

**TOWN OF
REHOBOTH**

**PERSONNEL
POLICIES**



AMENDED: MARCH 3, 2004

**TOWN OF REHOBOTH
PERSONNEL POLICY MANUAL**

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TOWN OF REHOBOTH PERSONNEL POLICY MANUAL

Purpose and Principles of the Personnel Policies and Procedures Manual

It is the purpose of this manual to establish and maintain a uniform system for managing personnel matters; to comply with applicable employment laws; and to provide for the standards, terms, and conditions of employment with the Town of Rehoboth in a clear and comprehensive fashion to maximize the efficiency and orderliness of operations. It is further intended, by adoption and periodic amendment of these policies and procedures that they serve as a guide for employees of the Town in their routine work activities and relationships to the extent that the objectives of both the Town of Rehoboth and the individual employees can be achieved. The Town believes that the ability to provide quality service to the townspeople is largely due to the quality of its employees, the development of each employee's full potential, and the Town's ability to provide timely and satisfying rewards. The Town also recognizes that employees differ in their skills, goals, perceptions, and values; and that it is basic to human nature that conditions may arise that are either insufficiently addressed in these policies and procedures, or that result in conflicts. In such cases, the Town will endeavor to make personnel decisions that are fair and equitable, while at all times assuring that the best interests of the Town are served. The Town hereby asserts that it has the right to employ the best qualified persons available; that the continuation of employment is based on the need for work to be performed, availability of funds, faithful and effective performance, proper personal conduct~ and the continuing fitness of employees; and that all employees are terminable at will unless otherwise specified in writing as a prescribed employment term. Conversely, employees deserve to be fully informed of their duties and responsibilities; to be provided with adequate administrative and supervisory direction; to be informed of their performance levels; to be compensated based on the value of their contributions; to be considered for promotional opportunities; and to be treated with dignity and respect at all times.

Therefore, the policies and procedures set forth in this manual prescribe the terms, conditions, and standards of personnel operations for the Town, the content of which is neither contractually binding upon the Town nor restrictive in terms of amendment or interpretation by the Town. Employees are expected to acquaint themselves fully with the contents of this manual in order to establish an employment relationship based on a complete understanding of the Town of Rehoboth's personnel requirements, expectations, and methods of conducting personnel matters. Since it is the policy of the Town to encourage employee participation in matters that affect their work, employees are encouraged to offer suggestions for improvement of these policies, employee practices, or working conditions. {See Town of Rehoboth General Bylaws Chapter H, Section 5(a)}.

I. RECOGNITION

POLICY NUMBER 1.0 GENERAL PROVISIONS

1.1 Authorization. The Personnel Board in accordance with the provisions of the Town of Rehoboth General By-Laws promulgates these policies; Chapter H. Except for wages, benefits, and conditions of employment; these Personnel Policies and Procedures shall apply to all Town employees EXCEPT elected officials, independent contractors and employees of the School Department. However, elected officials and independent contractors will be required to abide by and enforce these policies as they pertain to positions and employees under their supervision.

1.2 Purpose. The purpose of these policies is to provide specific guidelines for carrying out the intent of the personnel bylaw.

1.3 Rules of Interpretation:

- (a) THESE POLICIES SHOULD BE CONSTRUED TO BE IN ACCORDANCE WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND CONSISTENT WITH COLLECTIVE BARGAINING AGREEMENTS AND PERSONAL SERVICES CONTRACTS. IN THE EVENT OF INCONSISTENCIES BETWEEN THE APPLICABLE STATE OR FEDERAL LAW, COLLECTIVE BARGAINING OR PERSONAL SERVICES CONTRACT AND THESE POLICIES, THE TERMS AND CONDITIONS OF THE SPECIFIC CONTRACT, BYLAW, OR LAW SHALL PREVAIL. IN ALL OTHER CASES, THE PERSONNEL POLICIES AND PROCEDURES SHALL APPLY.

In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these policies and procedures shall be deemed amended in conformance with those changes.

- (b) Words imparting the singular number may extend and be applied to several persons.
- (c) Each separate and identifiable department or work unit of the Town may develop, implement; and revise as necessary, such policies, procedures, and rules pertaining to unique operational requirements and their effect upon unit employees as are needed for efficient and effective performance of the unit. Such policies, procedures, and rules should not conflict with these policies and procedures, or amendments hereto, and therefore, must be approved by the Personnel Board/Officer prior to implementation. Where conflicts arise, the policies and procedures contained in this manual will prevail, except as noted in Paragraph (a) above.

1.4 Definitions-The following definitions shall apply:

- (a) "Town" shall mean the Town of Rehoboth.
- (b) "Employee" shall mean an employee of the Town of Rehoboth occupying a position in the classification plan including persons who are on authorized leaves of absence.
- (c) "Regular full-time employee" shall mean an employee who has satisfactorily completed an initial probationary period and works not less than thirty (30) hours per week for fifty-two (52) weeks per year minus legal holidays, authorized vacation leave, and other authorized leaves of absence.
- (d) "Probationary employee" shall mean new, rehired, or promoted employees who serve a prescribed period of close supervision and evaluation in order to assess their ability and adaptation. Probationary employment may be terminated at the will and discretion of the Town without advance notice, or by the employee.
- (e) "Regular part-time employee" shall mean an employee who works less than full-time, provided, however, only part-time employees scheduled to work twenty (20) or more hours per week; at least thirty (30) weeks per year, shall be eligible for Town sponsored employee benefits such as health insurance, dental insurance, and pension plan.
- (f) "Temporary employee" shall mean employees holding jobs of limited or specified duration arising out of special projects; position vacancy pending appointment the absence of a position incumbent; abnormal work loads; emergencies; or other reasons established by the Town. Temporary employees may work either full-time or part-time work schedules.
- (g) "On-call employee" shall mean an employee who works an intermittent schedule on an as needed basis.
- (h) "Appointing authority" shall mean any board or official authorized by town bylaw, general law, or otherwise to hire or fire employees.
- (i) "Selection official" shall mean the elected or appointed department head authorized to make the final decision to select an employee for a position(s).
- (j) "Department head" shall mean the officer responsible for supervising a department's operations and activities.
- (k) "Class" shall mean a group of positions sufficiently similar with respect to the general nature of duties, authority and responsibility.
- (l) "Compensation" shall mean the salary or wages earned by an employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents of employment.
- (m) "Personnel Officer" shall mean the Personnel Officer or a representative from the Personnel Board as appointed by the Personnel Board~

1.5 Amendment of Policies:

THE PERSONNEL BOARD SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY OR AMEND THESE POLICIES AT ANY TIME IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER H SECTION 5 OF THE GENERAL BY LAWS. NONE OF THESE PROVISIONS SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE NOR TO LIMIT THE POWER OF THE PERSONNEL BOARD TO REPEAL OR MODIFY THESE RULES. THE POLICIES ARE NOT TO BE INTERPRETED AS PROMISES OF SPECIFIC TREATMENT.

II. ADMINISTRATION

POLICY NUMBER 2.0 ADMINISTRATION

2.1 Responsibilities. The Personnel Board shall be responsible for the administration of the bylaw and policies promulgated pursuant to the bylaw and may designate to the Board of Selectmen that an employee or a person on a contractual basis be appointed to manage and act as the personnel officer responsible for the daily administration of the personnel system. Such appointment to be under the joint jurisdiction of the Board of Selectmen and Personnel Board.

III. MANAGEMENT RIGHTS

POLICY NUMBER 3.0 OFFICIAL EMPLOYEE PERSONNEL RECORDS

3.1 Centralized Record Keeping. The Personnel Board/Officer shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Board/Officer.

3.2 Contents of Personnel Records. The Personnel Board/Officer shall maintain an individual personnel file and separate medical file for each employee, which may include, but not be limited to the following:

- (a) The employment application.
- (b) A copy of all background investigation reports, including any pre-employment test results.
- (c) A copy of any required physical or psychological examination reports and health records.
- (d) A report of all personnel actions reflecting the original appointment, subsequent promotions, demotions, reassignments, transfers, leaves of absence or layoffs. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary actions, training records, performance evaluations, and other records that may be pertinent to the employee's employment record.

3.3 Access to Records. Any employee may, upon completion of a "Request to View Files" form (available in each work location), have access to view his/her official personnel file in the presence of the Personnel Board/Officer.

3.4 Release of Information. No information pertaining to current or former employees and contained in the official personnel file may be released to third party recipients without prior written permission from the employee, except to comply with court orders.

3.5 Medical Files. All medical information is to be kept separate from the Personnel Files in a locked file and only the Personnel Officer, Board of Selectmen, Personnel Board, or those on a "need to know" basis as deemed by the Board of Selectmen, and the employee will have access to the information.

