

**TOWN OF MONSON**  
**PERSONNEL POLICIES**

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## **1.0 General Provisions**

### **1.1 Authorization**

These policies are promulgated in accordance with the authority granted by the Board of Selectmen as documented in this Personnel Manual. In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

### **1.2 Purpose**

The purpose of these policies is to establish a fair and equitable system of personnel administration based on merit principles that ensure a uniform, fair and efficient application of personnel policies.

### **1.3 Definitions**

The following definitions shall apply:

“Affirmative Action,” the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.

“Alcohol,” the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

“Alcohol concentration,” the alcohol in a volume of breath, expressed as grams of alcohol per 210 liters of breath, as indicated by an evidential breath test such as a breathalyzer.

“Alcohol use,” the consumption of any beverage, mixture or preparation, including medications, containing alcohol.

“Americans with Disabilities Act,” the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.

“Appointing authority,” any board or official authorized by General Law, or otherwise, to employ personnel to perform services for the Town.

“Automobile allowance,” that amount approved by the Board of Selectmen to compensate an employee for regular and routine use of a personal automobile. Automobile allowance is considered to be a salary item and, as such, is subject to taxation.

"Board," the Board of Selectmen.

“Breath alcohol technician (BAT),” an individual who instructs individuals in the alcohol testing process and operates an evidential breath-testing (EBT) device.

“Compensatory Leave,” time off in lieu of wages for hours worked in excess of an employee’s normally scheduled work hours, per day or per week, depending upon work location and collective bargaining agreement.

“Confirmation test, alcohol,” a second test, following a screening test with a result of 0.02 or greater that provides quantitative measurement of alcohol concentration.

“Controlled substances,” used interchangeably with the term “drugs” and, unless otherwise provided, refer to marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines).

"Department head," the officer responsible for supervising a department's operations and activities. A department head may be an appointing authority.

“Discrimination,” unequal treatment or categorization of individuals on a basis other than individual merit such as race, sex, age, color, religion, marital status, national origin, sexual orientation, or disability.

“Driver,” any person who operates a commercial motor vehicle (CMV) including:

- Full-time, regularly employed drivers
- Casual, intermittent or occasional drivers
- Leased drivers
- Independent, owner-operator contractors who are either directly employed by or under contract to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

“Emergency Response Employees,” those employees whose work regularly involves the activities of dispatching emergency vehicles and personnel, rescue work, and ambulance services.

“Employee”, any individual who performs services for and under the control and direction of an employer for wages or other remuneration.

"Employer", the Commonwealth, and its agencies or subdivisions, including, but not limited to, cities, towns, counties and regional school districts, or any authority, commission, board or instrumentality thereof.

“Equal Employment Opportunity,” a course of action that ensures that hiring and other employment decisions are made solely on an individual’s merit and qualifications, without regard to race, color, national origin, sex, age, religious or political affiliation, physical disability, sexual preference, or veteran status.

“Evidential Breath Testing (EBT) Device,” a device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

“Exempt Employees,” those employees who are excluded from overtime compensation in accordance with the U.S. Fair Labor Standards Act, as determined by the Board.

“Expense Reimbursement,” that payment for approved expenses relating to personal automobile use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

“Fair Information Practice Act,” MGL Chapter 66, Section 10 which governs public access to records.

"Full-time employee," an employee regularly scheduled to work a minimum of thirty-five (35) hours per week for fifty-two (52) weeks per year.

"General Laws," the General Laws of the Commonwealth of Massachusetts.

"Health care provider," a doctor of medicine or osteopathy authorized to practice within the located state, or any person determined by the Secretary of Labor, or others capable of providing

health care services as defined by the Department of Labor Family and Medical Leave Act rules.

“Improper governmental action” means any action by a city/town officer or employee:

1. That is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
2. That:
  - a. Is in violation of any federal, state or local law or rule;
  - b. Is a substantial and specific danger to the public health or safety;
3. Improper governmental action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of applicable collective bargaining, alleged labor agreement violations, reprimands, or any other personnel action taken under authority of state law.

“Individual with a Disability,” an individual who has a physical or mental impairment that substantially limits one or more of his or her major life activities or who has a record of such an impairment, or who is regarded as having such an impairment. An individual who currently uses drugs illegally is not considered to be an individual with a disability.

"Intermittent leave," time away from the job taken in separate blocks of time due to a single illness or injury.

“Keeper of the Records,” that person who has custodial authority over certain records, such as the Treasurer’s office for personnel files, and payroll data.

“Major Life Activities,” activities that an average person can perform with little or no difficulty, such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, or working.

“Management Employees,” those employees who are responsible for a Department or Division and who are expected to work the required number of hours to fulfill the responsibilities of their positions. Managers are not necessarily required to work the same regularly scheduled work hours as non-management employees.

“Medical Review Officer (MRO),” a licensed physician (medical doctor or doctor of osteopathy)

responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

"Minor," a person below the age when full civil and personal rights can be exercised (in this context, 18 years of age).

"Minority," a person with permanent residence in the United States who is Black, Hispanic, Native American, Alaskan Native, Asian or Cape Verdean.

"Municipal Vehicle," those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town and licensed for travel on a public way.

"Non-exempt Employees," those employees who are entitled to receive overtime compensation in accordance with the U.S. Fair Labor Standards Act, as determined by the Board.

"Non-represented employee," an employee whose title is not contained in a collective bargaining unit.

"Non-smoking area," any area that is designated and posted by the person in charge as a place where smoking is prohibited.

"Overtime," approved hours worked in excess of forty hours per week, or in excess of an 8-hour workday, depending on work location and collective bargaining agreement.

"Overtime Pay," payment of time and one half an employee's regular rate of pay for approved hours worked in excess of eight hours per day or in excess of forty hours per week, whichever is appropriate. Public safety employees shall be compensated overtime in accordance with FLSA.

"Part-time employee," an employee working fewer than thirty-five (35) hours per week for fifty-two (52) weeks per year, except as otherwise provided.

"Permanent employee," an employee who has completed the probationary period and whose tenure of service is unlimited, except as provided by law, regulation, or by-law or this policy.

"Personal automobile," that automobile owned or available for private use by the employee.

“Personnel Manual,” The document defines and outlines the personnel policies of the Town of Monson as defined by the Board.

“Post-employment Documentation,” information, forms or other similar documentation submitted by or about an employee after he/she begins employment with the Town.

“Pre-employment Documentation,” information, forms, or other similar materials submitted by a candidate prior to his/her beginning employment with the Town.

"Probationary period," the first 12 months of continuous employment for all employees or as addressed by collective bargaining agreements.

“Promotion,” a change from a position of lower classification and compensation grade to a position in the same department and with similar work, but with greater responsibilities and in a higher classification and compensation grade.

“Protected Class,” legally identified groups that are specifically protected by statute against employment discrimination.

"Public body",

- a. the United States Congress, any state legislature, including the general court, or any popularly elected local government body, or any member or employee thereof;
- b. any federal, state, or local judiciary, or any member or employee thereof, or any grand or petit jury;
- c. any federal, state or local law enforcement agency, prosecutorial office, or police or peace officer; or
- d. any division, board, bureau, office, committee or commission of any of the public bodies described in the above paragraphs of this subsection.

“Public Records,” those records defined in MGL Chapter 4, Section 7, including all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form, made or received by the Town to serve a public purpose, unless specifically exempted.

“Public Safety Employees,” those employees whose work regularly involves the activities of law

enforcement, firefighting, or related activities.

“Qualified Individual with a Disability,” an individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the particular job.

“Reasonable Accommodation,” a modification or adjustment to a job, employment practices or work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.

“Reclassification,” a change made to a position title within the Classification Plan as a result of a change in duties to be performed.

"Reduced leave schedule," a reduction in the number of hours per workday or workweek.

"Retaliatory action", the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

“Rule” means any order, directive, or regulation, the violation of which subjects a person to a penalty or administrative sanction.

“Screening Test, alcohol,” the initial test to determine if a driver has a prohibited concentration of alcohol in his or her system.

“Screening Test, drug,” a screen to eliminate ‘negative’ urine specimens from further consideration.

"Serious health condition," an illness, injury, impairment or physical or mental condition that involves:

- a. incapacity or treatment as an inpatient in a hospital, hospice or residential medical care facility, or
- b. incapacity requiring absence from work or other activities for more than three (3) calendar days and involves continuing treatment of a health care provider, or
- c. continuing treatment by a health care provider for a chronic or long-term health

condition, which is incurable or if left untreated would result in incapacity for more than three (3) calendar days.

“Sexual Harassment,” unwelcome conduct of a sexual nature as further defined in the Personnel Manual.

“Straight-time Overtime Pay,” payment of an employee’s regular rate of pay for hours worked in excess of up to and including forty hours per week, except full-time EMT’s whose regular work week is fifty hours.

“Substance abuse,” refers to the patterns of substance use that result in health consequences or impairment in social, psychological and occupational functioning.

“Substance abuse professional,” a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.”

"Supervisor", any individual to whom an employer has given the authority to direct and control the work performance of the affected employee, who has the authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains, or who has been designated by the employer on the notice required.

“Tardiness,” reporting to work after the customary reporting time has passed.

"Temporary/Seasonal employee," an employee whose fixed tenure of service is stipulated at the time of hire, excluding those who are appointed to serve in positions for which a term of office is stipulated by law or bylaw, and generally for a period not to exceed four (4) consecutive months or 16 weeks.

"Town," the Town of Monson.

"Twelve month period," a "rolling" period measured backward from the date an employee uses any family and medical leave.

“Undue Hardship,” an action that is excessively costly, extensive, substantial, or disruptive, or

that would fundamentally alter the nature or operation of the department.

“Workplace,” any area within a structure or portion thereof at which any employee performs services for their employer, including employee lounges, rest rooms, conference rooms, hallways, stairways, and entranceways.

1.4 Amendments

These policies may be amended as by vote of the Board.

1.5 Personnel Officer

The Town Administrator shall serve as the personnel officer for the Town responsible for administration of the personnel system. The personnel officer shall provide assistance and training to appointing authorities and department heads to ensure that recruitment, selection, appointment and retention of employees, maintenance of the classification plan and salary schedule, application and periodic review of personnel policies, and administration of a problem resolution system are accomplished in ways that are consistent with these policies. The personnel officer shall supervise the maintenance of a personnel record keeping system. The personnel officer shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies.

**2.0 Recruitment**

2.1 Posting and Advertising of Vacancies

Job vacancy notices for vacant positions shall be developed by the appointing authority/department head based on the position description on file in the Selectmen's office. Job vacancy notices shall not be required for temporary appointments or for the temporary replacement of incumbents on approved leave status.

The position description on file in the Selectmen's office is the official description of the duties of the position. The appointing authority/department head will prepare the job posting based on the official job description, grade, and current salary information. All postings and advertisements shall include:

- 1.0 position title;
- 2.0 salary or salary range;

- 3.0 a brief description of the duties;
- 4.0 minimum qualifications;
- 5.0 name and address to which to send applications;
- 6.0 last day for filing applications; and
- 7.0 an EEO statement.

Internal applicants will be considered prior to external candidates if they meet minimum entrance requirements. When recruiting external candidates, appointing authorities may request that positions be advertised. The appointing authority should prepare the text of the classified advertisement and forward it to the Town Administrator for review.

The Town Administrator/designee shall review and approve the content of all job notices prior to posting and the content and funding availability of all job advertisements prior to publication.

Job notices shall be posted for five (5) consecutive business days in a daily newspaper or two (2) consecutive weeks in a weekly paper. Job advertisements shall be placed in trade journals as appropriate after consultation with the Town Administrator.

## 2.2 Equal Employment Opportunity/Affirmative Action

The Town recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard to race, sex, color, handicap, religion, national origin, sexual orientation, or age. Non-discrimination and equal opportunity are the policy of the Town in all of its hiring programs and activities.

Toward this end, the Town commits itself to take affirmative measures to ensure equal opportunity in the recruitment and hiring, rate of compensation, and all terms and conditions of employment. The Town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, and ages.

All Town employees are encourage to take diligent, affirmative steps to ensure equal opportunity and respect for diversity. The policy of the Town is to recruit and hire without regard to race, sex, color, disability, religion, national origin, sexual orientation or age. Decisions about employment will be made so as to encourage the development of a diverse workforce.

### **3.0 Hiring**

#### **3.1 Screening/Interviewing**

The appointing authority/department head will screen resumes and applications based on criteria established prior to receipt of resumes. Appointing authorities and department heads should follow standard procedures when screening resumes and conducting interviews. The following are general guidelines:

1. Devise standard selection questions which are not gender or race biased, and use the same questions for all candidates;
2. Screen resumes for minimum entrance requirements;
3. Select candidates for interview, and send a letter to candidates not selected for interview;
4. Notify successful candidates of selection (by telephone) and then interview those candidates (interviews conducted by Town Boards and Committees are subject to the provisions of the Open Meeting Law);
5. Select candidates for final (or second) interview, contact references, and conduct final interviews;
6. Select final candidate. Review offer to candidate with Town Administrator and secure approvals if offering higher than minimum entrance rates;
7. Offer the candidate employment in writing; and
8. Notify unsuccessful candidates by telephone or by mail.

