrued sick leave benefits will be paid to a surviving spouse. See section 519 *Survivor Benefits* for more information.

Only absences for which accrued leave is available for use will be compensated. In the event an employee has insufficient sick leave at the time the illness or injury occurs or exhausts all accrued sick leave, other available leave may be applied. Unearned leave cannot be borrowed, nor will other types of paid leave be refunded after additional sick leave has been earned.

Accrual of sick leave benefits are suspended during periods of extended absences due to medical leave (including workers' compensation) family leave, maternity or any other significant leave of absence except military leave, lasting 51% or more working days in a month.

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For a **serious medical condition lasting more than four days**, an employee must apply for Medical/Family Leave. See policy *601 Family & Medical Leave*.

Retirement: Upon the nonunion employee's formal retirement through application to the New Hampshire Retirement System (NHRS), which the employee shall demonstrate to the Town, the Town shall make payment to the employee who has a minimum of three (3) years of service with the Town, an amount equal to 50% of the employee's sick leave balance at the employee's regular rate of pay. Non union employees who have twenty (20) or more years service with the Town of Jaffrey shall receive a payment equal to 75% of the employee's sick leave balance at the employee's regular rate of pay. Payment of accrued sick leave will be made in the pay period following the date of retirement.

510 Holidays

The Town of Jaffrey grants holiday time off to all employees on the holidays listed below:

- * New Year's Day (January 1)
- * Presidents' Day (third Monday in February)
- * Memorial Day (last Monday in May)
- * Independence Day (July 4)
- * Labor Day (first Monday in September)
- * Veterans' Day (November 11)
- * Thanksgiving Day (fourth Thursday in November)
- * Day after Thanksgiving
- * Christmas Day (December 25)

The Town of Jaffrey grants paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday). Eligible employee classification(s):

- * Regular full-time employees
- * Regular part-time employees (proportional to normally scheduled work week).
- * Introductory employees working in full time or regular part-time capacity

See Section 304 for description of employee classifications.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If eligible employees work on a recognized holiday, the Department Manager will designate an alternate day off.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation, sick leave, or worker's compensation), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

In addition to the recognized holidays previously listed, eligible employees will receive 2 floating holidays in each calendar year; the first is earned on January 1st, the second is earned on July 1st. Floating Holidays must be taken in whole day increments and used by December 31st. These holidays must be scheduled with the prior approval of the employee's supervisor. Floating Holidays not used by the end of the benefit year will be forfeited without compensation. The Holiday Schedule is subject to

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changes by the Board of Selectmen at any time.

511 Time Off to Vote

The Town of Jaffrey encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, the Town of Jaffrey will grant up to 1 hour of paid time off to vote.

Employees should request time off to vote from their supervisor at least one working day prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift; whichever provides the least disruption to the normal work schedule.

512 New Hampshire Retirement System (NHRS)

The NHRS is a public employee pension plan that provides retirement, disability and death benefit protection to its members and their beneficiaries. Enrollment in the NHRS is effective immediately upon employment and is mandatory for Regular full-time employees, who meet the hourly work requirements as established by state law, currently 35 hours or more, (including those on Introductory period). Benefits provided by NHRS are classified under two groups:

Group I	Employees and Teachers Group
II	Police Officers and Firefighters

Employees and Employers under each group pay into the NHRS at a rate determined by NHRS' actuary, and is subject to change on July 1st of each year. Information about the rates and benefits applicable to each group is available on their website www.state.nh.us/retirement .

Group I Employees hired prior to 10/1/04 and Part-time employees:

Group I Employees hired prior to 10/1/04 may join the plan at their discretion, and at any time during their full time employment with the Town of Jaffrey. Those choosing not to participate in the NHRS will instead receive the normal employer contribution as a taxable stipend in their pay. The stipend will be calculated on the employees' base pay.

Part-Time Regular employees are not eligible to participate in the NHRS. Those hired prior to 10/1/04 will instead receive the normal employer contribution as a taxable stipend in their pay. The stipend will be calculated on the employees' standard base pay.

Full-time employees receiving the retirement stipend in lieu of participation in the NHRS who leave employment with the Town of Jaffrey or become ineligible to participate due to a reduction of work hours and are later rehired or restated to 35 or more hours will be required to participate in the NHRS. Part-time regular employees receiving the retirement stipend who leave employment with the Town of Jaffrey and later rehired will not be eligible to receive future retirement stipends.

