

**TOWN OF
REHOBOTH**

**PERSONNEL
POLICIES**



With Amendments thru September 2015

**TOWN OF REHOBOTH
PERSONNEL POLICY MANUAL**

TABLE OF CONTENTS

POLICY NUMBER	TITLE	PAGE(S)
	Prelude	4
	<u>I. RECOGNITION</u>	
1.0	General Provisions	6
	<u>II. ADMINISTRATION</u>	
2.0	Administration	9
	<u>III. MANAGEMENT RIGHTS</u>	
3.0	Official Employee Records	10
4.0	Discipline	12
5.0	Standards of Conduct	16
6.0	Safety	17
6.0 (A)	Town Motor Vehicle Driver Policy	18
7.0	Substance Abuse	21
8.0	Performance Evaluation System	23
	<u>IV. EMPLOYEE RIGHTS</u>	
9.0	Family Medical Leave Act (FMLA)	28
9.0 (A)	Small Necessities Leave Act (SNLA)	33
9.0 (B)	Massachusetts Maternity Leave Act (MMLA)	34
10.0	Sexual Harassment Policy	35
	<u>V. EMPLOYMENT CONDITIONS</u>	
11.0	Recruitment and Employment	39
12.0	Orientation and Probation	42
13.0	Promotions	44
14.0	Training and Education	45
	<u>VI. HOURS OF WORK/RATES OF PAY</u>	
15.0	Classification Plan	46
16.0	Compensation Plan	48
17.0	General Hours of Work/Attendance	49
18.0	Interim Assignment Pay	52
19.0	Leave of Absence	54

POLICY NUMBER	TITLE	PAGE(S)
	<u>VII. BENEFITS</u>	
20.0	Jury Duty	55
21.0	Sick Leave	56
22.0	Vacation Leave	57
23.0	Holidays	59
24.0	Personal Leave	60
25.0	Bereavement Leave	61
26.0	Military Leave	63
27.0	Mileage Reimbursement	64
	<u>VIII. GRIEVANCE PROCEDURE</u>	
28.0	Grievance procedure	65
29.0	Information Technical Acceptable Use Policy	68
31.0	Exit Interview	72
32.0	Requests for Reasonable Accommodations	74
33.0	Workplace Violence Policy	76

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 Chapter H, promulgates these policies. 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 contracts and these policies, the terms and conditions of the specific contract, by-law, or law shall prevail. In all other cases, these 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 Town of Rehoboth General By-laws. None of these provisions shall be deemed to create a vested contractual right in any employee or 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.

Approved by the Rehoboth Personnel Board November 19, 2013

II. ADMINISTRATION

POLICY NUMBER 2.0 ADMINISTRATION

2.1 Policy. 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.

Approved by the Rehoboth Personnel Board November 19, 2013

III. MANAGEMENT RIGHTS

POLICY NUMBER 3.0 OFFICIAL EMPLOYEE PERSONNEL RECORDS

3.1 Centralized Record Keeping. Personnel records for all town employees shall be maintained in a centralized location. These records are maintained to ensure compliance with state and federal law and to ensure effective personnel management. The Town Administrator or the Administrator's designee shall be responsible for maintaining these records in a secure and centralized location. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Board/Officer, the Town Administrator or the Administrator's designee.

3.2 Contents of Personnel Records. An individual personnel file and separate medical file shall be maintained for each employee. The personnel file may include, but not be limited to the following:

- (a) The employment application.
- (b) Performance evaluations, training records, commendations, records of disciplinary actions, test results.
- (c) A report of all personnel actions reflecting the original appointment, subsequent promotions, demotions, change in rate of pay, reassignments, transfers, leaves of absence or layoff.
- (d) Correspondence directly related to the employee's past employment record.

Information related to CORI checks or similar background investigations shall not be included in the standard personnel file.

Documents with the employee's social security number should not be kept in the standard personnel file.

3.3 Medical Files. All medical information is to be kept separate from the personnel files in a locked file and only the Personnel Board/Officer, Board of Selectmen, Town Administrator or Town Administrator's designee, and the employee will have access to the information. Access to the medical files, except to the employee, shall be granted only for cases where the medical information is necessary to address legitimate personnel issues and such access is in compliance with the law of the Commonwealth.

3.4 Access to Records.

- (a) Any employee may, upon completion of a "Request to View Files" form, have access to view his/her official personnel file or medical file in the presence of the Town Administrator or the Administrator's designee.

- (b) The employee's Department Head may review the personnel file in the presence of the Town Administrator or the Administrator's designee.
- (c) The Board of Selectmen and the Personnel Board may review the personnel file of an employee in the presence of the Town Administrator or the Administrator's designee if necessary to address legitimate personnel issues.
- (d) A log shall be maintained by the Town Administrator or the Administrator's designee, and any time a personnel file is accessed, it shall be recorded in the log. The log shall include the employee's name, type of file (medical or standard) accessed, the date and time of access, who viewed the file, and who witnessed the viewing.

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

Approved by the Rehoboth Personnel Board February 5, 2013

POLICY NUMBER 4.0 DISCIPLINE

4.1 Policy. The discipline policy is designed to provide a progressive corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Although the policy recommends progressive levels of discipline, steps/levels may be combined, skipped, or varied based upon facts of each situation or nature of the offense. *Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the Town of Rehoboth and its employees*

4.2 Reasons for Disciplinary Actions. Each employee is responsible for observing the rules and regulations necessary for proper operation of departments in the Town, as well as performing his/her duties to the best of his/her ability and to the standards set forth in his/her job description or as otherwise established. Disciplinary action may be imposed upon an employee for failure to fulfill responsibilities or failure to observe the rules and regulations of the Town.

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement in addition to establishing grounds for immediate dismissal. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination.

4.3 Procedure

4.3.1 Counseling and Verbal Warning

Unless the seriousness of a performance or behavioral issue immediately warrants a more severe disciplinary level, supervisors should use a verbal warning as an opportunity to meet with the employee to bring attention to the existing performance, conduct or attendance issue. The supervisor is expected to discuss with the employee the nature of the problem, and to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the meeting using the form provided in the personnel policy. The employee will be asked to sign this document and, if desired, provide information that may challenge the issue presented for disciplinary action. The supervisor will provide all documentation to the Town Administrator to be placed into the employee's personnel file.