#### **3.2 Employment Applications**

All applicants for employment will complete an official employment application form that shall be retained by the appointing authority. The form will include a statement signed by the applicant certifying to the truthfulness, accuracy, and completeness of all information provided on the form. Resumes may be accepted as supplements to the application, but not as substitutes. The standard Employment Application is found as Attachment A to this document.

#### **3.3 Reference and Background Checks**

It is the policy of the Town to check references of all potential employees. It is the responsibility of the appointing authority to conduct reference checks on the final candidates they are considering to hire. The job applicant will be asked to provide at least three references from previous employment. The appointing authority/designee will make at least one attempt to

contact each reference and keep careful written records of having done so. The appointing authority/designee shall not request any information about a job applicant from a previous employer, family member, or other source that it may not itself request of the job applicant.

Candidates should be informed that reference checking may be extended to their current and any or all of their previous employers, even though they may not be on their reference list. (Please be sensitive to coordinating the checking of the current employer's reference with the candidate. We do not want to jeopardize their current position). If a candidate tells you not to contact a specific person or employer, please respect that request. The candidate is not required to provide this authorization, but checking references should be considered a very important part of the selection process and the appointing authority should be very cautious about hiring a new employee who will not provide adequate reference checking authorization.

Before making reference calls, the appointing authority/designee will prepare a set of questions that are related to the position and help with the hiring decision. The appointing authority should describe to the reference the position that the candidate has applied for and describe what he/she is looking for in the ideal candidate.

When calling a reference, introduce yourself, state that you are checking the reference on (name), a candidate for (state the position) and you have the candidate's permission to talk with the reference. If they refuse to provide a reference, ask them what their policy is on providing references for current or past employees to assess whether the issue is their blanket policy on providing references or the fact that they will not provide a reference for this particular employee (or former employee). Questions regarding attitude, skills, experience and performance should be asked.

Reference check questions should be directly related to the duties and performance of the person's job. Do not contact "character references" or references who have not worked with the candidate. Questions related to protected class status or disability claims should be avoided. Sample reference questions are found in Attachment B.

While the employer has the right to check employment references, state and federal laws protect candidates and employees from unreasonable intrusions by prospective employers into their private, non-job related activities and status. (There are a few exemptions to this rule, for example, law enforcement candidates).

### 3.4 Employment Eligibility

The Town's policy with respect to employment eligibility is set forth in accordance with the Immigration Reform and Control Act of 1986 that requires that employers verify the employment eligibility of prospective employees. This law sets for the requirements for eligibility to work in the United States.

It is the policy of the Town that new employees must provide proof of authorization to work in the United States prior to beginning employment with the Town as mandated by federal law. After making an offer of employment, the department manager/designee should verify the candidate's eligibility to work in the United States, using the "Employment Eligibility Form" (I-9 Form).

The department manager/designee should outline the purpose of the form and give the candidate the Employment Eligibility Information Sheet. The department manager/designee should complete the I-9 form and verify the documentation submitted as instructed on the form.

Prospective employees must sign the I-9 form and provide the appropriate documentation on the first day or prior to beginning work. The department manager should stress during the interview that all offers of employment are contingent on the candidate's providing the Town with the appropriate documentation prior to being placed on the payroll. This statement should be included in the offer letter, where applicable. Documentation provided with the I-9 should be photocopied and attached to the I-9. Such documentation will not become a part of the employee's personnel file but will be maintained by the Treasurer's Office in chronological order.

### 3.5 Offer of Employment

An appointing authority shall provide an offer of employment in writing to any prospective employee that contains the rate of pay, hours of work, starting date for employment and other relevant information. A copy of such offer of employment should be provided to the Treasurer's Office. Each new employee shall be directed to consult with the Treasurer's Office during the first week of employment to ensure compliance with all legal requirements and facilitate enrollment in health insurance plans and the retirement system, as appropriate.

### 3.6 Hiring Documentation

The following documentation should be compiled and forwarded to the Town Administrator along with the Application for Employment/resume prior to the employee's first day of work:

1. Payroll Authorization Form
2. Employment Eligibility Form (I-9)
3. Pre-Employment Physical Examination Form, if applicable
4. Confidential Employee Information Form

On the first day of employment, or at latest, during the first week of employment, the employee will be required to submit the following documentation:

1. W-4 or W-4A tax withholding form;
2. Retirement Enrollment form;
3. Birth certificate;
4. Basic and optional life insurance enrollment form or waiver;
5. Health insurance enrollment form or waiver;
6. Annuity/deferred compensation enrollment form (optional);
7. Section 125 (“Cafeteria Plan”) benefit waiver; and

### 3.7 Pre-Employment Physicals

Every applicant for permanent appointive employment by the town shall be certified by a practicing physician, designated by the town, as to his or her physical fitness to perform the duties of the position to which such applicant seeks appointment and as to any physical condition of the applicant which might adversely affect the insurance coverage of the town under Chapter 152 of the General Laws of the group insurance coverage of other town employees. If the Board deems such action necessary to the protection of the town, it may require any applicant for temporary appointive employment by the town who is to be employed for thirty (30) days or more, or any temporary appointive employee who has been employed by the town for thirty (30) days and has not been so certified, to be certified by a physician designated by the town as to his or her physical fitness to do the work required by the town and as to the presence of any condition detrimental to the insurance coverage hereinbefore described. The certification required hereunder shall be in such form as the Board shall determine. The cost of any physical examination required by this section shall be paid by the town and shall be charged to the appropriation of the department in which the position is for which such application was made or temporary employment authorized or shall be charged to such special appropriation as the town may make for the purpose of this section.

### 3.8 Probationary Period

For all employees, the first year of employment shall be a probationary period. Probationary employees shall have no rights to contest the termination of their employment during the probationary period. Probationary employees will receive an appraisal of their performance after the initial six months of employment.

### 3.9 Temporary and Seasonal Employment

Department heads and appointing authorities may appoint temporary and seasonal employees to titles contained in the Classification Plan in accordance with procedures outlined herein.

Temporary and seasonal employees are not entitled to benefits such as health insurance, paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week.

Temporary and seasonal appointments must not exceed four (4) consecutive months. A specified term of service must be stipulated prior to appointment. Temporary and seasonal employees must be appointed to titles that are contained in the current Classification Plan. Temporary and seasonal employees will be paid at the entry-level rate of the position to which they are appointed.

Department heads/appointing authorities making temporary/seasonal appointments must follow the general recruitment and hiring procedures outlined herein.

### 3.10 Employment of Minors

The Town will comply with all laws of the United States and the Commonwealth of Massachusetts in the area of child labor. Department managers should pay strict attention to the procedures and requirements listed below in order to insure compliance with the law and the safety of children who may work for the Town.

Minors sixteen (16) years of age and older may not work more than nine (9) hours per day, nor more than forty-eight (48) hours per week. Such minors may not work between 10:00 p.m. and 6:00 a.m. Such minors must submit an educational certificate that they have obtained from their school or the Superintendent of Schools in the town where they live. Minors sixteen (16) years of age and older may perform most types of work, except work involving hazardous occupations as established by the State and Federal Secretaries of Labor (see Attachment C)

Minors fourteen (14) and fifteen (15) years old must have on file an "Employment Permit" from their school or the Superintendent of Schools in the Town where they live. Such minors may not be employed during school hours (unless as part of a qualifying "work experience program").

Such minors may not be employed between 7:00 p.m. and 7:00 a.m. (except that from July 1 through Labor Day they may work until 9:00 p.m.). Such minors may not be employed:

- More than three (3) hours per day on school days;
- More than eighteen (18) hours per week in school weeks;
- More than eight (8) hours per day during a period of not more than nine (9) consecutive hours on non-school days;
- More than forty (40) hours per week; or
- More than six (6) days in a week.

Minors of fourteen (14) and fifteen (15) years are prohibited from working in the occupations listed in Attachment D.

The Town must keep posted in a conspicuous place, in the room where such minors are employed or report to work, a printed notice or schedule stating the number of hours such minors are required or permitted to work on each day of the week, the total number of scheduled hours for the week, the hours commencing and stopping work, and the hours when the time allowed for meals begins and ends for every day of the week.

### 3.11 CORI Policy

This policy is applicable to the criminal history screening of prospective employees, subcontractors, volunteers and interns, and professional licensing applicants. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed:

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, §.172, and only after a CORI Acknowledgement Form (Attachment G) has been completed. All CORI checks will be performed by the Human Resource Director, Town Administrator, Chief of Police, or Fire Chief as applicable. If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.

Every CORI obtained from the DCJIS is confidential, and access to the information must be

limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Town of Monson must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town of Monson will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Additionally, if the Town of Monson is an agency required by MGL c. 6, s. 171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

In connection with any decision regarding employment, volunteer opportunities or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

If a determination is made, based on the information as provided in Section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record’s accuracy,

then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

Every CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

## **4.0 General Administration**

### **4.1 Classification Plan and Salary Schedule**

The Board shall establish a uniform system, which appears as Appendix A to these Policies, for the classification of positions based on similarity of duties performed and the responsibilities assumed so that the same qualifications may reasonably be required, and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed

to a position not included in the classification plan.

The classification plan shall cover and include all Town departments and positions in the Town service other than positions under the direction and control of the School Committee and full time positions filled by popular election should be included in the Salary and Classification Plan to provide guidelines for compensation subject to the provisions of M.G.L. Chapter 41, Section 108. When necessary, the Board, after consultation with appointing authorities, may establish temporary classifications with related compensation.

The Town Administrator shall establish, maintain and amend, as it deems necessary, written job descriptions for each class of positions. The job description shall describe the essential character of the duties and responsibilities of positions properly allocated to the class with illustrative examples of work where desirable and shall state the minimum qualifications for entrance to positions of the class.

The minimum qualifications for all classes of positions shall be prescribed by the Town Administrator and shall be based upon:

1. the minimum qualifications recommended by department heads,
2. an examination of work content of positions allocated to the class,
3. a study of comparable positions in private employment and in the service of other municipalities.

The minimum qualifications for employment in paid elective positions shall be:

1. lawful election to the position,
2. compliance with any special qualifications prescribed by law for such positions.

The title of each class established by the classification plan shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and it shall be used to the exclusion of all others on payrolls, budget estimates, and other official records and reports pertaining to the position.

The Board shall adopt a salary schedule of hourly rates of pay, attached to these Policies as Appendix B. The compensation of elected officers of the Town shall be established annually by vote of the Town Meeting, as required by General Laws c. 41, §108.

#### 4.2 New Positions, Reclassification and Salary Adjustments

Town employees or registered voters may request the Board to consider changes in the classification of positions, including the creation of new positions changes in the compensation of Town personnel covered by these Policies, or amendments to the Policies.

No position may be reclassified or created, nor may any class be assigned to a different compensation grade, until the Board has determined such classification or reassignment is consistent with the classification plan.

Department heads shall include in their estimates required by the provisions of General Laws c. 41, §59, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing year.

#### 4.3 Hours of Work and Work Schedules

The hours of work shall be those necessary for the efficient conduct of the Town's business as determined by the appointing authority.

Each department manager shall schedule normal working hours for his or her department. In addition, department managers may establish irregular work schedules due to seasonal or other workload requirements. In establishing such schedules, department managers shall carefully consider the convenience of the employees involved as well as any applicable collective bargaining agreement.

#### 4.4 Promotions and Transfers

Each employee in a position for which step rates are provided will be considered for an increase in compensation to a higher rate for that position after completion of the required period of continuous service and upon management recommendation.

When an employee is promoted or transferred to a higher-rated position, he/she shall enter it at the rate for that position.

If an employee is transferred to a lower-rated position, he/she shall enter it at the rate for that position as determined by the Board.

#### 4.5 Holidays and Holiday Pay

Full-time and part-time employees shall be entitled to the legal holidays on which State offices are closed as provided in General Laws c. 136, §12, as follows:

- New Year's Day

- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

Saturday holidays will be observed on the Friday preceding the holiday. Sunday holidays will be observed on the Monday following the holiday.

If any holiday falls on employee's normal day off, the employee shall not be entitled to compensatory time off or additional compensation.

Holiday pay for full-time employees shall be one day's pay or equivalent compensatory time off. Holiday pay for part-time employees shall be the prorated schedule of hours. Temporary seasonal employees shall not receive holiday pay.

Full-time and part-time employees required to work on a holiday, and employees performing emergency work on a holiday shall be paid at the rate of two times their basic hourly rate of compensation, plus their normal pay for each hour worked. In the alternative, the employee may elect to take one compensating hour off for each hour worked. This paragraph applies to all non-represented full-time and part-time general Government employees.

#### 4.6 Tardiness and Failure to Report to Work

The purpose of this policy is to ensure proper coverage in all offices and work locations in order to maintain the highest level of service to the taxpayers of the Town. This policy defines the Town's expectations of employees and describes management's course of action in monitoring and controlling tardiness and failure to report to work.

This policy applies to all paid appointive positions in Town service excluding those employees under the supervision and control of the School Committee. This policy does not apply to management employees who do not work regularly scheduled hours and who are required to work as many hours per week as may be required by the Appointing Authority. Employees who are covered by collective bargaining agreements are subject only to those portions of this policy, which are not specifically regulated by law or agreement.

It is the policy of the Town that all employees assume their assigned duties at the start of the regularly scheduled workday. Tardiness and failure to report to work are viewed as unacceptable job performance and may be grounds for progressive disciplinary action.