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513 Deferred Compensation Plan (ICMA)

The Town of Jaffrey offers an optional 457 Deferred Compensation Plan for regular full and regular part time employees who wish to make voluntary pre-tax contributions. This plan allows employees the potential to increase their retirement savings on a pre-tax basis through weekly payroll deductions.

The Town of Jaffrey does not contribute to the 457 Deferred Compensation Plan. Eligible employees may participate in the 457 Plan subject to all terms and conditions of the plan. A summary description of the 457 Plan is described in the ICMA enrollment package, available from the Benefits Administrator.

514 Flexible Spending Accounts (Flex plan)

The Town of Jaffrey provides a Flexible Spending Plan (also called a Section 125 or Cafeteria Plan) to all eligible employees as a benefit of employment. Use of pre-tax reimbursement accounts allows employees the option to redirect a portion of the employee's gross pay into an account for non-reimbursed medical, dental and/or dependent care expenses on a pre-tax basis. Contributions to the plan are deducted from the employee's pay before any payroll taxes are withheld. Qualified reimbursements to employees under the plan are not taxable. Using pre-tax funds to reimburse for expenses not covered by the health plan can save the employee money.

Employees must take care in budgeting as any unused elected contributions to the Plan are forfeited at year-end in accordance with IRS Regulation. *For more information, please refer to the Summary Plan Description or contact the Benefits Administrator.*

Eligible employee classifications are:

- * Regular full-time employees
- * Regular part-time employees
- * Introductory employees working in Full-Time or Regular Part-Time capacity.

The Flexible Spending Plan consists of three parts:

1. Premium Conversion	Pre-tax payroll deductions for out-of-pocket health & dental insurance premiums
2. Dependent Care Assistance	Pre-tax payroll contributions for Dependent Care; up to \$5,000 per plan year (minimum \$500)
3. Medical Reimbursement	Pre-tax payroll contributions for eligible medical expenses not covered by insurance; up to \$2,500 per plan year (minimum of (\$260)

An employee eligible for group health insurance may elect participation in any or all of the above options.

All eligible employees are required to complete an election form annually, to participate or decline participation from the plan.

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Pre-tax means payroll deductions for your share of insurance premiums and the above reimbursement accounts are deducted from your pay *before* taxes are calculated on your income. Only the remaining wages are subject to Social Security, Medicare and State Income taxes. This option allows employees to minimize their federal tax liability - thus, more providing more "take home" pay. In many cases, the plan is more advantageous than deducting medical or dependent care expenses as a "tax credit" on your annual tax return. Employees should check with their tax preparer for advice on which option to select.

A change in employment classification that would result in loss of eligibility to participate in the medical reimbursement plan may qualify the employee for benefits continuation under COBRA (*See Section 507*). For more information, refer to the Summary Plan Description or contact the Benefits Administrator.

515 Life Insurance/Accidental Death & Dismemberment Insurance (AD&D)

The Town of Jaffrey provides Life/Accidental Death and Dismemberment insurance to Full- Time employees effective the first (1st) of the month following date of hire. Life/AD&D insurance is provided at no cost to the employee. The death benefit is equal to the employee's annual base salary up to a maximum benefit of \$50,000. Specific details are described in the plan document provided by the insurance carrier upon acceptance of the application.

516 Workers' Compensation Insurance

The Town of Jaffrey provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers eligible work-related injuries or illnesses that require medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees on Workers' Compensation due to serious work-related issues of more than four (4) days in duration may also be eligible for Family Medical Leave (*See Section 601*).

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the Town of Jaffrey nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Town of Jaffrey.

After acceptance by the carrier of the affected employees Report of Injury, workers' compensation benefits are paid directly to the employee after a waiting period of three (3) days. The waiting period may be waived in situations where the employee is disabled for fourteen (14) days or more.

The Town has the right to require the employee to submit to an independent medical exam by a duly qualified health care professional of the Town's discretion and expense.

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Return to work is predicated upon the employee's ability to perform the essential duties either at full capacity or under limited capacity, and pursuant to NH RSA 281. See Section *606 Temporary Alternate Duty* for more information. Certification by the employee's attending physician approving the employee's return to work is required. An injured employee's right to reinstatement continues for a period of eighteen (18) months. Reinstatement does not apply to seasonal or part-time employees.

To afford the affected employee his or her full base salary during recovery from work-related injuries, sick leave benefits may be used to supplement the difference between payments that an employee is eligible to receive from the insurance carrier and his or her regular salary. This benefit is not automatic - it must be applied for from the Payroll Administrator. For more information on this, see Section *517 Supplemental Pay for the Disabled Employees*.

