



TOWN OF LUDLOW

PERSONNEL POLICY MANUAL

Approved by Board of Selectmen – February 7, 2017

Effective – March 15, 2017



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INTRODUCTION

This manual provides information and guidance for our employees about the general terms and benefits of employment with the Town. Please read it carefully. Should you have any questions about the information contained in this manual, please discuss them with your immediate supervisor or the Human Resources Department. If your questions relate to your collective bargaining agreement, you may need to discuss your questions with your union representative. The final interpretation of the provisions contained in this manual and in other similar written policies or documents developed or disseminated by the Town is the exclusive responsibility of the Town.

The Town reserves the right to change, add to, or delete any of the provisions in this manual at any time. An up-to-date version will be maintained in the Human Resources Department. The Town will endeavor to provide notice of changes through email or campus mail; however, these changes will have effect regardless of whether any particular notice is given or received.

This manual is not a contract of employment. All employees of the Town are employed on an “at-will” basis, except only for those employees (i) who have a valid, written, individual employment contract for a fixed, specific term of employment, (ii) whose employment is covered by a collective bargaining agreement, or (iii) whose employment is governed by law (e.g., Civil Service employees). As such, you or the Town may terminate the employment relationship at any time and for any lawful reason.

The Town’s Board of Selectmen has authority to adopt and administer this Personnel Manual, shall be responsible for the administration of the provisions of this Manual, and may designate an employee or a person on a contractual basis for administering and interpreting the policies in this Manual.

Should any information in this manual conflict with a collective bargaining agreement or with any federal or state law, the applicable agreement or provision of law will take precedence. This manual is not intended to substitute, replace, overrule, or modify any existing federal and state laws, agency rules, regulations or policies, or terms of a collective bargaining agreement (if relevant), nor be inclusive of every policy. If you need a copy of the collective bargaining agreement (union contract) that governs the conditions of your employment, please contact your union representative.

EQUAL OPPORTUNITY EMPLOYER

COVERAGE. All employees.

The Town shall make every effort to attract and employ qualified persons and is committed to equal employment for all persons. Every person regardless of age, race, color, national origin, religion, sex, sexual orientation, gender identity, participation in discrimination complaint-related activities, genetic information, military or veteran status, disability, or any other basis prohibited under applicable law for employment in the Town, applying for employment in the Town will receive equal treatment. Recruitment, selection, appointment and promotion for all positions will be based solely upon job abilities, and other characteristics necessary for successful job performance. The recruitment, selection, appointment and promotion procedures of the Town are to be considered minimum, and should not be construed to conflict with special requirements as may be necessary and usual to a particular department insofar as such special requirements exceed these minimum procedures or may be required by the provisions of a collective bargaining agreement.

AFFIRMATIVE ACTION PROGRAM

COVERAGE. All employees.

It is the policy of the Town to provide equal employment opportunity for all. In furtherance of this goal, the Town also has an Affirmative Action Program.

The responsibility for implementing the Affirmative Action Program rests with each Town department. The Director of Human Resources has the responsibility of coordinating the implementation of the Program.

As part of the Affirmative Action Program, the Town endeavors to provide employees the following:

- Full and equal opportunity for participation in all training programs that are made available to Town employees; and
- Equality in the administration of employee benefits and compensation.

For more information about the Town's Affirmative Action Program, please see your department head or the Director of Human Resources.

AMERICANS WITH DISABILITIES ACT POLICY

COVERAGE. All employees.

The Town does not discriminate on the basis of disability in access to, or employment in, its programs, services, and/or activities, in compliance with the Americans with Disabilities Act of 1990, as amended.

The Town also recognizes that some employees may require reasonable accommodations to perform the functions of their jobs. The Town provides reasonable accommodations to otherwise qualified employees unless the accommodation requested would cause an undue hardship to the Town or cause a direct threat to workplace safety. If you are disabled or become disabled (as defined by law) and you require a reasonable accommodation, you must contact the Director of Human Resources to begin the interactive process, which will include discussing your disability, limitations, and possible reasonable accommodations that may enable you to perform the functions of your position, make the workplace readily accessible to and usable by you, or otherwise allow you to enjoy equal benefits and privileges of employment.

If you believe that you have been unlawfully discriminated against on the basis of your disability, you may file a formal complaint with either or both of the government agencies listed below. Each agency has a short time limit for filing a claim (EEOC, 180 days; MCAD, 300 days).

1. The United States Equal Employment Opportunity Commission (EEOC)
One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: Springfield Office:
One Ashburton Place 436 Dwight Street
Room 601 Room 220
Boston, MA 02108 Springfield, MA 01103
(617) 727-3990 (413) 739-2145

Employees should also be aware that, as a provider of government services, the Town also complies with Title II of the ADA, which prohibits qualified individuals, by reason of their disability, from being excluded from participation in or being denied the benefits of services, programs, or activities of a public entity, or from being subjected to discrimination by any such entity. Town employees are required to comply with the requirements of Title II of the ADA in the performance of their duties.

DEFINITION OF EMPLOYEE CATEGORIES

In order to determine eligibility for benefits and applicability of certain laws, the Town may classify employees. **The classification of an employee does not create a contract of employment with the Town and “at will” employees remain at-will regardless of their classification.** The following terms in this manual have the following meaning, unless a contrary meaning is required by the context or is specifically prescribed:

Regular Employee is a non-temporary employee who works on a full- or part-time basis.

Temporary Employee is a non-regular employee who works on a full- or part-time basis in a position that is expected to last for only a certain period of time. For example, temporary employees may be hired to cover a regular employee’s leave of absence or to meet the Town’s seasonal or short-term workload conditions. Temporary employees include those employees whose positions are classified as “casual”, “seasonal”, or “temporary”. Temporary employees are generally non-exempt employees. Except as specifically noted, temporary employees are not eligible for benefits.

Full-time Employee is an employee who routinely works at least 35 hours per week.

Part-time Employee is an employee who routinely works less than 35 hours per week (unless such other hourly minimum is set forth herein).

Exempt Employee is an employee who is exempt from the minimum wage and overtime regulations of the Fair Labor Standards Act (FLSA) and is paid on a salary basis regardless of the number of hours worked.

Non-exempt Employee is an employee who is not exempt from the minimum wage and overtime regulations of the FLSA and, as a result, is typically paid on an hourly basis and is entitled to overtime pay for hours actually worked in excess of 40 in a workweek.

Appointing Authority is the board or official authorized by the Massachusetts General Laws or otherwise to appoint employees.

Continuous Employment shall mean uninterrupted service to the Town. Vacation periods, sick leave, and other leave granted in accordance with this manual or with the Massachusetts General Laws are not considered a break in service.

Personnel Board is a board consisting of up to five (5) and one (1) alternate Town residents who are appointed by the Board of Selectmen who may be consulted by the Director of Human Resources and Town Administrator with respect to interpreting and implementing the policies in this manual.

PERSONNEL RECORDS

COVERAGE. All employees.

The Town maintains personnel records for each employee in the employee's personnel file. In accordance with law, an employee may request access to review her or her personnel file. The employee's review of his or her personnel file shall take place in the presence of the Director of Human Resources. The Town may provide, to any person so requesting, verification of employment of current and former Town employees.

VERIFICATION OF EMPLOYMENT, REFERENCES, AND RECOMMENDATIONS

COVERAGE. All employees.

Employees, supervisors and department heads are prohibited from providing references for current or former employees, except that a supervisor or department head may respond to a request for a reference or recommendation regarding a current employee seeking a promotion or transfer to another department.

All requests for references shall be made or directed to Human Resources. Upon request for a reference, Human Resources will confirm that an employee does work or has worked for the Town, as applicable, and will provide the time period of employment and position.

In addition, Town employees shall be mindful that they are subject to M.G.L. c. 268A (the Conflict of Interest Law). Pursuant to the Conflict of Interest Law, Town employees may not knowingly use their official positions to give or attempt to give anyone an unwarranted privilege of substantial value which is not properly available to similarly situated individuals, which can include recommendations for employment.

Town employees can obtain free, confidential advice about making and receiving recommendations from the Massachusetts State Ethics Commission, which can be reached at (617) 371-9500, or online at www.mass.gov/ethics.

CRIMINAL OFFENDER RECORDS INFORMATION

COVERAGE. All employees.

The Town of Ludlow conducts Criminal Offender Record Information (CORI) checks, in accordance with law, as part of the general background check for certain employment, volunteer work or licensing purposes. The CORI system is administered by the Massachusetts Department of Criminal Justice Information Systems. The Town conducts CORI checks on employees and

volunteers who will have direct and unsupervised or unmonitored contact with children, elderly and/or disabled persons. The Town also reserves the right to request CORI information on other employees as allowed by law. The Town will only request CORI information after a conditional offer is made to a candidate.

MEDICAL EXAMINATION

COVERAGE. All employees.

Medical examinations are required in accordance with Chapter II, Section 4 of the Town Bylaws.

ORIENTATION AND PROBATION

COVERAGE. All employees.

Orientation. New employees will be notified of a date, time and designated location for starting work. Employees subject to a collective bargaining agreement will be provided with a copy of that agreement as well as a copy of this Personnel Manual. New employees will be provided an appropriate orientation that may include on-site training regarding specific rules, regulations, policies and procedures of the employee's assigned department, including, as relevant, the safety policies and procedures.

Probationary Period. All new employees are required to successfully complete a probationary period to begin immediately upon the employee's starting date and to continue for a six (6) month period, which may be extended by the number of days which the employee may be absent from work. During an employee's probationary period, the employee may not be eligible for all benefits. Employees are encouraged to meet with Human Resources for a description of when benefits and incentive programs are available.

The purpose of the probationary period is to help new and promoted employees achieve effective performance standards. It shall also be used by the Appointing Authority to observe and evaluate the employee's attitude, conduct and work habits. Towards that end, at least one month prior to completion of the employee's probationary period, the department head or supervisor will endeavor to notify Human Resources in writing that:

- a) The employee's performance is satisfactory and that the individual should be retained as a Regular Employee in his position; or
- b) The employee's performance or conduct is unsatisfactory, and that his/her removal is proposed as of a specific date at the conclusion of the probationary period. The department head or supervisor will furnish reasons for the recommended dismissal.

An employee whose performance or conduct is unsatisfactory will be terminated, and shall be notified in writing of the reasons for his/her termination. Such an employee will have right of appeal.

Notwithstanding the foregoing, if an employee's performance or conduct is unsatisfactory, the Appointing Authority or Human Resources shall have the option of extending the probationary period an additional three months for those employees who, due to extenuating circumstances, require additional observation. At least one month prior to completion of this extended probationary period, the employee's supervisor or department head will again notify the Human Resources in writing as to whether the employee's performance is satisfactory, in which case the employee should be retained as a Regular Employee, or if the employee's performance is unsatisfactory, in which case the employee shall be terminated as set forth above.

RESIGNATION AND LAYOFF

COVERAGE. All employees.

Separation of employment from the Town can occur for several different reasons, including resignation, retirement, layoff or reduction in workforce, or termination. This policy sets forth the Town's requirements and expectations with respect to separation of employment. In all cases, upon or prior to separation, please contact your supervisor or Human Resources for more information about your benefits and discontinuance thereof, healthcare coverage (including COBRA), and payment, if any, of accrued vacation and sick leave.

For any separation, the separating employee must return all Town property at the time of separation, including uniforms, cellphones, keys, laptops and identification cards.

Resignations. Resignation is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the Town by submitting in writing the reasons therefore and the effective date to Human Resources and the employee's department head or designee at least fourteen (14) calendar days in advance.

Layoffs. For lack of work or by reason of fiscal cutback, the Town may have to lay off or demote one or more employees. In such event, the Town will do so in accordance with its policies and protocols. In no case will such layoff or demotion be construed as a dismissal for unsatisfactory performance.

Interruption of Service. A regular employee who leaves Town service in good standing may be hired within sixty (60) days of the employee's separation, at the discretion of the Town Administrator or Appointing Authority, subject to wages and benefits offered by the Town Administrator at the time of rehire.

ANTI-HARASSMENT POLICY (INCLUDING SEXUAL HARASSMENT)

COVERAGE. All employees.

It is the goal of the Town to promote a workplace that is free of harassment, including sexual harassment. Harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town takes allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

Definitions.

Harassment means unwelcome conduct directed at an employee by another employee or an elected official, that is intended to threaten or disturb. Harassment generally does not include petty slights, annoyances, and isolated incidents (unless extremely serious).