POLICY NUMBER 4.0
DISCIPLINE

4.1 Policy. All employees are responsible for observing regulations necessary for proper operation of departments in the Town. Disciplinary actions shall be implemented with the utmost concern for the individuals involved.

4.2 Reasons for Disciplinary Actions. Disciplinary action may be imposed upon an employee for failure to fulfill responsibilities. The following~ by way of illustration and not limitation, may be sufficient cause for disciplinary action:

- (a) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- (b) Habitual tardiness or absence from duty.
- (c) Use or possession, or sale or attempt to sell, of any illegal narcotics (see Policy Number 7)
- (d) Misuse, misappropriation, negligence, or destruction of Town property or conversion of Town property to personal gain.
- (e) Fraud in securing employment.
- (t) Unauthorized disclosure of confidential information.
- (g) Abuse of sick leave or absence without leave.
- (h) Conviction of a felony or misdemeanor.
- (i) Violations of safety rules, practices and policies.
- (j) Engaging in sexual harassment, or harassment of any kind that creates a hostile or intimidating environment.
- (k) Falsification of time sheets.
- (l) Any other situation or instance of such seriousness that disciplinary action is warranted.

4.3 Suspension and/or Discharge. The Appointing Authority, or their designee, may initiate suspension or discharge, of any regular full-time, regular part-time employee, or temporary employee, provided that the following procedures are adhered to:

- (a) Notice: Suspension of up to five (5) days may be imposed without prior notice. Prior notice shall be given in all instances of contemplated discipline greater than a 5-day suspension.

Within one (1) working day after the suspension or discharge, the employee shall be given:

1. A copy of Policy 4.0 of the Town Personnel Policies.

2. Written notice stating the specific reason(s) for said suspension or dismissal and the contemplated action; a copy of the written notice shall be submitted to the Personnel Officer.
3. Information to the effect that within two (2) working days, the employee may request a hearing before the Appointing Authority/Personnel Board as to the existence of just cause and that the hearing shall be conducted within seven (7) working days after receipt by the Personnel Officer of such request.

(b) Decision of the Appointing Authority/Personnel Board. Within two (2) working days after completion of the hearing, the Personnel Board shall notify the employee of its decision. A copy of the decision shall be forwarded to the Personnel Officer for purposes of record keeping in the Personnel Office.

(c) An employee suspended under this policy shall automatically be reinstated at the end of such suspension. An employee whose suspension or discharge under this policy is rescinded following a hearing by the Appointing Authority/Personnel Board shall be deemed not to have suspended or discharged and shall be entitled to compensation for the period for which said employee was not paid.

POLICY NUMBER 5.0
STANDARDS OF CONDUCT

5.1 Policy. Town employees are prohibited from engaging in any conduct, which could reflect unfavorably upon the Town service. Town employees shall avoid any action, which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business. Employees are expected to keep in mind that they are public employees and are to conduct themselves accordingly in a manner which in no way discredits the Town, public officials or fellow employees.

5.2 Receipt of Gifts. Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment~ loan or any other item of monetary value from any person who is seeking to obtain business with the Town. or from any person within or outside the Town employment whose interests may be affected by the employee's performance or non-performance of official duties.

If there is any question, contact the Selectmen's Office prior to taking any action.

POLICY 6.0 SAFETY

6.1 Policy. The Town shall provide and maintain safe working conditions.

6.2 Procedures. As appropriate and in accordance with applicable Occupational Safety and Health Act (OSHA) Standards, employees shall be provided with necessary safety equipment and clothing. Employees are required to wear and use safety equipment at all times while undertaking work for which the equipment is furnished. There shall be no exceptions.

6.3 Responsibilities of Department Heads and Employees.

- (a) Department Heads and supervisors shall: assume full responsibility for safe working areas; recommend or make correction of deficiencies noted in work procedures, facilities, safety clothing or equipment; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; investigate and report all accidents promptly to the Personnel Board/Officer.
- (b) Each employee shall: observe all safety rules, operating procedures and safety practices; use of protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents/injuries immediately to the appropriate supervisor.

6.4 Disciplinary Action. Employees violating safety rules, practices or policies may be subject to disciplinary action.

POLICY 6.0 (A)
TOWN MOTOR VEHICLE DRIVER POLICY

6.5 Eligibility for Drivers to Operate Town Vehicles. One of the most important concerns of Town administration relative to Town-owned vehicles is the safety of its employees, the potential damage to Town vehicles, and the damage that can be done to the property of others. This activity has the greatest potential to cause severe injury and damage. It is the objective of this policy to design a driver selection and renewal system that is meaningful and realistic.

This policy is designed for employees driving Town vehicles and for those using their own vehicles on behalf of the Town. Each driver driving a Town vehicle must understand that as a result of vehicle accidents, recent court decisions have assessed punitive damages and/or criminal prosecution under the concept of “negligent entrustment” (permitting unsafe drivers to operate corporate vehicles). Although our objective is to help reduce the likelihood of such uninsured penalties from being assessed, we also hold most important the objective to keep our Town employees from getting hurt.

Each Department will have different job standards, which reflect the prerequisites and skills necessary for satisfactory performance affording the opportunity to select the right person for the position. Selecting the best available driver will avoid many future problems.

The proper selection of drivers necessitates that various areas be carefully examined. Therefore, the Town will, at a minimum, mandate Motor Vehicle Record (MVR) checks for consideration of all new employees whose positions necessitate driving Town vehicles, and an annual check for all employees currently driving Town vehicles. This investigation shall be done to ascertain that all employees have a valid license and a good indication of potential ability to drive safely.

The Personnel Board/Officer shall administer the policy. Additionally, each department may wish to consider additional criteria relative to driver selection and/or retention, such as job analyses, medical examinations, drug screening and testing (mandatory for those employees whose positions require CDL licenses), road and/or written tests and driving performance evaluations.

The importance of proper driver selection, and the undesirable results which follow when a thorough job is not done, cannot be overemphasized. Violations of this policy will result in disciplinary action up to and including discharge based on the facts of each case. Specific criteria for any Department shall be approved by the Personnel Board and the Appointing Authority before implementation.

6.6. Operator Policy.

6.6.1 To operate a vehicle of any type, an individual must have an appropriate, valid operator’s license.

- 6.6.2 Every employee⁴ who operates a Town owned motor vehicle is required to report suspension or revocation of his/her license to his/her Department Head and the Personnel Board/Officer. Failure of an employee to report any change in license status would result in disciplinary action.
- 6.6.3 Operators must report parking fines or other violation charges and payment thereof to their supervisor and the Personnel Board/Officer. All such fines and charges are to be paid promptly at the time they are incurred and are the responsibility of the vehicle operator. Excessive violations may be cause for the temporary or permanent revocation of authority to operate a town owned motor vehicle.
- 6.6.4 Operators must use a Town owned motor vehicle only for Town business and within the scope of the operator's employment/authority.
- 6.6.5 Operating a Town owned motor vehicle under the influence of alcohol or drugs is prohibited and means immediate dismissal.
- 6.6.6 Operators must observe all traffic laws, including but not limited to the following:
- (a) Speeds must be kept within the limits, which are reasonably prudent for the existing driving conditions.
 - (b) Operators along with their passengers must wear safety belts.
- 6.6.7 Department Heads shall not allow any unauthorized person to drive a Town owned motor vehicle.
- 6.6.8 Original accident reports involving Town vehicles with a copy of the police report must be submitted to the Personnel Board/Officer within forty-eight (48) hours of an accident. The Personnel Board/Officer will forward original accident reports to the Registry of Motor Vehicles.

6.6.9 Smoking is prohibited in Town owned motor vehicles.

6.6.10 Before operating a Town owned motor vehicle, the operator is responsible for checking that the vehicle is in good operating condition and that all necessary safety equipment and control devices are in good condition. If the operator has any concerns about the safety or operation of the vehicle, their concerns should be reported to their supervisor.

6.7 Use of Town Owned Motor Vehicles:

6.7.1 Town owned motor vehicles shall be stored at sites owned, leased, or controlled by the Town unless the vehicle is used for commuting. Town owned motor vehicles shall be parked off the public street in a reasonably secure setting when used during business hours or when taken home by a commuter.

6.7.2 Personal use of a Town owned motor vehicle by an authorized employee is allowable, but only if the use is de minimus.

- (a) De minimus use pertains to the incidental personal use of a Town owned motor vehicle during the operator's travel on Town business; e.g., stopping briefly at a bank for personal reasons that is on the route of travel to or from work. Under Internal Revenue Service regulations, "de minimus" means "the value is so small as to make the accounting for it unreasonable or administratively impractical."

6.8 Motor Vehicle Disciplinary Policy:

6.8.1 Employees of the Town of Rehoboth are expected to comply with all safety requirements whether established by the Town or by federal, state, or local law.

6.8.2 A copy of the applicant's or the employee's driving record will be obtained from the Registry of Motor Vehicles for evaluation before he or she is allowed to operate a Town vehicle.