Accrual of vacation and sick leave benefits are suspended during periods of disability lasting 51% or more working days in a month.

517 Supplemental Pay for Disabled Employees

For extended absences due to an employee becoming injured or ill and unable to work, the Town of Jaffrey recognizes that this could create a financial hardship for the employee. To afford the affected employee the continuance of his or her regular base salary during recovery, this significant benefit was developed.

An eligible employee may use accrued leave benefits to supplement the difference between worker's compensation (or short term disability) insurance payments the employee receives and the employee's base salary.

Each employee's disability situation is unique. In some instances, acceptance of a claim by the carrier could take several weeks. Waiting periods may be applicable and the formulas used to calculate the amount of payment benefits vary. In addition, an intermittent work schedule and paid holidays may also affect the amount of disability the employee receives. Supplemental pay allows the employee to continue receiving his or her full base pay with no interruption.

Employees should apply for Supplemental Pay at the onset of disability leave. The town will pay the employee his full base salary and temporarily charge the hours absent against available accrued leave. Upon receipt of insurance payment, the employee endorses the insurance payments over to the town and is credited back the leave that was charged in proportion to the disability payment. This method also allows customary payroll deductions to be withheld weekly, eliminating "catch-up" deductions upon return to work.

Accrued leave is used in the following order: 1) Sick Leave, 2) Vacation Leave, then Comp Time and Floating Holidays, if applicable. When all available leave has been exhausted, supplemental payments will cease and the employee will receive compensation only from the insurance carrier, if eligible.

To receive supplemental pay from the Town, the employee must complete and sign a supplemental pay agreement and submit it to the payroll office as soon as feasible. The employee may choose to decline this benefit and receive compensation from the applicable insurance only. In this instance, the employee will be placed on unpaid medical leave.

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Accrual of vacation and sick leave benefits are suspended during extended absences lasting 51% or more working days in a month.

IMPORTANT NOTICE REGARDING WORKERS' COMPENSATION PAYMENTS:

Workers' Compensation payments are tax-free. Upon return to work, the Town will reimburse the employee for all of the taxes that were withheld on the workers' compensation portion. WC payments are not reported as taxable income on the employee's W-2 form at the end of the year.

518 Employee Assistance Program (EAP)

The Town of Jaffrey recognizes the importance of each employee's contribution to the effective operation of the organization. In today's world, balancing personal needs with the demands of work and family can be challenging. The Employee Assistance Program (EAP) is designed to assist employees with a variety of problems including social and medical difficulties, including drug and/or alcohol abuse or addiction, a life-threatening illness, and family difficulties. The EAP Program provides free, confidential phone consultation and informational referral services, designed to help employees to deal with life's difficult situations.

This program is offered to all employees and members of their household. The employee must pay for services rendered above and beyond the limits of the basic information and referral services. For more information see the Finance Department.

519 Survivor Benefits

In the event of death of a Regular Full-time or Regular Part-time employee, the Town of Jaffrey will provide the surviving spouse, dependent(s), or estate if applicable, with the following:

- Any unpaid wages earned
- Balance of accumulated vacation leave
- Balance of accumulated sick leave
- Balance of accrued floating holidays
- Continued coverage of health insurance for 36 months (COBRA – See Section 508)
- Three (3) months paid health insurance premiums for dependents covered under the employee's plan at time of death
- Any other assistance appropriate as determined by the Town Manager.

In addition, the following applies to the beneficiary designated by the employee on the policy:

- Life insurance benefit equal to one years' base salary, up to \$50,000.

The surviving spouse or beneficiary will be contacted by the Town Manager and informed of the available benefits, and assisted as much as possible in obtaining any necessary information or assistance.

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520 Educational Assistance

The Town of Jaffrey recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to advance in their career within the Town of Jaffrey.

The Town of Jaffrey may provide educational assistance (reimbursement method) to all eligible employees who have completed 365 calendar days of service in an eligible employment classification. Up to 100% of the tuition will be reimbursed at the discretion of the Town Manager. Reimbursement does not apply to books, fees, mileage, or other related educational expenses.

To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course, and attain a minimum final grade of "C" (or the equivalent the educational institution uses that is considered a "passing grade"). Employees in the following employee classification(s) are eligible for educational assistance:

- * Regular full-time employees
- * Regular part-time employees

See Section 304 for definition of employee classifications

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for educational assistance. The Town of Jaffrey reserves the right and will determine whether a course relates to an employee's current job duties or a foreseeable, future position. Employees should contact the Town Manager for more information or questions about educational assistance.