Sexual Harassment means sexual advances, requests for sexual favors, and verbal, written or physical conduct of a sexual nature when:

- submission to such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions;
- such advances, requests or conduct have the effect of unreasonably interfering with the individual's work performance by creating an intimidating, hostile or offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

ALL EMPLOYEES SHOULD TAKE SPECIAL NOTE THAT, AS STATED ABOVE, RETALIATION AGAINST AN INDIVIDUAL WHO HAS COMPLAINED ABOUT HARASSMENT, AND RETALIATION AGAINST INDIVIDUALS FOR COOPERATING WITH AN INVESTIGATION OF A HARASSMENT COMPLAINT IS UNLAWFUL AND WILL NOT BE TOLERATED BY THE TOWN.

Complaint Procedure. If any employee believes that he/she has been subjected to harassment, the employee may file a complaint with the Town. This may be done in writing or verbally. This complaint may be filed with the Director of Human Resources or the Town Administrator. The Human Resources Department is also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

The complaint should include the following details: the name of the complaining party; the name of the offender; the date of the offense; a description in as much detail as possible of the incident(s), including any statement by either party; and a list of known witnesses.

CODE OF CONDUCT

COVERAGE. All employees.

The primary duty of an employee of the Town is to serve the public. To achieve this goal, this policy is intended 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.

This means that, as an employee, you are expected to be courteous and respectful to customers and members of the public while acting in the course and scope of Town business. You are, therefore, also expected to act honestly, conscientiously, reasonably and in good faith at all times regarding workplace issues, keeping in mind your responsibilities as an employee, the interests of the Town and the welfare of its residents.

You also have an obligation to carry out your duties in an efficient, polite and competent manner; to maintain specified standards of performance; to comply with lawful employer instructions 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, of 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 your duties legally and efficiently.

Failure to behave in a manner consistent with this policy and the policies in this Personnel Manual may result in disciplinary action. The Town will endeavor at all times to utilize a fair and equitable process in reviewing an employee's alleged violation of its standards and policies.

ANTI-FRAUD AND CONFLICT OF INTEREST POLICIES

COVERAGE. All employees.

The Town recognizes the importance of protecting the Town and its operations, citizens, taxpayers, employees and assets against financial risks and unethical activities. The Town also seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service. In furtherance of these goals, employees must avoid actions which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting town business.

The Town therefore institutes this code of conduct and anti-fraud policy to clearly communicate its expectations with respect to employee conduct and to prevent and deter all forms of fraud that could threaten the security of the Town's assets and reputation.

This policy is designed to augment M.G.L. c. 268A (the Conflict of Interest Law) and the training employees receive pursuant to the Conflict of Interest Law. This policy shall not replace, preclude or supersede the Conflict of Interest Law in any way.

Requirement to Report Violations. Employees are responsible to report:

- Any fraudulent activity that is detected or suspected to the employee's supervisor or the Town Administrator.
- An activity, policy, or practice of the Town that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment to the employee's supervisor.

Conflicts of Interest Policy. In conformance with the Conflict of Interest Law, Town employees and officials shall not:

A. Solicit or accept anything worth \$50 or more from anyone with whom you have official dealings. This includes gifts, gratuity, favors, entertainment, loans, or any other item of monetary value from any person who has or may be seeking to obtain business with or privilege from the Town, or from any person within or outside town employment whose interests may be affected by your performance or nonperformance of official duties.

Acceptance of nominal gifts (less than \$50.00), such as those in keeping with special occasions such as marriage, retirement, or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, *e.g.*, pens, notepads, calendars of nominal intrinsic value, is permitted.

Flower funds or gifts for fellow employees. Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to Supervisors must be wholly voluntary on the part of each employee and any gifts should be of minimal value.

Supervisors and Department Heads. The restrictions on receipt of gifts and contributions to funds described above apply also to Supervisors and Department Heads, appointed or otherwise. In addition, Supervisors and Department Heads must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation

and direction of their subordinates and, therefore, supervisors and department heads shall not accept gifts from subordinates other than those of nominal value for special occasions, nor shall they borrow money or accept favors from any subordinate.

B. Engage in any business other than your regular duties during working hours, including, without limitation, such activities as solicitation of fellow employees, lending of money for profit, or any similar activity.

C. Ask for or accept anything (regardless of its value) in exchange for your agreement to perform or not perform an official act.

D. Disclose confidential information, data, or material which you gained or learned as a public employee.

E. Use any privileged or confidential information for your own financial advantage or provide friends and acquaintances with information which they could use to their financial advantage. If you find that you have an outside financial interest which could be affected by town plans or activities, then you must immediately report the situation to your supervisor.

F. Use or allow the use of, either directly or indirectly, public resources for political or private purposes. Public resources include, for example, computers, phones, fax machines, postage machines, copiers, cars, staff time, sick leave, uniforms, and official seals.

G. Hire, promote, supervise or otherwise participate in the employment of your or your spouse's immediate family.

H. Take any type of official action affecting your own financial interests or the financial interests of your immediate family, your spouse's immediate family, your business partners, your private employer, or any organization for which you serve as an officer, director or trustee.

I. Have more than one job with the Town unless you qualify for an exemption.

J. Have a financial interest in a contract with the Town except under special circumstances.

K. Take any action that could create the appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.

L. Use your official position to obtain unwarranted privileges or any type of special treatment for yourself or anyone else.

M. Take a job, after leaving public service, involving public contractors or any other particular matter in which you participated as a public employee.

Political Activities. With respect to political activity, all employees are entitled to exercise their rights as citizens to express their opinions, to cast their votes and to generally engage in private political activity. Please be aware, however, that a Town employee's participation in private political activity, is restricted in part by the Conflict of Interest Law and M.G.L. chapter 55 (the Campaign Finance Law).

In their public roles, Town employees are subject to Section 23(b)(2)(ii) of the Conflict of Interest Law, which (i) prohibits Town employees from knowingly (or with reason to know) using or attempting to use their official positions to secure for themselves or others unwarranted privileges or exemptions of substantial value that are not properly available to similarly situated individuals, and (ii) restricts the extent to which Town employees may engage in political activity in their public roles, or use public resources in connection with such political activity.

For more information about what is allowed or prohibited by a Town employee with respect to political activity and other issues related to the Conflict of Interest Law, please contact your supervisor or Department Head or the Massachusetts State Ethics Commission Legal Division at (617) 371-9500. For questions about political fundraising, please contact your supervisor or Department Head or the Massachusetts Office of Campaign and Political Finance at (617) 979-8300.

Training. All employees shall participate and comply with the required training provisions of the Conflict of Interest Law, as coordinated by the Town Clerk.

Anti-Fraud Policy. Fraud is a crime and may be prosecuted. The Town has a **zero tolerance** policy with regard to fraud and is committed to undertaking the following steps as part of its anti-fraud policy:

- *Education*
- *Prevention*
- *Detection*
- *Investigation*
- *Corrective Action*

Fraud is defined as a deception deliberately practiced to secure unfair or unlawful gain. In the workplace, occupational fraud is the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization's resources or assets. Fraud includes many acts, including those listed below in Actions Constituting Fraud.

Education. The Town believes that its employees must remain vigilant against fraud and that prevention is a cost-effective way to deal with fraud. Prevention may be achieved through education of Town employees. Education also aids in detecting fraud. The Town's goal is to establish and maintain an environment of fairness, ethics and honesty. To maintain such an environment requires each employee's active involvement in preventing and detecting fraud.

Reporting of Fraud. Fraud is often detected through a tip or internal audit. Any fraudulent activity that is detected or suspected must be reported immediately to the Town Administrator or his/her designee through the established chain of command (*e.g.*, department heads). The Town Administrator shall coordinate all investigations of all suspected fraudulent acts. All cases of suspected fraud will be investigated and appropriate action taken.

This policy will be administered in accordance with M.G.L. c. 149, s. 185 (Retaliation against employees reporting violations of law or risks to public health, safety or environment; remedies).

Actions Constituting Fraud. Actions constituting fraud that must be reported include, but are not limited to, the following:

Misappropriation of Assets

- Forgery, alteration or misappropriation of cash, checks, bank drafts, promissory notes, securities or any other financial document
- Unauthorized use or disposition of funds or property
- Falsifying timesheets or payroll records
- Falsifying travel expenses and/or utilizing Town funds to pay for personal expenses or for personal benefit
- Theft
- Embezzlement
- Fictitious reporting of receipt of funds
- Falsification of expenses and invoices
- The use or assigning of a Town employee on other than Town business
- Actions which cause the Town's financial reports and/or records to be inaccurate

Profiteering

- Offering, giving, soliciting and/or accepting an inducement or reward that may improperly influence the action of a Town employee

Gifts

- Accepting gifts and gratuities valued at \$50 or more given to influence a Town employee's official actions or because of the employee's official position. Accepting a gift intended to reward past official action or to bring about future official action is

illegal, as is giving such gifts. Accepting a gift because of the employee's municipal position held is also illegal.

Reporting and Investigations. The Town Administrator or his/her designee shall investigate any reports of fraud. Any investigative activity required will be conducted without regard to the suspected wrongdoer's: position, job title, and length of service or relationship with the Town. The Town Administrator is responsible for instituting and meeting programs and controls to prevent, deter and detect fraud.

Procedures for Reporting. An employee who discovers or reasonably suspects fraudulent activity shall immediately notify the Town Administrator or his/her designee. In cases where an employee reasonably believes the Town Administrator is involved, the employee shall notify the Town Accountant. If it is reasonably believed that the Town Accountant is involved, then the employee shall notify the Director of Human Resources. A reporting employee or other complainant may remain anonymous. Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct that does not constitute fraud should be resolved by Human Resources. If there is any question as to whether an action constitutes fraud, contact the Town Administrator for guidance.

In no event shall an employee (other than the Town Administrator or other authority charged with conducting the investigation) attempt to personally conduct investigation, interviews or interrogations related to any suspected fraudulent act.

Investigation. Upon notification or discovery of a suspected fraud, the Town Administrator or his/her designee shall investigate the suspected fraud. The Town Administrator will make every reasonable effort to maintain confidentiality. If the suspected fraud involves the Town Administrator, then the investigation shall be conducted by the Town Accountant. If the suspected fraud involves both the Town Administrator and the Town Accountant, then the investigation shall be conducted by the Director of Human Resources.

At the Town Administrator's discretion, the investigation may involve such individuals, including but not limited to: the Town Accountant, Town Treasurer, Town Law Enforcement, Human Resources, Legal Counsel and others, as appropriate.

Upon conclusion of the investigation, the results will be reported by the Town Administrator or his/her designee. If there are reasonable grounds to believe that a fraud may have occurred, then the Administrator will report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the Town taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover Town assets.

Security of Evidence. The investigator shall take immediate action to prevent the theft, alteration, or destruction of relevant records, and shall adequately secure any such records until the investigation is complete.

Confidentiality. All participants and all persons questioned in a fraud investigation shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy. Care must also be taken so as to avoid alerting the suspected individual that an investigation is underway.

Personnel Actions. If a suspicion of fraud is substantiated by the investigation, then the Town Administrator or his/her designee shall take appropriate disciplinary action, up to and including dismissal, and appropriate legal measures, including referral of the investigation results to appropriate law enforcement and/or regulatory agencies. Corrective or disciplinary action may be provided for internally within the employee's department, and in such event the Town Administrator may consult with the relevant department as to appropriate steps. Such disciplinary action or referral to outside parties may be taken independent of any findings and conclusions reached by any other authority to which the fraud allegations are reported.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person who made the allegation. If, however, an investigation does not confirm or substantiate the occurrence of fraudulent activity, and if the allegation is found to have been made and predicated without the reasonable belief that a violation has occurred, then appropriate disciplinary action may be taken against the individual making the false allegation, up to and including termination.

ANTI-RETALIATION AND WHISTLEBLOWER PROTECTION POLICY

COVERAGE. All employees.

The Town encourages its employees to be vigilant for activities constituting fraud, waste and abuse involving public assets, funds, and projects and requires employees to report such abuses. Town employees, or "whistleblowers", who make such reports are protected against retaliation from the Town. In accordance with the Massachusetts Anti-Retaliation law, M.G.L. c. 149, s. 185, the Town shall not take retaliatory action against a Town employee because the employee does any of the following (the "Whistleblower Acts"):

- Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Town, or of another employer with whom the Town has a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment;

- Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, or activity, policy or practice which the employee reasonably believes poses a risk to public health, safety or the environment by the Town, or by another employer with whom the Town has a business relationship; or
- Objects to or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

Employees who engage in Whistleblower Acts are protected from the following retaliatory actions:

- Firing;
- Suspension;
- Demotion; and
- Any adverse employment action taken as a reprisal.

Notice to Town. In order to be protected against retaliatory action for engaging in Whistleblower Acts, the employee must provide written notice of the violation and afford the Town a reasonable opportunity to correct the alleged violation. The written notice shall be provided to the employee’s department head, and, in the event the retaliatory action is alleged to have been taken by the department head, then the employee may provide the written notice to the Town Administrator. An employee is not required to provide written notice, however, if:

- The employee is reasonably certain that the activity, policy or practice is known to one or more supervisors of the Town and the situation is emergency in nature;
- The employee reasonably fears physical harm as a result of the disclosure provided; or
- The employee, for the purpose of providing evidence of what he/she reasonably believes to be a crime, makes the disclosure to either: (i) a federal, state or local judiciary, or any member or employee thereof, or any grand or petit jury; or (ii) a federal, state or local law enforcement agency, prosecutorial office, or police or peace officer.

Key Terms. For purposes of this policy, the following words have the following meanings:

- “Employee” means any individual who performs services for and under the control and direction of the Town for wages or other remuneration.
- “Employer,” “public body,” and “supervisor” shall have the meanings given in the Massachusetts Anti-Retaliation law, M.G.L. c. 149, s. 185.

False Accusations. The Town also realizes that false accusations can have a serious effect on innocent employees. Just as the Town will not tolerate any retaliation against employees making reports in good faith, the Town will not tolerate any knowingly false complaints. If, after investigation, it is clear that an employee who has accused another of engaging in unlawful activity has made the false accusation knowingly or without any good faith basis thereof, the accuser may be subject to disciplinary action, up to and including termination.

Legal Action. Employees aggrieved by a violation of the law may institute civil action in the Superior Court in accordance with M.G.L. c. 149, s. 185 within two years of the alleged violation. Pursuant to M.G.L. c. 149, s. 185(f), an employee who institutes such civil action shall be deemed to have waived any rights and remedies the employee may have under any collective bargaining agreement, contract, common law, or any other state law, rule or regulation.

Additional Protections. In addition, Town employees are protected against retaliation when the employee reports waste, fraud, and abuse to the Massachusetts Inspector General, as follows:

“Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employees as a reprisal for making a complaint or disclosing information to the inspector general, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.”

M.G.L. c. 12A, s. 14(c).

Further, Section 1553 of the American Recovery and Reinvestment Act of 2009 (“ARRA”) provides whistleblower protection for recipients of ARRA stimulus funds who report fraud, waste, and abuse to federal or state authorities. The law protects employees of state and local governments receiving ARRA funds, as well as subcontractors and grantees. In particular, whistleblowers are protected from:

- Termination;
- Demotion; and
- Discrimination as a reprisal for making a disclosure.

ATTENDANCE POLICY

COVERAGE. All employees.

The Town expects that every employee will be in the office or at their work site, ready to work, at their starting time each day. Punctuality and regular attendance are essential to the

smooth and efficient operation of the Town and its business, and every employee has the responsibility to maintain a good attendance record. You are expected to manage your time in such a way that most of your time off is planned and approved of in advance.

Excessive unplanned absences, tardiness, or patterns of attendance abuse (*e.g.*, frequent absences on Mondays or Fridays) may be grounds for disciplinary action, up to and including termination of employment. In general, an unplanned absence is defined as any absence that has not been approved a minimum of one business day before the absence.

You are required to schedule in advance with your supervisor or department head for any late arrivals, absences, or early departures. If advance scheduling is impossible due to illness or emergency, you must notify your supervisor or department head as early as possible before your scheduled starting time or as soon as is practical and continuing each day you are absent from work, unless the circumstances make such notice unfeasible.

DISCIPLINE POLICY

COVERAGE. All employees.

It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the departments of Town government. This includes meeting the Town's legitimate expectations in the areas of performance, behavior, and adherence to all Town policies. The purposes of this policy are to (i) ensure such expectations are met, (ii) provide employees with the necessary assistance when such expectations are not being met to meet the standards; and (iii) ensure that disciplinary action, when necessary, is carried out fairly and appropriately.

Department heads or supervisors are responsible for the proper and efficient operation of his/her department and for enforcing all policies and regulations, and, as such, your department head or supervisor may impose disciplinary action as may be necessary to ensure such efficient operation.

Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public. The following shall constitute sufficient cause for disciplinary action, up to and including termination:

- Neglect in the performance of the duties of the position to which the employee is assigned.
- Disregard for or frequent violation of Town or departmental policies or regulations.

- Willful misuse, misappropriation or destruction of Town property or conversion of Town property to personal use or gain.
- Frequent tardiness or absence from duty without prior approval.
- Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions from a supervisor, or other acts of insubordination.
- Habitual use of intoxicating beverages to excess or abuse of narcotics, drugs, or other controlled substances so as to interfere with job performance or the efficiency of Town service.
- Use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.
- Use of ethnic slurs, racial epithets or any terms of derision when referring to a specific ethnic, racial or religious group.
- Use of derisive terms when referring to people of specific religions, sexual orientation, gender, gender identity or who are in any way handicapped.
- Unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficient provision of Town services.
- Disregard for or frequent violations of Town bylaws or state or federal laws.
- Violation of privileged information or its use for private gain.
- Failure to observe safety practices including use of safety equipment such as eye protection or hearing conservation devices or any other safety equipment which is deemed necessary by the supervisor or by policy.
- Harassment, including sexual harassment.
- Any other conduct or action of such seriousness that disciplinary action is considered warranted.

Failure of an employee to observe the policies and regulations of the Town may result in disciplinary action, **up to and including termination**. The Town will address employee conduct that it determines, in its sole discretion, requires correction and/or discipline. Discipline may include oral or written warnings, investigative or disciplinary suspension, or termination, and disciplinary actions will not necessarily be progressive. The Town reserves the right, in its sole discretion, to decide whether and what corrective and/or disciplinary action will be taken.

GRIEVANCE PROCEDURE

COVERAGE. All employees, except for those employees whose collective bargaining agreement includes a grievance procedure.

A grievance procedure is a dispute between an employee and the appointing or supervisory authority arising out of an exercise of management rights or administrative discretion, or interpretation of these policies. This grievance procedure is outlined for non-unit

employees. With respect to union-represented employees, departmental labor agreements should be reviewed for individual department policies.

All employees have a right to have grievances and concerns regarding employment heard in a fair, equitable, and timely manner. The decision to air a grievance will not result in any penalty to the employee, regardless of the final decision. The grievance procedure steps are as follows:

Step 1. The employee should raise any questions, concerns, or grievances with their immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level.

Step 2. If the employee is not satisfied with the response under Step 1, the employee may, within thirty (30) days of conclusion of the informal discussion, present the case to the department head. The department head will meet with the employee to discuss the case and will endeavor to provide the employee with a response within thirty (30) days.

Step 3. If the employee is not satisfied with the response resulting from the discussion with the department head, the employee may, within thirty (30) days of receiving such response, submit a written grievance to the Personnel Advisory Board. The Personnel Advisory Board may, in its sole discretion, decide to meet with the employee to discuss the case, and will endeavor to provide the employee with a response within thirty (30) days.

Step 4. If the employees is not satisfied with the response resulting from the Personnel Advisory Board, the employee may, within thirty (30) days of receiving such response, submit a written grievance to the employee's respective Board, Committee or Commission, or, if no Board, Committee or Commission exists, then to the Board of Selectmen. Based on the written grievance and any other information, the respective Board, Committee or Commission, or, if applicable, the Board of Selectmen, each in consultation with the Director of Human Resources, as appropriate, will make a final determination concerning the case. The relevant Board shall strive to make any such determination within thirty (30) days.

In all instances, both the employee's right to privacy and the right of the public to have access to public information shall be preserved by observance of the appropriate statutes and laws pertaining to both.

TELECOMMUNICATIONS SYSTEMS USE POLICY

COVERAGE. All employees.

The Town recognizes the need for computers and communications systems and the vital role they play in assisting Town employees in delivering exceptional public service. The Town recognizes the computer and communication systems as tools and these tools shall be used in an appropriate manner at all times. The primary purpose of computers and communications systems is to serve Town business. As such, the purpose of this Telecommunications Systems Use Policy is to establish a uniform written policy with respect to access and general use of the System, defined below, by a User, also defined below.

Monitoring. The Town is the owner of the System. All information that is created, sent, received, or stored on the System is the sole property of the Town and may be subject to disclosure under the Massachusetts Public Records Law, M.G.L. c. 66. Further, the Town reserves the right to monitor use of the Systems, including, without limitation, monitoring a User's E-Mail, voicemail, and Internet access.

Users shall have no expectation of privacy or confidentiality in any use of the System or in the messages sent or received by the use of the System.

Authorized Use. The System is to be used only by authorized persons (a "User" or "Users"). Users shall access the System with the User's login and password. Users shall not disclose their passwords to others, use another's password, or transmit their login names or passwords through electronic communications.

Users will have varying degrees of access and capability with respect to the System. Access level will be determined by the User's Department Head in conjunction with the Systems Administrator. Not all Users will be granted access to the System. The Town specifically reserves the right to withdraw or limit a User's access to the System, in whole or in part, at any time.

Policies and Procedures for the System. The rules and procedures contained in this policy are designed for the proper use of the System. **Violation of these rules or this Policy may subject a User to disciplinary action, up to and including termination of employment.** Contractors or vendors who violate this Policy will be in breach of their contract with the Town and subject to immediate cancellation of the contractual relationship.

Definitions. For purposes of this policy, the following terms have the following meanings:

System: Electronic devices, computer equipment and hardware, electronic communications, telecommunications networks, and telecommunications equipment licensed, owned or leased by or to the Town, including, without limitation, servers, computers, software, software accessories, documentation supporting any electronic communications, electronic attachments, stored data and files, storage devices (including flash and thumb drives), media, computer records, computer accounts, facsimile machines, telephones, smart phones (or similar devices), personal data assistants, text messaging and voicemail systems.

Hacking/Cracking: The unauthorized attempt (whether or not successful) to enter into or access or damaging, altering or disrupting the System or any non-Town computer or system.

Internet: A worldwide electronic communications network that connects computer networks and organizational computer facilities around the world.

Malware: A computer-generated code or program usually used to debilitate, destroy, or disrupt the proper functioning of a computer or system or allow unauthorized access to information.

E-Mail: Electronic messages transmitted electronically to internal users, external users, or both; a means or system for transmitting messages electronically.

Internet Service Provider: An entity that provides the initial host connection to the Internet and to E-Mail systems.

Confidential or Sensitive Information: That information which is: (i) used by Town officials or employees in representing the Town in pending legal matters; (ii) used by Town officials or employees in representing the Town in negotiations of any type which would put the Town at a disadvantage in the negotiation process should the information be disseminated; or (iii) personnel information, health information, and financial information regarding any Town employee.

Rules for Use of the System. The following rules are designed for the proper use of the System. The System shall primarily be used for Town business and, in furtherance of this, access to non-work related websites and computer programs may be limited by the Town. The Town recognizes that the System may occasionally be used for personal purposes. Any personal use of the System is subject to this Policy. Personal use of the System shall be kept to a minimum, and shall not directly or indirectly interfere with the Town's business or another User's use of the System.

Users must be mindful of the Massachusetts Open Meeting Law, M.G.L. c. 30A. The System shall not be used for improper deliberations among the members of a public body (*e.g.*, a board or committee) outside of a posted hearing. In addition, Users must also be mindful of their duties to protect personal information about a resident of the Commonwealth.

In addition to requiring compliance with this Policy, the Town expressly prohibits misuse of the System. Specifically, employees are prohibited from:

- Using the System to transmit or receive messages that violate the Town's policies prohibiting harassment or workplace violence or are libelous, offensive, discriminatory, illegal, obscene or pornographic. Receipt of any messages violating this policy shall immediately be reported by the recipient to his/her department head, who in turn shall report the matter to the Board of Selectmen.
- Using the System to upload, download, access, create, distribute or otherwise transmit inappropriate or offensive language or images, such as sexually explicit materials, or slurs or jokes that are offensive or discriminatory based on race, gender, religion, national origin or any other protected classification of persons. In the event such information must be accessed as part of a police investigation, the Chief of Police or her/his designee shall be notified in advance. In the event such information is accidentally accessed, the Systems Administrator shall promptly be notified.
- Using the System to upload, download, access, create, distribute or otherwise transmit any illegal information or materials.
- Using the System to send or receive, without proper authorization, any intellectual property, including sending, copying, reproducing or otherwise using intellectual property that is copyrighted, trademarked, patented or otherwise protected by another.
- Using the System to transmit Confidential or Sensitive Information via E-Mail or facsimile machine to any entity or person without the express authorization of their department head. Confidential or Sensitive Information should more appropriately be communicated verbally or in written form by a secure method (*e.g.*, encrypted and password protected email).
- Accessing Town servers, aside from Town E-mail, from any device that is not owned by the Town. Access to the network from locations other than the local network, or by devices not owned by the Town, must be approved by the IT Manager and configured in a manner that allows ensures a private and secure connection.
- Vandalizing the System, including intentionally introducing a Malware into the System.
- Using the System for Hacking or Cracking. The System's security shall be the responsibility of the Systems Administrator and such testing shall only be conducted

under the express authorization of the Town Administrator. Any concerns about security shall promptly be reported to the Systems Administrator.

- Using the System to upload, download, access, create, distribute or otherwise transmit chain letters or E-Mail, lotteries and games.
- Using the System to access or post to public forums or social media sites, for personal use, using a Town E-Mail address.
- Use your Town E-mail address to register on social networks, blogs or other online tools utilized for personal use.
- Circumventing Town software and programs intended to limit access to certain websites or programs.
- Using the System for Political purposes.
- Using the System for collective bargaining purposes; except for communications between the Board of Selectmen, Union officials and the Town Negotiator.
- Using the System for fundraising activities.
- Using the System to engage in commercial activity (*e.g.*, conducting a private business, advertising or soliciting for goods or services for personal gain).
- Using the System for anonymous communications or for misrepresenting oneself.
- Loading, using or accessing a personal Internet Service Provider account to or from the System.
- Enabling unauthorized persons to have access to or use the System (*e.g.*, by sharing a User's login and password, by not securing your login and password information).
- Using another's login and password, unless you have received the prior written permission of the individual and your Department Head.
- Installing any software or programs to the System. Privately owned software will only be installed on the System by the Systems Administrator and only with the prior written permission of the Department Head.

Violations of these rules or this Policy may be cause for disciplinary action, up to and including termination of employment.

Monitoring of Computer/Communications Activity. The Town may monitor the use of the System for compliance with this policy and in accordance with the Massachusetts General Laws. All messages sent over the System are the property of the Town. **These messages and use of the System are subject to monitoring by the Town, and may be subject to release under the Massachusetts Public Records Law or as part of the discovery process in litigation.**

Records Retention. Pursuant to the Massachusetts Public Records Law, E-Mail, documents, reports, and other public records that need to be saved should be done so in a hard copy format in accordance with the approved records retention schedule. Records retention is the responsibility of public records custodians, including public officials, employees, contractors, and volunteers. The Town Accountant and/or Systems Administrator backs up computer source documents for disaster recovery only, not record retention. Users should print hard copies of any documents that must be saved for records retention purposes.

Security of Communications. Be advised that others not associated with the Town may be able to monitor your Internet communications and that these communications are not secure.

Employees, contractors, officials, and volunteers who are granted access to the System may be required to sign a Computer Use Agreement Form indicating that the employees, contractor, or vendor has received and agree to be bound by this policy and, if applicable, any other laws, including Executive Orders and regulations.

SOCIAL MEDIA

COVERAGE. All employees, contractors, agents or remote users.

The Town recognizes the popularity and usefulness of social media and that the use of social media can improve and enhance the Town's communications with the public. By using social media, the Town can communicate with and deliver more information to residents and can facilitate discussions among and elicit feedback from the public. There are, however, certain risks and responsibilities imposed on those who use social media, including Town employees.

The purpose of this policy is to establish a uniform written policy with respect to use of social media to promote appropriate and responsible uses and avoid uses that could cause a breach of confidentiality by revealing confidential or protected information about the Town, or its employees or residents, expose the Town to legal liability for harassing, offensive or maliciously false behavior, or interfere with a safe and productive work environment.

Definitions. For purposes of this policy, “social media” means forms of electronic communication through which users have created online communities to share information, ideas, personal messages, and other content. For example, and without limiting the definition, web logs, web bulletin boards, and social networking sites such as Facebook, Twitter, and LinkedIn, and YouTube, are all considered social media. A “Town Site” means an official social media site sponsored and controlled by the Town.

Policy. The Town permits departments and offices to maintain and use Town Sites to conduct Town business, including disseminating information to and soliciting feedback from the public and informing the public of Town operations and services.

All content posted on a Town Site is subject to the Massachusetts Public Records Law and must be managed, stored and retained and be retrievable in a manner that complies with the Public Records Law and electronic discovery laws and policies.

With respect to Town Sites, the following shall apply:

- No Town Site shall be established without the prior written approval of IT Director.
- The “Site Administrator” for a Town Site, as designated by the Board of Selectmen, shall be responsible for official postings on the Town Site.
- A Town Site shall clearly indicate the Department that maintains the site, and shall include the Town’s logo and the Department’s or Town’s contact information.
- A Town Site shall inform users that:
 - any content posted to the Site is subject to public disclosure laws under the Massachusetts Public Records Law, M.G.L. c. 66, § 10;
 - use of the Town Site may expose a user to a third party host’s terms of service over which the Town has no authority or control;
- A Town Site shall inform users of its right to remove or restrict certain content and shall in fact remove or restrict any content that is deemed in violation of this Policy or any applicable law or that contains content (i) with profane, obscene, or vulgar material, (ii) not topically related to the particular Site, (iii) that promotes, fosters or perpetuates discrimination on the basis of race, color, age, religion, gender or gender identity, marital status, status with regard to public assistance, national origin, ancestry, physical or mental disabilities, sexual orientation, maternity leave, or active military status, (iv) with sexual content or links to sexual content, (v) that violates another legal rights or ownership interest; that encourages or amounts to illegal conduct, (vi) that is threatening or harassing, (vii) that compromises the security of the Town’s systems or the public generally, or (viii) that is protected from public disclosure, including protected health and personnel information and other information that is confidential.

During work hours, Town employees shall not participate in posting or contributing to Town Sites unless specifically instructed by her/his department head as part of her/his job duties. Any Town employee representing the Town on a Town Site shall at all times conduct her-/himself as representatives of her/his department and shall adhere to all policies and standards of conduct. Town employees are strictly prohibited from disseminating or posting content containing confidential information through the Town Site.

This policy shall in no respect apply to preclude, impair or limit the right or ability of Town employees under M.G.L. c. 150E to communicate about the terms and conditions of employment, and issues related directly thereto. Further, nothing in this policy should be interpreted in a manner that unlawfully prohibits the rights of employees to engage in protected concerted activity under federal National Labor Relations Act (“NLRA”).

Third parties (*e.g.*, contractors, vendors) shall be advised of and required to adhere to this policy.

Guidelines for Employee Use of Social Media. The same principles and guidelines set forth above in this policy and three basic beliefs apply to a Town employee’s activities online: (1) the employee is solely responsible for what she or he posts online; (2) before creating online content, an employee should consider some of the risks and rewards that are involved; and (3) an employee should keep in mind that any of her or his conduct that adversely affects her or his job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the Town or the Town’s legitimate business interests.

Conduct that violates the Town’s policies, by-laws, directives, rules or regulations or otherwise violate law may result in disciplinary action up to and including termination. While employees have a right to free speech, as guaranteed by the First Amendment, such right is not absolute and extends only to matters of public concern.

Know and follow the rules. Carefully read these guidelines and this Social Media Policy and be aware the Anti-Fraud Policy, the Town Computer/Communications Systems Use Policy, the Conflict of Interest/Ethics Policy and the Town’s policies regarding discrimination and harassment may also be relevant to an employee’s use of social media. An employee’s postings should be consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful. Always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of the Town. Please be mindful you are more likely to resolve work-related complaints by speaking directly with your co-workers or with your supervisor or

Department Head than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, residents, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, gender identity, disability, religion or any other status protected by law or the Town.

Be honest and accurate. Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town, fellow associates, residents, customers, suppliers, or people working on behalf of the Town.

If you are posting on a Town Site as the Site Administrator or a representative of the Town, you must not delete a post. Instead, a correction shall be made with a new post.

Post only appropriate and respectful content. For example:

- Maintain the confidentiality of the Town's and private or confidential information, including protected health information and other information considered confidential or sensitive.
- Do not post nonpublic items that are gained as a result of your position with the Town.
- Do not create a link from your blog, website or other social networking site to a Town website without identifying yourself as a Town employee.
- Express only your personal opinions. Do not represent yourself as a spokesperson for the Town without authorization. If the Town is a subject of the content you are creating, be clear and open about the fact that you are a Town employee and make it clear that your views do not represent those of the Town, fellow employees, residents, customers, suppliers or people working on behalf of the Town. If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town."
- Do not post content that is in the Town's name or may be attributable to the Town without first obtaining prior written authorization.

Using social media at work. Refrain from using social media while on work time or on Town computer and communications systems, unless the use of social media is work-related as

authorized by your supervisor or department head and is consistent with the Computer/Communications Systems Use Policy.

Do not use your Town email address to register on social networks, blogs or other online tools utilized for personal use.

Employees should have no expectation of privacy while using social media sites and should presume that all social media postings, regardless of privacy settings, are public and may be reviewed by the Town.

Retaliation is prohibited. The Town prohibits taking negative action against any employee for reporting a possible deviation from this Policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts. Unless otherwise authorized, employees should not speak to the media on the Town's behalf in their capacity as representatives of the Town. Instead, all media inquiries should be directed to an employee's department head.

If you have questions or need further guidance about interpreting this policy, please contact the Director of Human Resources.

POLICY ON WORKPLACE VIOLENCE

COVERAGE. All employees.

The Town subscribes to the concept of a safe workplace environment and supports the prevention of workplace violence. Workplace violence includes, but is not limited to, harassment, threats, intimidation, physical attack, or property damage. Conduct that the Town will not tolerate pursuant to this policy includes, but is not limited to, the following:

- Use of vulgar or profane language towards others.
- Disparaging or derogatory comments or slurs or name calling.
- Any behavior outlined in the Anti-Harassment Policy.
- Any form of oral or written threat that suggests or infers physical harm or an act of violence.
- The use of Town property, services or equipment such as phones, faxes, copiers, computers, vehicles, etc., for the purpose of threatening any individual with physical harm or an act of violence.

- Any physical assault, or threat of physical assault, such as hitting, pushing, punching, kicking or holding.
- Impeding or intentional blocking of the movement of another person with the intent to cause harm or intimidation.
- Use of an object in a dangerous or potentially dangerous manner.
- The carrying, transportation, storage or use of the following items, either on the person or in a vehicle, or use while on Town property, is expressly prohibited: (i) firearms and ammunition, including starter pistols, flare guns, explosives and blasting caps, ; (ii) any other object that may be considered a dangerous weapon, as such term is construed by M.G.L. c. 269, s. 10; or (iii) items possessed with the expressed intent to harass or injure others. This prohibition is not superseded by the possession or issuance of a valid License to Carry Firearms, Firearm Identification Card, Federal Firearms License, or Class A, B, C or D firearms/rifle license. Relevant law enforcement employees are exempt from this prohibition as it applies to firearms and ammunition. Possession of other dangerous weapons by law enforcement employees in the course of their duties is also exempt.
- Use of legally permitted chemical spray (*e.g.*, mace or pepper spray).

In addition, employees who choose to carry legally permitted chemical spray for personal protection while coming to and going from work may carry or transport such items on-site so long as:

- The employee properly stores and appropriately secures such items so that others may not gain access to them;
- The employee does not openly display or inappropriately refer to (*e.g.*, by threatening or disrupting others) possessing such item.

In addition, any employee choosing to carry such legally permitted chemical spray on-site shall be liable for all costs of property damage, cleanup, or injury to others resulting from discharge of or exposure to the chemical spray.

Any violation of the provisions of this policy by an employee or Town official shall subject the employee or official to appropriate disciplinary action, up to and including termination, and possible criminal action being sought.

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

Procedure for Reporting Violence. Each incident of workplace violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor,

or citizen, must be reported to the employee's immediate supervisor or department head. The department head will initiate the investigation process. If warranted, the matter will be forwarded to the Town Administrator for review and further investigation. After investigating the matter, the Town Administrator will do one or more of the following: (i) recommend appropriate disciplinary action, if needed, to the Select Board or appropriate hiring authority; (ii) impose appropriate disciplinary action immediately; (iii) file a complaint with the Police Department; or (iv) take no action, if none is warranted (e.g., if no violation of this policy is found).

In case of an emergency, Police, Fire and/or Ambulance personnel should be immediately notified and, when possible, the department head or supervisor notified.

While the Town endeavors to provide a safe workplace environment, this policy is not intended to be construed to provide explicit and specific assurances of safety or assistance and the Town does not waive any defenses it may have under law, including, but not limited to M.G.L. c 258, s. 10.

DRUG-FREE WORKPLACE AND ALCOHOL AND DRUG USE POLICY

COVERAGE. All employees. Certain employees (e.g., those who hold CDL licenses) may be subject to additional drug-testing requirements.

The Town of Ludlow recognizes the need for a safe and healthy work environment and intends to provide a workplace free from the use of drugs and misuse of legal drugs, including alcohol, for its employees in accordance with the United States Drug Free Workplace Act of 1988 (P.L. 100-690 or 41 U.S.C.S. 701-707). The purpose of this policy is to outline the responsibilities of employees with regard to drug and alcohol use in the workplace, the testing of employees for drug and alcohol use, and the testing of employees in safety-sensitive positions for drug and alcohol use in accordance with the U.S. Department of Transportation regulations issued under the Omnibus Transportation Employee Testing Act of 1991 and in accordance with the Drug Free Workplace Act.

Prohibitions and Requirements. While on Town premises or while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, purchase, manufacture or be under the influence of alcohol or illegal drugs. Illegal drugs are drugs or controlled substances which are (1) not legally obtainable in accordance with federal law, or (2) legally obtainable, but not obtained in a lawful manner. Such conduct is also prohibited during nonworking time to the extent that, in the opinion of the Town, it impairs the employees' ability to perform the essential functions of his/her job effectively and in a safe manner. The legal use of lawfully prescribed drugs or over the counter medications is permitted on the job only if it does not impair an employee's ability to perform the essential functions of his/her job effectively and in a safe manner that does not endanger other individuals in the workplace.

FOR AVOIDANCE OF DOUBT, EMPLOYEES SHOULD BE AWARE THAT THE TOWN CONSIDERS MARIJUANA TO BE AN ILLEGAL DRUG.

Employees who are convicted under a federal or state criminal drug statute for a violation occurring in the workplace or who plead guilty, including pleas of nolo contendere (*i.e.*, no content) must inform the Board of Selectmen in writing within five (5) days of such conviction or plea.

Testing. A blood test, urinalysis, or other drug/alcohol screening may be required, except where not permitted by law, in the following circumstances:

- Of any applicant to whom a job offer is made.
- Of any employee where there is reason to believe that she/he may be using drugs or may be under the influence of drugs or alcohol. “Reason to believe” includes an injury or accident at work where there is reason to believe that employee impairment may have been a factor.
- As part of occasional follow-up testing if the employee is found to have breached these policies but has been permitted to remain employed.

In addition, any employee is who responsible for, or is a contributing factor to, a serious accident resulting in a serious injury to themselves or others will, at the discretion of the Town, be required to submit to an alcohol/drug test as soon as it is feasible. Any employee who is responsible for, or is a contributing factor to, a serious accident resulting in a death will automatically be subject to alcohol/drug testing.

An employee whose actions result in significant damage to Town property, including equipment, will, at the discretion of the Town, be required to submit to an alcohol/drug test immediately upon demand. Refusal to submit to such alcohol and/or drug testing is considered a positive test result and cause for immediate termination. Any employee who is subject to testing following an accident or injury will not be permitted to return to work until the test results are received.

Confidentiality and Assistance. All information relating to alcohol and/or drug tests will be kept confidential to the extent feasible and maintained in a secure manner. This information will be made available only to those who are authorized under federal/state regulations and those with a work-related reason to know.

Assistance and Self-Identification. The Town recognizes alcohol and/or drug dependency as an illness and major health problem. Employees experiencing problems with drugs or alcohol are urged to voluntarily seek assistance through available resources to resolve such problems before

they become serious enough to adversely affect work performance and jeopardize their job. Some of these sources are:

- Your health insurance – contact Customer Service at the number on the back of your insurance card.
- Alcoholics Anonymous Referral Service and Treatment Program – 24-hour help line – (800) 711-6375.
- The Substance Abuse and Mental Health Services Administration (SAMHSA) has a website (www.findtreatment.samhsa.gov) or a toll-free phone number (800-662-HELP) to help individuals locate a drug and alcohol abuse treatment program in their community.
- ASAP Substance Abuse Professionals – (888) 792-2727.

An employee who takes the initiative of advising his or her supervisor or manager, or Human Resources that he or she has a problem with regard to alcohol or drug use, and who demonstrates a commitment to take the necessary remedial action, will be eligible for an unpaid leave of absence for such purpose, and will not be subjected to disciplinary action solely for having reported the problem or having requested time off. An employee may still be disciplined or terminated, however, for inappropriate conduct or violation of Town policy, even though such conduct may have occurred while the employee was under the influence of, or addicted to, alcohol or drugs.

SMOKING POLICY

COVERAGE. All employees.

In accordance with the Ludlow's Board of Health prohibition on smoking in workplaces and public places, employees have the right to a smoke-free environment in the following workplaces:

- Enclosed workplaces;
- The area within twenty-five (25) feet of an entranceway accessible to the public (except that this shall not apply to a smoker transiting through such twenty-five (25) foot area or to a smoker approaching an entranceway with the intention of extinguishing a tobacco product;
- Town-owned parks and playgrounds;
- Town-owned athletic fields;
- Town-owned beaches; and
- All outdoor areas where food and/or beverages, including non-alcoholic beverages, are sold, served, or otherwise consumed or carried.

In addition, the use of e-cigarettes is prohibited wherever smoking is prohibited.

EMPLOYEE SAFETY

COVERAGE. All employees.

The Town strives to provide a healthy and safe work environment for its employees. Maintaining safe working conditions requires the cooperation of Town management and employees. It is each employee's responsibility to perform and complete his or her work assignments in a safe manner in compliance with all Town policies and any applicable safety laws or regulations. If an employee becomes aware of a situation that may endanger his or her own health or safety or someone else's health or safety, the employee should notify a supervisor immediately.

Many departments have their own safety policy manual. It is the responsibility of employees to identify and become familiar with the emergency plan for their respective departments.

In situations where employees are exposed to excessive hot and humid weather during their work shift, the Town will endeavor to provide necessary accommodations to prevent illness. This may include extra water and rest breaks, and providing cooler rest areas and shade if possible.

Attention to personal safety cannot be overemphasized. Safety is stressed in all jobs and at all levels. Failure to comply with the safety standards established by a department can result in the Town's denial of responsibility for any worker's compensation claims.

Vehicle Use. All employees who operate a Town-owned vehicle must have a valid driver's license appropriate to the type of vehicle(s) being operated. In addition, all employees who drive or are passengers in any vehicle used to conduct Town business are required to wear seatbelts, refrain from smoking, stay within the posted speed limits, and adhere to all motor vehicle regulations and laws.

If an employee needs to make a phone call while on the road, the employee is encouraged to first pull the vehicle over and park in a safe location before making such call. If the police and fire departments have different rules regarding the use of communication devices while in Town vehicles, then such rules of the department shall supersede this policy.

Licenses and Certifications. An employee must immediately notify his or her Department Head of any changes in status of any license, including but not limited to the employee's driver's

license, certification or other documentation that governs the fulfillment of their duties or for which the employee receives a stipend or other compensation.

Suggestions and Improvements. If an employee has suggestions regarding additional safety measures, the employee is encouraged to submit the suggestion, in writing, to the Town Administrator for possible consideration by the Town’s Safety Committee.

DRESS CODE POLICY

COVERAGE. All employees.

Employees are expected to observe sensible standards of appropriate dress. The standard will be consistent with the employee’s work environment and not distracting to other employees or customers, and will depend upon an employee’s position, worksite or location, and working hours. For example, attire for those who work in an office should be appropriate for a “business-casual” professional work environment. These guidelines may be modified for application in each office, worksite, or department, as necessary.

EMPLOYEE IDENTIFICATION

COVERAGE. All employees.

Except as noted below, all Town employees are issued a Town employee identification card. Employees are required to carry such identification on their person at all times during working hours. Town employees required by their duties to enter into private homes or onto other private property shall display their identification on a lanyard or by some other means.

Town employee identification cards are and shall remain the property of the Town and shall be surrendered by the employee upon termination of employment. Employees are prohibited from tampering with or allowing others to use their Town employee identification cards.

The following Town employees may have different Town identification cards or requirements for use:

- Employees of the school department, whose employee identification shall be at the sole discretion of the school committee.
- Police and fire personnel, whose employee identification shall be at the sole discretion of the chief of that department.

HOLIDAYS

COVERAGE. Regular full-time employees and regular part-time employees who routinely work a minimum of twenty (20) hours per week are eligible to receive holiday pay (paid time off) in accordance with this policy. Employees that receive holiday pay in accordance with their collective bargaining agreements shall not otherwise be eligible for holiday pay pursuant to this policy. Regular part-time employees who routinely work less than twenty (20) hours per week and temporary employees are eligible to receive time off for holidays, but are not eligible for holiday pay.

The following holidays are recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Patriots' Day	Thanksgiving Day
Memorial Day	The Day After Thanksgiving
Independence Day	Christmas Day

On the day a holiday is legally observed, eligible employees, without loss of pay, shall be excused of all duties, except in cases where the Board or Department Head determines that the employee is required to maintain essential town services. In addition to the holidays listed above, employees will also be released from work duty after one half (½) day of work on Christmas Eve, provided that Christmas Eve falls on an employee's regularly scheduled work day. No additional time will be granted when Christmas Eve falls on a Saturday or Sunday. Except as required to maintain essential town services, municipal buildings will be closed during these listed holidays.

Eligible employees receive holiday pay only as follows:

- When the holiday falls on the employee's regularly scheduled work day or falls on a weekend day and is legally observed on a day that is the employee's regularly scheduled work day; *and*
- So long as the employee worked on his/her last scheduled work day prior to the holiday and the next regularly scheduled working day following the holiday, or was

in full pay status on such preceding and following days in accordance with other provisions of this policy, or was appropriately excused.

VACATION

COVERAGE. Regular full-time employees and regular part-time employees who routinely work a minimum of twenty (20) hours per week.

Employees are encouraged to take accrued vacation time to allow for the proper rest from the rigors of work, all in accordance with this policy. Employees accrue vacation time according to the schedule below. The employee’s vacation year coincides with his or her hire date. The employee’s anniversary date is used to determine vacation accruals and years of service completed must be continuous to earn paid vacation time. Vacation time is credited to eligible employees on the anniversary of their date of hire.

Accrual. Employees accrue vacation time as set forth below.

Regular full time employees, other than department heads, are eligible to accrue paid vacation time as follows:

COMPLETED SERVICE	VACATION EARNED
6 months	1 week (to be used before 1 year anniversary)
1 - 4 years	2 weeks/year
5 - 9 years	3 weeks/year
10 - 19 years	4 weeks/year
20 years (and each anniversary thereafter)	5 weeks/year

Department heads are eligible to accrue paid vacation time as follows:

COMPLETED SERVICE	VACATION EARNED
6 months	1.5 weeks (to be used before 1 year anniversary)

1 - 4 years	3 weeks/year
5 - 9 years	4 weeks/year
10 (and each anniversary thereafter)	5 weeks/year

A week of vacation time shall equal the number of hours off with pay as an employee is normally required to work within a 7-day period.

Part-time employees who routinely work a minimum of twenty (20) hours per week are eligible to accrue paid vacation time as follows:

<u>Average # of Hours Worked Per Week</u>	<u>Hours of Vacation Leave Accrued Per Month</u>
20-24	4.5
25-29	5.5
30-34	6.5

Vacation time for the first and last months of an individual's employment shall be pro-rated on a calendar basis to the date of hire or termination, as appropriate. If an employee's employment is terminated before his or her anniversary date, vacation time will be pro-rated and paid in accordance with Massachusetts law.

Use of vacation. Vacation time may not be taken until it is earned. Employees are permitted to use vacation time only after they have completed six months of service, unless they have received prior written approval from the Town Administrator.

Vacation time must be approved by and scheduled with the employee's supervisor, department head, or appointing authority. All employees, including managerial employees, shall request vacation leave from his/her supervisor in advance, giving as much notice as possible. If vacation requests in departments conflict, seniority will prevail only to the extent that job tasks performed are similar in nature. The Town reserves the right to deny any application for vacation.

Employees who become ill while out on approved vacation time may not substitute sick leave for the previously approved vacation time. The Town Administrator reserves the right to grant exceptions to this policy, due to hospitalization or other illness or injury.

Vacation Carryover. Accrued vacation is expected to be taken before the employee's next anniversary of their date of hire. Normally, unused vacation time may not be carried over from

year to year and an employee will not be compensated for vacation time unused at the end of the year, but the Town recognizes that departments are busy and employees may not be able to use all accrued vacation time prior to his/her anniversary date. In such rare circumstances, an employee may submit a written request, in advance of the expiration of vacation time, to the department head or appropriate appointing authority, to carry over up to one week of vacation time for up to 90 days into the next year.

SICK LEAVE BENEFITS

COVERAGE. Regular full-time employees and regular part-time employees who routinely work a minimum of twenty (20) hours per week.

Sick leave is a paid time off benefit that is provided to eligible employees for periods of temporary absence due to bona fide personal illness or injury.

Accrual. Regular full-time employees earn 1.25 days of sick leave per month (up to 15 days per year). A “day” shall equal the number of hours that an employee is normally required to work within a twenty-four hour period.

Regular part-time employees earn sick leave according to the following table:

<u># of Hours Worked on Average Per Week</u>	<u>Hours of Sick Leave Earned Per Month</u>
20-24	4.5
25-29	5.5
30-34	6.5

Regular part-time employees who become regular full-time employees shall earn the right to full pay for sick leave at the same rate as full-time employees without being subjected to a waiting period.

Unused sick leave may accumulate up to a maximum of 210 days unless specified differently by an individual collective bargaining agreement, in which case the terms of the collective bargaining agreement control. If the employee’s benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. Employees must be in active pay status to be eligible for sick leave accrual.

If an employee has accrued 75 days of sick leave or more and does not use any sick leave for 6 consecutive months of active employment, he/she will be credited 1 additional personal day.

Use of Sick Leave. The use of sick leave is subject to the following requirements.

- Sick leave may only be used for the following purposes:

- Personal illness or physical incapacity;
- Enforced quarantine in accordance with health regulations; or
- For illness or physical incapacity in the employee's immediate family, within reasonable limits.
- New employees are entitled to use sick leave only after completing at least one month of service.
- Sick leave may not be used for weather-related closures.
- Sick leave cannot be used until it is earned.

In addition, absent serious illness or injury, employees are expected to use no more than seven (7) days of sick leave per year generally. The Town reserves the right to investigate patterns of sick leave use which indicate possible abuse of the sick leave benefit.

Report of Illness. Employees who are unable to report to work due to illness or injury should notify the department head or direct supervisor prior to the scheduled start of their workday if possible, but not later than 30 minutes after the beginning of his or her regularly scheduled work assignment. Employees are expected to maintain regular contact with their supervisor for the duration of their absence from work. If the department head or direct supervisor cannot be reached, the employee must contact the Human Resources Department. Failure to notify the Department Head or supervisor may result in the employee's not being allowed compensation for lost time due to illness or injury.

Proof of Illness. In the event of three or more consecutive days of absence on authorized sick leave, a doctor's certificate or other proof of illness may be required upon request. The Town may investigate any extended absence for which sick leave is requested. Proof of illness will also be required in any circumstances where abuse of sick leave is suspected. The Town reserves the right to verify the authenticity of proof of illness documentation.

Return to Work. The Town reserves the right to require reasonable medical certification related to an employee's own illness or injury.

Sick Leave Buy Back. No employee shall be paid for unused sick leave upon termination of employment, except as follows: in the event an employee has completed ten (10) years of service with the Town and the employee's employment is terminated (i) for any reason other than unsatisfactory performance or resignation in lieu of termination, then the employee shall receive payment for unused sick leave paid at the amount of \$20.00 for each sick day unused up to a maximum of 150 days (*i.e.*, 1,200 hours for an employee who works an average of 8 hours per workday); or (ii) as a result of the employee's death, then the employee's estate shall receive payment for unused sick leave paid at the amount of \$20.00 for each sick day unused up to a maximum of 150 days.

SICK LEAVE BANK

COVERAGE. All employees who choose to participate.

The Sick Leave Bank exists for the purpose of providing additional coverage after exhaustion of individual annual and/or accumulated sick leave, personal leave and vacation benefits only in the event of a serious illness as evidenced by medical certification. Participation in the Bank is voluntary. The Bank is exclusively for the use of the participating employees.

There is a Sick Leave Committee that has the power to establish procedural and functional guidelines for the operation of the Sick Leave Bank consistent with this policy. All decisions made by the Sick Leave Bank Committee are final and binding, and are not subject to appeal, grievance, or arbitration.

Rules for Participating Employees. Employees who opt to participate in the Bank are subject to the following rules:

- Donations of accrued sick leave must be in whole days, with a minimum of one day per donation. Donations are made annually on July 1st.
- Once earned, new hires will be assessed one day of his/her sick leave, which is deposited into the Bank.
- Unused days in the Bank shall carry over from year to year.
- If the number of days in the Bank reaches one hundred (100) days or fewer, then each participating employee is required to donate one day of his/her annual sick leave to the Bank.
- Upon separation from employment, any unused sick leave that remains in an employee's account in excess of what is eligible through sick leave buy back will be donated to the Bank.
- An employee may withdraw from participating in the Bank at any time. However, all donations made to the Bank prior to such withdrawal are irreversible.

Drawing from the Bank. Employees who would like to withdraw time from the Bank are advised as follows:

- Each employee participating in the Sick Leave Bank may be granted by the Sick Leave Bank Committee a maximum of 30 days of sick leave per request. The request must be in writing and the Committee agrees to respond within 10 business days.

- Prior to processing the first donation to an employee, the eligibility of the recipient will be verified (i.e., employee status and exhaustion of paid sick, vacation and personal leave).
- The IRS has ruled that payments from the bank are to be considered wages, and therefore taxable income to the recipient. As a result, the payments will be included in the annual Form W-2 prepared for the recipient and State and Federal income tax and FICA/Medicare tax will be withheld by the payroll department at the time of payment.

PERSONAL DAYS

COVERAGE. All regular full-time employees who have completed at least one (1) full year of service prior to July 1st are eligible to take up to three (3) paid personal days during the fiscal year starting that July 1st, in accordance with this policy. Regular full-time employees who have not completed one (1) full year of service prior to July 1st, but who have completed at least six (6) months of continuous service as of July 1st, are eligible to take up to (1) paid personal day during the fiscal year starting that July 1st.

Personal days are paid time off that may be used for personal, emergency, legal, or personal business reasons. Personal days may only be taken with prior approval from the employee's department head, who may deny such leave if it will significantly interfere with the operation of the department. Requests for approval of personal leave shall be made at least forty-eight (48) hours in advance, except only in cases of emergencies, in which event the request for approval shall be made as soon as practicable.

Personal days are not cumulative, expire at the end of each fiscal year and may not be carried over from year to year, and will not be paid out upon termination.

FAMILY AND MEDICAL LEAVE (FMLA)

COVERAGE. All employees who are eligible in accordance with law.

This policy is to provide employees with a general description of entitlement to Family Medical Leave Act ("FMLA") leave. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions or concerns about this policy, you may contact the Human Resource Department.

Basic Leave Entitlement. The FMLA provides up to 12 weeks of unpaid family medical leave (or up to 26 weeks of military caregiver leave) to eligible employees.

Eligibility Requirements. Employees are eligible for FMLA leave if they have worked for the Town for at least 12 months, which need not be consecutive, but which must be within the last 7 years. Eligible employees must have worked at least 1,250 hours during the 12 months prior to the start of the requested leave.

Types of Leave Available. Eligible employees may request FMLA leave for any of the following reasons:

- The birth and care of a newborn child of the employee;
- The placement with the employee of a son or daughter for adoption of foster care;
- To care for the employee's spouse, son, daughter or parent, who has a serious health condition;
- To take medical leave for a serious health condition that makes the employee unable to perform his or her job;
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation; or
- To care for a covered military service member whose illness or injury arises out of his or her military service.

A "serious health condition" means an illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider or:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- Any period of incapacity due to pregnancy, or for prenatal care;
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.);
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

This policy covers illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that results in a period of 3 consecutive days of incapacity with the first visit to the health care provider within 7 days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a

serious health condition. For chronic conditions requiring periodic health care visit for treatment, such visits must take place at least twice a year.

Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-12-week entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of unpaid leave to care for a son, daughter, parent or next-of-kin who is a covered service member during a single 12-month period. A covered service member is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition,” and are as follows:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that manifested itself before or after the member becomes a veteran.

Benefits and Protections. The Town will maintain coverage for the employee under any group health plan for the duration of the FMLA leave. The coverage provided will be at the same level and under the same conditions that would have been provided if the employee had not taken the leave.

If both spouses are employed by the Town they are both entitled to a combined total of 12 work weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Employees generally have the right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the FMLA leave.

Substitution of Paid Leave for Unpaid Leave. Employees eligible for FMLA must use any available paid leave concurrently with their FMLA leave until all such paid leave is exhausted. Employees must comply with the Town's normal paid leave policies. The following exceptions apply:

- If the employee is a birth mother, accrued sick leave must be utilized first for the period of the leave. After the accrued sick leave has been exhausted, the employee may request unpaid leave for the remainder of the FMLA leave for the care of the child. Accrued vacation time and personal time may be used in lieu of part or all of the unpaid leave.
- If the employee is not a birth mother, s/he may request unpaid leave or use the accrued vacation and personal time in lieu of all or part of the unpaid leave for the duration of the FMLA leave.

The Leave Year. The Town measures its leave year using a 12-month period measured forward from the date an employee's first FMLA begins. To measure leave, the Town uses a 12-month rolling period starting from the date an employee's first FMLA begins.

Any family or medical leave which qualifies under both state and federal laws will be used concurrently to the extent permitted by those laws (*e.g.*, Massachusetts Parental Leave, Workers' Compensation Law, *etc.*).

Employee Responsibilities. Employees must provide the Human Resources Department with 30 days advance notice of the need to take FMLA leave when the need is foreseeable. If the need for FMLA leave is not foreseeable, employees must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. An employee shall provide at least verbal notice when the need for leave becomes known to the employee along with the anticipated timing and duration of the leave. The Town may inquire further of the employee if it

is necessary to have more information about whether FMLA leave is being sought by the employee.

Within 5 business days after the employee has submitted the appropriate certification form, the Human Resource Department will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

While on leave, employees are required to report periodically, at least once every 4 weeks, the status of their medical condition and their intent to return to work. All information is to be submitted directly to the Human Resource Department.

Employees may be required to provide a fitness-for-duty statement before they return to work after an FMLA leave for their own serious health condition to determine the employee's ability to perform the essential duties and responsibilities of the employee's position. If you are required to provide this statement, you will be notified at the time that your leave is approved.

Reduced Leave or Intermittent Leave. Intermittent leave or leave on a reduced leave schedule which is medically necessary may be taken. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per work week, or hours per work day and is a change in the employee's schedule for a period of time, normally from full-time to part-time.

The employee shall advise the Town, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The Town and employee shall work out a schedule which meets the employee's needs without unduly disrupting the Town's operations, subject to the approval of the health care provider.

FMLA allows intermittent or reduced scheduled leaves in certain circumstances. Please contact the Director of Human Resources for more information.

If you use intermittent leave, you must comply with our regular call-out procedure for each day on which you are absent, including specifically referred to the FMLA-qualifying reason for the leave.

Certification of the Serious Health Condition. The Town will ask for certification of the serious health condition of the employee or employee's family member for which the FMLA leave is requested. The employee must respond to such a request within 15 days of the request or provide the Town a reasonable explanation for the delay. Failure to provide medical certification may result in denial of FMLA leave or denial of continuation of leave. Medical certification may

be provided by submitting the DOL Certification of Health Care Provider for the Employee's Serious Health Condition, which can be obtained from the Human Resource Department.

Certification for Qualifying Exigency for Military Leave. The Town will require certification for the serious injury or illness of a covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service Member, which can be obtained from the Human Resource Department.

Unlawful Acts by the Town. FMLA makes it unlawful for the Town, as the employer, to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Town. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA Questions and Concerns. If you have any questions about your FMLA rights or responsibilities or if you disagree with a decision we make regarding FMLA leave entitlement, please contact the Human Resource Department to resolve your concerns as soon as possible.

BEREAVEMENT LEAVE

COVERAGE. Regular full-time employees and regular part-time employees who routinely work a minimum of twenty (20) hours per week.

An employee may take paid bereavement leave for the purpose of arranging for and attending the funeral of the employee's immediate family in accordance with this policy. If the family member was a parent, spouse, child, sibling, grandparent, grandchild, mother-in-law or father-in-law, then regular full-time employees may take up to five (5) days leave, and regular part-time employees may take up to three (3) days leave, provided that such days are the employee's regular working days. If the death in the employee's family was that of a brother-in-law, sister-in-law, uncle or aunt, or niece or nephew, then regular full-time employees may take up to three (3) days leave and regular part-time employees may take up to one (1) day of leave, provided that such day(s) are the employee's regular working day.

The Town reserves the right to request documentation substantiating the use of bereavement leave.

DOMESTIC VIOLENCE LEAVE POLICY

COVERAGE. All employees.

The Town complies with M.G.L. c. 149, s. 52E, which allows employees to take leave from work when the employee or the employee's family member has been the victim of abusive behavior. An employee may receive up to fifteen (15) days of unpaid leave per twelve (12) month period if the employee or a qualifying family member of the employee is a victim of "abusive behavior", as defined by M.G.L. c. 149, s. 52E, and the employee is using the leave from work to:

- Seek or obtain medical attention, counseling, victim services or legal services;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings; or
- Address other issues directly related to the abusive behavior against the employee or family member of the employee.

This leave is not available to an employee who is the perpetrator of the abusive behavior against such employee's family member.

A qualifying family member of an employee is a:

- Person who is married to the employee;
- Person in a substantive dating or engagement relationship and who resides with the employee;
- Person having a child with the employee;
- Parent, step-parent, child, step-child, sibling, grandparent, or grandchild of the employee; or
- Person in a guardianship relationship with the employee.

An employee seeking leave under this policy must provide prior written notice, at least seven (7) days in advance, of the leave to the employee's department head or the Director of Human Resources, except in cases of imminent danger or in the event of an emergency, in which case the employee shall provide such notice within three (3) work days of when the leave was taken.

In addition to notice, an employee seeking leave under this policy must provide documentation evidencing that the employee or employee's family member has been a victim of

abusive behavior and that the leave is taken consistent with this policy and the law. Such documentation may include:

- A protective order, order of equitable relief or other documentation issued by a court as a result of abusive behavior against the employee or employee's family member;
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee's family member;
- A police report or statement of a victim or witness provided to the police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty of abusive behavior, or been convicted or adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this policy;
- Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member;
- A sworn statement, signed under the pains and penalties of perjury provided by a counselor, social worker health care worker, member of the clergy, shelter worker, legal advocate or other similar professional who has assisted the employee or employee's family member in addressing the effects of the abusive behavior; or
- A sworn statement, signed under the pains and penalties of perjury, by the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

In the event of an employee's unscheduled or unauthorized absence, the Town will not take any negative action against the employee if the employee, within thirty (30) days from the unauthorized absence or within thirty (30) days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation described above.

The Town may maintain the documentation described above in the employee's personnel file only as long as is required for the Town to make a determination as to whether the employee is eligible for leave under this policy.

The Town will keep all information related to the employee's leave under this policy confidential and such information will not be disclosed by the Town unless the disclosure is: requested or consented to, in writing, by the employee; ordered to be released by a court of competent jurisdiction; otherwise required by applicable federal or state law; required in the course of an investigation authorized by law enforcement; or necessary to protect the safety of anyone employed at the workplace.

Prior to taking or requesting leave under this policy, an employee seeking such shall exhaust all annual or vacation time, personal leave and sick leave available to the employee, unless the Town waives this requirement in writing. For employees who are eligible for FMLA leave, leave under this policy may run concurrently with FMLA leave and the Town will notify the employee when such a determination is made.

The Town does not condone or permit any discrimination or retaliation against an employee for exercising his or her rights under this policy and the applicable law. Employees taking leave under this policy will not lose any benefit accrued prior to the taking of such leave and, upon return from taking such leave, the employee will be restored to the same or an equivalent position.

INJURIES TO POLICE OFFICERS AND FIREFIGHTERS

COVERAGE. Police Officers and Firefighters only. (All other employees should refer to the Workers' Compensation Policy.)

Injuries incurred by Police Officers and Firefighters in the performance of their duties are governed by M.G.L. c. 41, ss. 100 and 111F, rather than the Workers' Compensation laws.

Reports of injuries shall be filed immediately upon their occurrence, or as soon as possible after the occurrence of the injury if immediate reporting is not feasible. All injuries and illnesses, regardless of how minor, that occur on the job or in the performance of one's duties, shall be reported to the employee's supervisor, or in his/her absence, the Human Resources Department. **Failure to properly report an incident may result in denial of coverage.**

It shall be the responsibility of the Police Chief or Fire Chief to make the determination that an injury to a Police Officer or Firefighter was incurred during performance of his or her duties. Medical treatment and prescription expenses resulting from the injury shall only be eligible for reimbursement by the Town if a determination has been made by the Chief that the injury occurred in the performance of their duties, and such injury is covered under Section 111F. If the determination by the Chief is delayed for any reason, medical expenses may be paid retroactively to the date of the injury. Only medical expenses actually incurred by an employee as the result of an injury covered under Section 111F will be eligible for reimbursement in accordance with Section 100. Once an employee is returned to full duty or retired as a result of such injury, medical expenses will not be eligible for reimbursement.

Any time lost by the employee as a result of such injury covered under Section 111F shall not be charged against the employee's sick leave once approved by the Board of Selectmen. Eligible employees will receive pay in accordance with Sections 100 and 111F and any applicable collective bargaining agreement.

LEAVE OF ABSENCE

COVERAGE. Regular full-time employees and regular part-time employees who routinely work a minimum of twenty (20) hours per week.

Upon request, employees may be granted a leave of absence with or without pay not to exceed sixty (60) days for reasons of personal convenience by requesting such leave in writing, at least fifteen (15) days in advance of the date on which the requested leave would commence, to the Board or the employee's department head, who may deny or grant such leave in the Board's or department head's sole discretion.

If a leave of absence is granted, then, during such leave:

- Accrual of or credit for sick, vacation, or any other type of leave may be affected (e.g., stopped);
- Longevity benefits will continue to accrue;
- Employees will not receive holiday pay;
- Employees may be required to pay up to 102% of health and life insurance premiums, unless otherwise specified by law.

At the conclusion of a leave of absence, employees are expected to return to work. An employee will generally be allowed to return to his or her former position, or its equivalent, assuming there has not been an elimination of the employee's job or position or reduction in force during the employee's leave.

LIGHT DUTY

COVERAGE. All employees.

Employees who are able to perform light duty within reasonable medical restrictions, as certified by a health care provider, may be required to do so at the discretion of the Director of Human Resources and in consultation with the employee's department head.

JURY DUTY

COVERAGE. All employees.

Employees called to serve for jury duty are granted time off to fulfill their civic requirements. You must notify your supervisor as soon as you are summoned so that appropriate schedule and duty changes may be made and you may be required to provide a copy of your juror notification.

An employee reporting to jury duty will be paid by the Town his or her normal rate of pay for the first three (3) days of jury duty, so long as the employee was scheduled to work during such time. After that time, your compensation will be reduced by the amount that you receive from the Commonwealth or Federal government for your service, and you must provide evidence of such payment. If your jury duty service exceeds a month, the Town may discontinue your compensation.

If an employee called to serve is not required to be on duty, it is expected that the employee will report for work. For example, if the employee is released from jury duty early, or is not required to serve until later in the day, the employee is required to report to work on a normally scheduled work day, so long as the employee has sufficient time to report to work.

MILITARY LEAVE

COVERAGE. All employees who are eligible in accordance with law.

The Town grants employees military service leave in accordance with and otherwise complies with the Uniformed Services Employment and Re-employment Rights Act (“USERRA”), which protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. In accordance with USERRA, the Town does not discriminate against past and present members of the uniformed services, or applicants to the uniformed services.

An employee taking military leave shall provide prior written notice to his or her department head or supervisor of such anticipated leave as soon as practicable after the employee receives his or her orders, unless such advance notice is precluded by military necessity or is otherwise impossible or unreasonable.

In addition, the Town has adopted M.G.L. c. 33, s. 59, which governs the effect service as a Massachusetts National Guard member has on a Town employee’s compensation, and Chapter 137 of the Acts of 2003, which governs the effect active military service has on a Town employee’s compensation. Such laws may not apply to employees who are subject to a collective bargaining agreement.

For more information on military leave, including reemployment rights, the right to be free from discrimination and retaliation, protection of benefits, enforcement, and compensation concerns, please contact Human Resources. As required by law, the Town also posts complete notices of your rights under USERRA.

PARENTAL LEAVE

COVERAGE. All employees who are eligible in accordance with M.G.L. c. 149, s.105 D (as amended).

Eligible employees may be granted up to eight (8) weeks of unpaid parental leave in accordance with and subject to the provisions of M.G.L. c. 149, s.105 D (as amended) for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. Parental leave runs concurrently with any leave taken pursuant to FMLA. For more information, please contact the Director of Human Resources.

RELIGIOUS OBSERVANCE

COVERAGE. All employees.

The Town respects the right of each employee to worship as his or her faith dictates. Generally, employees may use vacation time for religious holidays they wish to observe. In addition, the Town will provide reasonable accommodations for an employee's sincerely held religious beliefs or practices, unless doing so would impose an undue hardship on the Town. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice her or his religion. To make a reasonable religious accommodation request, please contact your department head, who will consult with the Town Administrator or Human Resources department.

THE SMALL NECESSITIES LEAVE ACT

COVERAGE. All employees who are eligible in accordance with law.

Under Massachusetts law, employees who are eligible for FMLA leave are also entitled to an additional twenty-four (24) hours of unpaid leave pursuant to the Small Necessities Leave Act ("SNLA"). SNLA leave may be taken within a twelve (12) month period (as measured by the calendar year) for any of the following reasons:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- To accompany the son or daughter of the employee to routine medical or dental appointments such as check-ups or vaccinations; or

- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

For definitions of the terms “son or daughter”, “elderly relative”, or “school”, please see Human Resources.

Employees are required to use any available paid time off (*e.g.*, personal days, vacation, sick leave) while out on SNLA leave. If no paid time is available, SNLA leave will be unpaid.

To be entitled to SNLA leave, employees must request the leave from their department head or supervisor at least seven (7) days in advance if the need for leave is foreseeable. If the need for leave is not foreseeable, the employee must notify his or her department head or supervisor as soon as practicable under the particular circumstances of the individual case. To the extent possible, such notice shall be in writing. If written notice is not feasible, employees may request leave orally.

Certification of the need and purpose for SNLA leave and/or requests for SNLA leave will be kept in the employee’s personnel file and maintained for three (3) years in accordance with law. Records and documents relating to medical certifications or medical histories of employees’ family members will be maintained as confidential medical records and kept in separate files from the usual personnel files.

Employees are protected from harassment or retaliation for requesting or taking SNLA leave.

WORKERS’ COMPENSATION POLICY

COVERAGE. All employees except Police Officers and Firefighters, whose injuries are covered under M.G.L. c. 41, s. 111F (see Injuries to Police Officers and Firefighters).

Despite the Town’s careful efforts to maintain safe working conditions and practices, accidents do happen. The Town may provide protection against loss of income and medical expenses incurred for job-related injuries or illness through Workers’ Compensation insurance

For eligible employees, the Town’s Workers’ Compensation Plan provides coverage of medical and related expenses, as well as salary protection for employees for qualifying work-related injuries or illnesses, subject to the terms of the plan and applicable law. When an employee receiving Workers’ Compensation is receiving less than his or her average weekly wage and the employee has unused vacation or sick leave, the employee may request that he or

she be paid the difference between his or her normal base pay and workers' compensation rate, and the amount of any such use of vacation or sick leave will be appropriately deducted from the employee's unused amount.

For purposes of Workers' Compensation injuries, the Town selects a Preferred Provider for medical care and evaluation. The Preferred Provider will have direct access to physical and occupational therapy, diagnostic imaging, and a wide variety of specialists, all of which are on-site to offer one-stop shopping. The Preferred Provider is made aware of the information necessary to understand the workplace, the nature of the work, and can effectively prepare the employee to return to work safely. They also offer well-coordinated programs of follow-up care and accident prevention. Please contact Human Resources for contact information for the Town's Preferred Provider.

It is very important that all Workers' Compensation claims be filed immediately upon their occurrence, even if you feel all right at the time the event happens. For that reason, an employee shall immediately report all injuries and illnesses, regardless of how minor, that occur on the job or in the performance of his/her duties, to the employee's supervisor, or in his/her absence, the Human Resources Department. **Failure to properly report an incident covered by Workers' Compensation may result in denial of coverage.**

Pursuant to the Town's Workers' Compensation procedures, the supervisor will provide you with the required paperwork and the supervisor will be responsible for reporting the incident to the Town's insurance carrier. All the original forms should be forwarded to the Human Resources Department within 24 hours of the injury occurring and will be kept in a file separate from your Personnel File.

BREAK TIME FOR NURSING MOTHERS

COVERAGE. All employees who are eligible in accordance with law.

A non-exempt employee who is a nursing mother is entitled to reasonable unpaid break time to express breast milk for her nursing child for one (1) year after the child's birth, each time that the employee has need to express the milk. An employee will be provided a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public to express breast milk.

GROUP HEALTH, DENTAL AND LIFE INSURANCE BENEFITS

GROUP HEALTH AND DENTAL INSURANCE

COVERAGE. Regular full-time employees, regular part-time employees who routinely work at least twenty (20) hours per week, and full-time elected officials.

Currently, the Town offers the benefit of health, dental and life insurance plans to its eligible employees. Information relative to the plans offered and the cost to the employee is provided to all new employees upon hire and to current employees during the Annual Open Enrollment period. Annual Open Enrollment is during the month of May for July 1st effective date of coverage.

Upon enrollment, coverage becomes effective 30 days after date of hire. If an eligible employee elects not to subscribe to the health insurance coverage, he/she must sign a waiver indicating that he/she does not wish to participate in this benefit. An employee wishing to enroll in the plan at a later date must wait until the annual open enrollment period in May for coverage effective July 1st (anniversary date of the policy) and meet the requirements as set forth by the insurance carrier.

The Town currently contributes 81% of the premium for the Preferred Provider Organization (PPO) plans and Health Maintenance Organization (HMO) plans. The employee contributes the remaining 19% of the monthly premium amount, which shall be deducted from the employee's pay on a weekly basis. For the benefit of our employees, the Town has instituted a Section 125 Plan. Enrollment in this plan is automatic, unless the employee chooses to opt out of the plan. This plan allows employees who contribute toward the cost of their health insurance to pay on a pre-tax basis. Participants in the plan are able to reduce their actual out-of-pocket costs; your savings will vary depending on your particular tax bracket. In accordance with federal regulations, election forms for the 125 Plan are available every year during the 125 plan open enrollment period. When you elect to participate in the 125 Plan you must maintain your election for the full year. There are, however, certain changes in family circumstances that the IRS will consider as valid reasons to make mid-year changes. Please refer to the Section 125 Summary Plan Description for more specific information and a listing of those benefits for which are eligible for pre-tax contributions.

It is the employee's responsibility to notify the Treasurer's Office of any change in status that would affect the employee's insurance coverage (*i.e.*, divorce, dependent child 27 reaching maximum age for coverage under the parent's plan, change in individual or family coverage, planned retirement, or termination). Continued health insurance coverage is available when an employee's status changes. The Treasurer's Office should be contacted for detailed information regarding this benefit.

All eligible employees who wish to maintain coverage under the Town's group health insurance plan at time of retirement must meet all of the following criteria:

1. The eligible employee (including spouse and dependents if applicable) must be enrolled in a group health insurance plan for one full year immediately preceding his/her date of retirement.
2. The eligible employee must be vested with the appropriate retirement plan.
3. The eligible employee must choose to maintain the group health insurance coverage at the time of retirement.

Upon retirement and attaining the age of 65, if the employee is eligible for Medicare, he/she must provide a copy of their Medicare card to the Treasurer's Office and may enroll in one of the supplemental plans (in lieu of plans offered to active employees) offered to "Seniors" by the carrier. Currently, the Town contributes 50% of the monthly premium for the Medigap plan and 81% of the monthly premium for the HMO plan offered to "Seniors" by the carrier.

If a retiree is not eligible for Medicare, the employee must provide the Treasurer's Office with written documentation of ineligibility from Social Security and may continue on the active plan they were last enrolled at time of retirement.

Surviving spouses and/or dependents have the opportunity to maintain their coverage under the Town's group health insurance plan at a 100% premium upon the death of the Town's retiree for as long as their premiums are paid and their account is in good standing. Under this policy, if you choose to voluntarily dis-enroll in the Town group health insurance plan, you will not be able to re-enter the plan in the future.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 **(COBRA)**

COVERAGE. All employees who are eligible by law.

In the event that an employee who is a member of the Town's group health and dental plan terminates employment, the employee and his or her spouse and dependents may be eligible to continue the group coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) for an extended period of time, in accordance with the law. Employees who elect COBRA coverage will be responsible for paying 102% of the premium costs for continued coverage.

Contact the Treasurer's Office if you have any questions concerning COBRA.

GROUP LIFE INSURANCE

COVERAGE. Regular full-time employees, and regular part-time employees who routinely work a minimum of twenty (20) hours per week.

In accordance with M.G.L. c. 32B, the Town contributes at least 50% toward the cost of an optional life insurance policy for regular full-time employees and regular part-time employees working a minimum of 20 hours per week. Currently, the cost of the monthly premium is shared

equally between the Town and the covered employee. If an employee elects not to subscribe to the group life insurance coverage, he/she must sign a waiver indicating that he/she does not wish to participate in this benefit and understands that coverage may not be elected in the future.

HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT

COVERAGE. All employees.

The Town complies with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA). In accordance with HIPAA and this policy, the Town shall limit the use of and access to Protected Health Information (PHI) which is held by the Town or its lawful agents. PHI 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 the use of and access to PHI are an integral part of this policy, 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. Town employees are required to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached PHI security may be subject to disciplinary action, up to and including termination.

Privacy Contact. To assure this commitment to compliance, the Town Administrator designates the Town Treasurer as the Privacy Contact who shall have the responsibility:

1. To ensure that the Town Administrator is kept informed of all changes, updates, requirements, responsibilities, claims, *etc.* concerning the HIPAA privacy regulations;
2. To ensure that documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that the Town's group health plan subscribers are sent privacy notices and that new enrollees receive said notices;
4. To ensure that any PHI disclosures are tracked;
5. To ensure that authorizations for disclosure and use of PHI are properly processed;
6. To resolve complaints from individuals about possible privacy violations;
7. To ensure that the Town continually communicates to the group health insurance program third party administrator, relevant business associates, and health insurance carriers the Town's commitment to the privacy and security of PHI and securing the commitment of these entities to that privacy and security;
8. To ensure that all required authorizations, agreements, *etc.* relative to the PHI of group health insurance program participants are maintained; *and*
9. To monitor the Town's compliance with HIPAA privacy regulations on a regular basis.

Use and Access of PHI. Only those Town officials with a legitimate business purpose and bona fide need to know in order to legally perform the duties of their position and administer the program may be given access to PHI.

The Town, as an employer, may use PHI 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.

An employee's PHI may be released for other purposes only if the employee authorizes such release. The use and/or disclosure of PHI is limited to the specific information, for the specific purpose, to and from the specific individual and/or entity, and for the specific time designated in the employee's authorization. Group health insurance program participants are allowed to review their PHI that is held by the Town and to correct errors.

Information which is normally maintained in the employee's personnel file which is not classified as PHI includes all forms, responses, inquiries and data relative to the Family and Medical Leave Act, drug screenings, fitness for duty, Workers' Compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

The Town separates PHI from the employee's personnel file and retains such information in a locked file accessible only to authorized personnel. All entities which could receive PHI (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 PHI.

Improper Use or Disclosure of PHI. Individuals who believe that they have been aggrieved by the use or disclosure of PHI may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the PHI 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 PHI was released;
2. Who received the PHI and/or is knowledgeable of the PHI;
3. When was the PHI released and/or when did the complainant become aware of the unauthorized knowledge of the PHI; and
4. What was the result of the release of the unauthorized PHI?

As soon as possible after the receipt of the complaint, the Privacy Contact will meet with the complainant to discuss the issue brought forward by the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of the Town Administrator 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 the Privacy Contact is the subject of the complaint or if the Privacy Contact is for any reason unable to conduct this meeting and/or investigation, the Town Administrator shall appoint an alternate senior manager to perform these duties.

Complainants may also contact the United States Department of Health and Human Services for assistance.

No retaliation. The Town will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any employee for exercising her or his rights under the HIPAA Privacy Regulations.

PENSION

COVERAGE. All eligible employees.

The Hampden County Regional Retirement Board (HCRRB) requires certain employees to become members of its contributory retirement system on the date of hire. Eligibility for the retirement system, which is determined by HCRRB, is as follows:

- Regular, full-time employees and regular, part-time employees who work twenty-one (21) hours or more per week are required to become members of the HCRRB system.
- Regular, part-time employees who work less than twenty-one (21) hours per week and Temporary Employees are not eligible for membership with the HCRRB system. (Such employees are required to participate in the Town Deferred Compensation Plan, as described below.)

Employee participation, contributions and benefits eligibility are defined by the terms of the pension plan. For more information, please contact Human Resources.

TOWN DEFERRED COMPENSATION PLAN / OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (OBRA) PLAN

COVERAGE. All eligible employees.

Employees who are not eligible to participate in the HCRRB retirement system pension plan or the Massachusetts Teachers Retirement System are required to participate in the Town's Deferred Compensation Plan, as authorized by OBRA. Under the Deferred Compensation Plan, an employee is required to contribute 7.5% of his or her gross wages to the Deferred Compensation Plan. The Deferred Compensation Plan is an alternative to Social Security coverage and, therefore, the 7.5% deduction is in lieu of the Old Age, Survivors and Disability Income portion of FICA (Federal Insurance Contributions Act). Employees are still required to contribute to the Medical Insurance portion of FICA.

Federal and state taxes are not paid on deferred income or interest accrued until monies are withdrawn from the Deferred Compensation Plan. Amounts deferred are pre-tax dollars, and, therefore, reduce your taxable income. Gross wages, as provided on your W-2 statement, is reduced by the amount you have deferred.

The Deferred Compensation Plan does not restrict or eliminate your opportunity to enroll in full deferral privileges in an IRA, or to participate in other Town-sponsored 457(b) deferred compensation or 403(b) tax-sheltered annuity plans.

An employee's responsibilities, rights or entitlement to benefits under the Deferred Compensation Plan are governed by the terms of the plan. For more information, please contact Human Resources.

LONGEVITY

COVERAGE. Regular full-time employees and regular part-time employees who routinely work a minimum of twenty (20) hours per week.

Eligible employees may receive longevity pay on an annual basis in accordance with this policy. The amount of longevity pay is determined by an employee's length of service and is computed annually on the employee's date of hire anniversary. An employee must complete in full the relevant year of service to receive longevity pay (*i.e.*, longevity pay is not pro-rated for partial years of service).

For regular full-time employees, the employee is eligible to receive the following:

- After five (5) years of continuous employment: \$250.00 each year for anniversary years 5 through 9.
- After ten (10) years of continuous employment: \$500.00 each year for anniversary years 10 through 14.
- After fifteen (15) years of continuous employment: \$750.00 each year for anniversary years 15 through 19.
- After twenty (20) years of continuous employment: \$1000.00 each year for anniversary years 20 through 24.
- After twenty-five (25) years of continuous employment: \$1500.00 each year for anniversary year 25 and each full year worked thereafter.

For regular part-time employees who regularly work a minimum of twenty (20) hours per week on average, longevity pay is paid as follows:

- After five (5) years of continuous employment: \$200.00 each year for anniversary years 5 through 9.
- After ten (10) years of continuous employment: \$300.00 each year for anniversary years 10 through 14.
- After fifteen (15) years of continuous employment: \$400.00 each year for anniversary years 15 through 19.
- After twenty (20) years of continuous employment: \$500.00 each year for anniversary year 20 and each full year worked thereafter.

For avoidance of doubt, employees who receive longevity pay in accordance with a collective bargaining agreement are not eligible to receive longevity pay under this policy.

OVERTIME

COVERAGE. All non-exempt employees.

Non-exempt employees who work in excess of 40 hours per week will be paid at the rate of one and one-half times the employee's hourly rate. All overtime must be approved in advance by the employee's immediate supervisor.

EXPENSE REIMBURSEMENT

COVERAGE. All employees.

Certain expenses incurred by employees for meetings, meals and travel on Town business will be reimbursed by the Town. Documentation supporting a request for reimbursement is generally required to be submitted along with the request. For more information on which expenses may be reimbursed, the limits of such reimbursements, and the process for requesting such reimbursements, please contact the Town Accountant.

Please contact the Town Accountant regarding rules on the Town paying for food or drink for department or interdepartmental meetings. Expense reimbursements are also subject to Chapter II, Section 22 of the Town Bylaws.

RETIREMENT

COVERAGE. All employees.

Employees who plan to retire are encouraged to speak with the Director of Human Resources in advance to understand eligibility for benefits. In addition, the Town requests that an employee who plans to retire provide thirty (30) days' advance written notice to the Director of Human Resources.

POSITION DESCRIPTION/CLASSIFICATION POLICY

COVERAGE. All employees.

As part of the Town's system for classifying all positions, an employee's position may have a written description. The description generally consists of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience, and necessary special qualifications. Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed.

Position descriptions do not necessarily include all of the duties performed and are not intended to be restrictive. Therefore, employees may be required to perform duties that are not included in their position description. For more information on current position classifications, please see **Appendix A** to this manual.

COMPENSATION SYSTEM POLICY

COVERAGE. All employees.

The Board of Selectmen are responsible for the maintenance of a uniform and equitable pay plan which consists, for each grade of positions, of minimum and maximum rates of pay and such intermediate increment steps as are deemed appropriate. For more information about how compensation is set, including compensation related to step increases, promotions, demotions, and transfers, please contact Human Resources. For more information on the current compensation plan, please see **Appendix B** to this manual.