6.8.3 Motor Vehicle records of employed drivers will be reviewed six months after hire and annually thereafter.

6.8.4 Based on accident/violation history, an individual's driving records becomes questionable if one or more of the following exists:

(a) Three (3) or more accidents reportable by law to the Registry of Motor Vehicles (regardless of fault) in the last three (3) years.

(b) One (1) or more Type A violations in the past three (3) years.

Type A violations:

DWI (driving while intoxicated)

DUI (driving under the influence)

Negligent homicide

Operating a vehicle during a period of suspension

Aggravated assault with a motor vehicle

Reckless driving

Speed contest

Permitting an unlicensed person to drive

Hit and run

(c) Any combination of accidents and Type B violations, which total three (3) or more in the last three (3) years.

Type B violations:

Any moving violation, other than listed above

Tailgating offense

Open failure to appear in court

6.8.5 If the applicant's or the employee's driving record is questionable, the Personnel Board/Officer will review with the Board of Selectmen and make a determination to accept or not accept the applicant, or in the case of an employee, invoke discipline up to an including automatic termination.

POLICY NUMBER 7.0
SUBSTANCE ABUSE

7.1 Policy. The Town of Rehoboth recognizes alcohol and drug abuse as potential health, safety and security problems. The Town expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. The following principles will govern our substance abuse policy.

- (a) Employees are prohibited from the manufacture, possession, use, distribution, or purchase of controlled substances and intoxicants on Town premises and from working under the influence of alcohol, illegal drugs or intoxicants during working hours.
- (b) Any employee who is convicted of any violation of any criminal drug statute occurring on Town premises or during working time shall notify the Personnel Officer within five (5) days of the date of such conviction.
- (c) Violation of the substance abuse policy will result in discipline, up to and including discharge.
- (d) Any employee who asks for treatment or who is diagnosed as being drug dependent will be given the same consideration and offer of assistance that is presently given to all employees with any kind of disease or medical problem. Although employees are encouraged to seek treatment for a substance abuse/dependency problem, seeking treatment does not preclude the Town from pursuing appropriate disciplinary action.
- (e) The individual employee is responsible for deciding whether to request diagnosis and accept treatment for drug dependence. Individuals who refuse to accept referral for diagnosis or treatment will be handled just like any other employee whose job performance is declining. The Town will determine whether, when and under what circumstances an employee may be re-employed after an instance of substance abuse.
- (f) Each employee is responsible for promptly reporting to his/her supervisor and the Personnel Officer any use of prescribed drugs which may affect the employee's judgment, performance or behavior.

POLICY NUMBER 8.0
PERFORMANCE EVALUATION SYSTEM

8.1 Policy. The purposes of the performance evaluation system is to ensure the following: salary increases are granted to employees based on merit; employees' strengths, weaknesses and potential for growth are fairly and accurately evaluated; feedback is provided to employees on their performance in relation to predetermined criteria, employee's needs for professional development and potential career growth are assessed; and overall good communication is developed between the employees and supervisors as to work expectations.

8.2 Design of System. The Personnel Board/Officer is responsible for ensuring that a performance evaluation system is developed and adhered to under the following guidelines:

- (a) Research and review various performance evaluation systems that exist and determine the appropriate design,
- (b) Seek input from managers and employees in the design of the system;
- (c) Determine the specific types of criteria to be used to evaluate non-union and union employees;
- (d) Develop specific forms and detailed instructions for various groups of employees;
- (e) Develop ranking systems in conjunction with the specific performance evaluation criteria and apply numeric values to factors such as fair, average, good, excellent, unsatisfactory, improvement needed, competent, outstanding;
- (f) Ensure that pay increases of all non-union employees are tied to performance.
- (g) Ensure that supervisors are held accountable for assuring that evaluations are completed.

8.3 Process

(a) The supervisor and employee should, at the beginning of the year, discuss setting standards for the job and performance as it relates to standards. The supervisor will discuss the evaluation process with the employee. The supervisor should discuss plans for future development and work interests.

(b) During the evaluation discussion, the supervisor should thoroughly review the job description with the employee to identify any major changes that have occurred in the employee's job and to clarify duties the supervisor assigns. Any major changes, additions or deletions in the employee's job must be reported to the Personnel Board/Officer for a classification review.

(c) At mid-year, the employee and supervisor should review the employee's performance. Specific areas for improvement should be discussed

(d) At the end of the year, the supervisor should evaluate the year's performance record and discuss plans for future development and work interests of the employee.

(e) The evaluation must be reviewed by the second level supervisor. The second level supervisor shall sign the form and make comments. The employee may review any comments made by the second level supervisor(s).

(f) An employee performing at an acceptable level or above will be entitled to a merit increase. At the end of the annual review the supervisor shall send the completed evaluation form through the Department Head to the Personnel Board/Officer for review and concurrence. A copy of the evaluation form is to be signed by the employee and placed in the employee's official personnel file. The payroll section of the Treasurer's Office will be notified of the approval for payroll purposes by the Personnel Board/Officer.

(g) If the employee is failing to perform at an acceptable level of competence, the supervisor shall notify the employee in writing. The supervisor shall state the reasons for the determination and offer assistance to improve performance or to correct a deficiency. The employee's evaluation period shall be extended for a period of sixty (60) days. The supervisor shall notify the Personnel Board/Officer of the determination. No merit pay increases will be awarded during this period.

(h) If the supervisor observes improvement in performance during the sixty (60) day period, and the supervisor expects acceptable performance to continue, the supervisor shall, at the end of the sixty (60) day period, complete the evaluation and certify that the employee is performing at an acceptable level of competence, state the reason on the form and forward it for approval. The employee may be eligible for a merit pay increase at this time, based on the supervisor's recommendation and significant improvement.

(i) If a supervisor does not observe improvement of performance during the sixty (60) day period, the supervisor shall prepare the evaluation form and certify that the employee is not performing at an acceptable level of competence and state the reasons. Upon approval of the Personnel Board, the merit pay increase will be denied. In addition, failure of an employee to perform at an acceptable level may result in disciplinary action up to, and including & discharge.

(j) The supervisor of the employee denied a merit increase shall immediately provide a written notice to the employee and state the reasons for the denial. A copy of the notice shall be filed in the official personnel file.

(k) A new evaluation will be prepared six (6) months from the date of the merit increase denial notice. The evaluation will be the same as the original process. An employee who shows significant improvement in performance shall be certified as performing at an acceptable level of competence. The new evaluation shall become a part of the employee's official personnel file.

(l) An employee whose work remains unsatisfactory at the end of the six (6) month period shall be certified as such by the supervisor. The Personnel Board/Officer shall determine whether to temporarily suspend (up to thirty (30) days) the employee without pay or discharge the employee for performing at an unacceptable level of competence.

(m) If the employee is not separated for unacceptable performance, he/she will be given one additional six (6) month period to bring his/her performance up to an acceptable level of competence. Failure to perform acceptably at the end of this final grace period will result in termination of employment.

IV. EMPLOYEE RIGHTS

POLICY NUMBER 9.0 FAMILY AND MEDICAL LEAVE ACT (1993)

9.1 Applicability: To define the Town's policy and procedure with regard to family and medical leave.

9.2 General:

(a) Employees who have been employed for at least one (1) year, and for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave. For employees not eligible for family and medical leave, the Town will review Town business considerations and the individual circumstances involved. Except for those employees designated as "highly compensated employees", employees will be returned to the same or to an equivalent position upon their return from leave.

(b) Family or medical leave will generally be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave or personal leave. If the leave requested is for any of the other reasons listed below, an employee must use all of his or her accrued paid vacation or personal leave. The remainder of the leave period will then consist of unpaid leave.

(c) In determining the 12-month period in which the 12 weeks of leave entitlement occurs, the Town will utilize the "rolling" 12-month period, which is measured backward from the date an employee uses any FMLA leave. Under the rolling method, each time an employee takes family and medical leave, the remaining leave entitlement will consist of any balance of the 12 weeks which has not been used during the immediately preceding 12 months. The following example is provided in the Federal FMLA regulations:

Example: If an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning Feb. 1, 1996, four weeks beginning June 1, 1996, and four weeks beginning Dec 1, 1996, the employee would not be entitled to any additional leave until Feb. 1, 1997. However, on Feb 1, 1997, the employee would be entitled to four weeks of leave, on June the employee would be entitled to an additional four weeks. etc.

9.3 Definitions: The Act broadly defines “son or daughter” to include any child for whom an employee has day-to-day responsibility, even if there is no biological or legal relationship to the child. A son or daughter must be under the age of 18, unless the child is incapable of self-care because of a mental or physical disability. Similarly, a “parent” is defined to include anyone who stands in loco-parentis to an employee. A “serious health condition” is any condition requiring inpatient care or continuing treatment by a health care provider. A “health care provider” includes any licensed doctor of medicine or osteopathy or any other person determined by the Secretary of Labor to qualify.