While educational assistance is expected to enhance employees' performance and professional abilities, the Town of Jaffrey cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The Town of Jaffrey invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the Town of Jaffrey's employment within six months of the last educational assistance reimbursement, the amount of the reimbursement will be considered only a loan. Accordingly, the employee will be required to repay up to 100% of the original educational assistance payment.

The Town of Jaffrey reserves the right to decline to offer this benefit if the employee's participation would adversely impact the employee's work, services to the public, or other budgetary constraints (i.e. overtime, lack of funding, etc.).

521 Direct Deposit of Pay

Employee may opt to have their paycheck directly deposited into their bank account(s). See *Section 410* for more information.

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522 Voluntary Supplemental AFLAC Insurance

Employees may voluntarily participate in a variety of supplemental insurance programs currently offered by AFLAC. The Town of Jaffrey does not contribute to the cost of this insurance. Employees may elect to participate in a variety of insurance programs at reduced group rates, with premiums paid through payroll deduction. Contact the Finance Department for more information.

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SECTION 6 – LEAVES OF ABSENCE

- ❖ Family & Medical Leave Act (FMLA)
- ❖ Family & Medical Leave Act – Military Amendment
- ❖ Military Leave
- ❖ NH Maternity Leave
- ❖ Crime Victim Leave
- ❖ Temporary Alternate Duty (TAD)
- ❖ Bereavement Leave
- ❖ Jury Duty

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SECTION 6 – LEAVES OF ABSENCES

601 Family and Medical Leave (FMLA)

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the Town of Jaffrey provides up to twelve (12) weeks of unpaid leave during any 12 month period of time according to the purposes listed below:

Purpose: Family and Medical Leave is available to employees in the following situations:

- To care for a newborn or newly adopted child (including foster care).
- To care for a spouse, child, stepchild, ward who lives with the employee, foster child, parent, or parent of the employee's spouse with a serious health condition.
- A serious health condition makes the employee unable to perform the functions of his/her job, including health conditions which are covered under Worker's Compensation Insurance.

Eligibility: Leave is available to employees who have:

- Been employed by the Town for 12 months or more (does not need to be consecutive time)
- Have worked at least 1,250 hours during the 12 month period immediately preceding the beginning of the leave, and
- Have not already used 12 weeks of Family and Medical Leave during the 12 month period prior to the commencement of the leave.

Length of leave: Employees may take up to 12 weeks of unpaid Family and Medical Leave within a 12 month period; this 12 month period is calculated forward from the first day the leave is used. Employees are required to take all accrued paid time off during the Family and Medical Leave to minimize the disruption to themselves and to the Town.

Date leave begins: For birth or adoption of a child, a leave must be taken within the first 12 months after the birth or adoption. Pregnant employees, however, may begin their leave before their due date with a health care provider's certification of the need for prenatal care or if the pregnancy makes the employee unable to work. Leaves for serious health conditions begin as needed.

Pay during leave: Family and Medical Leave beyond any accrued paid time off (Vacation, Sick Time, etc.) is unpaid time off. Employees are required to use any accrued paid time off before using unpaid leave.

Application process: Employees should inform their supervisor and contact the Benefits Administrator at least 30 days prior to the commencement of a foreseeable leave. For an unforeseeable leave, employees must discuss the need for leave with their supervisor and contact the Benefits Administrator as soon as practicable (i.e., generally within one or two business days). In all cases, an "Application for Family and Medical Leave" must be completed. In addition, a health care provider's certification is required. Contact the Benefits Administrator for more information.

Certification of Illness: During the application process, or at any time during the leave, the Town will require an employee to provide medical certification of the serious health condition to justify the need for

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any period of FMLA leave. Furthermore, the Town will require the employee to provide a statement from a health care provider including:

- The date on which the serious health condition commenced.
- The probable duration of the condition.
- The medical facts within the provider's knowledge.
- A statement the employee is unable to perform one or more essential functions of the job.
- The treatment schedule for intermittent leave requests.

Independent Assessment: The Town retains the right to make an independent assessment of whether an injury, illness, or impairment involving certain medical treatment constitutes a "serious health condition" for purposes of this policy. If an employee has questions as to whether an injury, illness or impairment involving certain medical treatment constitutes a "serious health condition," inquiries should be directed to the Benefits Administrator or the Town Manager.