An employee who anticipates that he or she will arrive after the start of the work day or shift must notify the work location and speak directly to his/her supervisor or the supervisor in charge to inform him/her of the delay and expected time of arrival. The employee should call the work location prior to his/her expected time of arrival, if possible. Employees will be required to provide a reasonable explanation of their tardiness, and may be required to provide documentation, if appropriate.

If an employee exhibits a pattern of repeated tardiness, he/she may receive an oral reprimand. Subsequent tardiness may result in a written reprimand or further disciplinary action. If an employee is tardy for more than two (2) consecutive hours without cause, he/she may receive a written reprimand without having received a prior oral reprimand. Subsequent tardiness may result in further disciplinary action.

If an employee does not report for his/her scheduled work hours/shift, and fails to notify the work location of the absence by the end of the regularly scheduled shift, the employee shall be considered on unauthorized leave without pay for the day and may be subject to disciplinary action, unless the absence resulted from an emergency. The employee may be required to provide documentation of the emergency. Further incidents of this nature may result in subsequent disciplinary action up to and including termination of employment. Failure by an employee to report to work without permission and without notice for fourteen (14) or more consecutive days may result in the employee being considered to have voluntarily and permanently separated him/herself from Town service.

#### 4.7 Disciplinary Procedures

The intent of this policy is to ensure that employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations, and that disciplinary action initiated against an employee is fair and appropriate.

This policy applies to all paid, appointed employees in Town Service other than those positions under the supervision and control of the School Committee. Employees subject to collective bargaining agreements are subject only to those provisions in this order which are not specifically regulated by collective bargaining agreements.

The Town's disciplinary policy is one of progressive discipline. Employees must know what is expected of them, and what the consequences are for failing to meet these expectations. In

general, the disciplinary process is set up as follows:

- a. Oral Reprimand: May be initiated by the employee's immediate supervisor, or department head. In all cases, the department head or his/her designee should be informed of the reprimand.
- b. Written Reprimand: May be initiated by the employee's immediate supervisor or department head. In all cases, the department head must review and approve of the written reprimand.
- c. Suspension and Discharge: May be initiated by the appointing authority or his/her designee. Discharge and suspension issues must be discussed with the Town Administrator prior to action.

In most cases, any disciplinary action initiated for an employee's first violation of a standard will be mild, such as informal or oral reprimands. Should such action be insufficient to cause the employee to comply with the standard, subsequent disciplinary action becomes progressively more severe until the employee has either corrected the deficiency or ceases to be an employee. In general, most of the procedures below should be followed for probationary employees. Even though probationary employees may be terminated without cause, they should be afforded an opportunity to improve their performance prior to being let go.

At each step the standard should be reiterated, and the employee offered any appropriate and reasonable assistance. The primary goal of each step in the disciplinary process is the correction of the problem. The goal is not to establish a basis for more severe disciplinary action.

In some areas, the Town's expectations are obvious. Employees are expected to know that they may not steal, assault members of the public or other employees, or abuse their authority for private gain. Other than such obvious examples, it is generally not sufficient for supervisors or department heads to assume that the employee is aware of the Town's expectations; nor is it generally sufficient to assume that an employee knows that his/her performance is deficient or that his/her employment may be in jeopardy. All supervisors are obliged to communicate openly and honestly with their employees, and to ensure that all employees have read and understand the Personnel Policies, by-laws, and all other rules and regulations governing their employment.

#### 4.7.1 General Procedures

Many authorities may be involved in the final resolution of discipline issues including (but not limited to): the department head, the Town Administrator, the Board of Selectman, or independent arbitrators. However, the standards for consideration are essentially the same:

- a. There must exist sufficient cause to discipline the employee.
- b. The harshness of the penalty must fit the seriousness of the action.

- c. The employee must receive clear and unequivocal warning stating the precise area in which his/her performance of behavior is unacceptable, and the probable consequences of the continuation of the behavior.
- d. The employee must be given full opportunity to explain his/her actions and to reform or rehabilitate himself/herself.
- e. The situation must be fully documented (unless it is a severe infraction which may be cause for immediate dismissal).

#### 4.7.2 Specific Procedures

##### 4.7.2.1 Oral Reprimand

The oral reprimand (or warning) is the least severe form of disciplinary action. In most cases it is the first form of disciplinary action taken against an employee. After meeting with the employee to communicate the warning, the department head/designee should prepare a written summary that is presented to the employee and may be placed in the employee's official personnel file.

Both the oral reprimand and the written summary should contain as many elements as listed below as are appropriate to the type of disciplinary problem involved:

- a. Rule, Regulation or Policy Involved
- b. Facts Showing Deviation from Standard
- c. Consequence to the Town/Department
- d. Expected Performance or Behavior
- e. Plan for Improvement
- f. Time Frame for Compliance and Follow-Up Measures
- g. Next Step if Improvement/Compliance not Forthcoming

##### 4.7.2.2 Written Reprimand

The written reprimand shall always be placed in the employee's official personnel file. It contains all of the elements of the oral reprimand as listed above. In most cases, this formal warning will be initiated only after an informal or oral warning has failed to bring about sufficient improvement. In some cases, in which the employee commits a fairly serious offense (e.g. insubordination) the written reprimand may be the first disciplinary action taken. As with the oral reprimand, the written reprimand should be issued following a meeting with the employee.

##### 4.7.2.3 Suspension

Suspension is the temporary and involuntary separation of an employee from his/her employment. The purpose of a suspension is to serve as a final warning to an employee that

continued misbehavior or poor performance may result in discharge. Suspension is generally imposed only when prior warnings or reprimands have not caused the employee to bring his/her performance or behavior up to the expected standard. In some cases involving serious misconduct, suspension may be the first disciplinary action taken.

Except in cases of serious misconduct, one or more suspensions should precede the discharge for any non-probationary employee. A probationary employee need not be suspended prior to discharge (although a pre-termination hearing is mandatory). Appointing authorities should contact the Town Administrator prior to implementing a suspension.

In cases where the Department head and Town Administrator determine that the unsatisfactory employee should be suspended for a period of more than five (5) days, the employee shall be granted a hearing before the department head and the Town Administrator prior to the imposition of the suspension.

All suspensions shall be reduced to writing including all of the reprimand elements listed above, and shall be forwarded to the Treasurer's Office for inclusion in the employee's official personnel file.

#### 4.7.2.4 Discharge

Discharge is the permanent and involuntary separation of a person from his/her employment with the Town. Because of its severity, action to discharge an employee is generally initiated only after the oral and written reprimand processes and one or more suspensions have failed to bring about the employee's conformance with the requisite standards of performance or behavior.

Action to discharge a probationary employee will generally not be initiated until the employee has been clearly warned that his/her continued poor performance or inappropriate behavior could lead to his/her discharge and until the employee has been given a fair opportunity to improve following the warning.

In cases involving serious misconduct (e.g. theft, assault) discharge may be initiated without any prior warnings or suspensions.

In all cases in which the department head and Town Administrator determine that discharge may be warranted, the employee shall be given a hearing by the department head and the Town Administrator prior to the imposition of the discharge. If discharged, the employee will be given a written notice stating the reason(s) for the discharge and the effective date of termination of employment with the Town. Such notice shall be included in the employee's official personnel file.

#### 4.7.2.5 Alternatives to Suspension or Discharge

Prior to the initiation of action to suspend or discharge an employee, consideration should be given to other alternatives such as demotion or reassignment to other duties. These alternatives will be appropriate only in a small percentage of cases. Their use as disciplinary measures will be strictly scrutinized. Demotion or reassignment should be considered only when the employee has previously demonstrated an ability to perform the duties of the position to which demotion or reassignment is contemplated.

#### 4.7.3 The Disciplinary Interview

Whenever possible, a meeting between the employee and department head/designee should precede the initiation of any disciplinary action against the employee. (Bargaining Unit employees who so request are entitled to union representation at any meeting which the employee perceives to be of a disciplinary nature. However, the department head may speak directly to the employee and request that the employee answer questions. The department head should allow such employee a reasonable amount of time to secure union representation.)

The primary goals of the Disciplinary Interview are:

- a. To determine whether the employee has in fact failed to comply with a required standard;
- b. If so, to identify why the employee failed to meet the standard;
- c. To inform the employee exactly what will be expected of him/her in order to avoid further disciplinary action and to offer any appropriate assistance; and
- d. To warn the employee of the consequences of his/her continued failure to comply with the established standards.

If the Disciplinary Action under consideration is demotion, reassignment or discharge, the Department Head/designee should also attempt to ascertain:

- a. Whether any preceding disciplinary action was properly implemented, including proper follow-up on improvement plans; and
- b. Whether the employee has a documented history of satisfactory performance in another position. If so, demotion or reassignment might be considered an appropriate alternative to discharge.

#### 4.8 Dispute Resolution

Employees are encouraged to bring any problems or complaints regarding their work or other day-to-day relations with the Town to the attention of their supervisors or appointing authorities.

If an employee has a particular request or a problem, he or she should discuss the matter with his

or her immediate supervisor or appointing authority.

If the matter remains unresolved after the discussion with the supervisor, the employee should contact the appointing authority in writing. The appointing authority shall discuss the matter with the employee and others who may be involved and attempt to reach a satisfactory understanding and resolution of the problem.

If the dispute remains unresolved more than four (4) weeks after the submission in writing to the appointing authority, the employee may appeal to the Board. The Board shall take the question under advisement, collecting such facts relating thereto as may seem helpful and it may, in its discretion, hold public or private hearings with respect to the question, subject to the provisions of the Open Meeting Law, General Laws c. 39, §§23A-23C and 24.

No later than thirty (30) days after receipt of the written submission of the matter, the Board shall render its decision and thereafter promptly take such action as may be appropriate relative to the problem.

#### 4.9 Drug Free Workplace

It is the policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently

The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited.

Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent that such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.

Employees who are convicted of controlled substance-related violations in the workplace under state or federal law, or who plead guilty or nolo contendere to such charges, must inform their department head or appointing authority within 5 days of such conviction or plea. Department heads or appointing authorities shall notify the Town Administrator immediately.

Employees who are convicted, or who plead guilty or nolo contendere to such drug-related

violations may be required to successfully complete a drug abuse or similar program as a condition of continued employment or re-employment.

All employees must sign a statement indicating that they have been informed of the rules and requirements of the Drug Free Workplace Act.

The Town recognizes that drug dependency is an illness and a major health problem. The Town's objective is to prevent conviction for drug related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Town Administrator, the Employees Assistance Program, or their health insurance provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job, and will not be noted in any personnel record.

Violations of any and all provisions of this policy may result in disciplinary action.

#### 4.10 Personnel Records

This policy applies to all General Government employees. Employees subject to collective bargaining agreements are subject only to those provisions in this policy which are not specifically regulated by collective bargaining agreement.

A centralized personnel file shall be kept for each employee in the Treasurer's Office. Such files shall include applications, evaluations, reports and records pertinent to an employee's employment. To ensure the uniformity and confidentiality of employee personnel files, content of and access to files is limited and shall be controlled in accordance with this policy.

It is the policy of the Town that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information, nor shall employees refuse to provide public information. Town employees have a diminished expectation of privacy as public employees.

##### 4.10.1 Content

Pre-employment documents such as applications, resumes, required licenses, offer of employment letters, copies of transcripts or diplomas, pre-employment physical reports, military discharge documentation, and other similar materials shall be included in the personnel file.

Post-employment documents such as performance appraisals, disciplinary action notices, physician's statements, commendations, copies of information sent to the employee, or to third parties about the employee, etc. shall be included in the personnel file. When post-employment information is inserted into an employee's personnel file (excluding routine paperwork), he/she shall be given a copy of such material by the appointing authority/designee or the Town

Administrator.

The appointing authority/designee at his/her discretion shall determine whether a report or record will be placed in the employee's personnel file, except for information submitted by the employee him/herself in rebuttal. Any material submitted by a person other than the appointing authority or the employee (excluding routine paperwork) shall be forwarded to the appointing authority for his/her approval prior to insertion into the file.

All medical-related information will be kept segregated and access limited in accordance with HIPPA.

#### 4.10.2 Removal

Once inserted into an employee's personnel file, documents may only be removed if there is a clear and compelling reason to do so. Such requests must be made by the employee or his/her appointing authority. The employee should forward a request to his/her appointing authority. The appointing authority shall forward the request, and a letter of support or denial, to the Town Administrator.

The Town Administrator will make a determination as to whether or not the material in questions should be removed from the employee's personnel file. If the appointing authority is not satisfied as to the decision of the Town Administrator, he or she may file an appeal to the Board.

#### 4.10.3 Location and Security

Employee personnel files will be maintained in the Treasurer's Office at Town Hall under the supervision of the Treasurer who will be responsible for their safety and security. It is the responsibility of the appointing authority/department manager to forward all relevant documents to the Treasurer's Office for inclusion in the official file. Department managers may keep duplicate copies of personnel records. However, these personnel records maintained in remote locations are considered to be part of the employee's personnel record and must be shown to the employee upon request.

#### 4.10.4 Access

An employee, upon written or verbal request and in the presence of the Treasurer or designee, may review, add rebuttal to a particular document, or be provided with a copy of all or part of his/her personnel file. An employee now or formerly in the employ of the town may see and or receive a copy of his or her own personnel records by asking in person or in writing.