9.4 Reasons for Leave: All employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks of unpaid family and medical leave and paid sick, vacation, and personal leave combined (during any “rolling” 12-month period) for the following reasons:

- (a) The birth of the employee’s child and in order to care for the child.
- (b) The placement of a child with the employee for adoption or foster care;
- (c) To care for a spouse, child or parent who has a serious health condition: or
- (d) A serious health condition that renders the employee incapable of performing the functions of his/her job.

9.5 Application for Leave: In all cases, an employee requesting leave must complete the attached “Application for Family and Medical Leave” and return it to his or her Department Head. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave, sick leave or personal leave. If the leave requested is for any of the other reasons listed below, an employee must use all of his or her accrued paid vacation or personal leave. The remainder of the leave period will then consist of unpaid leave.

9.6 Notice of Leave: An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her Department Head as soon as the necessity for the leave arises.

9.7 Medical Certification of Leave:

- (a) An application for leave based on the serious health conditions of the employee or the employee’s spouse child or parent must also be accompanied by a “Medical Certification Statement” (copy attached) completed by the applicable health care provider. The certification must state the dates on which the health condition commenced the probable duration of the condition. and the appropriate medical facts regarding the condition.
- (b) If the employee is needed to care for a spouse, child, or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

9.8 Benefits Coverage During Leave:

(a) During a period of family or medical leave, an employee will be retained under the same health plan he or she is enrolled in under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

(b) If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Town for payment of the Town's portion of the health insurance premiums paid during the unpaid period of family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.

(c) An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

9.9 Restoration to Employment: An employee eligible for family and medical leave with the exception of those employees designated as "highly compensated employees" -will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The Town cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the Personnel Board/Officer.

9.10 Return from Leave: An employee must complete a "Notice of Intention to Return From Family or Medical Leave" before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's Department Head at least five (5) working days prior to the employee's planned return.

9.11 Failure to Return From Leave: The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, child or parent must submit a request for an extension, in writing, to the employee's Department Head. This written request should be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period.

Application for Family or Medical Leave
(9.10)

Name:

Department:

Current Address:

Start Date of Anticipated Leave:

Expected Date of Return to Work:

Reason for Leave (explain):

NOTE: A leave request based on an employee's serious health condition or the serious health condition of an employee's spouse, child, or parent must be accompanied by a verifying medical certification from a physician (health care provider). I hereby authorize the Town to contact my physician to verify the reasons for my requested leave or for any other information concerning my requested family and medical leave.

I understand that a failure to return to work at the end of my leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by the approving authority.

Signature:

Date:

RECOMMENDATION OF PERSONNEL BOARD:

APPROVED By:

Department Head:

Board of Selectmen:

Medical Certification Statement
(Employee's Own Serious Illness)
(9.11)

Name of Employee:

Date Condition Began:

Date Condition Ended (or is expected to end):

Medical Facts Regarding the Condition:

Explanation of extent to which employee is unable to perform the functions of his or her job:

Health Care Provider Signature:

Date:

Office Phone: ()

Medical Release:

I authorize the release of any medical information necessary to process the above request

Patients Signature_____Date:

Medical Certification Statement
(Illness of Employee's Family Member)
(9.12)

Name of Employee:

Name of Family Member:

Date Condition Began:

Date Condition Ended (or is expected to end):

Medical Facts Regarding the Condition:

Explanation of extent to which employee is needed to care for the ill spouse, child or parent:

Health Care Provider Signature:

Date:

Office Phone: ()

Medical Release:

I authorize the release of any medical information necessary to process the above request

Patients Signature _____ Date:

Notice of Intention to Return From Leave
(9.13)

Name Of Employee:

Supervisor:

Date Leave Commenced:

Date of Planned Return:

I understand that my restoration to employment is subject to the following conditions:

1. As a condition to restoration, each employee must provide a written certification from his or her health provider that the employee is able to resume work.
2. Every attempt will be made to restore an employee returning from leave to his or her original position. If the employee's original position is unavailable, the employee will be placed in an equivalent position with equivalent pay and benefits.
3. An employee returning from family and medical leave shall not be entitled to the accrual of any seniority or employment benefits (except as reflected in paragraph 9.5 S of Town of Rehoboth Personnel Policy No. 9) during the period of leave.

Employee's Signature:

Date:

I have examined and can certify that he/she is fully able to resume work.

Health Care Provider's Signature:

Date:

Office Phone ()

REQUEST FOR FAMILY/MEDICAL LEAVE

(9.14)

DATE: _____

TO: _____
(Employee's Name)

FROM: Personnel Board

On _____ you notified the Town of your need to take *family/medical* leave due to:

- _____ The birth of a child, or the placement of a child for adoption or foster care; or _____ A serious health condition that you need care for; or
_____ A serious health condition affecting your _____ spouse, _____ child, _____ parent; for which you are needed to provide care.

You notified us that you need this leave beginning ~ and that you expect the leave to continue until or about

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious medical condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse the Town for its share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate item, explain where indicated)

1. You are _____ eligible — not eligible for leave under the FMLA.
2. The requested leave _____ will _____ will not be counted against your annual FMLA entitlement.
3. You _____ will _____ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ (insert date- not later than fifteen days after this notification) or the Town may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We _____ will _____ will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply:
 5. (a) If you normally pay a portion of the premium for your health insurance, these payments will continue during the period of your FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows:

- (b) You have a 30-day grace period in which to make payments. If your payment has not been made in a timely manner, your group health insurance may be cancelled, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.
 - (c) We ___ will ___ will not pay your share of the premiums for your health insurance while you are on leave.
 - (d) We ___ will ___ will not do the same for your other benefits (ex. Life insurance, disability Insurance, etc.) while you are on FMLA leave. If we do, we will recover these payments from you on your return to work.
6. You ___ will ___ will not be required to present a fitness for duty certificate prior to being restored to paid duty. If such certification is required but not received, your return to work maybe delayed until such certification is provided.
7. (a) You ___ are ___ are not a “key employee” as described in section 825.2 18 of the FMLA regulations. If you are a “key employee”, restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the Town.
- (b) We ___ have ___ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to the Town. (explain (a) and/or (b) below):
8. You ___ will ___ will not be required to furnish us with periodic reports of your status and intent to return to work every 30 days while on FMLA leave.
9. You ___ will ___ will not be required to furnish recertification every 30 days relating to a serious health condition. (Explain below if necessary).

If you have any questions regarding this notification, please contact the Personnel Officer/Personnel Board at 508-252-6893.

Sincerely,

Personnel Officer/Personnel Board

POLICY 9.0 (A)
SMALL NECESSITIES LEAVE ACT (SNLA) OF 1998

9.16 Applicability: All employees who meet the requirements of the federal Family and Medical Leave Act; as already described above in Policy 9.1.

9.17 Policy: The Massachusetts Small Necessities Leave Act (SNLA) provides eligible employees with a right to 24 hours of leave during any 12-month period, for the purposes of:

1. Participation in school activities directly related to educational advancement of a son or daughter of the Employee, such as parent-teacher conferences or interviewing for a school;
2. Accompanying the son or daughter of an employee to routine medical or dental appointments, such as check-ups or vaccinations; and
3. Accompanying an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

9.18: Applicability: As with the Family and Medical Leave Act, employees may elect, or employers may require employees, to substitute accrued paid leave for the leave provided under the statute. The law does not; however, require an employer to provide paid leave where it otherwise would not so provide.

The Small Necessities Leave Act specifically addresses only the items outlined above. Leave under the Small Necessities Leave Act is in addition to the FMLA.

POLICY 9.0 (B)
MASSACHUSETTS MATERNITY LEAVE ACT (2000)

Pursuant to M.G.L. c. 151B, Section 4(1) and c. 149, Section 105D every full-time female employee is entitled as a matter of law to at least eight weeks of maternity leave if she complies with the following conditions:

- 1) She has completed an initial probationary period set by her employer which does not exceed six months or, in the event the employer does not utilize a probationary period for the position in question, has been employed for at least three consecutive months; and,
- 2) She gives two weeks' notice of her expected departure date and notice that she intends to return to her job.

She is entitled to return to the same or a similar position without loss of employment benefits for which she was eligible on the date her leave commenced, if she terminates her maternity leave within eight weeks. (The guarantee of a same or similar position is subject to certain exceptions specified in M.G.L. c. 149, section 105D.). Accrued sick leave benefits shall be provided for maternity leave purposes under the same terms and conditions, which apply to other temporary medical disabilities. Any employer policy or collective bargaining agreement, which provides for greater or additional benefits than those outlined in this notice, shall continue to apply.