Effect on Employment:

The Town will give the employee the same or comparable position, with equivalent pay, benefits, terms and conditions of employment, upon return to work*. If the employee does not return to work at the end of the Family and Medical Leave period, employment may be terminated. As a condition of restoration of an employee who has taken leave due to their own serious health condition, the Town will require a health care provider certification that the employee is able to resume work (i.e., fit for duty).

** The Town of Jaffrey is permitted by law to reserve the right to deny key employees their employment restoration rights if such denial is necessary to prevent substantial and grievous economic harm to the Town. A key employee is defined as a salaried employee who is among the 10% highest paid employees employed within 75 miles of his/her place of work. Contact the Finance Department for further details.*

Effect on Benefits:

An employee on Family and Medical Leave may continue medical, dental and other insurance benefits at the employee rate throughout the leave. Reimbursement Accounts may be continued during the leave. The employee will continue with normal payroll deductions unless there are pay periods without pay. In that case, arrangements must be made with the Finance Department for employees to pay their health insurance premiums while on leave. Failure to make premium payments may result in cancellation of coverage.

457 Deferred Compensation (ICMA) & NH Retirement System (NHRS): If an employee is receiving pay during the leave, the payroll contributions will continue as is; during any unpaid time off, contributions will be suspended until the employee returns to work.

Performance Reviews: If a performance review is scheduled during the leave, any pay increase which may be approved, will become effective as of the date the employee returns to work.

Accrual of paid leave benefits are suspended during review of any absence lasting 51% or more in a calendar year.

FMLA DEFINITIONS

- **Child:** Son or daughter under the age of 18, or one who is older and incapable of self-care because of mental or physical disability, and for whom the employee is a biological parent, adoptive parent, foster

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parent, step-parent, or legal guardian, or for whom the employee stands "in loco parentis" (in place of a parent).

- Spouse: Person to whom the employee is married, as is defined or recognized under State law including common law marriage in states where it is recognized.
- Parent: Employee's biological parent, adoptive parent, foster parent, step-parent or legal guardian. In addition, an individual who is standing "in loco parentis" (in place of a parent) to the employee as defined in the Federal law.
- Spouse's Parent: Biological parent, adoptive parent, foster parent, step-parent or legal guardian.
- Serious Health Condition: Illness, injury, impairment, or physical or mental condition which involves inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care, or continuing medical treatment by a health care provider.

602 The Family and Medical Leave Act - Military Family Leave

The National Defense Authorization Act of 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 workweeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The 2008 NDAA also amended the FMLA to allow eligible employees to take up to 26 workweeks of job-protected leave in a "single 12-month period" to care for a covered service member with a serious injury or illness. These two types of FMLA leave are known as the military family leave entitlements.

Employee Eligibility:

To be eligible for FMLA benefits, an employee **must**:

- work for a covered employer;
- have worked for the employer for a total of 12 months;
- have worked at least 1,250 hours over the previous 12 months; and
- work at a location where at least 50 employees are employed by the employer within 75 miles.

Military Medical Leave Family Provisions:

Military Caregiver Leave: The Town will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of **26 workweeks of unpaid** leave during a "single 12-month period" to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered service member with a serious

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injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Qualifying Exigency Leave: The Town will grant an eligible employee up to a total of **12 workweeks** of **unpaid** leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of **seven** days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member’s absence;

Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need which arises from the active duty or call to active duty status of the covered military member;
- Taking up to **five** days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a **combined** total of 26 workweeks in a “single 12-month period” if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

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FMLA leave may be taken intermittently whenever **medically necessary** to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Under certain conditions, employees **or** employers may choose to “substitute” (run concurrently) accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

Employee Notice

Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.

603 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will receive partial pay for two-week training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty.

The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes

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of determining benefits based on length of service.

Contact the Town Manager for more information or questions about military leave.

604 New Hampshire Maternity Leave

In accordance with NH Law RSA 354-A:7 and to provide equal opportunity to all women, Maternity Leave is available for pregnancy, childbirth and related medical conditions for female employees who do not qualify for Family & Medical Leave (FMLA). Under NH Maternity Leave, a female employee may take a leave of absence for the period of time she is temporarily, physically disabled due to pregnancy, childbirth, or related medical conditions. The Town will grant up to 6 workweeks of unpaid leave to qualifying female employees. Medical certification of an existing temporary disability is required. Female employees qualified under this maternity leave policy, must use all accrued paid time off prior to taking unpaid leave under this policy.

605 Crime Victim Leave

In accordance with the New Hampshire Crime Victim Leave Act of 2005 (RSA 275:61), employees who are victims of certain crimes will be permitted to leave work to attend court or other legal proceedings associated with the prosecution of the crime. Please contact the Finance Department for more information.

606 Temporary Alternate Duty (TAD)

In compliance with RSA 221-A:23-b, the Town will provide temporary alternate work opportunities to eligible employees disabled by an injury or illness, in which the treating physician has released you to lighter duties than your current position requires (RSA 281-A:23-b). This may require reassignment to different duties or department, or a different or reduced work schedule that fits within the physician's restrictions. TAD is not intended to address those situations where an employee has been deemed to be permanently disabled from resuming his previous position.

The program applies to Regular Full Time, Regular Part Time and Introductory employees. Employees who anticipate being unable to perform the essential duties of their position, must contact their Supervisor as soon as possible as well as the Finance Department for proper procedures.

Reassignment Pay - Employees who are reassigned to lighter duties or to a different department or position may be paid at a reduced wage that is commensurate with the wages paid to that position. Wages shall be paid at the rate of Step 1 for that labor grade, or 75% of the employee's normal rate of pay, whichever is higher. For work-related injuries, the employee may also be eligible to receive from the workers' compensation carrier, 60% of the difference between his or her pre-injury average weekly wage, and the TAD earnings. For non-work related injuries or illness, the employee may supplement the difference in pay from available accrued leave. See *Section 517 Supplemental Pay for Disabled Employees* for more information.

Length of Reinstatement - The length of reinstatement eligibility for work-related injury or illness is 18

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months from the date of injury. The length of reinstatement eligibility for non-work related injury or illness is 12 weeks (in a 12-month period) from the date of injury.

Reinstatement - Certification for reinstatement from the employee's attending physician is required. Medical expenses and physician certification for a non-work related disability are the responsibility of the employee. Upon certification, the employee will be reinstated to his or her former position. In the event that the former position is not available, the employee will be reinstated to any other existing position which is vacant and is suitable with reasonable accommodation for the employee's limitations. Reinstatement will be subject to seniority rights and other provisions of a collective bargaining agreement between the Town of Jaffrey and the employee's representatives.

Termination of Reinstatement - Reinstatement to employment will cease if 1) Medical determination by the employee's attending physician or New Hampshire's Commissioner of Labor that the employee cannot return to his or her former position; 2) The length of reinstatement expires; 3) The employee works for another employer while on temporary alternate duty with the Town of Jaffrey.

607 Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to 5 days of paid bereavement leave will be provided to eligible employees in the following classification(s):

- * Regular full-time employees
- * Regular part-time employees (Proportionate to normally scheduled work week)
- * Introductory employees working in a full or part-time capacity.

All other employee classifications are allowed unpaid bereavement leave in accordance with this section.

See Section 304 for definition of employee classifications

Bereavement pay is calculated based on the base pay rate at the time of absence.

Employees may, with the approval of the Town Manager, use any available paid leave for additional time off as necessary. Such requests must be made in writing to the employee's department head.

The Town of Jaffrey defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. The Town Manager may give special consideration to any other person whose association with the employee was similar to any of the above relationships.

608 Jury Duty

The Town of Jaffrey encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to 2 weeks of paid jury duty leave over any 2-year period.

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Jury duty pay is calculated on the base pay rate at the time of the jury duty. Employee classifications that qualify for paid jury duty leave are:

- * Regular full-time employees
- * Regular part-time employees (proportionate to normally scheduled work week)
- * Introductory employees

See Section 304 for definition of employee classifications

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

Either the Town of Jaffrey or the employee may request an excuse from jury duty if, in the Town of Jaffrey's judgment, the employee's absence would create serious operational difficulties.

The Town will continue to provide health insurance benefits for the full term of the jury duty absence.

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SECTION 7 – WORKPLACE SAFETY

- ❖ Safety at the Town of Jaffrey
- ❖ Workplace Accidents/Injuries
- ❖ Use of Town Equipment & Vehicles
- ❖ Tobacco-Free Workplace
- ❖ Fire Arms/Weapons-Free Workplace
- ❖ Workplace Violence

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SECTION 7 – WORKPLACE SAFETY

701 Safety

To assist in providing a safe and healthful work environment for employees, citizens, and visitors, the Town of Jaffrey has established a workplace safety program. The Safety Manager has the responsibility of implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The Town of Jaffrey provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A labor-management safety committee, composed of representatives from throughout the organization, has been established to help monitor the Town of Jaffrey's safety program and to facilitate effective communication between employees and management about workplace safety and health issues.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the labor-management safety committee. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

702 Workplace Accidents/Injuries

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Safety Manager or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. *See also Section 516 regarding Worker's Compensation.*

703 Use of Equipment and Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Town property, employees are expected to obey posted speed limits and all traffic signs and signals, perform required maintenance, exercise care, and follow all operating instructions, safety standards, and guidelines. As safety is the Town's first priority, all employees are required to use seat belts when driving or riding in a town vehicle. Eating and smoking is prohibited in town vehicles (see also *Section 704 and Section 807*). Employees must also refrain from using cellular phones while

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operating Town vehicles.

Employees should immediately notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or needs repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in disciplinary action, up to and including termination of employment. *See also Section 807.*

704 Tobacco-Free Workplace

In keeping with the Town of Jaffrey's intent to provide a safe and healthful work environment, use of any tobacco product is prohibited throughout the workplace and in town vehicles. Department Heads may designate an outdoor smoking area for their respective areas of responsibility.

Employees who fail to adhere to this policy may be subject to disciplinary action.

This policy applies equally to all employees, customers, and visitors.

705 Firearms/Weapons-Free Workplace

The Town of Jaffrey prohibits the possession of firearms or other lethal weapons by any employee, except sworn Police Officers, while on Town property or while conducting business on behalf of the Town. This includes weapons for which an employee may have obtained a permit to carry. Violators of this policy will be subject to disciplinary action, up to and including termination of employment.

706 Workplace Violence

Every employee at the Town of Jaffrey has the responsibility of maintaining a workplace that is free from violence. The Town prohibits acts of violence of any kind on Town property. Types of violence may include, but are not limited to: attempting to or actually harming another person, aggressive verbal behavior, threats of violence, damage of personal or Town property or unauthorized use or possession of a weapon.

All employees are encouraged to report acts of violence against themselves or others to a Supervisor, Department Head or to the Town Manager. All reported incidents will be investigated promptly.

Violators of this policy may be subject to disciplinary action, up to and including termination of employment.

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SECTION 8 – EMPLOYEE CONDUCT/PROBLEM SOLVING

- ❖ Employee Conduct & Work Rules
- ❖ Code of Conduct
- ❖ Conflicts of Interest
- ❖ Attendance & Punctuality
- ❖ Personal Appearance
- ❖ Use of Telephone/Mail System
- ❖ Town Property, Equipment & Resources
- ❖ Disciplinary Action
- ❖ Problem Resolution

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SECTION 8 – EMPLOYEE CONDUCT & PROBLEM SOLVING

801 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the Town of Jaffrey expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- * Theft or inappropriate removal or possession of property
- * Falsification of timekeeping records
- * Working under the influence of alcohol or illegal drugs
- * Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating town-owned vehicles or equipment
- * Boisterous or disruptive activity in the workplace
- * Negligence or improper conduct leading to damage of town-owned property
- * Insubordination or other disrespectful conduct
- * Violation of safety or health rules
- * Sexual or other unlawful or unwelcome harassment
- * Excessive absenteeism or any absence without notice
- * Unsatisfactory performance or conduct

802 Code of Conduct

Good public relations are very important at the Town of Jaffrey. Employees are expected to treat the public and their coworkers fairly, courteously, and promptly while performing their job responsibilities.

803 Conflicts of Interest

Employees have an obligation to the public to conduct business within guidelines that prohibit actual or potential conflicts of interest. An employee's position in the Town must not be used for personal gain and employees are expected to fulfill job responsibilities with the highest standards of integrity and morality. This policy establishes only the framework within which the Town of Jaffrey wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Town Manager for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of the Town of Jaffrey. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both.

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An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town of Jaffrey's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee influences transactions involving purchases, contracts, or leases, it is imperative that they disclose to an officer of the Town of Jaffrey as soon as possible the existence of any perceived, actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town of Jaffrey does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Town of Jaffrey.

Violation of this policy may result in disciplinary action up to and including termination of employment.

804 Attendance and Punctuality

Every employee is relied upon as part of a team, and the smooth flow of work depends on the cooperation and coordination of many people. Regular attendance is essential for efficient business operations. Attendance and punctuality records may be considered, along with other factors, in reviewing employee performance and compensation. Excessive unexcused absences and/or tardiness may result in disciplinary action, up to and including termination.

Employee who are absent from work for 2 or more consecutive days without contacting their Supervisor, will be deemed to have voluntarily resigned their position

805 Personal Appearance

Except as otherwise required by departmental and safety regulations or collective bargaining agreements, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Town of Jaffrey presents to customers and visitors.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

806 Use of Phone and Mail Systems

Personal use of the Town's telephone system (land-based or cellular) for long-distance and toll calls is not permitted. Employees should practice discretion when making personal calls and will be required to reimburse the Town of Jaffrey for any charges resulting from their personal use of the telephone.

Employees must refrain from making or receiving cellular calls or text messaging while driving a Town vehicle or using Town equipment.

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To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The use of the Town of Jaffrey postage meters for personal correspondence is not permitted.

Refer to *Section 209 Electronic Usage Policy* for more information.

807 Town Property, Equipment & Resources

Town of Jaffrey's property and equipment are provided to employees in the performance of their jobs and are intended for business use only. Additionally, Town property and equipment should not be removed from the premises without proper authorization from an employee's supervisor or Department Head. Use of Town time, facilities, property or personnel for external employment activities is prohibited. *See also Section 703.*

808 Disciplinary Action

The purpose of this policy is to state the Town of Jaffrey's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The Town of Jaffrey's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the Town of Jaffrey is based on mutual consent and both the employee and the Town of Jaffrey have the right to terminate employment at will, with or without cause or advance notice, and the Town of Jaffrey may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

The Town of Jaffrey recognizes that there are certain types of employee problems that are serious enough to justify either suspension, or, in some situations, termination of employment. While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy (*See Section 801*) includes some examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all inclusive, but may be examples of unsatisfactory conduct that results in disciplinary action.

Employees, at their discretion, may appeal disciplinary action through the Problem Resolution procedures outlined in *Section 809*.

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809 Problem Resolution

The Town of Jaffrey is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Town of Jaffrey supervisors and management.

The Town of Jaffrey strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the Town of Jaffrey in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

Problem Resolution Procedures:

1. Employee presents problem to immediate supervisor within five (5) working days, after the incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to the Department Head.
2. Supervisor responds to problem during discussion or within five (5) working days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
3. Employee presents problem to Department Head within five (5) working days, if problem is unresolved.
4. Department Head counsels and advises employee, visits with employee's supervisor, if necessary. A written decision will be delivered to the employee and supervisor within five (5) days of the decision.
5. If the employee is not satisfied with the decision of the Department Head, the employee presents the problem to the Town Manager in writing within five (5) working days of the Department Head's written decision.
6. Town Manager reviews the issue. Town Manager informs the employee of the decision within seven (7) working days, and forwards copy of written response to Department Head for employee's file. The Town Manager has full authority to make any adjustment deemed appropriate to resolve the issue.

In the event that disciplinary action against the aggrieved party is overturned at any level, the disciplinary action will be removed from the employee's file, with reimbursement of any lost base pay and/or benefits that may have been incurred as a result of the appealed disciplinary actions.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 9 – TERMINATION OF EMPLOYMENT

- ❖ Employment Termination
- ❖ Termination and Effect on Benefits
- ❖ Return of Town Property
- ❖ Resignation

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

SECTION 9 – TERMINATION OF EMPLOYMENT

901 Employment Termination

Termination of employment is an inevitable part of personnel activity within any organization. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-performance related reasons.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

902 Termination and Effect on Employee Benefits

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. Contact the Finance Department for more information regarding retirement. *See also Section 507 for information regarding COBRA.*

903 Return of Town Property

Employees are responsible for all the Town of Jaffrey property, materials, or written information issued to them or in their possession or control. Employees must return all the Town of Jaffrey property immediately upon request or upon termination of employment. The Town of Jaffrey, will establish a loan in the employee's name, for the cost of any items that are not returned when required. This debt must be repaid to avoid collection procedures which may affect the employee's credit rating. The Town of Jaffrey may take all other action deemed appropriate to recover or protect its property.

904 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the Town of Jaffrey. Although advance notice is not required, the Town of Jaffrey requests the courtesy of at least two (2) weeks' written notice of resignation from nonexempt employees and four (4) weeks' notice from exempt employees.

The resigning employee should submit a written letter of resignation indicating the last day of employment to the Supervisor as soon as possible. The employee should also notify the Finance Department so payroll and benefits paperwork can be completed in a timely manner.

Town of Jaffrey, NH

EMPLOYEE HANDBOOK

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