

***TOWN OF STERLING,  
MASSACHUSETTS***

**Employee Personnel  
Handbook**

DRAFT



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## **SECTION I WORK PLACE EXPECTATIONS**

Many of the people with whom Town employees will interact will form lasting impressions of Sterling based on the way they are treated and on employees' attitudes toward their work. Attitudes and courtesy also are important in relationships with other employees.

Employees are expected to give full-time and ability to their job during working hours; conduct themselves so as to reflect credit to both themselves and to the Town; observe Town rules; and work cooperatively and politely with others in the department, other town employees, the public and respect any delicate instances requiring confidentiality.

### **Attendance and Punctuality**

Attendance and punctuality are important factors for an employee's success with the Town. All employees work as a team, and this requires that each person be in the right place at the right time. If an employee is going to be late for work or absent, the employee must notify his or her Department Head as soon as possible before the start of the workday, but in no event later than one (1) hour before the employee is due at work. Tardiness and failure to report to work are viewed as unacceptable job performance and may be grounds for disciplinary action up to and including termination.

### **At-Will Employment**

Employees of the Town who are not otherwise covered by a collective bargaining agreement, employment agreement, or State Civil Service statute are by State statute classified as "at-will" employees. This means that neither the employee nor the Town is bound to continue the employment relationship. The Town may terminate the employment relationship at any time with cause. The term "cause" shall include but not be limited to: permanent incapacity that renders an employee incapable of performing the essential functions of the position, inefficiency, insubordination theft, and conduct unbecoming the office or position.

### **Code of Ethics**

The Town has in effect, and will establish from time to time, such reasonable rules as it considers necessary to ensure the orderly and efficient conduct of its business, to assure the safety of its employees and property, and to comply with applicable State or Federal laws. Employees must avoid any relationships or activity that might impair, or even appear to impair their ability to make objective and fair decisions when performing their jobs.

### **Criminal Offenders Records Investigation (CORI)**

In accordance with Massachusetts General Law, all town employees who are required to work with elders and or youth are required as a condition of employment to complete a CORI examination.

A copy of the Town's CORI Policy is available in the Office of the Human Resource Administrator or on the Town's web site.

### **Direct Deposit**

The Town offers its employees the option of Direct Deposit of his/her paycheck(s) to the bank of the employee's choice. This benefit offers convenience, and depending on the bank, a possible savings on monthly service fees. To sign up for direct deposit, please contact the office of the Treasurer/Collector.

### **Dress Code**

It is important for all employees to project a professional image while at work by being appropriately attired. Employees are expected to be neat, clean and well groomed on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed. The Town reserves the right to determine appropriateness of attire and appearance. Any employee who the Town determines to be improperly dressed may be sent home to change clothes. Disregard of this practice may be cause for disciplinary action, which may result in termination.

### **Drug and Alcohol Policy**

The Town strictly prohibits unauthorized use, possession (including storage in a desk, locker, Town vehicles or other area on Town property) manufacture, distribution, dispensation or sale of illegal drugs, drugs paraphernalia, controlled substances or alcohol during working hours.

In accordance with the Federal Department of Transportation Regulations, Title 49, CFR, Part 40 employees who are required to operate a vehicle weighing more than 26,000 pounds are required as a condition of employment to participate in the Town's random drug testing program. .

A violation of this policy may be cause for disciplinary action up to and including termination.

### **Expense Reimbursement**

Employees must obtain the prior approval of their Department Head or designee for all work-related expenses. No expense will be reimbursed without an original receipt including a copy of a credit card statement showing payment . Copies of checks do not constitute a payment receipt. Routine travel costs to and from work are not reimbursable. Mileage expenses will be reimbursed to any employee who uses a personal vehicle for Town business, provided that he or she receives authorization in advance from the appropriate Department Head or designee. This mileage reimbursement will be at the standard rate established by the Town.

### **First Paycheck**

In order for an employee to receive their first paycheck, employees must complete various employment forms such as W-4 (tax withholding) and Employment Verification Form (I-9)

which are on file with the Treasurer/Collector's Office. A detailed list of required employment forms is available in the Office of the Treasurer/Collector.

### **Job Application Form**

All applicants for employment with the Town are required to complete a Town Job Application Form, a copy of which is available on the Town's web site and in the Office of the Human Resource Administrator. All employees are required to furnish their respective Department Head with any change in personal information including change in address, marital status or employee benefits.

### **Orientation Session**

The Human Resources Administrator and Treasurer/Collector will meet with all new employees to explain town personnel policies, fringe benefits, required employment forms and to answer any questions regarding employment with the Town.

### **Outside Employment**

Town employment shall be considered the primary employment and no regular full-time employee may engage in outside employment which would interfere with the provision of Town services. Any employee who is included in the Town's Emergency Preparedness Plan accepting outside employment under the terms of this section will make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the Town. Every employee granted permission to engage in outside employment under this rule shall respond immediately to any emergency call to duty by the Town whenever the Department Head or the Town Administrator determines his/her services to be necessary.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the Town's worker's compensation plan on account of the injury resulting from the outside employment. Equipment, facilities, vehicles or property of the Town shall not be used by employees for outside employment.

### **Payroll**

It is the employee's responsibility to notify their Department Head of any changes in dependent status so that forms for tax deductions and insurance can be updated. In addition, it is the employee's responsibility to immediately notify the Department Head and the Treasurer/Collector's Department if an employee loses their paycheck. Once an employee has notified the Treasurer/Collector's office, a stop-payment will be put on the check as soon as possible. Employees are required to reimburse the Town for any bank charges that are incurred for the stop-payment.

Employees are paid on a regular bi-weekly basis for time worked since the preceding pay period. State and Federal laws require the Town to make deductions from employees' pay for Federal income tax, FITW taxes and State income tax. Such payments are sent by the Town to the appropriate governmental

agencies. In addition, any authorized voluntary deductions (for example, health insurance premiums or retirement plan contributions) will be automatically withheld from an employee's paycheck once the employee has notified the Town in writing.

### **Physical Fitness**

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing the essential functions of their position in accordance with their job description. When a Department Head reasonably believes that the physical condition of an employee constitutes a hazard to persons or property, the Department Head may with approval from the Town Administrator direct the employee to submit to a medical examination to be conducted by a licensed medical physician appointed by the Town at the Town's expense to determine the employee's continued fitness for full, unrestricted duty.

### **Political Activity**

The Federal Hatch Act restricts political activities of public employees. No employee, official or other person shall solicit orally or by letter, contributions or services for any political party, candidate or political cause from any employee during his/her hours of duty, service or work with the Town.

Nothing herein contained shall be construed to restrict the right of an employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours or to campaign actively during off-duty hours in all areas of political activity.

It is considered to be in the best interest of all municipal employees that they shall not be pressured by direct or indirect political influences. As a safeguard against this, the behavior on the part of municipal employees shall be as follows:

- 1) All employees shall refrain from using their influence publicly in any way for or against any candidate for elective offices during work hours. They shall not circulate petitions or campaign literature for elective officials or be in any way concerned with soliciting or receiving any subscription, contribution, or political service from any person for any such elective official.
- 2) No officer or employee of the Town shall use their official authority or influence on any other officer or employee for the purpose of interfering with an election or a nomination for office or affecting the result thereof (except by casting their vote).
- 3) No officer or employee of the Town shall directly or indirectly coerce, attempt to coerce, command, or advise any other said officer or employee to pay, lend, or contribute any part of their salary, time, or compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes during work hours.

## **Pre-Employment Physical**

For positions that require pre-employment physicals, prior to the first day of employment, an employee will be required to have a physical examination by a Town-designated physician, for which the Town will pay. The examining physician must return a completed “Physical Examination Form” to the Department Head before work begins, indicating the employee’s physical ability to perform the essential functions of his/her job for employment with the Town. The Town reserves the right to withdraw a conditional offer of employment made to an applicant if they fail the pre-employment physical.

## **Proof of Citizenship/Employment Eligibility**

The United States Immigration and Reform Act requires all employers to verify the citizenship and employment eligibility. The employee is required by law to complete the Employment Eligibility Verification Form (I-9) at the Treasurer/Collector’s before first paycheck. Original documents that establish both identity and employment eligibility must also be provided, for example a U.S. passport or both a driver’s license and a certified birth certificate. For a list of other acceptable documents, employees should contact the Office of the Treasurer/Collector.

## **Resignation from Employment**

To resign in good standing, an employee must provide his/her Department Head at least two (2) weeks’ notice in writing of the intent to resign from employment with the Town. To resign in good standing a Department Head is required to provide the Town Administrator or Appointing Authority with advance notice in writing of at least thirty (30) days.