POLICY 10.0
SEXUAL HARASSMENT POLICY

SEXUAL HARASSMENT POLICY
FOR THE TOWN OF REHOBOTH

I. Introduction

It is the goal of the Town of Rehoboth to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by 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 we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Rehoboth 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.

Please note that 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.

II. Definition Of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

“Sexual harassment” means 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 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 work place environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

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

- Unwelcome sexual advances- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, and cartoons;
- Unwelcome leering& whistling& brushing against the body, sexual gestures, and 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 by this organization.

III. Private Counseling Option

If you believe you are the victim of sexual harassment, in addition to the right to file a complaint, you may also seek advice from the Personnel Officer. This person is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, this individual will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is possible. If this option does not resolve the complaint, you may proceed through our complaint procedure set forth in Section IV, below.

IV. Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting: The Personnel Officer, Rehoboth Town Office, 148R Peck Street, Rehoboth, MA 02769, 508-252-6893. The Personnel Officer is also available to discuss any other concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

V. Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation 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. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we 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 is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

VI. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as we deem appropriate under the circumstances.

VII. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim of 300 days (amended 10-02).

1. The United States Equal Employment Opportunity Commission (“EEOC”)

1 Congress Street- 10th Floor
Boston, MA 02114
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:
One Ashburton Place- Rm. 601
Boston, MA 02108
(617) 994-6000

Springfield Office:
436 Dwight Street, Rm. 220
Springfield, MA 01103
(413) 739- 2145

V. EMPLOYMENT CONDITIONS

POLICY NUMBER 11.0 RECRUITMENT AND APPOINTMENT

11.1 Policy. The town shall make every effort to attract and employ qualified persons.

Every person, regardless of race, creed, color, national origin, religion, sex, sexual orientation, ancestry, veteran status or handicap, applying for employment in the town, will receive equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection, and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper Human Resource Management practices.

11.2 Recruitment. Department heads shall have a major role in the recruitment and selection of personnel. The qualifications, classification and salary range of positions shall be established in accordance with the classification and compensation plans and any pertinent collective bargaining agreements.

(a) Notice of vacancies. Department heads, upon the identification of a vacancy or on the authorization of a new position within their respective departments, shall prepare a job vacancy notice. The job vacancy notice shall include: the job title, major duties of the position, qualifications, salary ranges, a closing date for applications, and applicant instructions. The Personnel Officer shall review and approve all job notices prior to posting and/or advertisement. Recruitment for a position shall not begin until the job vacancy notice is approved by the Personnel Officer.

(b) Posting and Advertisement of Job Vacancy Notices. Notices of vacant positions shall be posted for seven (7) business days on the personnel bulletin board located in the town hall and on the bulletin boards in the individual departments prior to utilizing other recruitment methods. Advertising for entry level positions should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.

(c) Applications. All candidates applying for employment in the town shall complete the town's official employment application form and return it to the Personnel Officer prior to the end of the working day of the closing date specified for the position announcement. Each applicant shall sign the form. The applicant's signature certifies that all statements and information contained in the application are true. Any misstatement or omission can result in denial of or dismissal from employment.

(d) Method of Selection. The Personnel Officer, working in cooperation with the selection official, shall establish any one or a combination of the selection procedures listed below in order to determine fairly, the capacity of the persons examined to perform the duties of the position, provided that the method(s) used shall adequately reflect the applicant's ability to perform the essential functions of the job.

1. Written examination
2. Interview
3. Oral interview panel
4. Practical (or performance) test
5. Evaluation of experience and training

The Personnel Officer, after consultation with the selecting official, shall also determine in each instance:

1. Whether the procedures used to screen all applicants shall be on a "qualified" - "not qualified" basis or to form part of an over-all composite of the applicants fitness and ability to perform in the position; and
2. When a combination of procedures is used, the relative weight to be assigned to each procedure.

(e) References. A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.

(f) Application Records. The application, reference checks, and related documents submitted by or obtained on behalf of the applicant; shall be maintained by the Personnel Officer for the period prescribed by law. The town shall maintain the confidentiality of the applications, except as prescribed by law.

11.3 Appointment. Final selections shall be forwarded to the Appointing Authority in the form of a "Confirmation of Employment Offer" letter, which will be signed by the selection official and countersigned by the appointing authority. The Confirmation of Employment Offer letter shall include the starting date, the starting salary, and~ any conditions of employment not covered by these personnel policies. Copies of the employment letter shall be provided to the Personnel Officer.

11.4 Medical Examination. All persons selected for employment with the Town shall be provided a conditional offer of employment; which shall require that they successfully pass a physical examination prior to commencing employment. The purpose of the examination is to determine the individual's ability to perform the essential duties of their position. In addition, a psychological examination may also be required as part of a conditional offer of employment for persons selected for appointment to specific positions within the Town. [Please note that all positions selected for any position requiring a psychological examination, such as police officer, must undergo an exam to avoid any possible discrimination claims].

11.5 Failure to Report. An applicant, who accepts an appointment and fails to report to work within five (5) days after the date set by the selection official, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

POLICY NUMBER 12.0
ORIENTATION AND PROBATION

12.1 Policy. The Personnel Officer shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

12.2 Orientation. The Personnel Officer and/or Department Head shall, at a minimum:

- (a) Notify the new employee of a starting date, time and designated location for starting work. If the new employee is subject to provisions of a collective bargaining agreement; the employee shall be provided with a copy of the agreement.
- (b) Thoroughly explain all the benefits and options the employee is entitled to and shall assist the employee with completion of appropriate forms. The Personnel Officer shall provide the employee with a copy of the personnel policies.
- (c) Provide on-site orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

12.3 Probationary Period. The probationary period is an intrinsic part and extension of the employee selection process, allowing the supervisor and department head to train, observe and evaluate an employee's work performance and conduct in order to determine fitness for continuing in the position. All employees, whether new, rehired, or promoted are required to serve a six (6) month probationary period. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. New and rehired employees will not be eligible to accrue or use paid sick leave, vacation, or any other form of paid absence except designated holidays.

The probationary period can be extended for a limited period only by approval of the Personnel Board, and only where it is deemed necessary and appropriate for the Town's interest or due to circumstances beyond the Town's or employee's control such as absence due to unforeseen events. In all cases of requests to extend an employee's probationary period, the supervisor or Department Head must submit a statement of the employee's current performance levels in assigned areas of responsibility; and justifications for the extension and the amount of time needed for the extension. No request for extension will be approved if submitted less than fifteen (15) working days from the date of the normal conclusion of the employee's probationary period.

- (a) If, at the conclusion of the employee's probationary period, the employee's performance and employment conditions have been satisfactory in all respects in the opinion of the immediate supervisor or department head, and the advancement to regular full-time or part-time status is deemed mutually advantageous to the Town and the employee, such a retention recommendation is to be made to the Personnel Board/Officer not sooner than thirty (30) nor less than ten (10) calendar days prior to the expiration of the probationary period.

Such a recommendation must be accompanied by a completed final probationary performance evaluation. Upon approval of the Personnel Board/Officer, the employee shall then be advanced to regular employment status and thereby deemed eligible for those town benefits provided to regular employees. Should the probationary employee not be formally recommended for advancement to regular status as prescribed herein, the employee shall be considered unacceptable and released from the Town's service not later than the last day of the probationary period.

- (b) Employment may be terminated at the will and discretion of the Town at any time during the probationary period should such termination be regarded as necessary and appropriate by either the employee or the Town. In cases of probationary release from the Town's service, formal advance notice by the Town is not required. Upon completion of the probationary period, when the employee is placed on regular full-time or regular part-time status, employment will remain, at all times, "at will" and as The Town or the employee can terminate such at any time with or without notice.
- (c) The employee may be removed by the selection official in coordination with the Personnel Board/Officer if it is revealed that the employee intentionally falsified information relating to application for employment; was unable or unwilling to perform the required duties, or displayed conduct habits or dependability, which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of the termination will be the close of business on the date written notification is provided. The employee may not appeal the removal.
- (d) A regular employee under promotional probation whose performance or other employment conditions are determined to be unsatisfactory during the probationary period will be reinstated to the former position or a comparable position, or released from Town service, the determination of which shall be at the sole discretion of the Town. If no action to remove or demote the employee to a previously held or comparable position is taken prior to the expiration of the six-month probationary period, the employee shall gain regular status in the position to which promoted and may subsequently be removed only for cause in accordance with Policy Number 4.

POLICY NUMBER 13.0
PROMOTIONS

13.1 Promotions Defined. A promotion shall be defined as a change to a position at a higher level of duties and responsibilities in the same or a different class of positions.

13.2 Hiring Policies. Vacancies occurring in positions in the town service shall, whenever possible, be filled by promotions of qualified employees of the town.