4.3.2 Written Warning

A written warning may be used when the seriousness of an issue immediately warrants a more severe response than a verbal warning or when performance, conduct or attendance issues that were first documented in a verbal warning have not been corrected. A written warning involves a more formal documentation of the issues and consequences.

During a written warning, the immediate supervisor and the Town Administrator or Town Administrator's designee will meet with the employee and review any additional incidents or information about the issue(s) as well as any prior relevant corrective action plans. The supervisor will outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations. Within five business days, the supervisor will prepare written documentation of the meeting using the form provided in the personnel policy.

A formal performance improvement plan (PIP), if required, completed by the immediate supervisor requiring the employee's immediate and sustained corrective action will also be issued within five business days of the written warning meeting.

4.3.3 Suspension

In addition to unresolved issues previously documented through a written warning, there may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. The supervisor may initiate suspension of any employee under his/her supervision. The appointing authority, or their designee, shall approve the suspension under this provision provided that the following procedures are adhered to:

- (a) Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Personnel Board should be consulted for guidance so that the discipline is administered without jeopardizing the FLSA exemption status.
- (b) 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.
- (c) Within one (1) day after the suspension, the employee shall be given: A copy of Policy 4.0 of the Town Personnel Policies, which includes the employees appeal rights, and a written notice stating the specific reason(s) for said suspension.
- (d) A copy of the written suspension notice shall be submitted to the Personnel Board on the same day provided to the employee.

An employee suspended under this policy shall automatically be reinstated at the end of such suspension.

4.3.4 Recommendation for Termination of Employment

The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, the Town of Rehoboth will try to exercise the progressive nature of this policy by first providing warnings, final written warning and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, some issues or incidents are so problematic as to warrant termination without first progressing through the lesser steps of this policy. The appointing authority, or their designee, may initiate discharge of any regular full-time, regular part-

time employee, or temporary employee under this provision. Employees may be terminated without prior notice or disciplinary action. Within one (1) day after the discharge, the employee shall be given a copy of Policy 4.0 of the Town Personnel Policies, which includes the employees appeal rights, and a written notice stating the specific reason(s) for said discharge. A copy of the written notice shall be submitted to the Personnel Board.

4.4 Employee's right to appeal

1. Right to hearing. Within two (2) working days, the employee may request a hearing before the Appointing Authority and Personnel Board as to the existence of just cause. The request shall be sent to the Personnel Board. The hearing shall be conducted within seven (7) working days after receipt by the Personnel Board
2. Decision of the Appointing Authority. Within two (2) working days after completion of the hearing, the Personnel Board shall notify the employee of the decision. A copy of the decision shall be forwarded to the Town Administrator for purposes of record keeping in the employee's personnel file.
3. An employee whose suspension or discharge under this policy is rescinded following a hearing by the Appointing Authority shall be deemed not to have been suspended or discharged and shall be entitled to compensation for the period for which said employee was not paid.

Approved by the Rehoboth Personnel Board February 11, 2014

RECORD OF COUNSELING, VERBAL WARNING, OR WRITTEN WARNING

Name: _____ Dept.: _____

Date of Meeting: _____ Time: _____ AM PM Location: _____

TYPE OF DOCUMENTATION:

VERBAL WARNING WRITTEN WARNING

DESCRIPTION OF ISSUE:

ABSENCE SAFETY VIOLATION OTHER _____

TARDINESS POLICY VIOLATION

CONDUCT SUBSTANDARD PERFORMANCE

Explanation:

Goals/Corrective Behavior:

Employee Comments:

Your signature is intended only to acknowledge receipt of the notice; it does not imply agreement or disagreement with the notice itself. If you refuse to sign, someone in a supervisory position within the agency will be asked to initial the form indicating that you received a copy of the form. You have the right to appeal the corrective action noted above under the provisions of the Town of Rehoboth Personnel Policies.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Personnel Board Representative: _____ Date: _____

POLICY NUMBER 5.0
STANDARDS OF CONDUCT

5.1 Policy. Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon the Town service. Town employees shall avoid any action that 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.

Approved by the Rehoboth Personnel Board November 19, 2013
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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 Town Administrator.
- (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. At their discretion, department heads may request additional checks 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. MVR checks shall be performed by the Rehoboth Police Department.

The Town Administrator oversees implementation of this 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. Department heads are responsible for ensuring any additional requirements are met and that MVR checks are performed.

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 employee who operates a Town owned motor vehicle is required to report suspension or revocation of his/her license to his/her department head. Failure of an employee to report any change in license status will result in disciplinary action.
- 6.6.3 Operators of Town owned motor vehicles must report parking fines or other violation charges and payment thereof to their supervisor. 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 Town Administrator within forty-eight (48) hours of an accident.
- 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 parked 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 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

6.8.4 If the applicant’s or the employee’s driving record is questionable, the Personnel Board/Officer will review with the Board of Selectmen who will 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.

Approved by the Rehoboth Personnel Board February 11, 2014

POLICY NUMBER 7.0 SUBSTANCE ABUSE

7.1 Policy. The Town of Rehoboth recognizes alcohol and drug abuse can cause health, safety, job performance, 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.

7.2 Illegal Drugs and Alcohol.

- (a) Employees are prohibited from the manufacture, possession, use, distribution, or purchase of illegally used controlled substances or drugs and intoxicants on Town premises or in Town vehicles, and from working under the influence of alcohol, illegal drugs or intoxicants during working hours.
- (b) The substances prohibited by this policy include but are not limited to: marijuana, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the US Drug Enforcement Administration or the US Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

7.3 Legal Drugs

- (a) The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. Each employee is responsible for being aware of and following all cautions associated with the use of prescription and non-prescription legal drugs.
- (b) Employees of the Town whose positions have a direct impact on the safety of others have a special responsibility to use legal prescription drugs safely. Examples of these positions are police officer, firefighter, and heavy equipment operator. The use of any substance that carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

7.4 Violations

- (a) Any employee who is convicted of any violation of any criminal drug statute occurring on Town premises or during working time shall notify his or her Department Head within five (5) days of the date of such conviction. The Department Head will then notify the Personnel Officer/Personnel Board and Board of Selectmen immediately.
- (b) Violation of the substance abuse policy will result in discipline, up to and including termination of employment.

7.5 Treatment

(a) 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.

(b) 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, and who have performance issues, 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.

Approved by the Rehoboth Personnel Board February 11, 2014

POLICY NUMBER 8.0

PERFORMANCE EVALUATION SYSTEM

8.1 Policy. The performance evaluation system is intended to provide a formal opportunity for two-way communication between the employee and his or her supervisor. The employee is expected to provide input for discussion, and the supervisor is expected to respond to the employee's input as well as to provide feedback on the employee's performance.

8.2 Review Frequency. All employees shall participate in a performance review annually on the employee's hiring anniversary date. It is the supervisor's responsibility to ensure this occurs.

8.3 Procedure.

Summary of the process:

1. The supervisor obtains a copy of the job description for the position being reviewed and a copy of the performance review form. The standard review form is found at the end of this policy.
2. The first section of the review form is used to describe the employee's performance in three general categories and in some additional categories specific to the particular job. The supervisor determines the additional categories by reviewing the "Essential Duties and Responsibilities" and "Necessary Knowledge, Skills, and Abilities" sections of the job description. It is recommended that the supervisor determine at least one or two specific additional categories he/she considers important for the job. More can be added if desired. The supervisor adds the "category name" into the space provided on the form.
3. The supervisor gives a copy of the review form and the job description to the employee.
4. The employee performs a self-assessment by completing appropriate parts of the standard review form. The employee should make sure to note any topics that he/she would like to address in the discussion that will occur later with the supervisor. He/she should also describe any accomplishments, and/or the achievement of goals established in a previous review.
5. The self-assessment is returned to the supervisor for review.
6. After reviewing the employee's input, the supervisor provides his/her evaluation and comments on a new review form. The form previously filled out by the employee should be attached for reference.
7. The supervisor sets up a meeting with the employee to discuss the review, as well as to discuss additional topics identified by the employee.
8. After the discussion the employee can then add any additional comments if desired, then signs the form, and returns it to the supervisor.
9. The supervisor forwards it to the Department Head for review. The Department Head signs and forwards to the Town Administrator for review and inclusion in the employee's personnel file.

8.4 Accomplishments. When writing the self-assessment, the employee should describe all relevant accomplishments and achievements of the previous period. Take as much space as necessary, and feel free to attach an additional sheet. The supervisor can then use this information as appropriate when describing the employee’s accomplishments.

8.5 Progress on Goals. This section is used to detail the results on goals established in the previous review period. Describe whether the goals were achieved on time, level of completion, and quality of the effort.

8.6 Setting Goals. When writing the self-assessment, the employee should propose at least three goals to be achieved in the following period. Later in the review meeting with the supervisor, these goals can be refined, modified, or replaced with agreement of both the employee and supervisor. Goals should be established using the “SMART” system:

- Specific – goals must be clear and unambiguous
- Measurable – results must be measurable in some way
- Attainable – goals must be realistic and attainable by the average employee
- Relevant – goals must relate to your department’s mission
- Time-bound – goals must have a definite starting and ending point

Success in achieving the goals will be assessed in the next performance review.

8.7 Additional Topics for Discussion. This section can be used by the employee to identify any issues he/she would like to discuss with the supervisor. The supervisor can also use this section to discuss any issue not covered in other sections of the review. Topic might include: opportunity for employee development, unusual challenges in the coming period, safety issues, workplace improvement suggestions, etc.

8.8 Job Description.

- a) A copy of the job description should accompany the review form throughout the review process.
- b) If the job description requires updating, it is the supervisor’s responsibility to update it. Please contact the Personnel Board or Town Administrator for assistance.

8.9 Comments. In this section the employee is given the opportunity to further comment after the supervisor’s written evaluation is received and the discussion is complete. The supervisor’s section is used to comment if necessary on any additional issues brought up by the employee during the review process.

Town of Rehoboth Performance Review Form

Employee Name:	For Period: _____ to _____
Job Title:	
Department:	Supervisor:

Check One: Employee Self-Review

Supervisor’s Review

This form is to be filled out by the employee and the supervisor. See Personnel Policy Number 8.0 for further details. Employee performance is rated in three general categories critical to satisfactory performance in all jobs: job knowledge, performance of duties, and ability to work with co-workers and the public. Employee performance is

also rated for categories that are considered critical and specific to this particular job. The supervisor determines these categories by referring to the job description.

All performance ratings must include a discussion as well as a numerical score. If more space is needed, expand the boxes if using Word software, or add additional sheets.

Numerical Rating Key:

- 1 Unacceptable.** Immediate and sustained improvement is required.
- 2 Improvement Needed.** Performance does not consistently meet the essential job standards and expectations of the position, or is marginally acceptable. Development, coaching or training is needed to reach full effectiveness.
- 3 Meets Expectations.** Consistently meets the established job standards and performance expectations. The results consistently achieved are those the Town would expect of employees at this position level.
- 4 Exceeds Expectations.** Consistently exceeds the job standards and performance expectations. The employee is performing at a level well beyond what is normally expected of the majority of employees with similar duties.

Job knowledge	Numerical Rating:
Comment on employee's job knowledge. Numerical rating of "1" requires detailed explanation.	

Performance of Duties	Numerical Rating:
Comment on employee's performance of duties. Numerical rating of "1" requires detailed explanation.	

Ability to work with co-workers and the public	Numerical Rating:
Comment on ability to work with others. Numerical rating of "1" requires detailed explanation.	

The following sections are used to evaluate position-specific performance not addressed in the previous sections. Additional boxes can be added as needed.

Supervisor fills in category name here:	Numerical Rating:
Comment on this category. Numerical rating of "1" requires detailed explanation.	

Supervisor fills in category name here:	Numerical Rating:
Comment on this category. Numerical rating of "1" requires detailed explanation.	

Accomplishments:

(Describe accomplishments and achievements for the current review period.)

Results for Goals Established in the Previous Review Period:

(Describe level of completion, timeliness, and quality of work)

- 1)
- 2)
- 3)

Goals for the Next Review Period:

(Goals should be specific, achievable, and measurable including completion dates. A goal can include a description of how the employee can develop skills and competencies to facilitate advancement.)

- 1)
- 2)
- 3)

Additional Topics for Discussion:

(This is optional and can be brought up by either the employee or supervisor)

- 1)
- 2)
- 3)

Job Description: Is your current job description accurate? Yes_____ No _____.
If “No”, please provide details.

Employee Comments on the Review Meeting:
Supervisor’s Response to any issues brought up by the employee:

Employee Signature: _____ Date: _____

Reviewer’s signature: _____ Date: _____

Department Head signature: _____ Date: _____

Approved by the Rehoboth Personnel Board September 15, 2015

IV. EMPLOYEE RIGHTS

POLICY NUMBER 9.0 FAMILY AND MEDICAL LEAVE ACT

9.1 Applicability: The Town of Rehoboth will comply with the Family and Medical Leave Act, implementing Federal Regulation 29 CFR Part 825 as revised effective February 6, 2013. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Under this policy, the Town of Rehoboth will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

9.2 Eligibility:

- (a) To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:
- The employee must have been employed for at least twelve (12) months (not necessarily consecutively). Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break.
 - The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- (b) Eligible employees will be entitled to leave under this policy for any of the following qualifying reasons:
- i. FMLA: A total of twelve (12) weeks of unpaid family and medical leave (during any "rolling" 12-month period) may be granted for the following reasons:

- the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee's spouse, child, or parent who has a serious health condition;
 - a serious health condition that makes the employee unable to perform the essential functions of his or her job
- ii. Exigency leave: A total of twelve (12) weeks of leave may be granted to an employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:
- short-notice deployment,
 - military events and activities,
 - child care and school activities,
 - financial and legal arrangements,
 - counseling,
 - rest and recuperation,
 - post-deployment activities, and
 - additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
- iii. Military Caregiver Leave: A total of twenty-six (26) weeks may be granted to an employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember may in order to care for the servicemember who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty on active duty. This provision applies to the families of members of both the active duty and reserve components of the Armed Forces.
- (c) Spouses employed by the same employer: Spouses employed by the same employer may be limited to a combined total of 12 work weeks of family leave for the following reasons:
- i. Birth and care of a child
 - ii. For the placement of a child for adoption or foster care, and to care for the newly placed child; and,
 - iii. To care for and employee's parent who has a serious health condition.

9.3 General:

- (a) 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, 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.

(b) 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 February 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 February 1, 1997. However, on February 1, 1997, the employee would be entitled to four weeks of leave, on June 1, 1997 the employee would be entitled to an additional four weeks. etc.

(c) For military caregiver leave, the Town will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

9.4 Definitions:

(a) 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.

(b) A “parent” is defined to include anyone who stands in loco parentis to an employee.

(c) A “serious health condition” is any condition requiring inpatient care or continuing treatment by a health care provider.

(d) A “health care provider” includes any licensed doctor of medicine or osteopathy or any other person determined by the Secretary of Labor to qualify.

9.5 Application for Leave: In all cases, an employee requesting leave must provide verbal or written notice of the need for the leave to his or her department head.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Town's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five business days after the employee has provided this notice, the Town of Rehoboth will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/whd/forms/WH-381.pdf>).

Once all documentation has been received, the Town will complete and provide the employee with the DOL Designation Notice (<http://www.dol.gov/whd/forms/WH-382.pdf>). This form will be provided within five business days of receiving all documentation.

9.6 Certification of Leave:

- (a) An application for leave based on the serious health condition of the employee or the employee's family member must also be accompanied by the appropriate U.S. Department of Labor form (<http://www.dol.gov/whd/forms/WH-380-E.pdf> or <http://www.dol.gov/whd/forms/WH-380-F.pdf>) completed by the applicable health care provider.
- (b) An application for military exigency leave must also be accompanied by the appropriate U.S. Department of Labor form (<http://www.dol.gov/whd/forms/WH-384.pdf>) completed by the employee.
- (c) An application for military caregiver leave must also be accompanied by the appropriate U.S. Department of Labor form (<http://www.dol.gov/whd/forms/WH-385.pdf>) completed by the employee.

9.7 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.

9.8 Restoration to Employment: An employee eligible for family and medical leave with the exception of those employees designated as "key employees" as defined by the FMLA 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 Officer. In the absence of a Personnel Officer the determination will be made by the Personnel Board.

9.9 Return from Leave: If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification will be given to the employee's department head at least five (5) working days prior to the employee's planned return or as soon as practical. If an employee is on FLMA leave due to a serious health condition, the employee must submit medical documentation demonstrating that the employee can return to work.

9.10 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 without a formal written request for extension will be treated as a resignation. An employee who requests an extension of family or medical leave 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.

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

9.11 Applicability: All employees who meet the requirements of the federal Family and Medical Leave Act as already described above in Policy 9.0.

9.12 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.

9.13 Paid Leave: 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 PARENTAL LEAVE ACT (April 7, 2015)

9.14 Policy: Massachusetts Law provides some benefits after only 3 months of employment, as opposed to the 12 months required by the Federal FMLA. Pursuant to M.G.L. c. 151B, Section 4(1) and c. 149, Section 105D an employee is entitled to at least eight weeks of unpaid leave for:

- the purpose of giving birth
- the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled;
- adoption, with the employee adopting or intending to adopt; or
- the placement of a child with an employee pursuant to a court order.

Any two employees (spouses) of the Town shall only be entitled to 8 weeks of parental leave in aggregate for the birth, adoption, or placement of the same child.