## **Solicitation and Distribution**

Town employees are prohibited from soliciting other employees or members of the public for nonpolitical donations or contributions, of any kind, during work hours without the expressed written consent of the Board of Selectmen. General Laws c. 55, Section 13 prohibits paid employees, other than elected officials, from directly or indirectly soliciting or receiving any contributions or anything of value for any political purpose, at any time, during both working hours and non-working hours. No coercion of an employee to make contributions shall be permitted. Employees are prohibited from distributing non-work related literature to any other employees of the Town or members of the public during working hours, without the expressed written permission of the Board of Selectmen. Disregard of this practice may be cause for disciplinary action, which may result in termination.

## **Union Membership**

Where employees are represented by a Union, a representative of an employee’s bargaining unit will contact new employees during the initial months of employment with the town. An employee can obtain copies of their respective collective bargaining contract from their union representatives.

## **Conflict of Interest**

All employees of the Town shall be aware of and abide by Chapter 268 A, the State “Conflict of Interest Law” that is designed to ensure that a public employee’s private financial interests and relationships do not conflict with their public obligation to act objectively and with integrity. The law is broadly written to prevent a public employee from becoming involved in a situation that could result in a conflict, or give the appearance of a conflict. A copy of this act is available in the office of the Town Clerk or on the Town’s website for employee reference. Employees will be provided with a copy of the summary of State Ethics Law on an annual basis.

Employees required by law, regulation, or in relation to their position, to maintain registration, license, or certification, are personally responsible for acquiring and maintaining such documentation, unless collective bargaining agreements provide otherwise. Failure to abide by this Code of Ethics may result in disciplinary action up to and including termination of employment.

No employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest, or would tend to impair their independence of judgment or action in the performance of their official duties in the public interest, or would tend to impair their independence of judgment or action in the performance of their official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

## **Workplace Code of Conduct**

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times, showing regard for their responsibilities, the interests of the Town, and the welfare of its residents.

Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and to maintain specified standards of performance; to comply with reasonable employer instructions and policies and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties. The intent of this practice is to ensure that: 1) employees meet the Town’s legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town’s expectations; and 3) disciplinary action initiated against an employee is fair and appropriate. Violation of this practice may result in disciplinary action being taken by the Town up to and including termination.

## **SECTION II            EMPLOYMENT PRACTICES AND PROCEDURES**

### **Anti Fraud**

The Town is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, vendors, agents or its own employees, to gain by deceit, financial or other benefits at the expense of the taxpayers.

Town Officials and employees must, at all times, comply with all applicable laws and regulations. The Town will not condone the activities of officials or employees who achieve results through violation of the law or unethical business dealings. The Town does not permit any activity that fails to stand the closest possible public scrutiny.

A copy of the Town's Anti Fraud Policy is available in the Office of the Human Resources Administrator or on the Town's web site.

### **Attendance**

Work schedules have been developed to provide the coverage necessary for superior customer service. To provide the quality of service the Town's customers have come to expect, we count on employees to be ready to start work at the appointed time and to work the entire scheduled shift.

In the event of sickness or other emergency, employees are required to report an anticipated absence or late arrival to their Department Head as early as possible on the first day of absence. Employees are required to keep their Department Head advised of their planned return-to- work date.

Excessive absences may result in temporary or permanent layoff if an employee is unable to attend work as scheduled or fulfill job requirements. If a physician's documentation is required before returning to work, employees will be notified. Absence for any period of time, during which no notification is given to a Department Head or permission obtained, is considered job abandonment or voluntary resignation and an employee may be subject to disciplinary action up to and including termination.

The Office of the Treasurer/Collector is responsible for maintaining and reporting official employee records of attendance. The Town's Human Resources Administrator shall review Departmental attendance records periodically to ensure consistent administration of attendance standards of all employees. The Treasurer/Collector or designee may request verification of payroll data.

### **Background and Reference Checks**

To ensure that individuals who join the Town are well qualified and to ensure that the Town maintains a safe and productive work environment, it is the practice of the Town to conduct pre-employment background checks on all applicants who accept a conditional offer of employment.

Background checks may include verification of any information on the applicant's résumé or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the Town. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead the Town to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check. A copy of the Town's CORI policy is available for review in the Office of the Human Resources Administrator or on the Town's web site. Additional checks such as driving record or credit report may be made on applicants for particular job categories .

The Town also reserves the right to conduct a background check of current employees to determine eligibility for promotion or reassignment in the same manner as described above.

### **Bonded Employees**

Certain employees, designated by the Treasurer/Collector, who are required to handle cash, must be bonded. Further details and information are available from the Office of the Treasurer/Collector.

### **Bulletin Boards**

Information of interest to employees is posted on bulletin boards in each Town building and on the official bulletin board maintained by the Town Clerk or designee. In addition, informational notices are distributed to Departments and, on occasion, material is enclosed with employee paychecks. Bulletin boards are for official use only and are not for personal use or solicitation. Various collective bargaining agreements may contain provisions for the use of bulletin boards for union announcements.

### **Cash Control**

The Town Treasurer/Collector has established cash control procedures that all employees who are required to handle cash must comply with. Gross shortages and/or carelessness will not be tolerated. Any incidence of gross shortages and/or carelessness will be handled at the Department Head or designee's discretion.

Although the above is the normal practice, management may make exceptions at-will depending on the Department Head or designee's view of the circumstances (for example, a history of shortages or other suspicious circumstances may result in more serious discipline or discharge).

The Town may conduct an audit of the management of cash at any time.

Failure to comply with the cash control procedures may result in disciplinary action being taken by the Town up to and including termination.

### **Disciplinary Action**

There are times when it may be necessary to discipline individual employees. It is the practice of the Town that disciplinary action should be taken only when warranted and with the utmost concern for the individuals involved. The disciplinary action that is appropriate for any particular misconduct is taken at the sole discretion of the Town up to and including termination. The Town will generally follow the principles of progressive discipline. The Town however, reserves the right to initiate discipline at any level depending upon the severity of the incident (s) giving rise to the need for disciplinary action.

A copy of the Disciplinary Action Form is included in the Addendum Section is available in the Office of the Human Resources Administrator.

### **Dismissal from Employment**

A dismissal is the most serious discipline that the Town may impose and consists of discharge or separation for delinquency, misconduct, inefficiency, violations of policy, inability to perform the work of the position, unbecoming conduct, or any other behavior that the Appointing Authority considers unacceptable. In circumstances where the appointing authority is a public body, the appointing authority shall convene a hearing pursuant to G.L. c.30A. Sec. 21 (a) (1), prior to separating an employee from Town service. Where the appointing authority is an individual officer, the provision of the Open Meeting Law shall not be applicable..

Nothing in this section shall be construed as granting a right to a hearing when a person has been appointed for a fixed term is not reappointed when the original term expires. The appointing authority will notify the employee six (6) months in advance of the expiration of a fixed term of employment of their intent not to renew or extend the term of employment.

### **Demotion**

At the discretion of the Appointing Authority, and only after a hearing, an employee may be demoted to a position in a lower classification level. The demotion may be based on delinquency, misconduct, or any other behavior that the Appointing Authority considers unacceptable. The demoted employee must be able to meet the requirements of the lower position and/or vacant position to be filled must exist prior to demotion. An employee may request or accept a voluntary demotion when assignment to less difficulty or responsible work would be to their advantage and in the best interest of the Town.

## **Suspension**

A department head, with approval of the Town Administrator or Appointing Authority may suspend an employee with pay when an employee's conduct, whether on or off duty, is so serious that temporary removal from the work place is necessary pending the outcome of an investigation regarding possible disciplinary action up to and including termination. A suspension without pay greater than 5 days should only be done by the hiring authority after a hearing has been held with the employee. A suspended employee shall not be permitted to work on his/her normal day(s) off, nor use paid leave time, nor make up the time by working overtime in lieu of a payroll deduction for the period in suspension. The period of suspension shall be determined by the Appointing Authority, after a hearing with the employee. An employee may be suspended for the same reasons that an employee may be demoted or terminated.

## **Employee Personnel References**

Any requests for an employee reference based on employment with the Town shall be referred to the office of the Human Resources Administrator. It is the practice of the Town to only confirm an employee's dates of employment, position(s) held and salary attained. The Town may also provide a prospective employee with a copy of the former employee's job description (s).

## **Equal Employment Opportunity and Non-Discrimination**

Federal and State laws prohibit discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment on the basis of race, color, religion, sex, national origin, disability or age except where age and sex are essential bona fide occupational requirements, or where a qualified disabled individual is unable to perform the essential requirements of their job without reasonable accommodation. The Town commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

All employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based solely upon merit, fitness and such occupational qualifications as each individual might possess. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, or other non-job related criteria. The Town, recognizing the right of an individual to work and to advance on the basis of merit, ability, and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, national ancestry, or age, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training programs, and all terms and conditions of employment. Employees are encouraged to report all violations of this practice to their Department Head or the Town Administrator.

## **Grievance Procedure**

A grievance is defined as any complaint submitted in writing by an employee who is covered by this Handbook that the Town has violated an expressed term of this Handbook. A grievance may not be filed, however, contesting any disciplinary sanction issued by the Town, including, but not limited to, discharge, suspension, warnings, reprimands, non-reappointment, and/or counseling sessions. If an employee believes that they have not been credited with or have otherwise lost wages or benefits to which they are entitled, he/she must present a grievance in accordance with the Town's grievance procedure.

Step 1. Any employee who believes that the Town has violated an expressed term of this Handbook may appeal for relief from that condition. An employee must discuss the grievance initially with their direct Department Head or designee for relief from that condition within ten (10) working days of the occurrence or knowledge of the event (s) giving rise to the grievance. Then, if the matter is not settled, the employee should submit said grievance in writing to the Department Head for relief from that condition. The Department Head shall meet with the aggrieved employee and shall respond in writing to the employee, within fourteen (14) working days of the meeting. If the employee's Department Head is also the immediate supervisor, he/she should proceed to Step 2.

Step 2. If the grievance is not resolved at Step 1, the employee may file an appeal in writing with the Town Administrator or Appointing Authority within ten (10) working days of receipt of the Department Head's decision at Step 2. The Town Administrator or Appointing Authority may, upon request, meet with the employee within a reasonable time after receipt of the employee's appeal. The Town Administrator shall reply in writing to the employee's grievance within ten (10) working days after a meeting with the employee is held, if any. The Town Administrator will send one (1) copy of the reply to the employee, one (1) copy to the Department Head and place one (1) copy in the employee's personnel file.

Step 3. If the grievance is not settled at Step 2, or within ten (10) working days of the deadline for the response of the Town Administrator or Appointing Authority, the employee may submit the grievance in writing to the Personnel Board. The Board shall meet with the Town Administrator, Appointing Authority, Department Head and the employee at its next regularly scheduled meeting following the date of the receipt of the grievance. A final and binding decision of the Personnel Board will be rendered in writing within ten (10) working days of the date of the meeting with the Personnel Board.

## **Inclement Weather and Emergency Conditions**

Severe weather conditions, States of Emergency, and other situations threatening public safety occasionally require the closing of municipal buildings. The decision to close will be made by the Board of Selectmen or Town Administrator for buildings under the Board's jurisdiction and

by the Board of Library Trustees for the Conant Public Library. Public safety buildings (police, fire/ems, DPW) are considered essential and may opt to not close in such situations. Buildings are closed in the interest of both employee and public safety. During such closures non-essential employees shall not report to duty.

Municipal buildings being used as emergency shelters are also considered essential Town buildings and will not be closed although use may be restricted to emergency sheltering.

If the Town closes its municipal buildings prior to employees reporting to work and they are scheduled to work that day, they will be compensated for their regular wages for the given day.

If the Town closes its municipal buildings after an employee has reported to work, regular pay will be issued for the balance of the work day that an employee is scheduled to work.

If the municipal buildings are not shut down for reasons noted above and the employee elects to leave work during the inclement weather prior to the end of the work schedule, or does not report to work at all, the employee can opt to take unused accrued vacation or sick time if the absence is due to an illness, or no-pay for time not worked. If an employee is on leave of absence (including vacation, personal time or sick leave) and town buildings are closed due to inclement weather or other emergencies they may not receive any additional compensation.

It is the responsibility of the Town's Emergency Management Director to maintain a list of "essential" employees.

## **Indemnification**

To the extent allowed under G.L. c. 258, the Town shall defend, save harmless and indemnify an employee against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise, arising out of any alleged act or omission arising out of the performance of their duty, even if said claim has been made following termination from employment, provided that the employee acted within the scope of his /her duties. The Town shall pay the amount of any settlement or judgment rendered thereon. The Town may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon without recourse to the employee. To the extent allowed under G.L. c. 258, the Town shall reimburse the employee for any attorneys' fees and costs incurred by the employee in connection with such claims or suits involving the employee in their professional capacity. This section does not apply to any disciplinary action or proceeding being brought by the Town against an employee.

## **Individuals with Disabilities**

The Town is committed to realizing the full potential of all its employees regardless of their physical or mental disabilities. The Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations to allow disabled employees to perform the essential functions

of their jobs. Accommodation is an interactive process where an employee works with his/her employer to find a reasonable accommodation. If an employee requires an accommodation, he/she should contact their Department Head or Town Administrator to discuss accommodation options. The Town will make the final determination of what accommodation is reasonable.

### **Interim or Temporary Assignments**

Positions may be temporarily filled by the Town as a result of promotions, resignations, illness, authorized leave of absence, terminations, demotions or transfers, if it is required by law or is in the best interest of the Town. When filling in for a more senior person for a continuous period of time greater than ten (10) consecutive working days, employees may receive special pay consideration as determined based on the recommendation of the Town Administrator or Appointing Authority and the subsequent approval by the Personnel Board. The rate of compensation will be based on length of assignment, the level of the employee's performance and the classification level (salary range) of the senior person, market conditions and qualifications of the employee subject to verification of available funding. If an employee reverts to their previous position, the employee shall revert to their previous rate of pay.

### **Loss of Job Qualification(s)**

Any employee who is unable to perform his/her job adequately because of the loss of a required license or other requirement relative to the position may be subject to disciplinary action up to and including termination. The employee may apply for other positions with the Town.

### **Municipal Buildings**

It shall be the practice of the Town that all municipal and School buildings and its meeting rooms are available for governmental, political, and educational activities that do not interfere with the conduct of government. The Board of Selectmen delegates to the Town Administrator the right to approve or disapprove the use of municipal buildings by any organization. The Town Administrator and the Chief of Police, in consultation, shall provide for the assignment of police officers when they are considered necessary by the Town. The cost of supervision and provision of police officers shall be the responsibility of the using organization.

Any group granted permission to use any Town facility, shall be responsible for the following:

1. Conduct of participants and their guests
2. Return of any equipment/fixtures to their proper place
3. Replacement or repair of any damaged equipment/fixtures
4. Adherence to all State and local ordinances
5. Any other specific cost required deemed appropriate by the Town for each activity

### **Special Conditions:**

1. There is no smoking allowed in any municipal building
2. Food and beverages are not permitted without prior written approval of the Town Administrator or Building Manager

## **Nepotism**

The State Conflict of Interest Law, Mass. G.L. c. 268A, applies to the hiring and managing of employees, and all supervisors and Department Heads are reminded to be familiar with the Conflict of Interest Law in this regard, and in particular, to the State Ethics Commission's Advisory No. 86-02 (as it may be amended) which addresses questions of nepotism.

In particular, supervisors and Department Heads may not participate in any matter in which an immediate family member (defined under c. 268A as the employee and his/her spouse, and their parents, children, brothers and sisters) has a financial interest. This would generally include hiring and firing decisions, as well as questions of performance evaluations, demotions or suspensions, or even day-to-day active supervision of an employee.

Employees are cautioned against using their position to secure an unwarranted privilege of substantial value for themselves or others, or from acting in a manner which gives a basis for the impression either that they are improperly influenced by another person, or that someone is unduly enjoying their favor because of kinship. The appearance of a conflict is prohibited under the state Conflict of Interest Law to the same extent as actual conflicts of interest.

When an immediate family member is employed in the same department as a supervisor or Department Head, or whenever the supervisor or Department Head has any personnel responsibilities over the immediate family member, the supervisor or Department Head should contact the Town Administrator, to establish appropriate protocols with respect to supervision of the family member as a Town employee.

## **No Strike Provision**

Since municipal employees provide a service to the public whose interruption in many instances may be detrimental to public safety, no municipal employees shall engage in any work stoppage, slowdown or strike. Any employee engaging in such work stoppage, slowdown, or strike shall be subject to immediate dismissal without any rights to any of the benefits provided by the Town.

## **Non - Harassment**

It is the Town's practice to provide a workplace free from discomfort or pressure resulting from ridicule, slurs, and harassment either relating to distinctions based upon race, national origin, sex, age, religion or disability or simply from a lack of consideration for a fellow human being. In addition to this practice, if any employee feels that he or she has been subjected to any form of harassment, they may file a complaint with their Department Head, Town Administrator or Chief of Police.

A copy of the Town's Non-Harassment policy may be obtained in the Office of the Human Resources Administrator or on the Town's web site.

## **Personnel Changes**

No change of status of an employee's employment with the Town will be made without completion of an Employee Personnel Change Notice that is provided to the Office of the Treasurer/Collector. A copy of this form is available in the Office of the Treasurer/Collector.

## **Personnel Records**

Official employee personnel files are maintained in the Office of the Treasurer/Collector and are considered confidential. Department Heads, managers and Department Head or designees may only have access to personnel file information on a need-to-know basis. It is understood that departments may keep their own employee personnel files. The official personnel file will contain factual information regarding employment with the Town, including but not limited to an application form, the date an employee began work, wage rate, job performance, any on-the-job accidents, reports of any disciplinary action taken for infraction of rules, wage increases, recognition and awards an employee may receive and suggestions you may have submitted to management.

To ensure that an employee's official personnel file is current, it is the responsibility of an employee to notify their Department Head, Treasurer/Collector or Human Resource Administrator promptly of any changes in name, address, and telephone number, and marital status, number of dependents, beneficiary designees, emergency contacts and so forth. An employee may request to review the contents of their personnel file at reasonable intervals in the presence of the Human Resource Administrator or designee, provided an appointment is scheduled in advance. Corrections or comments on any material in an employee's file that he/she consider inaccurate or with which they disagree may be submitted for inclusion in the file. Personnel files may not be taken outside the Treasurer/Collector's office. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

The Americans with Disabilities Act (A.D.A) and the Family and Medical Leave Act (F.M.L.A.) requires that all medical information be maintained in separate, confidential files.

## **Promotion**

Promotion of employees to a new position or classification may be made by the Town. Failure of an employee to successfully perform the duties of the new position during the promotional introductory hiring period may result in an extension of the promotion, demotion, dismissal, disciplinary action, reclassification or transfer depending upon the availability of positions and budgetary Resources.

## **Recruitment**

It is the practice of the Town to fill each position with the most qualified person and that the Town Administrator, Human Resource Administrator and Department Head be involved in the hiring process. Vacancies may be filled by promotion or transfer if in the best interest of the

Town. Position vacancies due to involuntary termination may not be permanently filled before the Town's Grievance Procedure has been completed but temporary appointments may be made by the Town to fill these vacancies as necessary subject to appropriation.

New employees are required to meet the minimum physical requirements for the job applied for in accordance with their job description and they may be required to be examined by a licensed physician as selected by the Town Administrator and at the expense of the Town.

The following procedure shall be used when hiring employees for or filling regular full time, regular part time, part-time, or seasonal positions:

1. A current job description must be on file with the Human Resources Department and approved by the Personnel Board prior to the announcement of any job opening.
2. The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plan.
3. All announcements concerning job openings, vacancies, or promotions of positions, shall be date stamped by the Town Clerk, posted internally on the Town Clerk's Bulletin Board, any appropriate worksite bulletin board and the Town website for ten (10) days concurrent with the advertisement of the position in a local publication of record or any other publication as determined by the Town. The internal posting of a position does not in any way restrict the Town from hiring any qualified candidate, whether internal or external.

Such postings shall include but not limited to the following:

- Job title and Summary Statement of Duties
- Minimum qualifications (knowledge, ability, skill level) Special Requirements specific to this position
- Salary Range (Min/Max) in accordance with the Classification and Compensation Plan (Attachment A & B)
- Direction on where and how applications may be filed
- Deadline for filing an application
- EEO/AA/ADA

### **Reduction in Force (RIF)**

When it becomes necessary to reduce the workforce, for budgetary or other reasons, the Town has the sole authority to determine which employees will be laid off based on the best interests of the Town. Employees whose employment is so terminated will be notified in writing of such termination. Employees whose employment is terminated in accordance with this section will be considered for re-employment in a manner to be determined in the best interest of the Town if they are physically and mentally qualified to perform all of the duties of their previous position with the Town. An employee who is restored to permanent duty within one (1) year of the

effective termination date shall have any unused leave benefits that the employee may have accumulated at the time of his/her termination restored.

### **Requirements in the Event of Emergencies or Disasters**

The Town's Emergency Management Director or designee shall initiate the phases of the Town's Emergency Disaster Preparedness Plan upon notice of onset of an emergency occurrence. Employees shall be designated as Essential, Non-Essential, or Emergency Personnel by the Town in accordance with the Town's Emergency Disaster Preparedness Plan. All employees shall continue to work in whatever capacity assigned by their Department Head or designee until such time as they are released to seek shelter, as determined by the Town Administrator or designated representative. Essential personnel shall be the last to be released prior to the event and shall be released on a case by case basis. Emergency personnel shall remain at their designated posts until released by their Department Head or designees in accordance with directions of the Town Administrator or designee.

As soon as the immediate threat or crisis to the Town has passed, the Town will contact all employees to provide instructions. Employees shall return to duty on or before the time given by their respective Department representative in accordance with the guidelines of the Town's Emergency Preparedness Plan and specific directions of the Town Administrator or his/her designee. Failure on the part of any employee to act in accordance with the guidelines of the Town's Disaster Preparedness Plan or the specific directions of the Town Administrator or his/her designee may result in disciplinary action being taken up to and including termination.

### **Smoking in the Work Place**

In accordance with Massachusetts General Law Chapter 270, Section 22, there is no smoking permitted in the work place (i.e. Town owned or leased property, a facility where Town business is conducted, or a site where an employee is considered to be "on-duty").

### **Social Media – Acceptable Use**

To address the increasing importance of the Internet and the changes it brings to the way residents communicate and obtain information online, Town departments may consider using social media tools to reach a broader audience. The Town embraces the use of social media when it furthers the goals of the Town and the mission of its departments.

The Town has an overriding interest in deciding what is published on behalf of the Town on social media sites. Therefore, the Town has established guidelines for the use of social media. A copy of the Town's Social Media is available on the Town's web site as well in the office of the Human Resource Administrator.

### **Technology and Computer Use**

It is the intent of this practice to ensure for the proper use of the Town's telecommunication systems which includes telephones, facsimile machines, computers, printers and other peripherals, programs, electronic mail, networks, web site, Internet, cellular phones, radios and pagers.

The following computer use is absolutely forbidden:

1. To access any material which the Town considers pornographic;
2. To purchase goods or services for personal use, even if charged to the employee's personal credit card;
3. To transmit confidential information or knowingly accept receipt of any communication which is pornographic, obscene or which in the Town's opinion might contribute to a hostile work environment because it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction; or
4. To conduct personal business of any type.

**Important Notice:** The Town has the capacity to examine computer usage by individual employees in detail. Even though the item has been "deleted" and the employee cannot retrieve it, it does not mean that the Town cannot do so. It is also possible to generate a report of every Internet connection made by the user and of how much time was spent in each connection. Employees who use personal electronic equipment, including but not limited to cell phones, pagers, camera phones and computers) on Town property or at work sites in Town for purposes which would be prohibited if conducted using Town equipment, will be considered to have violated this practice.

Further details, may be found in the Town's Information Technology Resources Policy that has been placed on the Town's web site and in the Office of the Human Resource Administrator.

### **Terminating Employment**

- **Exit Interview:** The Human Resources Administrator or designee may conduct an exit interview with each employee who is leaving the employment of the Town. Exit interviews conducted by the Human Resources Administrator or designee do not preclude such interviews by Department Heads. A copy of the Exit Interview form is available in the Office of the Human Resource Administrator.
- **Benefits:** Each employee who is terminating their employment should meet with the Treasurer/Collector or designee to receive an explanation of benefits.
- **Town Property:** Before receiving his/her last paycheck, an employee must surrender any Town property or materials assigned to him/her and must complete any separate actions as prescribed by the Department Head or Town Administrator.

### **Timekeeping**

Employees will be assigned an employee number when hired and will retain that number over the course of their employment. An employee must record the actual starting time at the beginning of a work shift and record the actual quitting time at the end of a work shift on the Town's official time record form.

The Town complies with applicable Federal, State and local laws, which require records to be kept regarding the hours worked by its employees. Employees must notify their Department Head

whenever they leave the work location for any reason other than authorized Town business. A non-exempt employee may not work before his/her scheduled starting time or after scheduled quitting time unless approved by a Department Head or the Town Administrator in writing.

Falsifying a time record, repeatedly neglecting to follow proper timekeeping procedures or failing to obtain proper authorization from a Department Head or designee as required by this practice may result in disciplinary action, including the possibility of discharge.

### **Town Commitments**

No employees including Department Heads are authorized to execute contracts, grants, or any agreements on behalf of the Town unless authorized by the Town Administrator in accordance with MGL Chapter 41:17 as amended.

### **Transfer**

When it is in the best interest of the Town, an employee, other than a Department Head, may be transferred by the Town Administrator or Appointing Authority either voluntarily or involuntarily within the Department, or to a different Department.

An employee who is transferred from one Department to another with the same grade and comparable position will be placed at the same rate of pay in the new Department. The transferring employee shall not be lowered in salary due to a lateral transfer and is not entitled to a salary increase.

In the event that an employee should be moved or volunteer to be moved from a position with a higher grade salary to a position of lower salary and grade unrelated to disciplinary action or performance, that reduction shall be considered a non-punitive reduction in grade and salary as opposed to a demotion. Examples of events leading to such reduction could be, but not limited to assuming a new position after lay-off, voluntary reduction in grade and step, for budgetary reasons of the Town, or reorganization within a Department of the Town.

### **Unauthorized Leaves of Absence**

An employee, who fails to report to work or fail to return from a scheduled break in work without authorized leave may be subject to disciplinary action by the Town up to and including termination of employment or may be considered a resignation without notice.

### **Use of Town Counsel**

All employees and members of Town Boards/Committees are required to notify the Town Administrator for approval of any matters that require a legal opinion from the Town Counsel.

## **Use of Town Property**

Vehicles owned by the Town are issued to personnel employed in positions designated by the Town for the benefit and convenience of the Town in order to provide timely and appropriate service to its citizens. The vehicle is assigned, therefore to the position and not to the employee.

An employee shall not use Town property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, including family members, either on- or off-duty except as otherwise approved by the Town Administrator, Department Head or as specified in a collective bargaining or employment agreement. Town vehicles shall be assigned to Departments, individual position, or to a general car pool on the basis of work responsibility as determined by the Town Administrator or appointing authority. No Town-owned vehicle shall be driven outside the limits of the State of Massachusetts without the permission of a Department Head who shall obtain approval from the Town Administrator of any instances in which a vehicle is to be driven out of State.

Employees are responsible for items such as equipment, vehicles, supplies, credit cards, and keys etc., issued to them by the Town and which are in their possession or control. Employees must return all property belonging to the Town on or before their last day of work. The Town at its discretion may request a security deposit for use of Town property to be refunded to the employee upon when either the employee no longer works for the Town or the equipment is no longer used. The Town may take any and all action deemed necessary to recover town property.

## **Violence and Weapons**

To ensure the safety of employees, customers, volunteers and visitors the possession or use of weapons (such as knives and handguns) is strictly prohibited on town-owned premises unless required for work, self defense, or in possession of a license to carry a firearm. This practice applies to all employees, consultants, vendors and contractors. Violations will result in disciplinary action, up to and including immediate termination of employment.

If an employee has been threatened by anyone, has sworn out a protection-from-abuse order against anyone, or has reason to fear assault or bodily harm from someone, the Department Head or the Town Administrator must be alerted. They should be provided with a description of the individual, and any other pertinent information (license plate number; color, make and year of vehicle; etc.) that would allow them to identify the individual. Employees who feel under imminent personal danger should dial 911 for immediate assistance.

## **Whistle Blower**

The Town encourages all employees to report information – without fear of actual or threatened discrimination, retaliation or reprisal – that they in good faith reasonably believe is evidence of gross misconduct, gross mismanagement; gross misuse or waste of public resources or funds; fraud; violations of law; abuse of authority in connection with the conduct of municipal operations or contracts; or a specific danger to health, security or safety.

The Town shall not recommend, take or threaten to take any disciplinary action having a negative or adverse impact on an employee or independent contractor because he or she:

1. Made or is perceived to have made a report
2. Sought remedy under applicable law after making a report
3. Participated in or cooperated with an inquiry or review by an authorized official of the Town or any other governmental entity with jurisdiction over the Town, regarding a matter that would constitute a report or a violation of this whistleblower provision, or with an enforcement or judicial proceeding arising from such an inquiry or review
4. Refused to obey an order that would violate law; or
5. Refused to work or authorize work when a hazardous safety or security condition presents an imminent danger of death or serious injury, there was no reasonable alternative to refusal, there was not sufficient time to eliminate the danger in absence of refusal and the individual where possible, notified the Town of the condition and of the intent not to perform or authorize work.

## **Workday Rules and Procedures**

### **Work Permits**

State and Federal laws require that any employee under the age of 18 who has not graduated from high school must have a work permit. No one under age 16 will be employed by the Town.

### **Work Schedule**

The normal workweek begins at 12:01 a.m. on Monday and ends at 12 midnight on Sunday. The normal workweek consists of forty (40) hours during a consecutive five-day period. The normal work shift varies depending upon department. Work schedules may be changed periodically at the discretion of the Town with five (5) days written notice. If an employee is required to work six (6) consecutive hours he/she is entitled to a ½ hour of unpaid rest. The employee's Department Head shall advise the employee of the time to take the rest period. The employee is required to take the rest period at the time directed by the Department Head.

## **Workplace Privacy**

No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Each employee must understand that personal items and personal communications received or stored on Town premises or Town equipment are not entitled to a guarantee of privacy. Management reserves the right to search Town property and documents in employee desks, lockers, file cabinets, etc.

## **Workplace Safety**

Safety is everyone's full-time job. The Town is concerned about the safety and welfare of all employees. No job is so important and no job effort is so urgent that the time cannot be taken to

perform work safely. Being alert will help prevent accidents. Accident hazards or potential hazards should be reported immediately to a Department Head or to the Town Administrator

Employees are expected to cooperate with management on all safety and health procedures and to properly use all equipment and devices provided for such purposes. The Town may provide additional safety training as needed or may post rules and regulations on the bulletin board. The Town will be as safe as employees make it.

The Town's general safety rules and regulations are as follows:

- Comply with Occupational Safety and Health Act standards and all rules, regulations and orders that apply to his or her own action and conduct.
- Report all unsafe conditions to a Department Head at once.
- Report all injuries, however slight, to a Department Head immediately.
- Good housekeeping throughout the facility is essential to safety, efficiency and satisfactory working conditions. Employees are expected to participate in helping to keep the facilities clean and neat.
- Employees shall not operate any equipment until they have been properly instructed by their Department Head or designee .
- Loose-fitting clothing (flowing ties, long sleeves, shawls, coats) or dangling jewelry shall not be worn around moving equipment or machinery.
- When making deliveries or on service calls, employees may not pick up hitchhikers, and with the exception of public safety employees (police, Fire, DPW), they may not enter private homes unless or until they confirm that an adult (over 18 years old) is present.

## **Workplace Violence**

The Town maintains a zero tolerance practice toward workplace violence, or the threat of violence, by any of its employees, customers, the public, or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace that is free from the intimidation, threats or violent acts.

Workplace violence includes but is not limited to harassment, threats, intimidation, coercion, physical attack or property damage. A threat is the explicit or implicit expression of intent to cause physical or mental harm.

Prevention efforts include, but are not limited to informing employees of this practice, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this practice and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen must be reported immediately to the Department Head or the Town Administrator who will assess and investigate the incident .

Anyone witnessing an act of violence must inform the Town Administrator or Department Head of all reported incidents of workplace violence. If an employee of the Town is alleged to have committed an act of violence, he/she may be placed immediately on leave of absence with pay pending the outcome of an investigation by the Town.

In critical incidents in which a serious threat or injury occurs, emergency responders such as Police, Fire or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team that consists of staff from the affected Department and may include the Town's Substance Abuse Coordinator, Police Department and others as deemed necessary.

The Department Head or designee will orient all new employees to Departmental procedures regarding reporting incidents of violence, what to do if the employee is threatened or if an incident of violence actually takes place and dealing with the after effects of an act of violence.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

### **Domestic Violence Leave Practice**

Consistent with any and all applicable laws, the Town is committed to the protection of employees from domestic violence by giving them the necessary support to deal with domestic violence issues. This effort along with the Town's Employee Assistant Program (EAP), can be utilized by any employee including all regular full-time, regular part-time, intermittent/seasonal/temporary employees if the need arises for an employee to take needed time off to deal with a domestic violence issue. A copy of the Town's Domestic Violence Leave Policy is available on the Town's web site or in the Office of the Human Resource Administrator.

## **SECTION III COMPENSATION (WAGES AND BENEFITS)**

### **Classification and Compensation Plan Overview**

The classification of a position in the Town's Personnel Bylaw is based on the application of a Position Appraisal Method consisting of a set of minimum qualifications that the Town determines is required to perform the essential functions of a position. The position factors or evaluation criteria are common across occupational fields (i.e. the knowledge, ability and skills that are required; that level of supervision to be exercised; the effects or outcomes of decisions may be; as well as the level of independence that is required to carry out the essential functions of each position). The position rating or evaluation system is used to evaluate or compare positions to one another in a quantitative manner consistent with the organizational structure of each Town department without having to rely solely on labor market data.

A summary list of the position evaluation criteria is included is available in the Office of the Human Resources Administrator.

### **Administration of the Classification and Compensation Plan**

The Human Resources Administrator has the administrative responsibility to ensure that positions allocated in the municipal budget have a corresponding grade in the town's classification plan. The Human Resources Administrator determines and recommends titles for positions subject to the review and approval of the Personnel Board. Department Heads are responsible for bringing to the attention of the Human Resources Administrator the need for new positions and material changes in the nature, duties, responsibilities, working conditions or any other factors that may affect the classification of any existing or proposed position.

It is the responsibility of the Human Resources Administrator to ensure that all job descriptions are maintained in a standard format and accurate manner consistent with the classification of each position. Department Heads and/or employees are encouraged to notify the Human Resources Administrator whenever they feel a significant change should be made to a job description that may affect the position's classification level.

The Human Resources Administrator is responsible for the administration of the Town's compensation plan after recommendation by the Personnel Board and approval at the Annual Town Meeting. Changes to the Plan that are proposed by the Human Resources Administrator must be approved by the Personnel Board and all Town Appointing Authorities prior to being submitted for approval at a Town Meeting. It is the practice of the Town to develop and maintain a compensation plan that is competitive with the market place enabling the Town to recruit and retain a quality work force. Market salary data is collected on a regular basis from comparable communities as determined from the geographical recruitment area as well as operational and demographic criteria on a position by position basis. The Town may, subject to the approval of the Board of Selectmen and Appointing Authorities and Town Meeting appropriation if

additional funds are required make changes to the salary ranges for each grade level as it deems necessary in order to maintain the competitiveness of the salary ranges with the market place.

The Human Resources Administrator is responsible for conducting salary market surveys on an as needed basis, as directed by the Personnel Board, Board of Selectmen or Appointing Authority in order to ensure that salary ranges are maintained in a competitive manner on a position by position basis.

### **Review and Approval of the Classification and Compensation Plan**

Grade levels of positions shall be added, modified and deleted from the classification plan upon review and approval by the Personnel Board, Board of Selectmen and Appointing Authorities, subject to ratification at the next Annual Town Meeting. The Personnel Board shall vote to retain or change the classification plan for the forthcoming fiscal year by December 10<sup>th</sup> of each year in conjunction with the development of the Town's Annual Operating Budget and subject to the ratification of its actions by formal amendment of the Town's Personnel Bylaw at the next Annual Town Meeting.

The Town's compensation plan consists of salary ranges consistent with the classification plan's grade levels that have been determined by application of a position rating system as well as market considerations. Each pay band or salary range represents the current competitive market value for all positions within each grade level. Each salary range or pay band has a minimum, mid-point (benchmark), and maximum range or quadrant:

- Salary range mid-point is developed based on the median mid-point of survey data collected for positions within each grade level.
- Salary range minimum is developed based on a fixed % of the salary range mid-point.
- Salary range maximum is developed based on a fixed % differential greater than the salary range minimum.

## **WAGES**

### **A. Starting Salary: New Employee**

It is the practice of the Town to hire new employees within the "hiring range" of a salary range for each grade level. A hiring range is defined as between the minimum and mid-point (benchmark) of each salary range at the classification level of each position.

It is understood that the Town reserves the right to hire a new employee above the hiring range based on the qualifications of an employee as well as market conditions.

### **B. Promotion**

An employee may be promoted in two (2) ways:

1. **Organizational Promotion:** the employee may be appointed to a different position that is classified in a higher pay band than the position currently assigned; and

2. **Job Revaluation/Reclassification:** duties and responsibilities of an employee's job may be expanded and as a result, the position requires an employee to have additional knowledge, skill, and/or ability, etc. Based on the application of the Town's position rating system, the position is assigned a new classification level. An employee whose position has been assigned to a higher classification level should be treated as having received a promotion at the next common review date.

It is the Town's practice that a promotional increase for a regular, full-time or part-time employee should result in an increase in salary that exceeds his/her current rate of pay. Factors such as a comparison to an employee's subordinate position(s) or employee(s) salaries, market conditions and the fiscal constraints of the Town will taken in to consideration to determine the actual amount of compensation to the employee who has been promoted.

#### **C. Temporary/Interim Promotion**

Employees filling in for a senior position for a period of time greater than 10 working days and not to exceed 90 days may receive special pay consideration during or after the completion of the assignment. In such instances, consideration to determine the amount of compensation should be given to the length of the assignment, level of performance, and job level of the more senior person. A lump-sum compensation is given to the employee at the successful completion of the assignment. Subject to appropriation and the approval of the Board of Selectmen or Appointing Authority.

#### **D. Merit Compensation**

A written evaluation of each employee's performance shall be conducted annually by the Department Head or Appointing Authority on such form as the Personnel Board shall require. The purpose of the performance review is to establish a periodic, formal review process to review an employee's performance. Wage increases are based on merit and ability as determined through the annual review process and therefore are not automatic. To be eligible for a merit increase, an employee must have been actively working for the Town (in an active pay status) for at least 30 of the 52 weeks of the relevant performance review cycle. Merit increases are calculated using the annual employee's salary in effect, immediately preceding the effective date of the merit increase. Performance reviews ensure that eligible employees are considered for merit pay increases but do not guarantee that an individual employee will receive an increase. A merit increase is a salary increase earned by an employee whose performance has met or exceeded the requirements of the position. The Town has established four (4) overall levels of employee performance rating: Exceeds Expectations, Meets Expectations, Needs Improvement, and Below Expectations.

An employee who receives an overall performance rating of “Below Expectations” is not eligible for a salary increase until the level of performance is improved.

In addition to merit compensation, all employees will receive any across-the-board salary increases contained in the latest compensation plan that has been approved by Town Meeting vote.

A merit increase budget is established by the Personnel Board through the Town’s annual budgetary process. The amount of funds designated for salary adjustment is based on the competitive pay practices of the Town and its fiscal constraints.

A copy of the performance evaluation form including the performance review cycle may be obtained at the Office of the Human Resources Administrator.

### **Deferred Compensation Plan**

Employees may elect to participate in a Deferred Compensation Plan offered by the Town. Copies of the enrollment form as well as additional information about are available in the Office of the Treasurer/Collector.

### **Length of Service**

For the purpose of calculating eligibility and leave available under the Family and Medical Leave Act (FMLA), refer to the Town's Family and Medical Leave Policy. For all other employee benefits, employees should use the following definition of length of service: a regular full-time employee’s continuous employment with the organization, commencing with an employee’s last date of hire.

Length of service may affect employee benefits, pay and vacation pay. However, length of service, no matter how long, will not change an employee’s at-will status. Employees will be credited with length of service from your last date of hire. Employees hired through a temporary agency and employees hired for an interim period shall not attain service-with-the-Town status.

An employee’s length of continuous service with the Town and the employment relationship shall terminate if any of the following occurs: The employee:

- Quits or retires.
- Is discharged or otherwise terminates employment.
- Is absent from work for three consecutive working days without properly notifying the Town and being excused.
- Fail to report for work following a leave of absence or vacation, unless the extended absence is excused in advance by an employee’s Department Head.
- Fails to report for work as at the latest, within three working days following notification to return after a Town layoff, unless excused in advance by the Department Head.

### **Pay Period/Pay Days**

Normally employees are paid bi-weekly with the payroll period ending on Sunday and checks available on Thursday. In the event that a holiday occurs on a pay day, payroll checks will be distributed on the nearest preceding work day.

### **Payment at a Listed Grade**

All employees shall be paid at a wage within the minimum-maximum salary range for the grade level established for their position.

### **Payroll Deductions**

Mandatory payroll deductions are made depending upon the number of exemptions claimed for federal and state income taxes and retirement contributions. Optional payroll deductions are made based on employee authorization for health insurance, life insurance, dental insurance, deferred compensation, and for other contributions as approved by the Town Administrator.

Subject to the applicable federal or state law, the Town may be obliged to retain and pay over to a third party a portion of an employee's earnings.

### **Personal Rate of Pay**

Any rate of pay which is above the maximum salary for a position as established by the Town's Classification and Compensation Plan, shall be deemed to be a personal rate of pay, and shall apply only to the incumbent. When such incumbent leaves the employ of the Town, or is transferred to another position or a new maximum higher than the employee's personal rate is established, the personal rate shall disappear.

## **BENEFITS**

### **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued, at the employee and dependent's expense, at group rates for up to thirty-six (36) months following a qualifying loss of coverage.

### **Death Benefit**

Upon the death of a Town employee who is on the Town's payroll, his/her estate or designated beneficiary is eligible to receive his/her accumulated unused vacation leave benefits, retirement contributions and/or life insurance as applicable.

### **Educational Assistance**

With prior approval of the Town Administrator or Department Head and subject to the availability of funds, employees will be reimbursed for the cost of taking job-related education courses from accredited colleges or universities, secretarial and trade schools, and/or from organizations

providing specialized training related to an employee's responsibilities. This practice also applies to the cost of training required for the maintenance of certifications required by the Commonwealth of Massachusetts. The Town will pay the full cost of training related to required certification of licenses. To be eligible, employees must have a minimum of one (1) year continuous service with the Town.

To obtain tuition reimbursement, an employee must complete a Tuition Reimbursement Request Form and submit it to the Town Administrator or their Department Head. Employees must be actively employed by the Town at the time of course completion.

Employees must receive a grade of "C" or higher in the class, or in the case of a pass/fail, must receive a "Pass".

Within two (2) weeks of completion of the course, employees must submit to the Town an official transcript from the school that includes the grade received, and the receipt or other official proof of payment. Failure to timely submit the appropriate receipts and transcripts may result in denial of reimbursement. It is the responsibility of the department head to maintain and update employee training records.

Payback of tuition reimbursement will be required if an employee leaves the employment. New employees shall execute a reimbursement agreement as a condition of their initial employment with the Town.

### **Health Insurance Portability and Accountability Act (HIPAA)**

- A. The Town will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town shall limit the use of and access to Protected Health Information which is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.
- B. To assure compliance, the Board of Selectmen shall designate the HR Administrator as the Privacy Contact who shall have the responsibility to ensure that the:
  - 1. Town Administrator is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
  - 2. documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;

3. Town's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
  4. any protected health information disclosures are tracked;
  5. authorizations for disclosure and use of protected health information are properly processed;
  6. complaints from participants are resolved about possible privacy violations;
  7. appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;
  8. all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
  9. Town's compliance with HIPAA privacy regulations is monitored on a regular basis.
- C. Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.
- D. As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.
- E. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act (OSHA) and sick leave.
- F. Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.
- G. The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the Town committing to compliance with the

HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

- H. Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:
1. What unauthorized protected health information was released;
  2. Who received the protected health information and/or is knowledgeable of the protected health information;
  3. When was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information; and
  4. What was the result of the release of the unauthorized protected health information?
- I. The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of Town management and, if necessary, legal counsel. The Privacy Contact will provide a written report of his/her findings and recommended action, if warranted, to the Town Administrator and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Contact is unable to conduct this meeting and/or investigation the Town Administrator shall appoint an alternate senior manager to perform these duties.
- J. Complainants may also contact the Federal Department of Health and Human Services for assistance.
- K. The Town will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this practice and the use of the proper procedures and practice documents. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination.

## **Insurance Plans**

The Town makes available to all regular full or regular part-time employees group life, accidental death, long-term disability, sickness, group hospitalization and dental insurance programs. Family coverage is also available. A list of current insurance carriers available in the Office of the Treasurer/Collector. The level of coverage, and respective premium costs are subject to possible change by the Town. The Town will provide proper notice in advance to

employees of any proposed changes to an insurance plan (s) in accordance with statutory notification requirements.

For information regarding employee insurance plans and rates, employees should contact the Office of the Town Treasurer/Collector.

### **Overtime**

It is the practice of the Town that all work be accomplished within the normal work day. On occasion, the Town may determine that overtime is necessary to complete the assigned work beyond the normal work day. Each position authorized by the Town shall be designated as exempt or non-exempt from the payment of overtime in accordance with the provisions of the Fair Labor Standards Act (FLSA).

- Exempt positions in accordance with the Fair Labor Standards Act (FLSA) are not eligible for overtime compensation. Employees in these positions are expected to work the hours necessary to complete their respective duties.
- Non-exempt positions shall be paid overtime for work in excess of forty (40) hours in a work week

Except in the case of an emergency, all overtime work must be authorized by the employee's Department Head or Appointing Authority in advance of said employee working beyond the normal work week. A non-exempt employee shall receive a rate of pay for any hours, or portions thereof that are worked as authorized by the Town beyond 40 hours per work week that is equal to one and one-half times his/her regular rate of pay. For purpose of calculating overtime, holiday pay, sick leave, personal leave and vacation leave shall not be considered as hours worked. In accordance with the FLSA, the Town has adopted a 7-k exemption by establishing a 28 day work period for police and fire personnel. No employee will receive compensatory time in lieu of the payment of overtime compensation.

A summary of the provisions of the Fair Labor Standards Act (FLSA) is available in the Office of the Human Resource Administrator.

### **Retirement System**

As a condition of employment, employees who are scheduled to work at least twenty (20) hours per week are required to join the Worcester Regional Retirement System (WRRS); employees who are required to work less than 20 hours per week are required to join the State Retirement System (OBRA).

The Town Treasurer/Collector or designee will provide assistance and direction to an employee eligible for retirement. Retirement applications must be made by an employee in accordance with the rules and regulations of the WRRS.

## **Workers Compensation**

To preserve rights under the law, an employee must notify the Town immediately if involved in an on-the-job accident that results in personal injury. Employees, injured on-the-job are protected against loss of income and medical expenses by provisions of the Massachusetts Workers Compensation Act. Employees receiving workers' compensation benefits may, upon request, receive vacation, sick or personal leave accrued at the time of injury to supplement workers' compensation benefits up to the amount of base wages the employee received each week before the injury occurred. Injury report forms are available in the office of the Town Treasurer/Collector's office.

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## **SECTION IV EMPLOYEE LEAVE PRACTICES**

### **Application of this Chapter**

#### **Application of this Chapter**

Regular employees, working for the Town one thousand forty (1,040) hours or more during a fiscal year are eligible to participate on a pro-rated basis in the following fringe benefit programs offered by the Town unless otherwise indicated.

Please see the Personnel Bylaw, Section 6: Employee Benefits for details regarding compensated leaves of absence.

#### **Civic Duty Leave**

All employees entitled to vote at National, State, Municipal or Special Elections shall, when necessary, be allowed sufficient time off with pay to exercise this right.

#### **Effect of Leave**

When any leave of absence without pay exceeds time worked or its equivalent in any month, an employee's length of service credit for all employment privileges shall cease until active employment is resumed.

#### **Extended or Emergency Leaves of Absence**

Extended or emergency leave of absence without pay may be granted by the Town Administrator for a period not to exceed sixty (60) days. Extended or emergency leave of absence may also be granted on the recommendation of the Department Head and the Town Administrator.

Any employee requesting an extended or emergency leave of absence shall designate a specific period of time which the leave of absence is to cover, and in the event such leave of absence is requested for reasons of physical disability, it shall be required that the employee's physician submit to the Town an indication of the nature of the disability and the time for which such leave of absence is requested. While on extended leave of absence, employees are responsible for the payment of all withholdings (i.e. insurance, dependent care etc) in accordance with the Town's payroll schedule.

#### **Family and Medical Leave (FMLA)**

In accordance with the provisions of the Federal Family and Medical leave act of 1993 (FMLA), employees having completed at least twelve (12) months of continuous service and who have worked at least 1,250 hours during the preceding twelve (12) months, shall be entitled to take up

to twelve (12) weeks of unpaid leave annually. All earned leave (vacation and sick) must be taken as part of the FMLA.

While on FMLA, employees are responsible for the payment of all withholdings (i.e. insurance) in accordance with the Town's payroll schedule.

For further details, a copy of the Family and Medical Leave Act (FMLA) Policy is available in the Office of the Human Resources Administrator.

### **Maternity/Paternity Leave**

The Town grants maternity/paternity leave in accordance with the provisions of the Massachusetts General Law. All employees having completed their probationary period shall be granted eight (8) weeks of unpaid maternity/paternity leave without loss of seniority or benefits for the purpose of giving birth or adopting a child under the age of eighteen (18) or under the age of twenty-three (23) if the child is mentally or physically disabled. Upon expiration of the maternity/paternity leave, employees will be restored to the same or similar position.

In the event that the employee is eligible for both FMLA and maternity/paternity leave; that employee's leave will be charged to both forms of leave simultaneously.

Employees requesting leave must provide notice to the Town Administrator at least two (2) weeks prior to the beginning of the anticipated leave.

Employees are entitled to use any accrued vacation, sick, personal and compensatory time (non-exempt employees) during this period. If accrued vacation, sick, personal and compensatory leave extends beyond eight (8) weeks, employees will be entitled to use said leave up to a maximum of twelve (12) weeks in total. Employees are required to return to their positions when their leave expires if they are physically and mentally able or must provide a doctor's note stating their anticipated date of return.

(Please see the Family and Medical Leave Policy that is included in the Addendum section of this Handbook for further details).

### **Military Leave**

**Purpose:** This section outlines the obligations and rights of Town employees who are reservists in a branch of the United States military, and those employees who are members in the Army and Air National Guard, or who leave Town service to enter the Armed Forces.

**Application:** This shall apply to all employees of the Town, excluding those employees under the supervision and control of the School Committee. Employees subject to the terms of a collective bargaining agreement shall be subject only to those provisions which are not specifically regulated by provisions of law or agreement.

**Policy:** The Town is committed to complying with all applicable state and federal laws and regulations governing military leave, including initial active duty for training, inactive duty training (such as weekend drills), temporary and long-term active duty, and reinstatement following active duty.

**Procedures:**

A. Leave for Training

In accordance with G.L. c. 149, § 52A, all full-time and permanent part-time employees who are members of a state or federal military reserve unit shall be entitled to an unpaid leave of absence from a permanent position for the purpose of attending compulsory military training for up to seventeen (17) days per calendar year. Such absence for military training shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of employment.

B. Leave for Active Duty

An unpaid leave of absence shall be granted to full-time and permanent part-time employees called under orders for active duty with the state or federal armed forces for compulsory service.

C. Resignation for Purposes of Joining Armed Forces

Employees who are granted leave for active military duty, or who resign from Town service for the purpose of entering active duty in the Armed Forces of the United States, shall be entitled to certain re-employment rights with the Town, in accordance with federal law, as outlined below.

All requests for military leave should be reported to the Town Administrator as soon practicable.

D. Inactive Duty for Training/Drills

Employees who are reservists or members of the National Guard may not be denied retention in, or any other advantage of, employment due to military obligations. An employee who is required to report for inactive duty for training must inform his/her Department Head in the form of a written request for military leave.

E. Active Duty for Training and Active Duty

Initial active duty training (IADT), which occurs when an employee first signs up to be a member of the reserves or National Guard, shall be treated in the same manner as regular active duty for the purposes of re-employment rights.

Except for emergency situations, employees called for active duty must request a military leave of absence, in writing, for the period of the leave, or may choose to resign. Employees who request a military leave of absence will be required to submit documentation to his or her Department Head as proof of active duty service as soon as is practicable.

Department Heads shall notify the Town Administrator prior to approval of a military leave of absence or in the event of the resignation of a reservist/National Guard member under orders.

F. Reinstatement and Retention

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 USC § 4301, et seq., an employee returning from military service is entitled to be re-hired by the Town within a reasonable period of time after applying for re-employment in accordance with the requirements set forth below.

Employees shall be entitled to re-employment following Active Duty service of not more than a cumulative of five (5) years. Any service on Initial Active Duty Training will not be included for the purposes of calculating the number of years in Active Duty Service.

The returning veteran or reservist must demonstrate that he or she remains qualified to perform the duties of the position. An employee who becomes disabled during military service and who cannot perform the duties of the otherwise appropriate job may be entitled to the nearest comparable job he or she is qualified to perform.

The period an individual has to make application for re-employment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 31 days but less than 180 days, the service member must submit an application for re-employment within 14 days of release from service. For service of more than 180 days, an application for re-employment must be submitted within 90 days of release from service.

Employee returning from military service is entitled to be placed in the position that would have been attained but for the absence due to military service.

An employee returning to service is entitled to be retained on the job for at least one (1) year following his or her return, unless discharged for cause or reached for layoff in accordance with a collective bargaining agreement or civil service procedure. A reservist returning from IADT is entitled to be retained on the job for a minimum of six (6) months following his or her return, unless discharged for cause or reached for layoff in accordance with a collective bargaining agreement or civil service procedure.

The returning employee is entitled to same pay that he or she would have attained without the leave to perform military service. This includes cost of living adjustments and length of service increases (e.g. longevity), but does not include merit increases based on satisfactory performance (e.g. step raises).

The employee is entitled to full credit for any job seniority lost as a result of military service. An employee’s length of service therefore shall include: employment prior to military service; a reasonable time between leaving the job to enter military service and the date of entry into military service; the entire period of the military service; and the period between release from service and return to work. In some cases, the application of the

seniority entitlement may be deferred until the employee has been re-employed for a period of time, in accordance with bargaining agreements and Civil Service Law.

The returning employee is entitled to retirement credit as if his/her employment had continued without interruption.

Reservists or National Guard members on Inactive Duty Training must report back to work for the next regularly scheduled work period after training ends.

The Town shall not discriminate against a reservist or National Guard member as a result of his or her military obligations.

**G. Health/Life Insurance**

Employees granted an unpaid military leave of absence for less than a complete calendar month may retain their health insurance at the current rate of contribution. Employees who do not receive a paycheck for a particular week must pay the employee's share of the premium directly to the Town during the week that the deduction would have been made had the employee been on the payroll.

Employees granted an unpaid military leave for more than one full calendar month shall be required to pay the full cost (100%) of the premium (both employee and employer share) directly to the Town, one month in advance of coverage, if they wish to continue to participate in the Town's health insurance plan. Employees on military leave or who resign for active duty military service may elect to remain on the Town's plan for up to 24 months.

**H. Notice of Rights**

The Town shall provide to employees covered by USERRA a notice of their rights, benefits, and obligations under USERRA. The Town may post the attached notice entitled "Your Rights under USERRA" where notices are customarily placed, mail it, or distribute it via electronic mail.

**Small Necessities Leave**

In accordance with MA General Laws Chapter 149, Section 52D, employees who are in active pay status with the Town can take up to 24 hours of unpaid leave during a 12 month period to (1) participate in school activities directly related to the educational advancement of a son or daughter such as parent teacher conferences); (2) accompany a son or daughter of the employee to routine medical or dental appointments, and (3) accompany an elderly relative of the employee to routine medical or dental appointment(s) or appointment(s) for other professional services related to the elder's care. The 24 hours of leave provided by this Act is in addition to the time provided by the FMLA. As with the FMLA, the leave can be without pay, or with use of paid leave if the employee so elects. Unlike the FMLA, the Small Necessities Leave may be taken intermittently or on a reduced leave schedule. If the necessity for leave under this section is foreseeable, the employee shall provide the Town with not less than seven (7) days written notice

before the date of the leave is to begin. If the leave is not foreseeable, the employee shall provide the Town with such notice as is practicable.

### **Special Leave with Pay**

Department Heads, with the prior approval of the Board of Selectmen or Appointing Authority, may grant or be granted special leave with pay and actual expenses to attend professional conferences, conventions or short schools, or to visit other communities in the interest of the Town, for which proper appropriation has been made. Such employees shall submit an itemized list of expenses for such travel together with paid receipts which shall be the basis for any and all petitions or requests for reimbursement of expenses incurred. Reimbursements shall be issued to the applicant when approved by the Town Administrator or Appointing Authority

### **Worker's Compensation**

#### **Application of this section:**

- \* To ensure that the employee gets prompt and appropriate medical treatment.
- \* To get the injured employee back to work in a modified or light duty capacity, if opportunities for light duty exist; and
- \* To provide cost containment for workers' compensation.

#### **When an injury occurs:**

The first action when an accident with injury occurs is to provide prompt medical attention, either at a local hospital or a town identified or approved physician. Immediately notify the office of the Human Resources Administrator, or Town Administrator who functions as the Worker's Compensation Officer. The Department Head or designee should assist in obtaining information for filing the Employer's Report of Occupational Injury or Disease which should be received by the office of the Human Resources Administrator no later than seven (7) days from the date that an accident has occurred.

#### **Maintain employee contact:**

During the recovery period, regular contact will be maintained with the employee by the Department Head or Appointing Authority. Medical updates from both the employee and the physician will be obtained by telephone or by personal visit.

#### **Identify alternative work assignments:**

The injured employee's immediate Department Head or designee has the responsibility for developing an alternative or modified job. This responsibility can vary based on the Department. Alternative productive work can be full or part-time, one time or ongoing. Consider:

- Tasks not being done by anyone now
- Jobs being done only occasionally

- Tasks now being done, which if assigned to someone else, would free other employees to do other work

The Town will obtain a written statement from the Town's physician stating that the employee is capable of performing the tasks designated in the alternative work assignment. It is important that the doctor completely understands the alternative work assignment. The Department Head or designee is responsible for monitoring the injured employee's progress and coordinating with the Human Resource Administrator's office to see that the employee returns to his/her regular job as quickly as possible, recognizing the nature of the injury, the likely recovery period and the work assignment to which the employee will return.

**Identify return-to-work date:**

Once the injury has occurred, helping the employee get back to work becomes the objective of the Appointing Authority, Department Head or designee, Human Resources Administrator, the employee and physician. Before an employee is allowed to return to work, all employees are required to submit a Doctor's statement certifying that the employee is physically and mentally fit to perform all of the duties of their position with no restrictions.

## Acknowledgment of Receipt of Employee Handbook

I, \_\_\_\_\_, an employee at \_\_\_\_\_, hereby acknowledge  
(First and last name) (Name of municipal department)

that I have received a copy of the Employee Handbook on \_\_\_\_\_.  
(Date)

I acknowledge that nothing in any of the Town of Sterling's Employee Handbook or other documents relating to employment with the Town of Sterling ("the Town") creates any express or implied contract or guarantee of continued employment for a specific term. No past practices or procedures, whether oral or written, form any express or implied agreement or contract to continue such practices or procedures. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the limitations set forth in this paragraph create any contract of employment unless: 1) the terms are put in writing, 2) the document is labeled "Contract," 3) the document states the duration of employment, and 4) the document is signed by the appointing authority.

The Town, acting exclusively through the Personnel Board, reserves the right to add, change or discontinue any aspect of its personnel policies and benefit programs and to revise or modify any provisions of this Handbook subject to the approval of the Board of Selectmen and other Town Appointing Authorities with proper notice provided to the Town's non-union employees and collective bargaining groups if applicable.

Conflicting provisions contained in collective bargaining agreements, to the extent required by law, shall supersede these policies. Where collective bargaining agreements are silent, these policies and regulations may be applied. If there is a conflict between language in the Employee Personnel Handbook and language in an official plan document (such as the group health insurance policy) the official plan document governs.

I understand that I am responsible for reading and abiding by all policies and procedures contained in this Handbook as well as other policies and procedures of the Town.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

CC Personnel File