13.3 Eligibility Requirements. If the selection official determines that the vacancy can be filled by an employee from within the town service, then the selection process for a promotional appointment shall be open to all permanent employees in the next lower position in the same class, or in a similar class (as determined by the Personnel Officer) provided such employees meet the minimum requirements for the job, are not on probation or in a performance evaluation period (Sec. 8.3) or have been disciplined within the last twelve months.

13.4 Notification. Notices of promotional opportunities shall be posted on the town hall personnel bulletin board and on the bulletin boards in the individual departments for seven (7) business days prior to utilizing other recruitment methods. Interested employees may apply for the position, using forms prescribed by the Personnel Board.

13.5 Methods of Selection (Promotional Level). The Personnel Officer, working in cooperation with the selection official, shall establish any one or a combination of the following selection procedures in order to determine the candidates' ability to perform in the higher-level position:

- (a) Interview
- (b) Oral Interview
- (c) Written Examination
- (d) Practical test
- (e) Evaluation of past performance

The Personnel Officer, after consultation with the selection official; shall also determine in each instance:

- (a) Whether the procedures used to screen applicants shall be on a "qualified" - "not qualified" basis or to form part of an overall composite of the applicant's fitness and ability to perform in the position, and
- b) When a combination of procedures is used, the relative weight to be assigned to each procedure.

POLICY NUMBER 14.0
TRAINING AND EDUCATION

14.1 Policy. The Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided by the Town. The Personnel Board/Officer shall develop a comprehensive training plan, which will meet the specific needs of the Town.

VII. HOURS OF WORK/RATES OF PAY

POLICY NUMBER 15.0 CLASSIFICATION PLAN

15.1 Policy. The policy of the town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job. The complete classification plan shall be so arranged that all positions that are substantially similar with respect to authority, responsibility and character of work are included within the same class and that the pay schedules can be made to apply with equity under like working conditions.

15.2 Contents of the Classification Plan. The classification plan shall consist of the following:

- (a) Position descriptions. Position descriptions for positions, which are similar in duties, degree of difficulty and level of responsibility so that each position in the class can 1) be given the same job title, 2) require essentially the same training and experience; 3) be filled by substantially the same methods of selection; and 4) carry the same relative value and therefore deserves the same range of compensation.

Each position shall have a written position description. The description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties to be performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

- (b) Position Titles. The title of each class of positions shall be the official title of every position allocated to the class, and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the town under a title not included in the classification plan.

15.3 Responsibility. The Personnel Officer shall have the responsibility for the administration and day-to-day maintenance of the classification plan and is authorized to:

- (a) Complete studies of proposed new positions and make recommendations to the Personnel Board on: allocations to existing classes; reestablishment of former class; establishment of new class of positions; or deletion of a class of positions.
- (b) Provide for studies of existing positions when there has been substantial change in the duties and responsibilities, which justify consideration of possible reclassification.

- (c) Conduct periodic studies and request such assistance as may be needed from Department Heads to assure that the classification plan remains uniform and current.
- (d) Require the submission of position questionnaires or any other related information when considered necessary for the proper maintenance of the plan.
- (e) Develop forms and procedures to determine the proper classification of each position.
- (f) Make routine revisions to class description contents such as deletions of illustrative tasks.

15.4 Classification of New Positions: The Department Head proposing the creation of a new position shall provide the Personnel Officer and the Board of Selectmen with a description of the duties, knowledge, skills and abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Boards to make the appropriate classification. Final approval of the new position lies with the Personnel Board and the Appointing Authority subject to budgetary approval at Town Meeting.

15.5 Reclassification of Positions and Periodic Reviews. Positions may not be reclassified without a review and approval of the Personnel Board. The Personnel Officer shall review all positions subject to the classification plan in accordance with proper Human Resource Management practices.

POLICY NUMBER 16.0
COMPENSATION PLAN

16.1 Policy. The Personnel Board shall periodically recommend to Town Meeting a change in the existing Classification Plan. The Compensation Plan shall be directly related to the Classification Plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the Town; and shall incorporate all ratified labor agreements. All employees shall be paid in accordance with the rates in the Compensation Plan.

16.2 Rates of pay. All employees shall be employed and paid in accordance with rates established in the Compensation Plan for the position classification to which the appointment is made.

16.3 Responsibility:

- (a) The Personnel Officer shall have the responsibility for the day-to-day administration of the Compensation Plan.
- (b) The Personnel Board will approve all hiring rates, merit increases, salary adjustments, and other payroll changes in accordance with the provisions of these rules, subject to budget allocations determined at Town Meeting.

16.4 Merit Increases. An employee shall be eligible for merit increases based on the procedures outlined in Policy 8 (Performance Evaluation System).

16.5 Promotion. An employee who receives a promotion shall be placed on the new salary range at the salary/wage closest to but higher than what he/she is currently earning, subject to the approval of the Personnel Board.

16.6 Notice of Employment. Appointing authorities shall notify the Personnel Officer of all persons employed, the classification, and the rate of compensation.

16.7. Part-time Employees. A part-time employee shall be compensated at the proper hourly rate for the appropriate classification; or in the absence of a specified hourly rate, at a pro-rated rate for the appropriate occupation for the part of the full-time normal workweek actually worked by the part-time employee.

16.8 Temporary Employees. The Personnel Board will set the wage scale for temporary employees based on qualifications and responsibilities. The wages will not be set below the minimum wage scale nor higher than the entry-level wages of the position. Temporary employees are not eligible for wage increases.

POLICY NUMBER 17.0
GENERAL HOURS OF WORK & ATTENDANCE

17.1 Hours of Work. Non-exempt employees, regardless of employment status, shall work hours assigned by the appropriate Department Head based on operating conditions and requirements of the department.

17.2 Attendance. Consistent attendance and punctuality are considered imperative ingredients in the Town's business operations, and therefore, an integral part of each employee's performance standards based on objective measurements. Poor, uncertain, or irregular attendance produces disruptive results for the Town's operations, lowers overall productivity and continuity of work and is often burdensome to other employees.

- (a) Employees are expected and required to report to their designated work locations at the prescribed time and manner work activity is to commence. Tardiness, unexcused absence, or failure to report as required may result in disciplinary action. In the event an employee cannot report to work as scheduled, the employee or a member of the employee's immediate family must so notify the immediate supervisor or Department Head at least one hour prior to the scheduled reporting time, or be prepared to provide evidence of extenuating circumstances. In all cases of an employee's absence or tardiness, the employee shall provide the supervisor with a truthful reason for the absence and, if applicable, the probable duration of absence. If circumstances render the absence duration speculative or unknown, the absent employee will be required to call the supervisor daily to report the status of the absence.
- (b) Excessive absenteeism, regardless of reason(s), which renders an employee insufficiently available for work will be evaluated on a case- by- case basis to determine the merits of correctional retention or termination.

17.3 Unauthorized Absence. An employee who is absent from his/her assigned work location or schedule without official leave approval from the immediate supervisor or Department Head for three (3) or more days shall be considered absent without authorized leave. In such cases, the Town shall regard the job as abandoned and the employee automatically terminated, unless the employee can provide the Town with acceptable and verifiable evidence of extenuating circumstances.

- (a) Employees who are absent without notice or authorization for less than three (3) days, and who subsequently report to work, shall provide a detailed written reason for such absence and, regardless of stated reason(s), may be subject to disciplinary action up to and including termination.
- (b) Unauthorized leave or unexcused absence will not be compensated in any form by the Town, including Town sponsored employment benefits.

17.4 Overtime, Callback, and Emergency Work Hours. As business or specific operational needs of the Town dictate, it may become periodically necessary for employees to be available for work beyond their daily or weekly work schedule, or to return to work after departing the work premises, following completion of their normal work schedule. Either an extension of the workday or a returned resumption of work activity prior to the next scheduled workday may be treated as overtime for the purpose of non-exempt employee pay calculations, depending on the number of actual hours worked during the applicable day or workweek.

Should an emergency occur, the nature of which affects the normal business operations of the Town, employees may be required to work unusual or reduced schedules, or they may be laid off indefinitely because of work disruption. For reasons of potential emergency situations, all employees must keep the Town advised of a current address, phone number, message phone number, and a person to contact in case of personal emergency.

17.5 Work Schedule Exchanges. The exchanging of workdays is generally discouraged because of its inherent disruptive effect on record keeping and the continuity of work progress. However, under circumstances where an employee can demonstrate a legitimate reason for exchanging a work schedule with another agreeable employee, and where the affected supervisory personnel approve of the exchange, such exchanges may be authorized on a limited basis. Under no circumstances will exchange work schedules be authorized if the exchange is likely to result in a disruption or interference of the work unit operations, or in either employee's working OT

Employees wishing to have a work schedule exchange considered, must submit a written request stating the dates and times of the exchange, the exchange employees involved, the reason(s) for the exchange, and the date and signature of both employees. Such a written request must be submitted to the affected supervisor not later than five (5) working days before the requested exchange, whereupon, the supervisor will respond with approval or disapproval in a timely manner. Should the request be disapproved, the supervisor should note the reason(s) on the employee's written request and retain a copy for file in the employee's official personnel file.