9.15 Applicability: The employee is entitled to parental leave provided that:

- 1) The employee has completed an initial probationary period set by the employer which does not exceed three 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) The employee provides at least two weeks' notice of the expected departure date and intention to return; or notice as soon as practical if the delay is for reasons beyond the individual's control.

9.16 Employee Rights: The employee is entitled to return to the same or a similar position without loss of employment benefits eligible on the date the leave commenced. (The guarantee of a same or similar position is subject to certain exceptions specified in M.G.L. c. 149, section 105D.). Any employer policy or collective bargaining agreement, which provides for greater or additional benefits than those outlined in this notice, shall continue to apply.

Approved by the Rehoboth Personnel Board September 15, 2015

POLICY 10.0 SEXUAL HARASSMENT POLICY

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 any other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated. No employee, no matter his/her title or position shall allow sexual harassment. 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, the Personnel Board will respond promptly to complaints of sexual harassment and, where it is determined that such inappropriate conduct has occurred, will act promptly to ensure corrective action is taken, including disciplinary action where appropriate.

Please note that while this policy sets forth the goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Per state law this policy must be distributed to all employees annually. Appropriate training must be undertaken to ensure this policy is understood and followed. Distribution of this policy and providing proper training of managers and employees are the responsibility of the Town Administrator.

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 and 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 that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances and 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;
- Comments on an individual's body or 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 an employee believes he/she is the victim of sexual harassment, in addition to the right to file a complaint, he/she may also seek advice from the Personnel Board. The board is available to discuss any concerns the employee may have and to provide information to the employee about the policy on sexual harassment and our complaint process. If the employee desires, the board will work with him/her to find a way of resolving the concerns in an informal manner that would offer as much privacy and confidentiality as is possible. If this option does not resolve the complaint, the employee may proceed through the complaint procedure set forth in Section IV below.

IV. Complaints of Sexual Harassment

If any employee believes that he/she has been subjected to sexual harassment, the employee has the right to file a complaint. This may be done in writing or orally. The employee filing the complaint is not required to directly confront any persons who are the source of the problem or closely associated with the person who is the source of the problem. The employee is required to make a reasonable effort to bring forward any allegations of unlawful sexual harassment so that the Town may stop such wrongdoing and prevent future occurrences. The employee can choose to file the complaint with his/her supervisor, department head, Town Administrator or the Personnel Board.

V. Sexual Harassment Investigation

When the complaint is received, the supervisor, department head, Town Administrator or the Personnel Board will promptly investigate the allegation in a fair and expeditious manner. The Town will make every effort to ensure that those named in the complaint, or are too closely associated with those involved in the complaint, will not be part of the investigative team or efforts. The Town of Rehoboth can, at its discretion, utilize a neutral third-party investigator to address sexual harassment allegations.

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. When the investigation has been completed, to the extent appropriate, the person filing the complaint and the person alleged to have committed the harassment will be informed of the results of that investigation.

If the person filing the complaint is not satisfied with the decision he/she may appeal the decision by contacting the Personnel Board. The Personnel Board is also available to discuss any other concerns the employee may have and to provide information about the policy on sexual harassment and the complaint process.

The Town recognizes that making false, bad faith accusations can have serious consequences for those who are wrongly accused. The Town prohibits deliberately making false accusations and or providing false information during an investigation. Policy violators are subject to disciplinary action up to and including termination.

If it is determined that inappropriate conduct has occurred, the Personnel Board will act promptly to ensure that steps are taken to eliminate the offending conduct, and where it is appropriate, that disciplinary action is taken.

VI. Disciplinary Action

Any employee found to have acted inappropriately will be subject to disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances. Disciplinary action will be carried out and determined per Personnel Policy Number 4.0, Discipline.

VII. State and Federal Remedies

In addition to the above, if the employee believes he/she has been subjected to sexual harassment, he/she may file a formal complaint with either or both of the government agencies set forth below. Using the Town of Rehoboth's complaint process does not prohibit the employee 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 |
|--|---|

Approved by the Rehoboth Personnel Board September 15, 2015

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 s 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 is disruptive to 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 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 overtime for either employ.

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.

Approved by the Rehoboth Personnel Board August 27, 2013

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 will accrue nor will the period of absence be used to reach a higher level of seniority or benefits.

Approved by the Rehoboth Personnel Board September 24, 2013

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.

Approved by the Rehoboth Personnel Board August 27, 2013
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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 the employee 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 the employee has worked or is scheduled to work overtime hours. Personal leave days shall not be accumulated from year to year.

Approved by the Rehoboth Personnel Board August 27, 2013

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.

Amendment: Increased to .50¢ by vote of BOS on 7/25/11.

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:

POLICY NUMBER 29.0
INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY

Introduction. The Town is pleased to provide information technology resources ("ITR") including, but not limited to computers, laptops, printers and other peripherals, programs, data, fax machines, local and wide area networks, email, the internet, palm pilots, and mobile phones, to employees and other authorized users working in the Town (herein collectively referred to as "employees") to more efficiently provide Town services. All employees using the Town's ITR have an obligation to use the Town's ITR in a responsible manner, conforming to network etiquette, customs, and courtesies and in compliance with this policy. The Town determines which, if any, ITR are appropriate for each position and provides ITR to employees where appropriate at the Town's discretion. Use of the Town's ITR is a privilege which may be revoked at any time for conduct which violates this policy.

29.1 Amendment of Prior Policy. This policy replaces any and all other previously adopted policies, past practices, or customs and clarifies for the employee and employer workplace expectations in the use of technology. Use of the Town's ITR by an employee shall constitute acceptance of the terms of this policy by such employee.

29.2 Legal Liability. This policy is in place to minimize the risk of legal liability to users and to the Town of Rehoboth that might result from the use of our electronic communication and information technology systems.

A. Electronic mail is made available as a business communication tool and Town employees are obliged to use this tool in a responsible, effective and lawful manner. Although email might appear to be less formal than other written communication, it is subject to the same laws that apply to other forms of communication, such as G.L. c. 4, § 7, clause twenty-sixth (the Public Records Law) and those against defamation or those protecting intellectual or personal property rights. The Town's existing or future policies prohibiting sexual and other forms of harassment apply equally to the use of Town e-mail and other system components.

(1) If you should create or transmit any message or material with libelous, defamatory, harassing, offensive, racist or obscene content, you may incur personal liability for civil damages and/or be criminally prosecuted.

(2) If you violate client confidentiality by sharing or forwarding confidential information, other than on a need to know basis, and in accord with Town policy, you and/or the Town may be held liable for damages.

B. The use of Town email or other Systems components in disregard or violation of this Policy may result in personal liability to the user, and the Town may disassociate itself from the user as far as possible within the law.

29.3 Compliance with Policy.

A. Employee Responsibilities. Every employee who is authorized to use Town ITR will be

provided with a copy of this policy. It is the responsibility of an employee using the Town's ITR to read, understand, and adhere to this policy. Any employee with questions regarding the application or meaning of this policy should seek clarification from his/her supervisor or from the Town Administrator at 508-252-3758. Failure to comply with this policy may result in suspension or termination of the employee's ITR privileges and/or disciplinary action up to and including termination of employment.

B. Prohibited Conduct. The use of the Town's ITR for inappropriate or prohibited conduct may result in disciplinary action up to and including termination from employment. Employees using the Town of Rehoboth ITR accounts are acting as representatives of the Town. As such, employees should act accordingly so as not to damage the reputation of the Town. Prohibited activities with respect to a Town Employee's use of the ITR include, but are not limited to, the following:

- (1) furtherance of any illegal act, including violations of any state or federal criminal or civil laws or regulations;
- (2) accessing, displaying, or sharing sexually explicit, obscene, or otherwise inappropriate materials, messages, or images;
- (3) sending or displaying threatening or harassing messages, materials, or images, including, but not limited to, messages, materials or images of a sexual nature, racial, ethnic, sexual, religious, or gender-based slurs, or messages or images that offensively address someone's age, sexual orientation, religion, race, ethnicity, national origin, disability or political beliefs.
- (4) accessing, displaying, or disseminating material that advocates violence or discrimination towards other people (hate literature);
- (5) communications for any commercial purpose, including, but not limited to, the offering, providing, leasing, or purchasing of products or services;
- (6) gaining, or attempting to gain, unauthorized access to any computer or network;
- (7) intercepting or attempting to intercept communications intended for other persons;
- (8) misrepresenting either the Town or the employee's role at the Town;
- (9) communications for any political purpose (subject to the exceptions set forth in Section VII below) or solicitations in violation of Massachusetts General Laws, chapter 55;
- (10) promotion of religious beliefs;
- (11) communications that libel or otherwise defame any person;
- (12) downloading and/or installing non-Town supported and licensed software applications or programs;
- (13) violating any copyright laws or infringing on any intellectual property rights;
- (14) distributing chain letters;
- (15) accessing online gambling sites;
- (16) connecting unauthorized or unapproved computers, printers or peripherals to the Town's network;
- (17) utilizing alternate Internet Service Provider connections and email accounts from the Town of Rehoboth internal network unless expressly authorized by the Town Administrator and

- properly protected by an appropriate security device;
- (18) using computers or the internet for games of any type, browser based web reimbursements, or to seek employment opportunities;
 - (19) developing or using programs that harass other users or infiltrate a computer, computing system or network and/or damage or alter the software components of a computer, computing system or network;
 - (20) establishing unauthorized connections which create routing patterns that are inconsistent with the effective and shared use of the Town's network;
 - (21) communications for any use that causes interference with or disruption of the Town's ITR;
 - (22) communications for any use that causes interference with or disruption of the Town's network users or resources;
 - (23) Any activity on social networking sites, such as Facebook, unless authorized by the Town Administrator, and that such use remains consistent with all other aspects of this policy;
 - (24) Any use which violates other Town policies, including but not limited to, the Town's policy against sexual harassment.

The above list of prohibited conduct is not all inclusive; employees who are uncertain as to the appropriateness of any action or conduct being contemplated should consult their supervisors or the Town Administrator for guidance.

- C. Town Business Use. The Town's ITR, including, but not limited to, the Town's email and other online services, are the property of the Town of Rehoboth, and should be used only for business purposes associated with the Town. Personal use of any of the ITR or misuse of ITR may result in serious disciplinary action up to and including termination from employment. Use of the Town's ITR is a privilege, not a right, and may be revoked at any time for inappropriate conduct.

29.4 Public Records. Under G.L. c. 4, § 7, clause twenty-sixth, "All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof " are considered public documents. Accordingly, email messages are considered public records, are subject to disclosure and record retention requirements of Law, and are discoverable. Employees should not expect that email messages (even those marked "personal" and/or "confidential") are private or confidential. Employees shall not read email received by another employee when there is no business purpose for doing so. Employees shall not send email or access the Internet under another employee's name without authorization. No employee shall change any portion of a previously sent email message without authorization. Employees shall not place Town records or material, including but not limited to copyrighted software and internal communications, on any publicly accessible computer or website without prior express authorization of the Town Administrator.

29.5 Monitoring and No Expectation of Privacy.

Employees shall have no expectation of privacy in any use of the Town's Information Technology Resources (ITR).

All electronic files and documents originating from or passing through the Town's Systems are considered to be the property of the Town of Rehoboth.

The Town's computer system automatically stores and/or records information transmitted on the system including password-protected materials, data, information, email communications and web sites viewed. The Town may monitor employee use of ITR, including, but not limited to, computer equipment, email, the internet, web sites visited, and files downloaded by the employee. **Therefore, employees should not consider ITR and any communications, transmissions, web sites viewed, and email sent or received, to be private or confidential. The mere deletion of messages, data, or files may not eliminate them from the system.** All use of the Town 's ITR is subject to monitoring by the Town, at any time without notice and notwithstanding any password(s), including, but not limited to data, incoming and outgoing email communications and attachments. Web sites visited or viewed and files downloaded. Use of the Town's ITR system constitutes consent to monitoring and is conditioned upon strict adherence to this policy.

29.6 Precautions Against Computer Viruses. All software downloads must be approved by the Town Administrator and or the Information Technology Advisory Committee **before** installation. All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. In particular, executable programs imported from other sites to Town computers, alternate internet service provider connections, and email accounts from the Town's internal network must not be used unless the Town Administrator has authorized them and they have been subjected to virus detection procedures approved by the Town Administrator. The Town Administrator may, from time to time, impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulations shall be considered part of this policy.

29.7 Political Activities and Conflicts of Interest. An employee's use of the Town's ITR must not conflict with the State's Conflict of Interest Laws (M.G.L. c. 268A) or Campaign Finance Laws (M.G.L. c. 55). Notwithstanding the provisions of Section 29.3 B. (9) above, political activities may be permitted to the extent that such activities are a part of the official responsibilities of an employee, provided that such activities relate to political issues rather than specific political candidates or parties and provided further that such conduct does not violate any applicable laws. For further clarification please see *Campaign Finance Guide*, revised in January, 2003 and issued by the Office of Campaign and Political Finance, and related publications, available on-line at www.mass.gov/ocpf.

29.8 Additional Responsibilities of Department Heads, Managers, and Supervisors. Managers and supervisors are responsible for ensuring that all employees under their supervision using any of the Town's ITR have read this Policy and understand its applicability to their activities.

The Department Head is responsible for insuring that any employee who will be given any access to the Town's ITR has read and signed a copy of this policy. Upon promulgation this policy will be distributed to all employees. Employees shall sign an acknowledgement of receipt which shall be placed in the employee's personnel file.

The Town's ITR are work tools. The appointing authority and or Department Head shall deem who appropriately can utilize such too ls to better perform his or her job duties.

Approved by the Rehoboth Personnel Board October 2, 2012

POLICY NUMBER 31.0
EXIT INTERVIEW

31.1. Policy. Any employee who has successfully completed the probationary period and is leaving employment by the Town shall receive an exit interview. The Town Administrator, or the Administrator's designee, or a member of the Personnel Board will conduct the interview.

31.2. Objectives. The objectives of the exit interview are as follows:

- (e) To identify the reason for an employee's resignation.
- (f) To identify opportunities to improve working conditions, productivity, and morale.
- (g) To retain the good will of the employee toward the Town.
- (h) To discover any grievances or allegations of workplace risk or wrongdoing that the employee has, so that corrective action can be taken.
- (i) To review administrative details with the employee such as benefits continuation, re-employment policy, and return of all town property.

31.3. Procedure.

- (e) When an employee announces his or her intention to leave, the department head should schedule an exit interview for the employee with the Town Administrator, and would normally take place on the employee's last day.
- (f) There may be one or two interviewers. If an oral interview cannot be scheduled, or the employee requests it, the employee can alternatively complete a questionnaire in writing.
- (g) All comments and conversation will remain as confidential as possible, while still allowing for a prompt and thorough investigation, should allegations of workplace wrongdoing be raised.

31.4. Interview Questions.

- (a) What caused you to first start looking for a different job?
- (b) Specifically, what are the reasons you are leaving?
- (c) Do you believe you were treated fairly while with the Town?
- (d) Was your work appreciated and valued?
- (e) What did you like about working here?
- (f) What did you dislike about working here?
- (g) Do you have any suggestions for improving working conditions, productivity, or morale?
- (h) Comment on your working relationship with your supervisor. Was your supervisor respectful and supportive of you?
- (i) Please describe frequency and type of communications you had with your supervisor.

- (j) Did your supervisor clearly communicate goals and expectations to you?
- (k) Did the benefit plans meet your needs? Are there other benefits that could have been offered?
- (l) Do you know of any unreported workplace related accidents, injuries, or illnesses involving yourself or others?
- (m) Did you understand the Town's policies and reporting of grievance procedures?
- (n) Are there any other issues or concerns that we should be aware of?
- (o) Do you have any additional comments?

31.5. Follow-up.

The interview should be written up and included in the employee's personnel file.

Utilize the information gathered in exit interviews to improve working conditions, productivity, and morale. Share information with those in the town that can implement change for the better of the Town and its employees.

Follow up immediately on any allegations of workplace risk or wrongdoing by utilizing the Town's internal investigation procedures. If the allegations are valid, implement corrective actions as required to prevent future incidents or workplace wrongdoing.

Approved by the Rehoboth Personnel Board September 15, 2015

POLICY NUMBER 32.0
REQUESTS FOR REASONABLE ACCOMMODATION

32.1. Policy. It is the intent of the Town of Rehoboth to make its workplace equal for its applicants and employees. Circumstances may arise where reasonable accommodation for an applicant or employee is necessary to meet this objective.

32.2. Accommodations. The Town of Rehoboth will make reasonable accommodations (changes or exceptions to job routines, requirements, policies, and procedures for example) when necessary or appropriate. What is considered a reasonable accommodation varies and is determined by a number of factors, including safety. All requests for accommodation will be evaluated on a case-by-case basis taking into consideration all known circumstances.

32.3. Accommodations for Disability. The Town of Rehoboth will provide reasonable accommodation to any qualified individual with a disability as required under federal, state or local law. A “qualified individual” with a disability is any person who can perform the essential functions of a job or position with or without reasonable accommodation. Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. Major life activities can include caring for one’s self, walking, seeing, speaking, working, breathing, learning, reading, concentrating, thinking, standing, lifting, bending, or major bodily functions.

32.4. Other Accommodations. In addition to providing reasonable accommodation to persons with a disability, the Town of Rehoboth will also make a reasonable accommodation for the needs of employees to practice their religion. If another reason exists for asking for an accommodation, the Town of Rehoboth will consider it in the manner addressed in this policy.

32.5. To Make an Accommodations Request.

A request for an accommodation shall be made by the employee to his/her supervisor, either verbally or in writing, but a written request is preferred. If you feel uncomfortable discussing your questions, suggestions, or concerns about this policy with your supervisor, you can direct them to the Town Administrator or to the Personnel Board.

32.6. Determination. In making the determination, the precise limitations of job functions resulting from the disability, and the potential accommodation that the Town might make to help overcome those limitations, will be considered. The Town will also consider such factors as the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, overall financial resources, and the impact the accommodation may have on the operation of the Town including its impact on the ability of other employees to perform their duties, as well as safety. All requests for accommodation will be evaluated on a case-by-case basis taking in all known circumstances. In determining the employee’s request the supervisor may ask for input from the town’s Personnel Officer or Personnel Board.

The supervisor will notify the employee of the decision within a reasonable time, and if favorable, shall make sure that the Town provides the requested accommodation as soon as reasonably possible.

Approved by the Rehoboth Personnel Board September 15, 2015

POLICY 33.0 WORKPLACE VIOLENCE POLICY

I. Introduction

The Town of Rehoboth is committed to preventing workplace violence and providing a safe work environment. The Town prohibits and does not tolerate violent acts or threats of violence against employees, visitors, guests or other individuals within its facilities or during any Town-related activity, including off duty periods.

II. Definition of Workplace Violence

Workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace, and can range from verbal or physical threats, verbal abuse, intimidation, to aggressive physical contact and homicide.

III. Prohibited Conduct

Prohibited conduct includes, but is not limited to the following:

- Intimidation, harassment, assault, battery, stalking, or conduct that causes a person to believe that he/she is under a threat of death or bodily injury.
- Inflicting or threatening injury or damage to another person's life, health, well-being, family or property.
- Possessing a firearm (unless required and authorized for duty), explosive, hazardous device or substance, or other dangerous weapon, or using an object as a weapon on Town property or during any Town-related activity.
- Abusing or damaging Town or employee property.
- Using obscene or abusive language or gestures in a threatening manner.
- Raising voices in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above conduct is also prohibited. Employees are also expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.

IV. Restraining Orders

Any employee who obtains a restraining order against any person should immediately notify management. The Town of Rehoboth has made a commitment to provide a safe workplace and can only do so if it receives information concerning individuals who have been ordered to maintain a distance from its facilities and/or employees.

V. Warning Signs of Potential Violence

There are often signs serving as a warning that violence in the workplace may occur. Please review the following list of common early warning signs, keeping in mind that demonstration by an individual of one or many of the actions on the below list do not automatically point to certain violence. However, their activities should be noted and the Town's EAP service could become involved to assist detecting and defusing a potential workplace incident.

- Increase in use of alcohol or drugs.
- History of violence or aggressive behavior or frequent physical fighting off or on duty.
- Displaying a loss of control, (i.e., loss of temper on a frequent basis, frequently for unsubstantiated reasons or over minor issues).

- Either joking or making serious direct or veiled threats.
- Physically, verbally or emotionally intimidating others or instilling fear, for example harassing telephone calls, e-mails and/or stalking.
- Being obsessed with one's job and having no known outside interests.
- Being a loner and/or expressing a strong desire for a personal or romantic relationship with a co-worker. Under these circumstances, the co-worker may feel threatened and report the unwarranted attention.
- Obsession with weapons or militia, particularly if this is new behavior for an employee or volunteer.
- Feeling constantly disrespected, demonstrating a "me versus the world" attitude. Experiencing difficulty with authority, for example feeling discriminated against, harassed, or intentionally targeted. Does not accept criticism well and commonly harbors resentment.
- Expressing desperation, significant frustration or depression over recent professional, personal, or financial problems.
- Fascination with other recent incidents of violence and approval of the use of violence.
- Disregard for safety, thus presenting a risk to self and others.
- Demonstrates a lack of conscience and/or abuse towards other persons or animals.
- Vandalism or property damage.
- Failing to acknowledge the feelings or rights of others.
- Having been a victim of violence or bullying.

All acts of, or threats of violence will be thoroughly investigated and disciplinary action and/or legal prosecution to the fullest extent possible will be pursued against employees, and non-employees for violating this policy.

VI. What to Do

If you witness a potentially violent situation, or are dealing with a threatening or violent person, do not place yourself in danger or try to intercede. You should not attempt to challenge or disarm the individual. Tips proven to be effective in this type of situation are as follows:

- Try to remain calm
- Keep a distance of 4-6 feet
- Do not touch the threatening or violent individual
- Make constant eye contact, but do not try to "stare them down"
- Actively listen and respond to the individual

If a supervisor or other appropriate authority can be safely notified of the need for assistance without endangering your safety or that of others, do so. Otherwise cooperate and follow the instructions given. Please see reporting procedures below.

VII. Reporting Procedures

All threats of (or actual) violence, both direct and indirect, MUST be reported as soon as possible to your immediate supervisor, department head, town administrator, Personnel Board, or any other member of management. Employees are empowered to contact the appropriate law enforcement authorities without first informing their immediate supervisor if there is a reasonable belief that immediate danger to their own safety or that of others exists. Employees shall then immediately report to their supervisor or others in the chain of command.

A reportable incident can be an act or threat from employees, as well as other members of the public and includes those threats or acts that may be perceived, actually experienced or witnessed. When reporting an act or threat of violence, you should be as specific and detailed as possible. Employees must also report all threats or violent acts they witness or experience while on duty away from the Town of Rehoboth premises, or during any Town of Rehoboth-related activity or which is related to the employee or legitimate business interest of Town of Rehoboth.

The identity of the individual making a report will be protected as much as practical. In order to maintain workplace safety and the integrity of its investigation, The Town of Rehoboth may suspend employees suspected of violence or threats of violence, either with or without pay, pending investigation.

In no instance will an employee be disciplined, retaliated against or discharged for good faith reporting of any legitimate act or threat of violence. Anyone reasonably believed to have engaged in retaliation of any kind will be subject to disciplinary action up to and including termination of employment and/or prosecution for any criminal behavior linked to retaliatory activity. False or intentionally misleading reports are unacceptable and will be handled through Town personnel procedures regarding disciplinary measures up to and including employment termination when appropriate.

Approved by the Rehoboth Personnel Board September 15, 2015