Other individuals with authorized access to employee personnel files include: the Town Administrator; the Treasurer and/or designee; attorneys or union representatives of the employee who have written authorization from the employee; the department manager and appointing

authority who supervise the employee; attorneys or their agents representing the town; and third parties in response to a court order.

A subpoena or court order requires the appearance of the named individual, such as the keeper of records, and may also require those individuals to bring to a court appearance certain employee records which they have in their possession. Any employee who receives a subpoena or court order requiring personnel or payroll information should contact the Town Administrator immediately. The Town will only release confidential personnel information in response to a court order. The employee will be notified by the Town Administrator in the event that confidential employee data is released in response to a court order.

Authorized employees may respond to requests for verification of employment from banks, mortgage companies, credit card agents, etc. by providing basic public information such as length of service and salary rate. Employees who receive requests for personnel information other than employment verification, even that which is public record, should refer such requests to the Town Administrator and/or Treasurer or his/her designee.

#### 4.11 Membership in Professional Associations

The purpose of this policy is to convey the Town's expectations for professional and management employees concerning membership in professional associations, including appropriate use of Town time and expenses related to association business. All General Government employees are subject to the provisions of this policy.

The Town supports and encourages employees to join and participate in organizations or associations related to their municipal position or professional discipline. It is the policy of the town that a reasonable amount of Town expense and work time may be devoted to such organizations, subject to the procedures set forth below.

##### 4.11.1 Dues

Subject to appropriation, department managers may authorize payment of dues to professional associations for themselves or for staff members. Dues for organizations which were created to encourage professional development for members, or to propose and advocate for legislation in support of municipal interests, are appropriate.

##### 4.11.2 In-state Conferences or Meetings

Subject to appropriation, department managers may authorize payment of registration fees, expenses, and paid leave from work for attendance at in-state conferences held to promote the training, education or the professional development of participants. Payment for travel or expenses for other non-educational meetings for other professional associations is appropriate if conducted in a reasonable manner.

#### 4.11.3 Out-of-state Conferences or Meetings

Subject to appropriation, and any other approvals required, department managers may authorize payment for out of state conferences or meetings held to promote the training, education or professional development of participants. The appropriate amount of time devoted to out of state travel for education, training and/or professional development will be determined by the appointing authority.

#### 4.11.4 Publication

All employees are encouraged to publish articles in professional, technical and scholarly journals. To protect the integrity of Town government, all such articles should bear the following caveat: "This article represents the opinions and conclusions of the author and not necessarily those of the Town of Monson."

#### 4.12 Conflict of Interest/Financial Disclosure

The purpose of this policy is to ensure that Town employees comply with the requirements of Chapter 268A of the Massachusetts General Laws which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below.

Town employees may not:

- a. Ask for or accept anything (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
- b. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- c. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family, including the employee and his spouse, and their parents, children, brothers, and sisters unless you qualify for an exemption as outlined in M.G.L. Chapter 268A..
- d. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not

participate in licensing or inspection processes involving a family member's business.

- e. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.
- f. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.
- g. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- h. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- i. Ever disclose confidential information, data or material which you gained or learned as a public employee.
- j. Take any action that could create an 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 including all relevant facts.
- k. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- l. Use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- m. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

#### 4.13 Dress Code

Employees are required to dress in an appropriate manner which is consistent with their work environment as determined by their department head. Town employees should take pride in their appearance by looking neat and clean at all times.

#### 4.14 Workplace Violence

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

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the Town, employees, or others.

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to department management. Management will assess and investigate the incident and determine the appropriate action to be taken. Department management will inform the Town Administrator of all reported incidents of workplace violence and will inform the employee of their right to have the Police Department notified.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team that consists of staff from the effected Department, Town Administrator, Town Counsel, and may include the Employee Assistance Program, Emergency Response, Police Department and others as deemed necessary.

The Management Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- evaluating the potential violence problems,
- assessing an employee's fitness for duty (through mental health professionals),
- establishing a plan for the protection of co-workers and other potential targets,

- coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel,
- referring victims to appropriate assistance and community service programs,
- assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

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

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the Department Board/Committee, Department Head, or Police to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Whenever the physical layout of the work space is significantly altered, the Department Head will examine the escape routes of the work area and communicate any changes to all department/division employees. On an as needed basis, the Department Head may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

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

Should an employee become the victim of an incident of workplace violence, the Department Head may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did, in fact, commit the violent act, s/he may be referred to the EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action.

#### 4.15 Weather and Emergency Events

If a snow or other weather-related event occurs before or during morning commute hours, employees should take a reasonable amount of time necessary to arrive at work safely.

Employees who prefer to use accumulated leave time, in lieu of reporting to work, should be allowed to do so.

Unless the municipal building is closed by the building administrator/designee, employees who do not report to work at all must use their own accumulated leave for the day.

In the event that a decision is made by the building administrator/designee not to open the building, or to schedule a late opening, employees will be notified by their supervisor as soon as possible prior to the start of their workday. Employees will be compensated for the period that the municipal building in which they work is closed, unless they were previously scheduled to be on vacation, sick, or other leave for that period.

#### 4.16 'Whistleblower' Policy

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the city/town:

- a. To encourage the reporting by its employees of improper governmental action taken by city/town officers or employees; and
- b. To protect city/town employees who have reported improper government actions in accordance with this policy.

The city/town encourages the reporting of improper governmental action taken by any city/town officers or employees, and the reporting of retaliatory actions for such reporting. The city/town encourages initial reporting to the city/town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the city's/town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, the Town Administrator/designee, or the appropriate governmental agency responsible for investigating such improper action. If requested by the supervisor, the Town Administrator/designee, the employee shall submit a written report to the town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity who is not the person's supervisor, the Town Administrator/designee, or other government agency. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

- a. is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature;
- b. reasonably fears physical harm as a result of the disclosure provided; or
- c. makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in the town personnel code.

The supervisor or the Town Administrator/designee, as the case may be, shall take prompt action to assist the town in properly investigating the report of improper governmental action. Town officers, administrators, supervisors, and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

Town officials, administrators, supervisors and employees are prohibited from taking retaliatory action against the town employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Town Administrator/designee. Town officials, administrators and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or the Town Administrator/designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

The Town Administrator/designee is responsible for implementing the town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes insuring that this policy is permanently posted where all

employees will have reasonable access to it and that this policy is made available to any employee upon request. The town will, to the extent it considers practical, provide training and education on the whistleblower policy. Town Administrators and supervisors are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.

#### 4.17 General Code of Conduct

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

Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and maintain specified standards of performance; to comply with reasonable employer instructions and policies and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

### **5.0 Special Policies**

#### 5.1 Non-Discrimination

The Town recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age. Non-discrimination and equal opportunity are the policy of the Town in all of its employment programs and activities.

Toward this end, the Town commits itself to take affirmative measures to ensure equal opportunity in the areas of recruitment, hiring, promotion, demotion or transfer, layoff or termination, rates of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. The town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation and ages.

All town employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity, not only in the internal affairs of the Town departments and agencies, but also in their relations with the public, including those persons or organizations doing business with the Town. The policy of the Town is to:

- a. Recruit, hire and promote in all job classifications without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age.
- b. Make decisions about employment so as to encourage the development of a diverse workforce.
- c. Ensure that employment and promotion decisions are made in accordance with the principles of equal opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- d. Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, sex, color, disability, religion, national origin, sexual orientation or age.
- e. Prohibit any kind of harassment based on race, sex, color, disability, religion, national origin, sexual orientation or age.

No retaliatory action against those persons who file complaints of discrimination or against individuals who cooperate in such investigations will be tolerated. Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town Service.

Anyone who feels that he or she has been discriminated against by the Town on the basis of race, sex, color, religion, national origin, sexual orientation or age in employment practices may file a grievance in accordance with the procedures described in Section 4.3 of this document.

## 5.2 Americans with Disabilities Act

It is the policy of the Town to comply with requirements of the regulations contained in the U.S. Americans with Disabilities Act of 1990. This policy applies to all employees of the Town excluding those employees under the supervision and control of the School Committee.

The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

The Town has and will continue to establish occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee unless such accommodation will impose undue hardship on the Town. The Town will provide reasonable accommodation:

- To ensure equal employment opportunity in the application process
- To enable a qualified individual with a disability to perform the essential functions of the job
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.
- The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
- The duty to provide reasonable accommodation is on going, and may arise any time an employee's job changes.
- It is the obligation of the individual with the disability to request the accommodation.
- If the cost of providing the accommodation is determined to meet the criteria of undue hardship on the Town, the affected individual will be offered the opportunity to provide the accommodation or partial accommodation him or herself.

Some examples of reasonable accommodation include, but are not limited to, the following:

- Making facilities readily accessible and usable;
- Restructuring a job by reallocating or distributing marginal job functions;
- Altering when or how an essential job function is performed;
- Creating part-time or flexible schedules;
- Obtaining or modifying equipment or devices;
- Providing qualified readers or interpreters;
- Permitting the use of accrued or unpaid leave for treatment; and,
- Providing reserved parking.

When attempting to identify what is a reasonable accommodation, appointing authorities and department managers should do the following:

- a. Examine the particular job involved, determining its purpose and its essential functions.
- b. Consult with the individual with the disability to find out is or her specific physical or mental abilities and limitations.
- c. In consultation with the individual, identify potential accommodations and assess how effective each would be.
- d. If an individual requests an accommodation which the appointing authority or department head considers to be unnecessary, the department head may ask for written documentation from a physician or other professional with knowledge of the individual's functional limitations.
- e. The determination that any reasonable accommodation represents an undue hardship will

be made by the Town Administrator or his/her designee.

No pre-employment inquiries may be made about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess such qualifications and to ensure health and safety on the job. Before making a job offer, the Town may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The Town may not make inquiries about specific disabilities. Questions which may not be asked during a pre-employment interview include (but are not limited to):

- Have you ever had, or been treated for any of the following conditions?
- Please list any conditions or diseases for which you have been treated in the past three years.
- Have you ever been hospitalized? If so, for what conditions?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Have you ever been treated for any mental condition?
- How many days were you absent from work because of illness last year?
- Do you have any disabilities or impairments which may affect your performance in the position?
- Are you taking any prescription drugs?
- Have you ever been treated for drug addiction or alcoholism?
- Have you ever filed a workers' compensation claim?

In addition, these questions may not be asked of a previous employer or other reference provider for an applicant during reference checks. In addition, the hiring manager may not ask the reference provider about the applicant's:

- Disability;
- Illness; or,
- Workers' compensation history.

Even if the applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others, if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Town Administrator or his/her designee after careful review of the circumstances.

An employee who is an alcoholic is considered to be a person with a disability under the terms of the ADA. However, the Town may discipline, discharge or deny employment to an alcoholic

whose use of alcohol adversely affects job performance or conduct to the extent that he or she is “not qualified” for the position.

Persons addicted to drugs, but who are no longer using drugs illegally and who are receiving treatment for drug addiction, or who have been rehabilitated successfully, are protected from discrimination by the ADA. However, the Town will discharge or deny employment to current illegal users of drugs, in accordance with policies established herein. The Town may ask questions regarding the use of alcohol or illegal use of drugs. However, the employer may not ask whether the applicant is a drug addict or alcoholic, or whether he/she has ever been in a drug or alcohol rehabilitation program.

Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town Service.

The Town’s grievance procedure for discrimination based on disability is contained in section 5.3 below.

### 5.3 Discrimination Grievance Procedure

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust the Town’s procedures prior to filing a state or federal complaint or taking court action.

Anyone who feels that he or she has been discriminated against by the Town on the basis of race, sex, color, disability, religion, national origin, sexual orientation or age in employment practices may file a grievance.

Grievances should be in writing and should include information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

The grievant should first attempt to resolve the grievance at the level of the department manager. The department manager will notify the Town Administrator if such a grievance is submitted. If the grievance is not resolved to the satisfaction of the grievant, or if the department manager lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Town Administrator.

Within 15 calendar days after receipt of the grievance, the Town Administrator will meet with the grievant to discuss the grievance and possible resolutions. Within 15 calendar days after the

meeting, the Town Administrator will respond to the grievant in writing, or, where appropriate, in a format accessible to the grievant such as audiotape. The response will explain the position of the Town and may offer options for substantive resolution of the grievance.

All grievances received by the Town Administrator and responses from same, will be kept by the Town for at least three (3) years. Such documents will remain strictly confidential.

This grievance procedure is meant to be informal, and cannot be legally binding on either part. Any grievance or complaint involving existing or threatened civil or criminal litigation may not be addressed using this informal procedure.

No retaliatory action will be taken against those persons who file complaints of discrimination on the basis of race, sex, color, disability, religion, national origin, sexual orientation or age, or against individuals who cooperate in such investigations.

#### 5.4 Sexual Harassment

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

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual 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.

While this policy sets forth our goals of promoting a workplace that is free of sexual 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 sexual harassment as outlined below.

##### 5.4.1 Definition

In Massachusetts, the legal definition of sexual harassment is as follows:

Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature

when:

- a. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- b. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually 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 humiliation 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, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, 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 sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

#### 5.4.2 Complaint Procedure

If an employee believes that he or she has been subjected to sexual harassment, the employee has

the right to file a complaint with the town either in writing or verbally. An employee wishing to file a complaint should contact the Town Administrator.

When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include a private interview with the person filing the complaint and with witnesses. The Town will also interview the person alleged to have committed sexual harassment. When the investigation is completed, the Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. If it determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

In addition to the above, if an employee believes he or she has been subject to sexual harassment, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim. (The EEOC is 300 days; the MCAD is 6 months).

The U.S. Equal Employment Opportunity Commission  
One Congress Street  
10<sup>th</sup> Floor  
Boston, MA 02114  
(617) 565-3200

The Massachusetts Commission Against Discrimination

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office:  
424 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:  
22 Front Street  
Fifth Floor, P.O. Box 8038  
Worcester, MA 01641  
(508) 799-6379

## 5.5 Commercial Driver's License (CDL) Alcohol and Drug Testing Policy

The following is the policy of the Town regarding testing associated with alcohol misuse and drug use by those employees operating motor vehicles which require a Commercial Drivers' License. A discussion of the physical effects of alcohol and certain drugs on the body is included as well. The terms alcohol misuse, drug use and substance abuse are used interchangeably in this document. The name and telephone number of the person who can answer any questions you may have about the alcohol and drug rules and assist you in substance abuse situations appears at the end of this policy.

### 5.5.1 Terms and Abbreviations

BAT Breath Alcohol Technician  
CDL Commercial Drivers' License  
CMV Commercial Motor Vehicle  
DHHS Department of Health and Human Services  
DOT Department of Transportation  
EAP Employee Assistance Program  
EBT Evidential Breath Testing  
MRO Medical Review Officer  
Us The Employer  
You The Driver/Employee

#### Definitions

##### Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

##### Alcohol Concentration

Also called alcohol content, the alcohol in a volume of breath (expressed as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test, such as a breathalyzer.

##### Alcohol Use

The consumption of any beverage, mixture or preparation, including medications, containing

alcohol.

#### Breath Alcohol Technician

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing (EBT) device.

#### Confirmation Test

*In alcohol testing:* a second test, following a screening test with a result of .02 or greater, that provides quantitative measurement of alcohol concentration.

*In drug testing:* a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the alcohol-screening test.

#### Controlled Substances

In this policy, the terms “drugs” and “controlled substances” are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines, including methamphetamines

#### Driver

Any person who operates a commercial motor vehicle, (CMV), including:

- Full-time, regularly employed drivers
- Casual, intermittent or occasional drivers
- Leased drivers
- Independent, owner-operator contractors who are either directly employed by or under contract to an employer or who operate a commercial motor vehicle (CMV) at the direction of or with the consent of an employer.

#### Evidential Breath Testing Device

A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

#### Medical Review Officer

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program. The MRO must have

knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

#### Screening Test

*In alcohol testing:* the initial test to determine if a driver has a prohibited concentration of alcohol in his or her system.

*In controlled substances testing:* a screen to eliminate "negative" urine specimens from further consideration.

#### Substance Abuse

Refers to patterns of substance use that result in health consequences or impairment in social, psychological and occupational functioning.

#### Substance Abuse Professional

A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

### 5.5.2 Who is Covered by the Alcohol and Drug Rule?

The Federal Highway Administration, Department of Transportation Alcohol and Drug Ruling applies to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce, and is subject to the commercial drivers' license (CDL) requirements of part 383.

### 5.5.3 What is a Safety-Sensitive Function?

A safety-sensitive function is defined as including any of the following circumstances and/or activities:

- At a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the employer;
- Inspecting service brakes, including trailer brake connections, parking (hand) brakes, steering mechanism, lighting devices and reflectors, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses, or warning devices for stopped vehicles;

- Inspecting, servicing or conditioning any (CMV) in operation;
- At the driving controls of a CMV in operation;
- While in or upon any CMV in operation;
- While in or upon any CMV, except when resting in a sleeping berth;
- Supervising or assisting in loading or unloading a vehicle;
- Attending a vehicle being loaded or unloaded;
- While in readiness to operate the vehicle;
- When giving or receiving receipts for shipments loaded or unloaded;
- Performing the driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents; and
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### 5.5.4 What are the Alcohol and Drug Prohibitions?

The DOT refers to the restrictions for the use of both alcohol and controlled substances as *prohibitions*.

Alcohol prohibitions are tied to the performance of safety-sensitive functions in the following ways:

1. A driver may not report for duty or stay on duty
  - a. with a blood alcohol concentration of 0.04 or greater
  - b. if in possession of alcohol (unless it is being transported as cargo)  
NOTE: this includes any product (medication, food or other product) containing alcohol, regardless of the alcohol content
  - c. if using alcohol
  - d. within four hours of using alcohol
2. A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first.
3. Drivers cannot refuse to submit to alcohol testing.
4. Employers who know about any of the above acts cannot permit the driver to perform a safety-sensitive function.

The Federal Highway Administration bans the use of controlled substances by drivers.

#### 5.5.5 Drug Prohibitions

1. Drivers may not report for duty or stay on safety-sensitive duty while using any controlled substance. There may be an exception to this ruling if a physician has prescribed a substance and has advised you that it does not interfere with your ability to operate a vehicle in a safe manner.
2. Drivers may not report for duty or stay on duty if they have tested positive for a controlled substance.
3. Employers who know about either of the above acts cannot permit the driver to perform a safety-sensitive function.
4. Employers may require drivers to report the use of any therapeutic drugs.

#### 5.5.6 When Tests Are Required and When Will I Be Tested?

There are five situations where testing can be done to determine the presence of alcohol and/or drugs.

1. Pre-employment

When: Before a new hire can perform any safety-sensitive duties or when a person transfers into a safety-sensitive function from elsewhere in the municipality.

*NOTE: no person will be considered for a Driver's position who has had a positive drug and/or alcohol test within two years of his or her application.*

2. Post-accident

When: Following an accident where

- A life was lost
- The driver was cited for a moving traffic violation

Post-accident alcohol testing should be done within two hours of the accident. If a test cannot be done within eight hours, it probably will not be done. Post-accident drug testing shall be done within 32 hours, or not done at all.

3. Random

Unannounced random testing is required on a certain percentage of drivers each year.

How: the random selection process used shall ensure that each driver has an equal chance of being tested each time selections are made.

When: Drivers are randomly selected from the pool. Random testing for alcohol shall be completed just before, during or immediately after performing safety-sensitive work. Random testing for drugs may be done at any time you are at work. Once you are notified that you have been selected for random testing, you must proceed immediately to the test site.

Random testing is done as follows:

25% of all drivers shall be randomly tested for alcohol during the first year of the testing program. The number to be randomly tested in following years depends on the percentage of positive tests for the entire industry.

50% of all drivers shall be randomly tested for controlled substances during each year of the testing program.

#### 4. Reasonable suspicion

When: If your supervisor has reason to believe that your behavior or appearance may indicate alcohol or drug use. Testing for reasonable suspicion is based on:

- The observances of a trained supervisor
- Specific, clearly stated observations concerning the driver's appearance, behavior, speech, or body odor
- Observations made for alcohol testing shall be made just before, during, or just after the performance of a safety-sensitive function

Important points:

- The supervisor who makes the observation and determines that reasonable suspicion testing should be done may not conduct the alcohol test on the driver.
- Alcohol testing for reasonable suspicion should be done within two hours of the observation. Tests that cannot be done within eight hours of the observation shall not be done.
- You cannot report for duty or stay on the job while under the influence of alcohol or while impaired by alcohol as shown by behavior, speech or performance that indicates alcohol misuse. You will not be allowed to continue to perform safety-sensitive functions until a test is completed. In the event a test cannot be completed within the time frame described above, you will not be able to continue to perform safety-sensitive functions until:

24 hours have passed from the time of the initial observation.

- Action regarding alcohol misuse cannot be taken against a driver unless an alcohol test was administered or was refused by the driver.
5. Return to duty and follow-up  
When: Consequences of positive test results as outlined in this policy prohibit any other return to duty so that additional follow-up testing is not applicable

#### 5.5.7 What Happens if I Refuse to Be Tested?

As part of the alcohol and drug rule, you must submit to alcohol and drug testing. If you refuse to be tested it is considered a positive test result, the consequences of which will be in effect. Refusal to test is considered to be at any time you either fail to provide enough breath for alcohol testing or enough urine for controlled substances testing without a valid medical reason after being notified of the testing requirements, or if you clearly obstruct the testing process.

#### 5.5.8 How is Alcohol Testing Done?

1. All alcohol testing is done by a certified Breath Alcohol Technician, or BAT, in a private setting where no one but you and the BAT can see or hear the test results. An evidential breath-testing device (EBT) approved by the National Highway Safety Administration must be used.
2. The BAT will ask you for identification. You may ask for the BAT's identification as well.
3. To complete the test, you must blow forcefully into the mouthpiece of the testing device. The BAT must show you the test result on the testing device.
4. A screening test is done first. If the reading is less than 0.02, you will sign the certification and fill in the date on the form. The test will be reported as negative to the employer.
5. If the reading is 0.02 or greater, a confirmation test must be done (after 15 minutes but within 20 minutes of the first test). You will be asked not to eat, drink, belch or put anything into your mouth. These steps prevent the buildup of mouth alcohol, which could lead to an artificially high result.
6. If the screening and confirmation test results are not the same, the confirmation test result is used.

If you refuse to be tested or sign the testing form, the BAT will immediately notify your employer.

#### 5.5.9 How is Drug Testing Done?

1. Drug testing is done by analyzing a urine sample, which is collected in a private location.
2. Urine specimens are divided into two containers by the collection site person – in your presence. These two samples are called “primary” and “split”, are sent to a testing laboratory certified by the Department of Health and Human Services (DHHS).
3. At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required.
4. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.

#### 5.5.10 What are the Consequences of Violating the Alcohol and Drug Prohibitions?

An agreement has been negotiated with A.F.S.C.M.E. Local 1725 which addresses a number of concerns, one of which is the consequences of a positive test. That agreement does not cover pre-employment, post accident or situations in which an employee takes drugs or consumes alcohol while on duty. In these three cases, the following will apply:

- Post Accident – Any positive test results in immediate termination of employment.
- Reasonable Suspicion – Any positive results in immediate termination of employment.
- Pre-Employment – Any positive test results in rescinding offer of employment; no appointment will be made to the position.

#### 5.5.11 Where Can I Go for Help?

The alcohol and drug rule requires us to provide you with an opportunity for treatment. The ruling does not, however, require us to hold a job open for you or to pay for rehabilitation. These issues are handled according to our alcohol and drug policy and, where applicable, our agreement with A.F.S.C.M.E. Local 1725.

If you have not violated alcohol or drug prohibitions but would like further information or assistance on alcohol or drug issues, you may do so on a confidential basis through your Employee Assistance Program.

### 5.5.12 What are the Effects of Alcohol and Drugs on the Body?

Alcohol, a nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. A 12-ounce can of beer, 5-ounce glass of wine and 1 1/2 ounce shot of hard liquor all contain the same amount of alcohol. Each ½ ounce of alcohol takes the average body about one hour to process and eliminate. Coffee, cold showers and exercise do not hasten sobriety.

Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink.

In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and can cause permanent brain damage. On the average, heavy drinkers shorten their life spans by about ten years.

Other effects:

- Greatly impaired driving ability
- Reduced coordination and reflex action
- Impaired vision and judgment
- Inability to divide attention
- Lowering of inhibitions
- Hangover, which can be accompanied by headaches, nausea, dehydration, unclear thinking, unsettled digestion and aching muscles

Marijuana, also known as *pot*, *weed*, *grass*, and other street names, alters the user's sense of time and reduces the ability to perform tasks requiring concentration. The drug has a significant effect on judgment, caution and sensory/motor functions.

Marijuana stays in the body for 28 days, unlike alcohol, which dissipates in a few hours.

Other effects:

- Impaired driving for at least 4-6 hours after smoking 1 joint
- Restlessness
- Inability to concentrate
- Increased pulse rate and blood pressure
- Rapidly changing emotions and erratic behavior
- Altered sense of identity
- Dulling of attention

- Hallucinations, fantasies and paranoia
- Reduction or temporary loss of fertility

Cocaine is a stimulant drug which increases heart rate and blood pressure. As a powder, cocaine is inhaled, ingested or injected. Cocaine is also used as free-base cocaine known as *crack* or *rock*, which is smoked. The crack “high” is reached in 4-6 seconds and lasts for about 15 minutes.

Many people mistakenly believe that because it is smoked, crack is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive drugs known today. The most dangerous effects of crack are that its use can cause vomiting, rapid heart beat, tremor and convulsions. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat-regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing and heartbeat are depressed, which can lead to death.

Other effects:

- A rush of pleasurable sensations
- A heightened, but momentary, feeling of confidence, strength and endurance
- Accelerated pulse, blood pressure and respiration
- Impaired driving ability
- Paranoia, which can trigger mental disorders in users prone to mental instability
- Irritation of the nostrils and nasal membrane
- Mood swings
- Anxiety
- Reduced sense of humor
- Compulsive behavior, such as teeth grinding or repeated hand washing

Amphetamines are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Some common street names for amphetamines are *speed*, *uppers*, *black beauties*, *bennies*, *wake-ups*, *footballs*, and *dexies*.

People with a history of sustained low-doses amphetamine use quite often become addicted, believing they need the drug to get by. These users frequently keep taking amphetamines to avoid the “down” mood they experience when the drug wears off.

Even small, infrequent doses can produce toxic effects in some persons. Restlessness, anxiety, mood swings, panic, heart rhythm disturbances, paranoid thoughts, hallucinations, convulsions and coma have been reported. Long-term users often have acne resembling measles, trouble with

their teeth, gums and nails, and fry, dull hair. Heavy, frequent use can produce brain damage resulting in speech disturbances.

Other Effects:

- Loss of appetite
- Irritability, anxiety and apprehension
- Increased heart rate and blood pressure
- Difficulty in focusing eyes
- Exaggerated reflexes
- Distorted thinking
- Perspiration, headaches, dizziness
- Short-term insomnia

Opiates include heroin, morphine, codeine and narcotics used to relieve pain and induce sleep. Heroin, also called *junk or smack*, accounts for 90% of the narcotic abuse in this country.

Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal and cannot even be obtained with a physician's prescription.

Most medical problems are caused by the uncertain dosage level, the use of unsterile needles, contamination of the drug, or the combination of a narcotic with other drugs. These dangers depend on the specific drug, its source, and the way it is used.

Other effects:

- Short-lived euphoria
- Impaired driving ability
- Drowsiness, followed by sleep
- Constipation
- Decreased physical activity
- Reduced vision
- Change in sleeping habits
- Possible death

Phencyclidine or PCP, also called *angel dust*, was developed as a surgical anesthetic in the later 1950's. Later, due to its unusual side effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured.

PCP is a very dangerous drug. It can produce violent and bizarre behavior even in people

otherwise not prone to such behavior. More people die from accidents caused by erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body.

PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. Routine activities such as driving and walking become very difficult. Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation and convulsions.

Other Effects:

- Impaired driving ability
- Drowsiness
- Perspiration
- Repetitive speech patterns
- Incomplete verbal responses
- Blank stare
- Thick, slurred speech
- Involuntary eye movement

The following person should be contacted for assistance with drug and/or alcohol problems:

Evan P. Brassard  
Town Administrator  
Town of Monson

Or contact the Employees Assistance Program Provider, Health Resources, in confidence at 1-800-451-1834.

#### 5.6 Computer, Electronic Mail and Internet Use Policy

The Town has begun to improve the efficiency of information flow with electronic communication services, such as local and wide area computer networks, voice mail, facsimile transmission, and electronic mail (e-mail). As this technology is implemented, Town employees and contractors will be provided with e-mail and Internet access as a tool to improve their access to information and provide an additional means to communicate with co-workers, customers and vendors.

In order to provide these tools to its employees, the Town will be investing in computers, applications and servers. This equipment and applications are the property of the Town. The Town reserves the right for legitimate business purposes to monitor, review and retrieve any

information stored on or transmitted with Town equipment and, therefore, users should not have an expectation that their e-mail communication, or documents stored on Town equipment, will remain private.

The users of the network are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the use of the network may result in litigation against the offender by the proper authorities and where appropriate, disciplinary action. If such an event should occur, the Town will fully comply with the authorities to provide any information necessary for the litigation process.

This policy applies to every employee, board member (elected or appointed), contractor or remote user who is provided access to the Town's computers and network resources.

#### 5.6.1 User Accounts and Access

Each Town employee who needs access to the Town's computer network will be given a unique user account. Once a user receives a user ID to access the network and corresponding computer systems, the user is solely responsible for all actions taken with his or her assigned user ID.

Sharing the employee's user ID with any other person is prohibited. If an employee does share the user ID with another person, the employee will be solely responsible for the actions that person takes using the user ID. Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent is prohibited.

Attempts to evade or change resource quotas (where applicable) are prohibited.

Users need to be aware of the impact of their activities on system resources. Continued excesses which impede other users' use through mass consumption of system resources is prohibited.

Use of the Town's computer network for non-government business purposes is prohibited during business hours.

Any unauthorized, deliberate action, which damages or disrupts a computing system, alters its normal performance, or causes it to malfunction, is a violation, regardless of system location or time duration.

Duplication or installation of unauthorized software is prohibited. Software that is not purchased/licensed by the Town is considered unauthorized.

### 5.6.2 Network security

As a user of the network, the employee may be allowed to access other networks (and/or the computer systems attached to those networks). The following activities are prohibited:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems.
2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the local/remote system.
3. Unauthorized use of network “sniffers” or other network analysis tools.
4. Decryption of system or user passwords.
5. The copying of system files.
6. The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or the proper license.
7. Intentional attempts to "crash" network systems or programs.
8. Attempts to secure a higher level of privilege than authorized on network systems.
9. The willful introduction of computer "viruses" or other disruptive/destructive programs into the Town's network or into external networks.

### 5.6.3 Internet access and use

Internet access through the Town-provided network is intended for business use, including finding vendor information, government information, research, and communicating with colleagues and residents for government-related purposes. All Internet usage will be monitored.

The Town allows users the privilege of Internet access for limited personal use, such as looking at home pages and sending e-mails to friends. This privilege of personal use of the Internet is subject to the terms and conditions established by the Town herein, and as they may be amended from time to time, and may be withdrawn in the future, with or without cause, in the discretion of Town management.

Any personal use of the Internet must be on the employee's own time, and must not interfere with the Town's operation or the user's work responsibilities.

At no time may the Internet be used for any type of commercial use, or to transact non-government business. The use of the Internet to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations, or for personal gain is prohibited.

At no time may users access inappropriate web sites, such as those hosting pornography, obscene materials or gambling enterprises.

The use of any element of the Town's computer system, including Internet access, for the receipt or transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, or religion is not permitted under any circumstances.

The Town reserves the right to monitor a user's history of web sites visited, and Internet access and use in order to ensure compliance with this policy.

Users are not permitted to download executable files from the Internet unless previously approved by the network administrator or Town Administrator if no network administrator is available.

#### 5.6.4 Electronic mail (e-mail) access and use

E-mail is an effective tool for sharing and disseminating information. Since the Town's e-mail system is linked to Internet systems, users can communicate with colleagues in state agencies, vendors and residents. This electronic communication promotes better information exchange between peers and residents.

As with all of the Town's assets, the e-mail system is intended to be used for work-related purposes, and in ways consistent with the Town's overall policies. The system may not be used in any way that is disruptive to the operation of the Town or offensive to others.

The use of e-mail for the transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, or religion is not permitted under any circumstances. Users should keep in mind that material which one person finds humorous can be offensive to others.

Likewise, electronic mail is not to be used to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations, or personal gain (including, but not limited to, "chain letters" and/or requests for donations).

The use of broadcast mail (sending the same message to a group of employees) should be selectively used only for work-related reasons.

Confidential information should never be transmitted or forwarded to outside entities or individuals not authorized to receive such information, or to Town employees having no business reason for to have such information.

It is emphasized that the privacy and confidentiality of e-mail transmissions cannot be assured. E-mail transmissions may be subject to disclosure through legal proceedings or otherwise through various laws which may be held to apply to such transmissions.

#### 5.6.5 Expectation of privacy

Authorized Town personnel must have unrestricted access to e-mail and related information stored on Town-owned computer equipment. This access is required for reasons that include retrieving business-related information, troubleshooting hardware and software problems, preventing unauthorized access and system misuse, deterring use that is contrary to the Town's policy, ensuring compliance with software copyright and distribution policies, and complying with legal and regulatory requests for information.

The Town reserves the right for legitimate business purposes to monitor, review and retrieve any information stored on or transmitted with Town equipment and; therefore, users should not have an expectation that their e-mail communication, or documents stored on Town equipment, will remain private. For this reason, users are advised to use discretion in drafting e-mail messages, and are cautioned not to "say" things by e-mail that they would not want to be viewed by others.

#### 5.6.6 Open Meeting Law

Users need to take into consideration the applicability of the open meeting law when participating in an electronic conversation through email, chat or other such method of electronic communication.

#### 5.7 Social Media Policy

The purpose of this policy is to provide notice to employees of the Town of Monson (hereafter referred to as the "Town") that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, its vendors and suppliers, or its employees; (2) expose the Town to legal liability for employer or employee behavior that may be harassing, offensive, or maliciously false; or (3) interfere with employees' productivity and/or their ability to perform the duties and responsibilities of their positions with the Town.

While this policy is primarily focused on addressing employees' use of social media, all Town

board and committee members are expressly reminded to proceed with the utmost caution if using social media in their official capacity. Board and committee members are responsible for their own adherence to Massachusetts law governing open meetings, public records and ethics.

Social media provides a potentially valuable means of assisting various Town departments and their employees in carrying out their duties and responsibilities to the Town. Where it would be appropriate and beneficial to the Town and its constituents, departments are encouraged to actively pursue the use of social media. This policy identifies potential uses (i.e., Supported Social Media) that may be explored or expanded upon as deemed appropriate by Department Heads.

The Town also recognizes the role social media plays in the personal lives of some employees. Personal use of social media can have an impact on employees in their official capacity with the Town. This policy provides information and sets parameters for acceptable use of social media by Town employees.

There is no guarantee of privacy for electronic communications. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies (including policy for compliance with public records requests), assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, Intranet, cell phone services, smart phones (e.g. iPhones, Droids, etc.), pagers, Town-owned lap tops and computers provided for home use, and computer software constitutes acceptance of such monitoring.

Definitions:

Supported Social Media: The Town will support the use of certain social media sites by Town Departments. All Department sponsored social media sites or pages shall be approved by the respective Department Head or his/her designee, and shall be maintained in coordination with the Town Administrator (TA) or designee. All Town sponsored social media sites and pages must clearly indicate they are maintained by the respective Department, and shall prominently display Department contact information. The Town's logo, a Department logo, or some other distinguishing graphic symbol should be displayed on all Town-sponsored social media sites.

All content posted on Town-sponsored social media sites shall adhere to applicable laws, regulations, and policies, including the Town's information technology and records management policies. All content posted on Town-sponsored social media sites is also subject to the Commonwealth of Massachusetts' Public Records Law and must be managed, stored, and retrieved in a manner that complies with the Commonwealth's Public Records Law and electronic discovery laws and policies. Relevant records-retention schedules apply to social media content. Each respective Department shall be responsible for ensuring proper records retention, in coordination with the TA as necessary.

Employees representing any Town Department via Town-sponsored social media sites or pages shall at all times conduct themselves as representatives of the Department and, accordingly, shall adhere to all Town and Department standards of conduct. In this context, employees shall identify themselves as a member of their respective Department and shall not disseminate confidential information of any nature through social media sites or pages.

The following is an exclusive list of supported social media sites, subject to modification by the Town:

1. Linked-In: Including any Town's account and individual Department accounts.
2. Twitter: The Town may authorize use of Twitter for practical applications such as linking to department pages so that information posted in one location may be shared.
3. Blogs: The Town may authorize the use of one or more blogs. Departments or Officials interested in creating a blog should submit a proposal to the Town Administrator.
4. Facebook: The Town may authorize use of Facebook for practical applications such as linking to department pages so that information posted in one location may be shared with those who have "Friended" the department's Facebook page.

Unsupported Social Media: The Town does not support the use of any social media site that is not explicitly mentioned above in section II.A. However, the Town reserves the right to amend the list of supported sites at its discretion as new technologies and applications are constantly in development and additional legitimate work uses of social media may need to be accommodated in the future. Unsupported media are neither encouraged nor discouraged. Examples of unsupported social media are, but not limited to, the following:

[E.g.,

1. MySpace
2. Twitter (unsupported individual accounts)
3. Friendster:
4. Orkut
5. YouTube
6. Unsupported Blogs or Message Boards.]

Terms:

1. The Town: Town of Monson
2. Officials: Individuals who hold office in the Town, whether elected or appointed.
3. Employees: All persons employed by the Town regardless of position.
4. Users: Employees of the Town (individuals or groups) who use, direct, or control a social media account.
5. Social Media: Online forums in which Users participate in the exchange of ideas, messages, and content, including blogs, microblogs, wikis, and social networking sites (e.g., Facebook, LinkedIn, MySpace, Classmates.com, Twitter).
6. Social Network: An online platform where users can create profiles, share information, and socialize with others using a range of technologies.
7. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.
8. Blog: Short for “Web log,” a blog is a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
9. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
10. Post: Content an individual shares on a social media site or the act of publishing content on a site or page.
11. Profile: Information that a user provides about himself or herself on a social networking site.
12. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
13. Wiki: Web page(s) that can be edited collaboratively.

General Provisions:

- A. While employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as employees of the Town requires that the content of any postings on those social

media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect of its constituents. Although the Town recognizes that employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the Town acknowledges its employees have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern. Therefore, employees must exercise caution with respect to comments they post concerning the Town, a particular department of the Town, and/or other employees of the Town.

B. Individuals must use their best personal judgment when using any form of social media and must ensure that doing so does not violate this or any other Town policy.

C. Employees' use of social media is also subject to the Town's Communications Policy and Harassment Policy, as well as the Town's other policies and standards of conduct, rules, regulations, and ordinances.

D. All use of social media must conform to the following regulations:

1. All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
2. Users must not harass any Employees in contravention of the Sexual Harassment policies, regardless of the time, place, form, or manner in which the information is posted or transmitted. Online postings that harass or threaten any other Town employees or officials are expressly prohibited. See Town Harassment Prevention Policies for further guidance. Harassing or discriminatory comments may be deemed inappropriate in violation of this Policy even if the Town's name or the names of any of its Employees are not posted in the comment.
3. Employees may not portray themselves as speaking on behalf of the Town, unless expressly authorized by the Town to do so.
4. While public sector employees have the right to post comments anonymously under the First Amendment, they may not do so in a manner that otherwise violates this policy.
5. Users are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).

6. Access to and use of social media must not interfere with employees' productivity and/or ability to perform their duties and responsibilities for the Town.
7. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees.
8. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.
9. Employees are expressly prohibited from using social media to request, acquire, or purchase genetic information as specified by EEOC regulations
10. Employees are prohibited from using Town computers to access social media sites or pages for personal use, including but not limited to engaging in political activity or private business.
11. Employees shall observe and abide by all copyright, trademark, and service mark restrictions when posting material on electronic media or social media sites or pages.

E. This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E, Section 2, as amended, which protects employee rights of mutual aid and protection.

F. Complaints or Problems of Misuse: Should any employee of the Town receive information about or become aware of a violation of this policy, including but not limited to a harassing, offensive, threatening or intimidating communication via a social media site from another employee of the Town, the recipient employee should report the violation to the Harassment Grievance Officer as soon as possible. The current Harassment Grievance Officer is Cristina Pedro, Town Treasurer. She can be reached at (413) 267-4125. Any employee of the Town who is aware of any violation of this policy may also report such violations to the Town Administrator.

G. Questions: Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to contact the TA. As a general rule, if you are hesitating to post something, it probably should not be posted, but questions and concerns are nevertheless welcomed and encouraged.

H. Discipline. Any individual who violates this policy shall be subject to appropriate discipline, up to and including termination of employment. The Town intends to follow each provision of this policy but reserves the right to change any provision at any time if circumstances warrant or require. A failure to enforce this policy does not constitute a subsequent waiver of any violation of this policy. This policy shall be read and

interpreted in conjunction with all other Town policies and procedures.

## **6.0 Benefits Administration**

### **6.1 Benefits and Workers' Compensation Policy**

This policy establishes guidelines for the accrual of earned leave benefits and the payment of health/life premiums for employees receiving workers' compensation payments. This policy applies to all Town employees excluding public safety employees and employees who fall under the supervision and control of the School Committee. Employees whose employment is regulated by bargaining agreement are subject only to those portions of this policy which are not specifically governed by law or agreement.

In accordance with MGL Chapter 152 Section 69, employees who are receiving workers' compensation payment shall not accrue earned leave (e.g. sick or vacation leave) during the period in which workers' compensation is paid. Employees who receive workers' compensation payments for more than ten days in a calendar month will not accrue sick leave or vacation leave for that month. An employee who would lose accumulated vacation leave because of workers' compensation status shall be allowed to carry forward all current accumulated vacation leave.

Employees who receive workers' compensation payment for thirty or more days in a fiscal year will have their longevity date adjusted by the number of days of the workers' compensation absence. In addition, the employee's step date for the purposes of satisfactory performance step increases will be adjusted for the period of workers' compensation status if the absence is in excess of thirty days.

An employee who is on workers' compensation for an entire year will not be eligible for personal day(s) for that year.

If the employee is receiving supplemental payment of accrued leave, his/her health and life insurance premium payments (if applicable) will be deducted from the supplemental payment amount. If the employee is not receiving the supplemental payment, or if the supplemental payment is insufficient to cover the cost of health and life insurance premiums, he or she must pay the Town directly for such premiums, as follows:

- a. If the employee is expected to be on workers' compensation for less than a month, he or she must make payment for the insurance premiums on the date that the deduction would have been made, had he/she been paid wages. Or, the payroll representative may take double deductions when the employee returns to work.
- b. If the employee is on workers' compensation for more than one month, he or

she must make payment for insurance premiums one month in advance of coverage.

- c. Payment should be made by check payable to the Town and mailed to the Accounting Department.

Employees on long term workers' compensation status may be required to utilize accrued leave time to make up the difference between workers' compensation amount and the employee's regular base pay if the employee fails to make insurance premium payments in a timely manner.

## 6.2 Vehicle Use Policy

The purpose of this policy is to set forth the guidelines under which town vehicles will be authorized to Town personnel and the guidelines under which Town vehicles may be used.

The provisions of this policy apply to all General Government employees, excluding the Police Chief and the Fire Chief. Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by agreement.

It is the policy of the Town that certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purposes consistent with providing services to those citizens.

The assignment of municipal vehicles during work time is based upon job description.

Appointing authorities who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by the Town Administrator or appointing authority/department manager.

The assignment of vehicles for 24-hour use will be made in writing by the Board of Selectmen, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility for 24-hour vehicle use include:

- Officially designated on-call status;
- Requirement for frequent emergency availability;
- Issuance of a pager or other communication device;
- Emergency or other equipment contained in the vehicle; and/or

- No town facility is available for garaging in a safe and convenient location.

Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.

Whenever a position becomes vacant, the authorization for 24-hour use shall be re-evaluated.

Employees assigned vehicles for 24-hour use involving a commute of more than 25 miles one way shall reimburse the Town for the additional fuel cost as determined by the Town Accountant.

Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.

Employees authorized to commute in a Town vehicle may be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Treasurer shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1<sup>st</sup>. Employees who are assigned marked and unmarked police vehicles, and/or marked municipal vehicles carrying tools and meeting certain other eligibility criteria will not be subject to imputed income taxation as a result of the vehicle assignment.

### 6.3

#### Rules Governing Use

1. Municipal vehicles may only be used for legitimate municipal business.
2. Municipal vehicles will not be used to transport any individual that is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Town vehicles.
3. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
4. Employees are expected to keep municipal vehicles clean, and to report any malfunction or damage to their supervisor immediately.
5. Employees assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.
6. Employees must wear seatbelts in vehicles so equipped during operation of the

- vehicle.
7. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operations.
  8. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once every six (6) months.
  9. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
    - a. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the town is approved by the Town Administrator.
    - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
    - c. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
  10. Employees whose vehicles are equipped with cellular phones are expected to reimburse the Town for any personal use of those phones.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.

#### 6.4 Travel Expense Reimbursement

The purpose of this policy is to set forth the guidelines for reimbursement or compensation for employee use of personal vehicles. The provisions of this policy apply to all employees in Town service.

It is the policy of the Town to reimburse employees for reasonable expenses which they incur as a result of personal automobile use on behalf of the Town. Receipts and the Personal Automobile Travel Expense Report must be submitted in order for an employee to be reimbursed for such expenses.

Expense reimbursement is intended for travel outside the Town. Employees will not be reimbursed for personal automobile use within the Town without advance approval of the Town Administrator unless specifically authorized by collective bargaining agreement.

When an employee is authorized to use a personal automobile for work-related travel, he or she shall be reimbursed at a rate established by the Board of Selectmen

In addition to the mileage rate, the Town will reimburse employees authorized to travel outside the town, driving personal or municipal vehicles, for tolls and reasonable parking expenses when receipts are provided. Employees will not be reimbursed for tolls which would normally be paid by the employee during his or her normal commute to work.

The Town retains the right to require employees who are reimbursed for work-related travel to show proof of the following minimum levels of insurance coverage:

- a. Bodily Injury: \$100,000/\$300,000
- b. Property Damage: \$25,000

Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

In order to be reimbursed for personal automobile use, employees must complete the **Personal Automobile Travel Expense Form**. This form should be submitted to the department manager for approval prior to submission to the Town Accountant for payment.

## 7.0 Leave Policies

### 7.1 Civic duty leave

A full-time or part-time employee whose service as a juror makes it impossible or impractical to work the hours necessary to earn his or her normal week's pay may make application to the department head for the difference between jury duty pay and the employee's normal weekly earnings. The Town agrees to pay this difference upon presentation of proof of the amount of jury pay received by the employee.

### 7.2 Military leave

Federal and state laws require that veterans and reservists be granted certain employment rights. The Town of Monson will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long term active duty.

All permanent full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding seventeen (17) days per calendar year in order to receive military training. At least sixty (60) days prior to departure, employees shall provide notice of the date of departure and date of return, and shall provide confirmation of the satisfactory completion of such training upon his or her return to work.

Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation, sick leave or other employment benefits in accordance with applicable laws, regulations and other sections of this Personnel Policy.

Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than seventeen (17) working days per calendar year.

### 7.3 Non-Occupational Sick Leave

The head of each department shall investigate and ascertain the validity of any request for non-occupational sick leave made by an employee of the department, and shall approve the same if he or she is satisfied as to the validity of such request. A physician's certificate may be required by the department head at the time the employee requests non-occupational sick leave. Occupational sick leave shall be the result of work related illness or injury.

A full-time or part-time employee may be granted non-occupational sick leave with full pay for 15 days in any calendar year. Unused non-occupational sick leave may be accumulative to a total of 180 days. Employees shall begin eligibility for sick leave after completion of the probationary period. Sick leave shall be credited monthly at a rate of 1.25 days per month after each month of employment. Employees who are off the payroll for more than one and one half days in the month shall not be credited with sick leave for that month.

Payment of sick leave benefits under this section shall be made at the regular time for payment of wages upon submission of a claim by the employee, approved by the department head.

In accordance with General Laws c. 149, §69, employees who are incapacitated from working due to injuries arising out of, and in the course of employment, may apply sick leave to supplement compensation received because of such injuries, from insurance or other sources, so they may continue to receive their full salary or wages while disabled.

Any question about the eligibility of an employee to non-occupational sick leave payments or about the amount of such payments may be raised by the employee, appointing authority or Town Accountant with the Board of Selectmen. The decision of the Board of Selectmen on such question shall be final.

A part-time employee working a minimum of five hours per week shall be granted sick leave credits in the same proportion that their part-time service bears to full-time service, upon completion of the probationary period, subject to the conditions outlined above.

Employees may buy back two (2) days per year of continuous service to the Town from accumulated unused sick leave, at the time of retirement or death, at the employee's current rate of pay.

#### 7.4 Bereavement Leave

Every full-time and part-time employee shall be entitled to a maximum of three days absence without loss of pay in case of death of a member of his or her immediate family. "Immediate family" is defined as follows: husband, wife, child, parent or parent of spouse, brother, sister, grandparent, brother-in-law, sister-in-law, or a person living in the employee's household.

#### 7.5 Unpaid Leave of Absence

The Town Administrator may grant an employee, excluding those classified as seasonal or temporary, leave of absence without pay for a period exceeding fifteen (15) calendar days, but not to exceed ninety (90) calendar days. The appointing authority may grant a renewal of leave of absence on a quarterly basis not to exceed one year; provided that this provision does not apply to military leave.

Upon expiration of a regularly approved leave without pay the employee shall be offered a position comparable to that held at the time the leave was granted, if a vacant position exists in the Town.

Failure of an employee on leave to report for duty at the date designated and approved initially or upon renewal shall constitute resignation.

##### 7.5.1 Criteria for Granting Leave

Leave without pay shall not be considered as a privilege, but shall be granted only when it serves to promote the mutual benefit and interests of the employee and the Town.

Leave of absence for training or study to enable the employee to render more valuable service to the Town may be deemed by the appointing authority as serving to promote mutual benefit and interest.

The appointing authority, upon the recommendation of the Department Manager, may approve or disapprove such request on the basis of the operational requirements of the department, availability of temporary substitute employees, the performance and attendance record of the

individual and the reason for the request.

#### 7.5.2 Procedure in Requesting Leave of Absence

An employee requesting a leave of absence for any reason must present the request in writing to the Department Manager, who shall submit a recommendation for review by the appointing authority. Requests other than for sick leave shall be made in advance to allow for the department to re-assign or reorganize the work of the department.

#### 7.5.3 Disposition of Vacation and Sick Leave

An employee who leaves Town employment directly for such leave may elect to be paid for any accrued vacation he/she may be entitled to if separating from Town employment. This decision shall be noted in the personnel status change report affecting the leave. If the employee elects not to be paid for vacation leave, then accrued vacation credits shall be reinstated upon return of the employee. Accrued sick leave shall be reinstated upon return of the employee.

#### 7.5.4 Fringe Benefits During Leave

During any leave of absence without pay, all benefits including seniority calculations, that are normally accrued shall be frozen until the employee returns to work. All insurance benefits paid by the Town shall terminate during an unpaid leave of absence. The employee may retain membership in the Town's plans for health and life insurance for the duration of an approved leave of absence without pay, with the approval of the appointing authority and Town Administrator. The employee shall be responsible for paying the full cost of those benefits, including the portion normally paid by the Town, unless other provisions are approved by the appointing authority and Town Administrator to arrange to pay for said benefits which the employee wishes to continue while on leave of absence.

#### 7.6 Small Necessities Leave

In accordance with General Laws c. 149, §52D, an eligible employee is entitled to a total of 24 hours of leave during a twelve (12)-month period, in addition to other leave under this section, to participate in school activities directly related to the educational advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative as defined in section 52D to routine medical or dental appointments or other professional services related to the elder's care. Family business leave shall be unpaid, unless the employee applies any paid leave that he or she has available.

#### 7.7 Vacation

The vacation year shall be the period from July 1 to June 30, inclusive.

An employee who has worked less than one (1) year in the service of the Town as of June 1 of

each calendar year shall be entitled to one (1) day per month not to exceed one (1) week (5 days) of paid vacation time.

An employee who has worked continuously for a period of one (1) year or more in the service of the Town but less than five (5) years shall be entitled to two (2) weeks paid vacation time.

An employee who has worked continuously for a period of five (5) years or more in the service of the Town but less than ten (10) years shall be entitled to three (3)

An employee who has worked continuously for a period of ten (10) years or more in the service of the Town shall be entitled to four (4) weeks of paid vacation time.

An employee who has worked continuously for a period of twenty (20) years or more in the service of the Town shall be entitled to five (5) weeks of paid vacation time.

The dates of vacation leave shall be determined by the department head at such time as, in his or her opinion, will cause the least interference with the performance of the regular work of the department.

If a paid holiday occurs within an employee's vacation period, the day of the holiday shall not be charged against accrued vacation, and the employee shall be paid for the holiday.

Vacation time may be accumulated to a maximum of five (5) weeks.

Employees wishing to use vacation time shall submit a request in writing to the department head at least two weeks in advance of the time to be used, unless the supervisor agrees to shorter notice. Department heads shall submit written requests to the appointing authority at least two weeks in advance of the time to be used, or as directed by the appointing authority.

#### 7.8 Overtime and Compensatory Time

An employee will be paid overtime compensation at a rate of one and one-half (1 1/2) times his/her regular hourly rate for all hours beyond forty (40) actually worked in any one (1) week, or as defined in an applicable collective bargaining agreement.

Employees designated as exempt from the Fair Labor Standards Act are exempt from the overtime provision of this chapter.

Public safety employees will be compensated for overtime in accordance with the Fair Labor

Standards Act unless a collective bargaining agreement specifies otherwise.

7.9 Family and Medical Leave

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible for Family and Medical Leave.

Eligible employees will be granted a leave for up to twelve (12) weeks during any 12-month period for:

- a. family leave due to the birth, adoption or placement of a child (foster care),
- b. medical leave due to an employee's serious health condition,
- c. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition.

At least thirty (30) days in advance, the employee shall submit to the department head or appointing authority, if there is no department head, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days notice is not possible, the employee shall give notice as soon as practical.

In connection with family leave, employees shall, upon request by the department head or appointing authority, provide proof of birth, adoption or placement of a child.

In connection with medical leave, employees shall upon request of the department head or appointing authority provide medical certification which shall include:

- a. in the case of the employee's illness, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the provider has personally examined the employee, identification of the serious medical condition unless it is confidential in nature with date of onset and probable duration, and stating that the employee is unable to perform his or her duties due to the specific illness or injury on the days in question;
- b. in the case of care for a spouse, child or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question.

Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so.

An appointing authority may require, at the Town's expense, a second opinion from a health care provider designated by the Town. If there is a conflict between the second opinion and the original medical certification, the appointing authority may seek a third opinion, at the Town's expense, from a health care provider designated or approved by both the Town and the employee.

Employees may be required to provide re-certification including the employee's affirmative commitment to return to work and anticipated date of return after each thirty (30)-day period of medical leave, or at shorter intervals if the employee requests an extension of leave; if there are significant changes from the original certification circumstances; or if the Town receives information which casts doubt on the validity of the certification.

Employees may request medical leave on an intermittent leave, or reduced work, schedule if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

Leave under this section shall be unpaid unless an employee applies other paid leave benefits leave that may be available, such as vacation leave or sick leave. Use of such paid leave will not extend the total length of leave time available under this section beyond twelve (12) weeks in a twelve (12)-month rolling period.

Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays the required employee share of premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee the cost incurred in maintaining insurance coverage for the duration of the employee's leave.

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to

employees of equal length of service in the equivalent position in the department.

7.10 Personal leave

All full-time employees are entitled to three (3) days of personal leave with pay each calendar year to be earned and taken in the same manner as vacation benefits for the purpose of attending to personal business which unavoidably conflicts with the employee's work schedule or to observe religious holidays. Except in circumstances that prevent advance notice, employees shall request leave at least seventy-two (72) hours in advance. Personal leave that is not utilized by June 30<sup>th</sup> of the year in which it is credited shall be forfeited.

**Attachment A**  
**Standard Employment Application Form Language**

All standard application forms should contain the following terms, conditions and authorizations to be agreed to by the applicant as well as warnings regarding prohibited inquiries by the Town as the potential employer.

*The information provided in this application for employment is true and complete to the best of my knowledge. In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge.*

*I authorize investigation of all statements contained in this application and the release of any pertinent information regarding my education, past employment history and background. I authorize the Town of \_\_\_\_\_ to obtain any information from schools, employers or individuals relating to my activities. This information may include, but is not limited to: academics, achievement, performance, attendance, personal history and discipline. Further, I hereby authorize all references, persons, schools, my current employer (if applicable) and previous employers and organizations named in this application, unless otherwise stated, to provide the Town of \_\_\_\_\_ any relevant information that may be required to arrive at an employment decision. I understand that the information released is for the Town of \_\_\_\_\_'s use only.*

*I hereby voluntarily release, discharge and exonerate the Town of \_\_\_\_\_, its agents and representatives, and any person so furnishing information from any and all liabilities of every nature and kind arising out of the furnishing or inspection of such documents, records and other information or the investigations made by or on behalf of the Town of \_\_\_\_\_.*

*I understand that all appointments are probationary and that I must demonstrate my ability for continued employment. I also understand that I must be available from time to time to work outside normal business hours, as the needs of the department require.*

*If required for the position I am seeking, I agree to take a physical examination, which may include testing for drugs or a psychological examination, as required, and recognize that any offer of employment may be contingent upon the results of such an examination.*

*I understand that any employment offer by the Town is conditional upon my ability to establish employment eligibility under the Immigration Reform and Control Act of 1986 within three days of the date of hire.*

*I represent that I have read and fully understand the foregoing and seek employment under these conditions.*

Signature: \_\_\_\_\_

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

*“Discrimination against any person in any practice or procedure in advertising, recruitment, referrals, testing, hiring, transfer, promotion or any other term, condition or privilege of employment which limits or adversely affects employment opportunities, because of political or religious opinions or affiliations, or because of race, color, sex, sexual orientation, national origin, marital status, pregnancy, parenthood, age or handicap which is unrelated to the person’s occupational qualifications or any other non-merit factor which is not a bona fide occupational qualification is prohibited.”*

*It is unlawful in Massachusetts to require a lie detector test as a condition of employment or continued employment. An employer who violates that law shall be subject to criminal penalties and civil liabilities.*

## **Attachment B**

### **Sample Reference Check Questions**

- Please describe the position the candidate held (or holds) in your organization. Review:
  - a. duties, reporting relationships, scope of responsibility, level of autonomy;
  - b. how long they were in the position and what other positions they held in the organization;
  - c. confirm dates of employment, job title, salary and dates in current or last position.
- What were the candidate's strongest skill areas?
- Using a 1-5 scale, with 5 being the high, how would you rate the candidate in the following areas: (List the specific knowledge, skills, abilities, or tasks that are pertinent to your position.)
- Please describe how the candidate interacted in the workplace with: subordinates, peers, immediate supervisors and management (use each one that is appropriate for your position).
- Was the candidate a person whom you had to motivate or were they internally motivated?
- What aspects of candidate's job did (he/she) do well? In what aspects of their job did they require a higher level of supervision or seem to struggle with?
- Describe the candidate's quality and quantity of work.
- Did the candidate understand, follow and respect workplace rules and administrative processes?
- Please describe areas that the candidate either struggles with or should continue to work on developing?
- Was the candidate a "team player"?
- Based on the description of the position that the candidate has applied for and reviewing their current or past job description, can you foresee any problems with the candidate being able to perform the duties of the position for which they have applied?
- Would you re-hire the candidate if given the opportunity?
- Is there anything else relevant to the candidate's performance and attitude in your workplace of which I should be aware?
- Would you recommend the candidate for this position?
- For Supervisor/Manager candidates also consider asking:
  - How long has the candidate been a supervisor/manager?
  - Please describe the number and title of the employees that the candidate

supervised directly.

- Please describe the number of people indirectly supervised by the candidate (number of people reporting through other supervisors to the candidate).
- Did the candidate do the following: (Clarify as to whether they had the authority and had actual experience in each of these areas.)
  - a. Hiring
  - b. Establishing job duties
  - c. Recommending pay increases
  - d. Evaluating
  - e. Disciplining
  - f. Firing
  - g. Supervising/managing in an union environment
- Describe the candidate's supervisor/management/ leadership style (You should clarify and evaluate if it was an effective style).

## **Attachment C**

### **Prohibited Hazardous Occupations for Minors under age Eighteen (18)**

1. Manufacturing and storing explosives;
2. Motor vehicle driving;
3. Coal mining;
4. Logging and saw-milling;
5. Operating power-driven wood working machines;
6. Operating power-driven hoisting apparatus;
7. Any work causing exposure to radioactive substances;
8. Operating power-driven metal-forming, punching and shearing machines;
9. Mining, other than coal mining;
10. Slaughtering, or meat packing, processing or rendering;
11. Operating power-driven bakery machines;
12. Manufacturing brick, tile, and similar products;
13. Operating power-driven paper product machines;
14. Operating power-driven circular saws, band saws, and guillotine shears;
15. Wrecking, demolition and ship-breaking;
16. Roofing;
17. Excavating;
18. Working in railway operations;
19. Working in foundries, or working in or about blast furnaces;
20. Buffing or polishing equipment;
21. Handling, serving or selling alcoholic beverages;
22. Working as a firefighter or engineer on any boat or vessel;
23. Manufacturing white or yellow phosphorous matches; and
24. Working at any occupation over thirty-five feet above ground, floor or water level (including washing windows in a public or commercial building if the window is more than ten feet above the ground or floor level, or the roof of an adjoining building).

## **Attachment D**

### **Prohibited Occupations for Fourteen (14) and Fifteen (15) Year Old Minors**

1. Manufacturing of any kind;
2. Mining of any kind;
3. Processing, such as filleting fish, dressing poultry, or cracking nuts;
4. Laundering as performed by commercial laundries and dry cleaning;
5. Working in workrooms or workplaces where goods are manufactured, mined or otherwise processed;
6. Working for a public messenger service;
7. Operating or tending hoisting apparatus or any power-driven machinery (other than office machines or machines in retail, food service and gasoline service establishments);
8. Working in any occupations found and declared to be hazardous by official designation;
9. Working in connection with:
  - a. The transportation of persons or property by rail, highway, air, water, pipeline or other means;
  - b. Warehousing and storage;
  - c. Communications and public utilities; or
  - d. Construction (including repair), except in office and sales work in connection with these four categories as long as such office and sales work is not performed at the site of prohibited work;
10. Working in or about boiler or engine rooms;
11. Maintaining or repairing buildings, machines, or equipment;
12. Outside window washing that involves working from windowsills;
13. Working on ladders, scaffolds, or their substitutes;
14. Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;
15. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers;
16. Working in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in

other areas);

17. Loading and unloading goods to and from trucks, railroad cars, or conveyers;
18. Working in warehouses except office and clerical work;
19. Working in any billiard or poolroom;
20. Working in the theatrical trades, unless approval is obtained from the State Commissioner of Labor and Industries;
21. Working at an occupation involving industrial homework; and
22. Working in any of the occupations prohibited for all minors under the age of eighteen (18) as listed in Attachment C.

**Attachment E**  
**Acknowledgement of Receipt of Personnel Policies and Procedures**

The undersigned hereby acknowledges that he/she has received and read the Personnel Policies and Procedures of the Town of \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_, and agrees to abide by all policies and procedures contained herein.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Witness

\_\_\_\_\_  
Title of Witness

## **Attachment F**

### **Department of Employment and Training Notices**

Massachusetts General Laws, Chapter 151A Section 62 contain several requirements regarding the availability of Unemployment Insurance Benefits to employees through the Massachusetts Division of Employment and Training (DET). Details regarding these requirements can be found on the DET website at [www.detma.org](http://www.detma.org). The specific items to be posted or disseminated are listed below and these materials can also be found and downloaded through the DET website.

The DET poster entitled “Information on Employee’s Unemployment Insurance Coverage” (Form 2553-A, Rev.4-02) must be displayed at each site operated by an employer in a conspicuous place accessible to all employees. The poster must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This Form can be found at: <http://www.detma.org/forms/empforms1.htm>.

Under the state’s Employment and Training Law, employers are required to give a copy of the pamphlet entitled “How to File for Unemployment Insurance Benefits” (Form 0590-A, Rev. 02-03) to each employee who is separated from work, permanently or temporarily for seven or more days. The pamphlet must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This form can be found and downloaded at: <http://www.detma.org/forms/empforms1.htm>.

The DET website also contains a listing of all DET TeleClaims numbers and Walk-in Service Center locations throughout the Commonwealth which can be provided to employees. It also contains a direct link to [Chapter 151A](#) of the General Laws of Massachusetts governing how the unemployment insurance program operates in Massachusetts.

**Appendix A**  
**Classification Plan**