17.6 Overtime Compensation. All non-exempt employees are eligible to receive overtime compensation at the rate of one and one-half (1-1/2) times their regular rate of pay for hours worked in excess of forty (40) hours per workweek in accordance with federal law. Employees classified as executive, administrative or professional based on legal definitions contained in the Fair Labor Standards Act (FLSA) are exempt from overtime pay and therefore are not covered by this policy.

- (a) All overtime worked by non-exempt employees must be approved in advance by the employee's supervisor. Overtime hours worked without prior supervisory approval may be regarded as a violation of Town policy and therefore subject to disciplinary measures.
- (b) Employees who work approved overtime will record such overtime on their time sheet rounded to the nearest quarter of an hour. Overtime pay will be calculated on the basis of actual hours worked over forty (40) hours in a work week; therefore, paid time off such as vacation, sick leave, and holidays do not count as hours worked for the purpose of determining overtime pay eligibility.

17.7 Compensatory Time Off. Non-exempt employees may take compensatory time off in lieu of overtime hours worked under the following conditions:

- (a) The determination as to whether an employee will receive pay or paid time off shall be made by the employee based on supervisory approval.
- (b) Compensatory time off (CTO) will be earned at the rate of one and one-half hour for each hour worked up to a maximum sixteen (16) hours per workweek, beyond which the overtime will be treated as regular overtime pay.
- (c) Accrued CTO hours must be taken by the employee, with approval of supervisory personnel, in the same month it is earned. End of month balances of CTO hours will be converted to regular overtime pay.
- (d) Earned overtime hours to be taken, as CTO must be reported by the employee to supervisory personnel, and the supervisors must record the use of CTO hours on the employee's time sheet for payroll purposes.
- (e) In calculating an employee's overtime pay, CTO will be treated as paid time not worked.

POLICY NUMBER 18.0
INTERIM ASSIGNMENT PAY

18.1 Policy. It is the policy of the Town to compensate employees for performing work in a higher position in order to establish a system by which employees may receive pay comparable to the job factors that determine pay differentiation for each class of work in the Town employ. The principle for temporary additional compensation for performing higher-level job responsibilities due to necessity is based on such considerations as:

- (a) The employee's ability and qualifications to perform the higher-level job responsibilities.
- (b) Whether the employee would be required to perform routine work (ineligible) or a significant range of higher-level job responsibilities.
- (c) Whether the higher-level job responsibilities are in a direct line and job scope of the lower position.
- (d) The length of time necessary for the employee to perform at the higher-level job.

18.2 Authorization. Authorization for an assignment to work in a higher-level position must be given in writing by the Department Head and forwarded through the Personnel Board for recommendation to the Board of Selectmen for approval/disapproval. The following shall prevail as the conditions of compensation for work in a higher-level position:

- (a) Compensation in excess of an employee's base rate of pay will not be authorized unless the employee is in all respects qualified to perform in the higher-level position and required to perform at least a substantial range of the more essential tasks of the higher-level position. Eligible employees shall receive additional compensation for the actual period of time assigned to the higher-level position provided the initial assignment is for a period in excess of ten (10) work days (an employee who is initially assigned to a higher-level position for a period of less than ten days and is subsequently extended up to and beyond ten days will be compensated from the first day of the assignment). However, if an employee is temporarily assigned to perform in a higher-level position, but such assigned duties are generally within the scope of his/her regular position, additional compensation will be considered unwarranted.
- (b) Higher-level position work assignments shall not have any application toward time-in position considerations such as merit increases, promotions, layoffs, or the like.

18.3 Alternative. Typically, if no appropriate employee is available to perform the duties of the higher-level position, the Department Head (or appointing authority if the higher-level position is that of a department head) will be expected to assume the major responsibilities of the position.

POLICY NUMBER 19.0
LEAVES OF ABSENCE

19.1 Policy. Department Heads, with the concurrence of the Personnel Board and the approval of the Board of Selectmen, may grant leaves of absence, not to exceed twelve (12) months, without compensation. At the expiration of such leave, the employee shall return to the same or a similar position. Failure of the employee to report for duty promptly at the expiration of such leaves shall be considered an automatic resignation. During a leave without pay, no vacation or sick leave credits may accrue nor will the period of absence be used to reach a higher leave plateau.

VII BENEFITS

POLICY NUMBER 20.0 JURY DUTY

20.1 Policy. Employees called for jury duty shall be paid an amount equal to the difference between compensation paid for the normal working period and the amount paid by the court excluding allowance for travel. The amount due the employee shall be certified by the Personnel Board upon presentation of proper verification of monies received for jury duty.

POLICY NUMBER 21.0
SICK LEAVE

21.1 Policy. Sick leave shall not be considered as a privilege, which the employee may use at the employee's discretion, but shall be allowed only in the case of actual illness, or injury, which incapacitates the employee from performance of his/her assigned duties. Sick leave may not be used for an illness or injury in the employee's family.

21.2 Regular Full-Time Employees. Regular full-time employees who have at least six (6) months of creditable service shall accrue sick leave at the rate of one and one-quarter days per full month of creditable service. Sick leave credits may be accrued over an indefinite period of time provided it is continuous service, and it may be accumulated from year to year up to a maximum of one hundred thirty-five (135) days.

21.3 Regular Part-Time Employees. Regular part-time employees are eligible for sick leave. The amount of sick leave shall be determined by the ratio of part-time employment to full-time employment.

21.4 Notification An employee or member of his/her immediate family must notify the appropriate supervisor of illness and absence within two hours of the regular starting time of the workday. An employee who becomes ill while on duty should request absence from his/her supervisor.

21.5 Certification of illness. The Department Head or Supervisor may require a physician's certificate of illness, which provides a definitive diagnosis and prognosis after three (3) consecutive days of absence for illness or injury or after a series of repeated sick leave absences during the year. A copy of the certificate shall be sent to the Personnel Officer. The Personnel Officer or Department Head may also require that the employee undergo a medical examination at the Town's expense, by a doctor designated by the Town, before authorizing payment of sick leave.

21.6 Buy Back Upon Retirement. Upon retirement, pursuant to M.G.L. Ch. 32, the employee shall be eligible to buy back thirty-five percent (35%) of his/her accrued sick leave as cash payment.

POLICY NUMBER 22.0
VACATION

22.1 Policy. The Town provides vacation leave with pay for all regular full-time employees and for all regular part-time employees. Annual vacation may be taken as earned, on the fiscal cycle, but in no event prior to at least six (6) months of creditable employment in Town service.

22.2 Vacation leave. Vacation leave shall be credited to employees as of their anniversary date each year, to be taken during the coming year. Vacation leave is accrued per month and is granted on the basis of continuous town service, according to the following schedule:

- (a) Employees having six (6) months of continuous service shall have one workweek vacation with pay. To be used prior to completion of first 24 months of service.
- (b) Employees having at least one year but less than two years of continuous service shall have two-work weeks vacation with pay.
- (c) Employees having at least two years but less than five years of continuous service shall have two-work weeks vacation with pay.
- (d) Employees having at least five years but less than ten years of continuous service shall have three-work weeks vacation with pay.
- (e) Employees having at least ten years but less than fifteen years of continuous service shall have four-work weeks vacation with pay.
- (f) Employees having at least fifteen years of continuous service shall have five-work weeks vacation with pay.

22.3 Part-Time Employees. A regular part-time employee is eligible for vacation. The amount of vacation shall be determined by the ratio of regular part-time employment to regular full-time employment and follow the above schedule.

22.4 Termination. Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by retirement, or entrance into the military, the employee shall be paid for that vacation allowance accrued up to the time of the employee's separation from the payroll.

22.5 Death. Whenever employment is terminated by death, the beneficiary of the deceased shall be paid for that portion of the vacation allowance earned up to the time the employee died.

22.6 Other uses of Vacation Time. At the discretion of the employee, sick leave used in excess of that authorized in Policy 21.0 (Sick Leave) may be charged to vacation leave.

22.7 Additional Vacation Day. An employee shall be granted an additional day of vacation if, while on vacation leave, a designated holiday occurs which falls on or is legally observed on Monday, Tuesday, Wednesday, Thursday or Friday.

22.8 Approval and filing of Vacations. Approval and time of vacations shall be determined by the Department Head with due regard to the wishes of the employee and the needs of Town service.

22.9 Vacation Leave. Vacation leave shall not be accumulated from one year to another.

POLICY NUMBER 23.0
HOLIDAYS

23.1 Recognized Holidays. The following holidays shall be recognized by the Town on the day on which they are legally observed in the Commonwealth of Massachusetts, and on these days, employees, without loss of pay, shall be excused from all duties except those cases where the Department Head determines that the employee is required to maintain essential Town services:

1/2 Day before New Year's Day
New Year's Day
Martin Luther King Day
Presidents Day
Patriots Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
1/2 day before Christmas
Christmas Day

23.2 Special Circumstances. Whenever any of the above named holidays fall on a Saturday or Sunday, the preceding Friday, in the case of a Saturday Holiday and the following Monday, in the case of a Sunday Holiday, shall be recognized as the Holiday for the purpose of time off. (In the event that Christmas falls on a Sunday, the 1/2-day absence will occur on Friday). In the event that a holiday falls within the time spent on vacation leave, the employee shall be allowed one additional day of leave.

23.3 Terms of Holiday pay. Holiday pay shall be granted as follows:

- (a) An employee paid on an hourly basis shall receive one day's pay at the regular rate of the employee based on the number of hours regularly scheduled to work on the day on which the designated holiday occurs.
- (b) An employee paid on a salary basis shall be granted each holiday without loss of pay.
- (c) If the employee works on a holiday, the employee shall be entitled to comparable compensatory time off.

POLICY NUMBER 24.0
PERSONAL LEAVE

24.1 Policy. A regular full-time employee or regular part-time employee shall be granted time off which he/she will be paid for at his/her normal rate of pay to conduct personal business. Such personal leave shall consist of four (4) days in any work year (pro-rated for regular part-time employees based on actual number of hours worked). A twenty-four (24) hour notice to the Department Head is required when requesting a personal day and approval of such request shall be at the discretion of the Department Head except no personal day may be granted during a work-week in which h/she has or is scheduled to work overtime hours. Personal leave days shall not be accumulated from year to year.

POLICY NUMBER 25.0 BEREAVEMENT LEAVE

25.1 Applicability. The Town provides Bereavement leave to all employees of the Town. Regardless of an employee's personal service contract and/or union and/or nonunion situation.

25.2 Policy. Bereavement leave, without loss of pay, shall be granted for a death in an employee's "Immediate" or "Extended family", as defined in this section.

25.3 Definitions:

(a) "Immediate Family" shall be defined as: Guardian, Spouse, Children, Stepchildren, Parents, Siblings, Stepsiblings, Mother-in-Law, Father-in-Law, Grandparents, Grandchildren, and other relatives or significant others who reside in the same household as the employee.

(b) "Extended Family" shall be defined as: Grandparents-in-Law, Sister or Brother -in-Law, Niece, Nephew, Aunt or Uncle, a deceased member of the bargaining unit or his/her spouse or child.

25.4 Bereavement Leave Involving an Immediate Family Member:

For a death in the immediate family, an employee shall receive leave for a maximum of five (5) consecutive days whether they were scheduled or unscheduled working days. If the bereavement period falls during the employee's previously scheduled working day(s), the employee shall not lose any pay for time missed in connection with the bereavement leave. If the bereavement period falls on any day(s) that the employee had been previously scheduled as a day(s) off, the employee shall not be made to come into work, nor shall be paid for the previously scheduled day(s) off in conjunction with the bereavement leave.

Unless there are extenuating circumstances, and the Department Head has given prior approval, the five (5) day bereavement period shall run concurrently and in succession with the day of the funeral and any combination of four (4) other concurrent and successive days. The four (4) days, in addition to the day of the funeral, shall run immediately prior to, or subsequent to, the day of the funeral. Said four (4) days may be in any combination prior to or subsequent to the day of the funeral, adding up to a total of five (5) consecutive days. At no time shall BEREAVEMENT LEAVE be more than five (5) consecutive days for the death of an immediate family member.

With prior approval of the Department Head, and only in **extenuating circumstances**, the Bereavement leave can be taken as nonconsecutive or non-successive days to the funeral.

25.5 Bereavement Leave Involving an Extended Family Member:

For a death in the extended family, if the funeral falls on a previously scheduled working day, the employee shall receive one (1) day leave, without loss of pay for the day of the funeral.

This section does not limit the employee's right to utilize other leave, as agreed to in this collective bargaining agreement, in connection with the death of a family member.

Bereavement leave of one day without loss of pay shall be granted to one representative member of the bargaining unit to attend the burial service of a deceased member of the bargaining unit or his/her spouse or child.

POLICY NUMBER 26.0
MILITARY LEAVE

26.1 Policy. Employees called for temporary summer or like period of training in the military forces of the Nation or the Commonwealth shall be entitled to a maximum of seventeen (17) calendar days of military leave per fiscal year without loss of his/her ordinary remuneration as an employee or official of the Town, and shall be entitled to the same leaves of absence or vacation with pay given to other like employees. These benefits are in accordance with Chapter 33, Section 59 of the Massachusetts General Laws.

POLICY NUMBER 27.0
MILEAGE REIMBURSEMENT

27.1 Policy. Employees who use their own vehicles to conduct Town business shall be reimbursed at the rate of thirty-four cents (.34) per mile and payment of tolls upon proof of receipt (not subject to taxes). Further adjustments to the rate, will be made automatically in order to follow IRS regulations. The appropriate Department Head/Board must approve reimbursement.

Amendment: Per vote of Board of Selectmen on 10/10/06, mileage reimbursement for use of personal vehicle is increased from thirty-four cents 34¢ to **forty-four point five cents (44.5¢)** per mile.

POLICY NUMBER 28.0 GRIEVANCE PROCEDURE

28.1 Policy. It is the policy of the Town that employees should have an opportunity. When appropriate and practical, to present their work related complaints and to appeal management decisions through a formal grievance procedure. The Town will attempt to resolve promptly all grievances that are appropriate for handling under this policy.

28.2 Appropriateness. An appropriate grievance is defined as an employee's expressed feeling of dissatisfaction concerning any interpretation or application of a work- related policy by management, supervisors, or other employees. Examples of actions, which may be causes of grievances appropriate under this policy, include:

- (a) Application of Town policies, practices, rules, regulations, and procedures believed to be to the detriment of an employee.
- (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation.
- (c) Alleged discrimination because of race, creed, color, national origin, religion, sex, veteran status, sexual orientation, ancestry, or handicap.
- (d) Improper or unfair administration of employee benefits or conditions of employment such as vacations, fringe benefits, promotions, retirement, holidays, performance reviews, salary or seniority.

28.3 Procedures.

- (a) Employees must notify the Town in a timely fashion of any grievance appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances. As used in this policy, the terms "timely fashion", "reasonable time" and "promptly" will mean five (5) workdays.
- (b) Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper if an employee abuses the procedure by raising grievances in bad faith or solely for the purposes of delay or harassment or by repeatedly raising grievances that a reasonable person would judge to have no merit.
- (c) The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances are to be fully processed until the employee is satisfied or does not file a timely appeal or until the right to appeal is exhausted. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right to appeal no longer exists.

Step One: Promptly bring the grievance to the attention of the immediate supervisor (if the grievance involves the supervisor, then it is permissible to proceed directly to step two). The supervisor is to investigate the grievance, attempt to resolve it, and give a decision to the employee in writing within a reasonable time. The supervisor should prepare a written and dated summary of the grievance and the proposed resolution for me purposes.

Step Two: If the employee is not satisfied with the decision, he/she may appeal the decision to the department head. Such an appeal must be made in a timely fashion using the written form provided for this purpose (a reproducible copy is attached to this policy). The supervisor is then to submit a similar written form providing his/her version of the grievance and decision. The Department Head will, in a timely fashion, confer with both the employee and the supervisor, and any other members of management he/she deems necessary, investigate the issues and communicate a decision in writing to all parties involved.

Step Three: If the employee is not satisfied with the Department Head's decision, he/she may appeal the decision to the Personnel Board/Appointing Authority. The timeliness requirement and procedures to be followed are similar to those in step two. The Personnel Board/Appointing Authority will take steps it deems necessary to review and investigate the grievance and will then issue a written, final and binding decision. (The Personnel Board/Appointing Authority may, at its discretion, conduct a formal hearing with all parties involved before reaching a final decision).

28.4 Final Decisions. Final decisions on grievances will not be precedent setting or binding on future grievances unless they are officially stated as Town policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.

28.5 Confidentiality. Information concerning an employee grievance is to be held in strict confidence. Supervisors, Department Heads, and other members of management are to investigate and discuss a grievance only with those individuals who have a need to know about it or who are needed to supply necessary background information.

28.6 During Working Hours. Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.

EMPLOYEE GRIEVANCE PROCESSING FORM

STEP TWO _____

Date of Incident: _____

Date of Filing with Supervisor _____

Date of Supervisor's Decision: _____

Date of Filing Step Two: _____

Department: _____

Issue:

Summary of Grievance (if additional space is needed, use separate piece of paper)

Resolution Requested:

Supervisor's Decision:

Department Head's Decision:

Date of Department Head's Decision: