



# **TOWN OF GROVELAND PERSONNEL PROCEDURES MANUAL**

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## **TABLE OF CONTENTS**

TITLE AND LEGAL AUTHORITY.....	4
COVERAGE.....	4
DEFINITIONS.....	5
OVERTIME .....	6
EQUAL EMPLOYMENT OPPORTUNITY .....	9
RECRUITMENT.....	10
PROBATIONARY PERIOD .....	12
EMPLOYEE PERFORMANCE REVIEW .....	13
EMPLOYEE CONDUCT.....	14
CONFLICT OF INTEREST .....	15
POLITICAL ACTIVITIES.....	16
NEPOTISM .....	16
DRUG/ALCOHOL FREE WORKPLACE .....	17
FRAUD RISK .....	20
WHISTLEBLOWER.....	25
DISCIPLINARY ACTIONS.....	27
GRIEVANCE PROCEDURE.....	29
ANTI-DISCRIMINATION AND HARASSMENT .....	31
PREGNANT WORKERS FAIRNESS ACT .....	36
SOCIAL MEDIA.....	39
ACCEPTABLE TECHNOLOGY USE .....	48
RESIGNATION .....	52
EMPLOYEE ASSISTANCE PROGRAM .....	53
AMERICAN WITH DISABILITY ACT (ADA) STATEMENT.....	54
HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPPA) .....	55
BENEFITS, LEAVES AND ELIGIBILITY .....	58
RETIREMENT SYSTEM.....	58
MEDICAL INSURANCE .....	58

WORKERS' COMPENSATION .....	61
VACATIONS .....	62
PERSONAL LEAVE .....	64
SICK LEAVE .....	65
BEREAVEMENT LEAVE.....	66
DOMESTIC VIOLENCE LEAVE .....	67
PARENTAL/MATERNITY LEAVE.....	68
FAMILY MEDICAL SICK LEAVE .....	69
SMALL NECESSITIES LEAVES ACT .....	77
MILITARY LEAVE.....	78
COURT LEAVE/ JURY DETAIL .....	79
LEAVE WITHOUT PAY .....	80
HOLIDAYS .....	81
REMOTE WORK ARRANGEMENT .....	82
TIMEKEEPING/PAYROLL.....	87
OUTSIDE EMPLOYMENT.....	88
ATTENDANCE AND PUNCTUALITY; EMERGENCY CLOSINGS.....	89
BULLETIN BOARDS .....	90
PROTECTING TOWN AND INDIVIDUALS' INFORMATION .....	91
PERSONAL PRIVACY, PROPERTY, PHONE & EQUIPMENT USE.....	92
TOWN VEHICLES.....	93
PAYROLL RECORDS.....	93
ACCESS TO EMPLOYEE PERSONNEL RECORDS.....	94
WORKPLACE VIOLENCE.....	96
ACKNOWLEDGEMENT OF RECEIPT .....	97
POLICY LOG .....	98

## TITLE AND LEGAL AUTHORITY

This manual shall be known and cited as the "Personnel Procedures Manual".

The policies and procedures outlined in the Personnel Procedures manual are subject to change by the Select Board following ten (10) days posting and a public hearing following said posting. The Town reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization, or for any other appropriate reasons. This Personnel Procedures Manual is a guide for town employees, and it is not the intent of the Town to grant any employee contractual commitment, expressed or implied, by its adoption. The employment relationship between the employee and the Town is at will and may be terminated by either party at any time for any reason, unless otherwise provided by law.

The Town Administrator is responsible for the administration of Human Resources of the Town. The Personnel Bylaw of the Town is adopted pursuant to Sections 108A and 108C of Chapter 41 of the Massachusetts General Laws which provides the Select Board with the authority to make policies and to issue rules and regulations necessary for the administration of the Personnel Bylaw.

The Town Administrator is charged with making recommendations for all Personnel Bylaw amendments, personnel salary/wage increases and/or increases in employee's weekly hours to the Select Board for approval. The Town Administrator may recommend policies, or amendments thereto, and issue regulations deemed necessary for the administration of the Personnel Bylaw subject to the approval of the Select Board.

## COVERAGE

The policies and procedures contained in this manual apply to all employees of the Town except elected town officers, school employees and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates the Personnel Bylaw or the Personnel Procedures Manual by reference). Where there is a conflict between the Personnel Procedures Manual and a departmental regulation, the Personnel Procedures Manual shall take precedent unless otherwise stipulated.

All Town employees have the responsibility to familiarize themselves with the relevant sections of the Personnel Procedures Manual and shall comply with the provisions of this manual. All employees shall share responsibility for adherence to the Town's Equal Employment Opportunity and Affirmative Action Policies.

## DEFINITIONS

The following words and phrases, wherever used in this Personnel Procedures Manual shall be defined as indicated below unless the context clearly requires otherwise:

**Appointing Authority:** The Town Administrator, by and through the Select Board, shall be the appointing authority for all department heads not appointed by some other authority by statute or as provided in the bylaws, subject to ratification by the Select Board.

Those positions are:

- Section 111-17. Council on Aging

- Director, Assistant Director, Outreach and Food Pantry Manager, Van Driver(s)

- Section 111-31. Library Board of Trustees

- Library Director

- Massachusetts General Law, Chapter 111, Section 27

- Health Agent, Public Health Nurse, Administrative Assistant

- Massachusetts General Laws, Chapter 48, Section 42A

- Full-Time Firefighters, On-Call Firefighters

**Full-time Permanent Position with Benefits:** An employee in this category works a regular schedule of at least 37 hours per week on a regular and continuing basis. The benefits provided hereunder are based upon full-time, permanent employment.

**Part-time Permanent Position with Benefits:** An employee in this category works at least 20 hours per week on a regular and continuing basis but less than 37 hours per week. The employee in this category receives benefits pro-rated according to the average hours worked per week. A permanent part-time employee working at least 19 hours per week on a regular and continuing basis receives “leave benefits” only, (does not include insurance benefits) all leave to be pro-rated according to the average hours worked per week.

**Part-time Position without Benefits:** An employee in this category is employed for fewer than 52 weeks per year (i.e., seasonal or temporary position) or fewer than 19 hours per week. The employee in this category receives no benefits other than those which may be mandated by law (i.e., worker’s compensation, jury duty, etc.).

**Temporary Position with Benefits:** An employee in this category who is in a temporary position that is expected to last 52 weeks or more and who works at least 20 hours per week shall receive benefits equal to those received by employees in full-time positions with benefits or part-time positions with benefits.

**Seasonal/Reserve/“On Call”/Temporary positions:** An employee in this category does not earn any benefits and is not typically eligible for health insurance (unless otherwise provided by law).

## OVERTIME

### INTRODUCTION

The Town follows the Fair Labor Standards Act and Massachusetts Wage and Hour laws as applicable to municipalities.

The Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. More information may be found on the poster in your workplace or online here: <https://www.dol.gov/whd/regs/compliance/hrg.htm>.

The Massachusetts Attorney General's Fair Labor Division enforces laws about minimum wage, overtime, payment of wages, sick time, meal breaks, temporary workers' protections, domestic workers' protections, recordkeeping, and more. More information may be found on the poster in your workplace or online here: <https://www.mass.gov/wage-and-hour-laws>.

### DEFINITIONS

**EXEMPT EMPLOYEE:** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) because they are classified as an executive, professional, administrative or outside sales employee, and meets the specific criteria for the exemption. Certain IT professionals may also be exempt.

**NONEXEMPT EMPLOYEE:** An employee who is not exempt from the overtime provisions of the FLSA and is therefore entitled to overtime pay for all hours worked beyond 40 in a workweek (as well as any state overtime provisions).

**REMOTE WORK AGREEMENT:** A written agreement between the Town and the employee outlining the work schedule, duties, and performance standards for the remote working employee.

### EXEMPT EMPLOYEES

Employees holding exempt positions are never entitled to overtime pay. Generally, employees holding exempt positions are not entitled or allowed to use or accrue compensatory time. Rather, it is expected and understood that professional positions often require more than 9 hours in one day or 40 hours in one week.

The sole exception to this prohibition is that in unusual circumstances, when pre-approved by the Town Administrator in writing an exempt employee may request the accrual of a limited amount of earned time. In this situation, earned time shall be accrued on an hour for hour basis. Use of earned time by exempt employees is strictly subject to the written approval of the Town Administrator. Exempt employees are never, no matter the circumstances, entitled to payment for any accrued and unused earned time. Any earned time earned must be used within 60 days of accrual (signed time sheet showing earned time). It is expected and

understood that professionals will dedicate the number of hours necessary to succeed at their position. However, where the hours of work required exceed the “normal” work week due to night/weekend meetings, special projects, DPW winter operations, etc., and said hours are documented, you would be eligible to receive earned time off at the discretion of the Town Administrator.

### **NON-EXEMPT EMPLOYEES**

This portion of the policy solely applies to non-exempt (hourly) employees. Overtime is the term given to hours actually worked beyond 40 hours in one work week. Overtime hours are compensated either monetarily (pay) or in compensatory time off, both at the one and-one half time rate for each hour over 40.

### **OVERTIME**

In accordance with the Fair Labor Standards Act, non-salaried employees may be granted overtime for hours worked in excess of 40 hours per week only by mutual agreement of both employee and Hiring Authority/Supervisor prior to any hours being worked. The calculation of overtime includes hours actually worked, not sick, vacation, Family Medical Leave time, Small Necessities Leave time, any other leave time or holiday leave hours.

All work that would result in overtime must have prior approval and shall be charged to the project requiring extra time.

The granting of overtime is contingent upon an existing need, usually temporary, such as additional workload, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay or accruing extra compensatory time off for future use is prohibited and creates an unnecessary fiscal obligation for departments.

Overtime is reached once an employee has actually worked beyond the 40-hour maximum allowable hours in a given workweek. Compensation for overtime hours must be paid at the one and- one-half time rate to non-exempt employees for any hours worked in excess of 40 hours in any given week. The Town Administrator is responsible for oversight of overtime for non-union employees, consistent with appropriated funds. Overtime must be authorized in advance by the Town Administrator.

### **COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES**

Compensatory time is an alternative method of overtime compensation for hours worked over 40 for non-exempt employees. As such, it must be approved in advance as overtime. The same overtime principles apply: Working extra hours in order to accrue compensatory time off for future use is prohibited. In lieu of paying a non-exempt employee for overtime worked, employees may be granted compensatory time off at the rate of one and one-half hours off for each hour of overtime worked, at some time after the workweek in which the overtime was worked if the following conditions are met:

- a. The employer reaches an agreement with the employee to accept compensatory time off in lieu of overtime pay prior to the performance of the overtime worked.
  - b. The employee knowingly and voluntarily agrees to accept compensatory time.
- Employees who have requested the use of compensatory time will be permitted to use such time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the department. Mere inconvenience to a department is insufficient reason to deny an employee's request to use compensatory time. Likewise, each employee who has accrued compensatory time off may be required to use the compensatory time within 60 days of accrual (signed time sheet showing earned time) after receiving notice to do so. The notice will include the length of time in which a specified number of hours of compensatory time are to be used.

In accordance with the FLSA, non-salaried employees may be granted compensatory time for hours worked in excess of 40 hours per week only by mutual agreement of both employee and Hiring Authority/Supervisor prior to any hours being worked. The calculation of compensatory time includes hours actually worked.

All work that would result in compensatory time must have prior written approval and shall be charged to the project requiring extra time.

Compensatory time must be used within 60 days of acquiring said time unless a longer period is approved in writing by the supervisor and/or Appointing Authority. This time does not accrue.

#### **TIME WORKED ABOVE BUDGETED HOURS**

If the work demands of a non-exempt position exceed budgeted hours within a given pay period, the affected employee may request advance Town Administrator approval to work more hours than are budgeted.

The approval to work hours above budgeted is contingent upon an existing need, usually temporary, such as additional workload, night/weekend meetings, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay is prohibited and creates an unnecessary fiscal obligation for departments. Within the Town Administrator's consideration of the request, discussion will take place with the affected employee, including (if/as appropriate) the primary Board or Commission to which the employee provides direct support. Discussion will consider what factors are driving the workload above budgeted hours, and whether the best answer is to increase hours (with the employee's specific agreement), or to somehow reduce workload. Avoiding a situation where the employee's actual pay exceeds what is budgeted could include reducing hours worked in future weeks, to offset any overage; or increasing the budgeted expense line (whether by budget amendment or by approved Reserve Fund or Line-Item transfer) to cover the actual hours/cost, if necessary. In either case, advance approval by the Town Administrator is required for hours worked above the budgeted hours.



## EQUAL EMPLOYMENT OPPORTUNITY

It is the Policy of the Town to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related condition, genetic information, military service, veteran status or membership in any other class protected by law under state or federal anti-discrimination statutes, will not be tolerated.

## RECRUITMENT

### POLICY

The goal of the recruitment and selection process for the Town is to fill vacancies with the most qualified candidates available and, in doing so, adhere to the principles of Affirmative Action and Equal Employment Opportunity. The Town supports the practice of, but does not guarantee, promotion or transfer of qualified current employees to fill vacancies and encourages professional development and succession planning that may facilitate its occurrence.

Every person, regardless of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law applying for employment in the Town will receive fair and equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates are attracted 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 personnel practices and the principles and practices of Equal Employment Opportunity and Affirmative Action.

### VACANCY

When a Town position becomes vacant, the appointing authority and/or the Town Administrator will review the job description and essential functions of the position. If the knowledge, skills, and abilities of the position have changed, appropriate changes shall be made to the position description.

### RECRUITMENT

Recruitment of a position shall not begin until the job vacancy notice is approved by the Town Administrator. The Town Administrator shall determine if the position will be filled internally by promotion or recruitment. If recruitment is used, the following process will be followed.

- A. Notice of Vacancies. The job vacancy notice shall include: the job title, summary of duties, qualifications, salary level and range, a closing date for applications and application instructions.
- B. Posting and Advertisements for Job Vacancies. Notice of vacancies shall be concurrently posted in a conspicuous public place and advertised locally or on-line. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.
- C. Internal Posting. An internal posting of the vacancy shall be made to ensure that qualified current employees have the opportunity to apply. Appointing authorities and the Town Administrator shall ensure that the notices of vacant positions be posted in prominent work locations and the Town Hall for a minimum of ten (10) working days. External advertisement of the position may be done concurrently.
- D. Applications. All candidates applying for employment shall complete an official Employment Application Form and Reference Check. Each applicant shall sign the form,

and the truth of all statements shall be certified by the applicant's signature. All applications shall be filed at the office of the Town Administrator.

- E. Interviews. Standardized interviews of selected candidates shall be conducted by the department head, Town Administrator, or an appropriate designee. To the extent possible, questions shall be standardized and asked of each candidate.
- F. Examinations. The Town Administrator or appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, or any combination thereof, and shall be relevant to the position's requirements.
- G. References. A candidate's references from current and former employers, supervisors, and others are considered an important part of the selection process. Refusal to provide consent to contact references may result in the application being denied further consideration. References and other background investigations, such as credit checks when applicable, 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.
- H. Employment Eligibility. All persons selected for employment must meet employment eligibility requirements in accordance with applicable Federal and State laws and regulations. New employees must provide proof of authorization to work in the United States prior to beginning employment with the Town as mandated by Federal law. After making an offer of employment, the Town will verify the candidate's eligibility to work in the United States, using the "Employment Eligibility Form" (I-9 Form).

Prospective employees must sign the I-9 Form and provide the appropriate documentation no later than the first day, and prior to beginning work. All offers of employment are contingent on the candidate's providing the Town with the appropriate documentation prior to being placed on the payroll and beginning work.

Application Records. The application, reference checks, and related documents submitted shall be maintained by the Town Administrator or his/her designee for the period required by law. The Town shall make a reasonable effort to maintain the confidentiality of the application records.

All employees must truthfully and accurately complete all required employment applications for employment with the Town. Any untruthful statement and/or misrepresentation by an employee on his/her employment application shall be grounds for immediate termination.

## **OFFER OF EMPLOYMENT**

All offers of employment shall be made in writing by the Town Administrator and Appointing Authority. The written offer of employment shall include: salary/hourly rate; exempt or non-exempt status, under FLSA guidelines; the starting date; hours per week or expected work schedule; benefits package, and; any conditions of employment not covered in these personnel policies and procedures. All offers are conditional, subject to the satisfactory completion of pre-employment requirements set out in the offer letter. Such requirements may include a drug screen, a CORI check, and a pre-employment physical.

## PROBATIONARY PERIOD

Unless otherwise stipulated, all employees begin employment with a six (6) month probationary period. During probation, an employee is entitled to pay for holidays and other benefits provided to eligible employees. Employees will be awarded their pro-rated annual vacation allowance at the end of the six-month period at which point the employee may use their vacation. Any vacation time that an employee has pre-scheduled shall be negotiated before hiring.

An employee may be terminated for any lawful reason during the probationary period without hearing.

Upon expiration of the probationary period the appointing authority shall notify the probationary employee that:

1. The employee's performance meets satisfactory standards and that the individual will be retained in the position as a regular employee; or
2. The employee's performance, due to extenuating circumstances, requires additional observation and the probationary period will be extended an additional period of time not to exceed six months. An extension of the probationary period must include a written Employee Improvement Plan indicating the performance expectations to be met, a timeframe, and that failure to meet these expectations may result in employment termination; or
3. The employee is terminated for any lawful reason.

## EMPLOYEE PERFORMANCE REVIEW

It is the goal of the Town to conduct employee performance reviews on a regular basis, at specified periodic intervals. Evaluation of an employee is ongoing throughout the employee's tenure, however, and includes both formal and informal reviews, counseling, and other consultation with the employee as to his/her performance. Department heads are responsible for ensuring that formal performance evaluations are conducted once a fiscal year, in accordance with the procedures promulgated by the Town Administrator and using forms provided by the Town Administrator's office.

Evaluations contribute to employee growth, professional development, goal-setting, and alignment with organizational objectives. Assessments measure if employees are meeting the requirements of their duties, whether they are meeting goals and expectations, and if their skill set still aligns best with their current position. Performance evaluations affect career progression, salary adjustments and opportunities for skill development.

Performance reviews will be held during the month of July and August. Employee and supervisor (or supervising board chairperson) will have to sign completed form at the end of the yearly performance review meeting. A copy of the review will be provided to the Town Administrator to be placed in the employee's file. This information is confidential.

## EMPLOYEE CONDUCT

Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner which credits the Town, public officials and fellow employees. Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon the town service. Town employees must avoid any action which might result in, or create the impression of using public office for private gain or giving preferential treatment to any person.

All employees of the Town shall adhere to the following rules of conduct:

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

The Town of Groveland has adopted an ethical code of conduct that recognizes that public employment is a public trust. This means that the affairs of government must be conducted openly, honestly, and impartially, because citizens expect high ethical conduct of all public employees. When ethical standards falter or seem to falter, public confidence is destroyed and the problems, rather than the achievements, of government become focal issues for the public. In order to insure the trust of the public, employees of the Town of Groveland will, at a minimum, conduct themselves according to the specific standards of impartiality, objectivity, and integrity detailed in the "Code of Conduct for Public Employees" developed by the Massachusetts Office of the Inspector General.

The Town of Groveland will not tolerate workplace bullying, which is defined as unreasonable or offensive actions in the workplace that impact the psychological or physical health, safety, economic security, productivity, or morale of an employee. Some examples of workplace bullying include but are not limited to rudeness, discourteous verbal or non-verbal behaviors, reminding employees of mistakes in a persistent and unprofessional manner, excessive monitoring, micromanaging, yelling, spreading gossip, profanity, hostile behavior, and humiliating an employee.

The [Code of Conduct for Public Employees](#) can be found in the link and is displayed in the Employee Breakroom at Town Hall.

## CONFLICT OF INTEREST

### PROHIBITED CONDUCT

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch. 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below. The Town employees and officials may not:

- A. Ask for or accept anything (regardless of its value) if it is offered in exchange for you agreeing to perform or not perform an official act.
- B. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech related to your official duties unless you are a state legislator.
- C. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- D. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
- E. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning, or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.
- F. Have more than one job with the same municipality or county or more than one job with the state unless you qualify for an exemption.
- G. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a Town employee, a company you own may not be a vendor to The Town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- H. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- I. Ever disclose confidential information, data, or material which you gained or learned as a public employee.

- J. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.
- K. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to you officially to propose private business dealings.
- L. Use public resources for political or private purposes. Examples of “public resources” include computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.
- M. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

### **MANDATORY TRAINING**

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A. Anyone having questions on the applicability of Chapter 268A to their personal situations should contact the State Ethics Commission for advice.

### **POLITICAL ACTIVITIES**

The Federal Hatch Act and the Massachusetts Office of Campaign and Political Finance (OCPF) restrict political activities of public employees. During work hours, employees may not work, or be assigned to work for or on behalf of a political candidate or activity, or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings, or distributing political pamphlets. Under no circumstances may an employee participate in any form of fund raising for a political candidate or activity. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use Town property or equipment for political activities at any time.

### **NEPOTISM**

When in the normal selection process, relatives of Town employees or officials are being considered for appointment or promotion, the Human Resources Department will be notified by the Department Head. No person shall be hired or promoted based upon their family relationship with another Town employee or official. No employee shall be in a position that provides supervision over the employee’s relative or has substantial input over the terms and conditions of their employment. Any employee or official with appointing authority may not be involved in any way, directly or indirectly, in the hiring process if they have a family member who is an applicant. No employee or official with appointing authority may I delegate such authority to a subordinate if a relative is under consideration for appointment even if the appointing authority will not be a direct supervisor of the candidate.



This policy is not for the purpose of depriving any person of an equal opportunity for employment with the Town but is solely intended to eliminate the perception of, or potential for preferential treatment of, the relatives of government personnel.

The Town may modify supervisors, schedules, shifts, squads or work units to eliminate any potential for conflict under this policy.

Relatives, for the purpose of this policy, shall include all members of the immediate family including spouse, parents, siblings, direct line aunts and uncles, nieces and nephews, children, grandparents, grandchildren and in-laws. Cousins and aunts, uncles, nephews and nieces by marriage are not regarded as members of the immediate family for purposes of this policy. Please note that this policy is more stringent than applicable state law under Chapter 268A.

## **DRUG/ALCOHOL FREE WORKPLACE**

### **PURPOSE**

This Policy outlines prohibited conduct with respect to controlled substances, marijuana, and alcohol. This Policy complies with the Town's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.

### **APPLICATION**

This Policy applies to all Town employees. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

### **POLICY**

It is the Policy to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol, marijuana, and controlled substances. The illegal or unlawful use of alcohol, marijuana, or controlled substances, including using the same when on duty, is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently. Although certain uses of marijuana have been legalized in the Commonwealth of Massachusetts, this policy and the following procedures expressly apply to marijuana use.

### **PROCEDURES**

#### **A. The following is prohibited:**

1. Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by Massachusetts law.
2. On Duty: Any consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on or off the Town's property, or at any other worksite where employees may be assigned, or elsewhere during work hours.

3. The use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform the employee's job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Town to the general public or otherwise threatens its integrity.
- B. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or nolo contendere to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the chief executive and administrative officer.
- C. Employees who are convicted or who plead guilty or nolo contendere to such drug-related violations or are found to have consumed or be impaired by controlled substances, marijuana, or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the Town.
- D. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

#### **EMPLOYEE ASSISTANCE PROGRAM**

The Town recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Town encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the Town Administrator for a referral to the Employee Assistance Program. The Town may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse. Call their national, toll-free number: (800) 451-1834. More detailed information is also available online: [www.allonehealth.com/MIIAEAP](http://www.allonehealth.com/MIIAEAP).

#### **TREATMENT AND REHABILITATION**

The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.

If at any time an employee volunteers to enter a chemical dependency program, the employee will enter without fear of disciplinary action being taken as a direct result of seeking treatment, where such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

#### **SANCTIONS**

Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any provisions of this Policy may result in disciplinary action, up to and including termination from employment.

## FRAUD RISK

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

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

This policy sets out specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

## DEFINITIONS

Occupational **fraud** is defined by the Association of Certified Fraud Examiners as the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization's resources or assets. There are three major categories of occupational fraud.

- **Asset Misappropriations** – Theft or misuse of an organization's assets.
  - Cash
    - Fraudulent Disbursements – Perpetrator causes organization to disburse funds through some trick or device (e.g. submitting false invoices/time card/sheets, expense reimbursement schemes, check tampering, etc.)
    - Skimming – Cash is stolen from an organization before it is recorded on the organization's books and records.
    - Cash Larceny – Cash is stolen from an organization after it has been recorded on the organization's books and records.
  - Inventory and all other assets
    - Misuse – Misuse of an organization's inventory or assets for personal use (e.g. vehicles, computers, supplies, etc.)

- Larceny – Inventory or other assets are stolen from an organization.
- **Corruption** – Wrongfully use influence in a business transaction in order to procure some benefit for themselves or another person, contrary to duty to employer or the rights of another.
  - Conflicts of Interest – An undisclosed economic or personal interest in a transaction that adversely affects the employer.
  - Bribery – The offering, giving, receiving, or soliciting of anything of value to influence an official act or business decision.
  - Illegal Gratuities – A party who benefits from an official act or a business decision gives a gift to a person who made the decision. An illegal gratuity does not require proof of an intent to influence.
  - Economic Extortion – An employee demands that a vendor/contractor/etc. pay to influence an official act or a business decision.
- **Fraudulent Statements** – Falsification of an organization's financial statements.

**Other similar irregularities** are defined as any activity involving questionable behavior or business dealings by members of the public, contractors, vendors, agents or government employees, that put government revenue, property, information and other assets at risk of waste or abuse.

## **APPLICABILITY**

This policy applies to all Elected Officials and employees of the Town of Groveland as well as any business or individual doing business with the government.

## **GENERAL POLICY AND RESPONSIBILITY**

1. It is the government's intent to fully investigate any suspected acts of fraud or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship with the government of any party who might be or becomes involved in or becomes/is the subject of such investigation.
2. Each Elected Official, Department Director, Commissioner and Manager is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of

responsibility and be alert for any indications of such conduct.

3. The Office of the Town Administrator has the primary responsibility for the investigation of all activity defined in this policy. The Town Administrator will notify the Select Board of a reported allegation of fraudulent or irregular conduct upon the commencement of the investigation to the extent practical. Throughout the investigation the Select Board will be informed of pertinent investigative findings.
4. In all circumstance where there are reasonable grounds to indicate that a fraud may have occurred, the Town Administrator, subject to the advice of the Select Board, will contact the office of the District Attorney and/or the Town of Groveland Police.
5. Upon conclusion of the investigation, the results will be reported to the members of the Select Board, and others as determined necessary.
6. The Town Administrator will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the Town's losses from the offender, or other appropriate source.

## **PROCEDURES**

### **1. All Employees**

Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that their supervisor may be involved or does not feel comfortable reporting the occurrence to their supervisor, the employee shall immediately notify the Town Administrator.

Employees have a duty to cooperate during an investigation.

Employees who knowingly make false allegations will be subject to discipline and possible termination of employment.

### **2. Town management Elected Officials**

Upon notification from an employee of suspected fraud, or if management has reason to suspect that a fraud has occurred, they shall immediately notify the Town Administrator.

### **3. Office of the Town Administrator**

Upon notification or discovery of a suspected fraud, the Town Administrator will promptly investigate the suspected fraud. In all circumstances, where there are reasonable grounds to indicate that a fraud may have occurred, the Town Administrator will inform the Select Board. Subject to the advice of the Select Board, the Town Administrator will contact the Office of the District Attorney and/or the Town of Groveland Police.

#### 4. Contacts/Protocols

After an initial review and a determination that the suspected fraud warrants additional investigation, the Town Administrator will notify the Select Board. The Town Administrator will coordinate the investigation with the Select Board and appropriate law enforcement officials.

#### 5. Security of Evidence

Once a suspected fraud is reported, the Town Administrator, in consultation with the Select Board, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the Town Administrator obtains the records to begin the audit investigation.

#### 6. Personnel Actions

If a suspicion of fraud is substantiated by the investigation, disciplinary action shall be taken by the Appointing Authority, in consultation with the Department of Personnel, the Town Administrator, and the Select Board.

#### 7. Whistle-Blower Protection

Under Massachusetts General Law Chapter 149, paragraphs 148A, 185 and 187, no employer or person acting on behalf of an employer shall:

- Dismiss or threaten to dismiss an employee
- Discipline or suspend, or threaten to discipline or suspend, an employee Impose any penalty upon an employee; or
- Intimidate or coerce an employee

because the employee has acted in accordance with the requirements of this

policy. The violation of this section will result in discipline up to and including dismissal in accordance with the applicable federal, state, and local administrative laws.

#### 8. Media Issues

Any Town employee or elected official contacted by the media with respect to an audit investigation shall refer the media to the Town Administrator or the Public Information Officer. The alleged fraud or audit investigation shall not be discussed with the media by any person other than the Town Administrator.

If the Town Administrator is contacted by the media regarding an alleged fraud or audit investigation, they will consult the Select Board, before responding to a media request.

Neither the Town Administrator nor the Select Board will discuss the details of any ongoing fraud investigation with the media that may compromise the integrity of the investigation.

#### 9. Documentation

At the conclusion of the investigation, the results will be reported to the members of the Select Board, and others as determined necessary. If the report concludes that the allegations are founded, the report will be forwarded to the Office of the District Attorney and/or the Town of Groveland Police.

#### 10. Completion of the Investigation

Upon completion of the investigation, including all legal and personnel action, any records, documents and other evidentiary material will be returned by the Town Administrator to the appropriate department.

#### 11. Training

New employees are trained at the time of hiring about the Town's Code of Conduct and Fraud Policy. This training explicitly covers expectations of all employees regarding:

- (1) Their duty to communicate certain matters;
- (2) A list of the types of matters, including actual or suspected fraud, to be communicated along with specific examples;  
and
- (3) Information on how to communicate those matters.



## WHISTLEBLOWER

### GENERAL

The Town of Groveland requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Town of Groveland, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

### REPORTING RESPONSIBILITY

It is the responsibility of all employees to report violations or suspected fraud, including questionable accounting or auditing practices in accordance with this Whistleblower Policy.

### NO RETALIATION

No employee who in good faith reports a violation shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Town prior to seeking resolution outside the Town.

### REPORTING VIOLATIONS

The Town of Groveland has an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with someone in the Finance Department or anyone in management whom you are comfortable approaching. Supervisors and managers are required to report suspected violations or fraud to the Town Accountant. For suspected fraud, or when you are not satisfied, or uncomfortable with following the Town's open door policy, individuals should contact the Town's independent audit firm directly.

### FINANCE DEPARTMENT

The Town Accountant is responsible for investigating and resolving all reported complaints and allegations concerning potential instances of fraud or abuse and

questionable accounting or auditing practices. At their discretion, they shall advise the Town Administrator, who has direct access to the Town 's independent audit firm and is required to report to the auditor any fraud, abuse, or questionable practices.

#### **ACCOUNTING AND AUDITING MATTERS**

The Town Accountant shall address all reported concerns or complaints regarding auditing practices, internal controls, or auditing. The Town Accountant shall immediately notify the independent auditor for the town regarding any such complaint, and work with them until the matter is resolved.

#### **ACTING IN GOOD FAITH**

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

#### **CONFIDENTIALITY**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

#### **HANDLING OF REPORTED VIOLATIONS**

The Town Accountant will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

#### **CONTACTS**

**Town Accountant      978-556-7203**

**Audit Firm              617-807-5454**

**Town Administrator   978-556-7204**

## DISCIPLINARY ACTIONS

### PURPOSE

The purpose of this policy is to ensure that:

- Employees meet The Town's legitimate expectations in the areas of performance, behavior, and adherence to all Town policies;
- Employees whose performance or behavior is deficient are provided with the necessary assistance and motivation to meet The Town's expectations; and
- Disciplinary action initiated against an employee is fair and appropriate.

### GENERAL DISCIPLINE POLICY

The Town's disciplinary policy is one of progressive discipline. However, nothing herein shall be construed to limit The Town's right to impose discipline of any degree, up to and including termination, in a particular case without regard to the existence or non-existence of prior disciplinary action.

Employees who have not been appointed to a specific term of office are on an indefinite appointment and, as such, are considered at-will employees who may be terminated at any time for any reason, so long as it is not unlawful.

Discipline such as verbal and written reprimands shall be within the discretion of the department head and Town Administrator Suspension without pay, other disciplinary action and termination are within the discretion of the appointing authority.

Nothing in this policy shall override rights and processes set forth in collective bargaining agreements or the Mass. Civil Service Law.

### DISCIPLINE POLICY PROVISIONS

During the course of performing their duties, all Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon The Town or is harmful to the interests of the Town. 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 other employees.

The Town expects its employees to perform their jobs and conduct themselves in a manner consistent with Town standards and policies. However, when violations or problems occur, disciplinary action may result. Commission of any of the following acts by an employee while performing Town duties may result in disciplinary action up to and including termination:

- Violation of any Town policy;

- Violation of federal, state or local law or regulation;
- Misrepresentation, falsification, or omission on the employment application or resume or other information on which hiring decisions was based;
- Falsification of records, including signing in or out for another employee or allowing another employee to sign in or out for you;
- Engaging in fraud;
- Failure to perform job assignments satisfactorily and efficiently;
- Engaging in unprofessional conduct, including comments;
- Failure to follow safety rules or to report unsafe actions or conditions;
- Unexcused absences;
- Excessive or patterned absenteeism or lateness;
- Revealing or making available any information of a confidential nature to any person not authorized or entitled to receive it;
- Stealing, theft or misappropriation of citizen, employee, or Town property; unauthorized removal of any of the above;
- Misuse or destruction or damage of the property of The Town, any employee or citizen;
- Malingering, loitering, or sleeping on the job;
- Reporting for duty impaired by alcohol or drugs, including prescription drugs;
- Possessing alcohol or unlawful or illegal drugs or prescription while on Town property or vehicles
- Engaging in behavior that could violate the Sexual Harassment policy pr Equal Opportunity Policies;
- Gambling while on duty or on Town premises;
- Possession of any type weapon or explosive not required by duties;
- Provoking or instigating a fight with another employee or any other person during working hours or on Town property;
- Insubordination;
- Bullying of other employees or other persons
- Engaging in discriminatory conduct;
- Conduct contrary to the best interest of The Town, its residents, or employees while on or off duty.

## GRIEVANCE PROCEDURE

### PURPOSE

The grievance procedure shall be available to employees of the Town to permit the prompt and equitable disposition of any grievances. Grievances, for the purpose of this section, shall mean any dispute between an employee and the employee's supervisor(s) arising out of an exercise of administrative discretion by such supervisor(s). This policy is not intended to supersede or contradict any grievance rights pursuant to a collective bargaining agreement.

### EXCLUSIONS

Examples of non-grievable issues include:

- Establishment or revision of wage and salary tables, position classifications, and general benefits accorded to employees
- Work activity accepted by the employee as a condition of employment
- Statutes or established personnel policies, procedures, rules, and regulations
- Failure to promote, except where the employee can show that established promotional policies or procedures were not followed or applied fairly
- The methods, means, scheduling, and staffing by which work activities are to be carried out
- Discharge, demotion, layoff, or suspension from duties because of lack of work, reduction in the work force or job elimination
- Voluntary resignation, demotion, or transfer

### MANAGEMENT RIGHTS

Nothing in this procedure is intended to circumscribe or modify the existing rights of the Town to do the following:

- Direct the work of its employees
- Hire, promote, transfer non-punitively, assign, and retain employees in positions within the department
- Demote or dismiss employees
- Maintain the efficiency of governmental operations
- Relieve employees from duties because of lack of work or for other legitimate reasons
- Take actions as may be necessary to carry out the duties of an agency in emergencies
- Determine the methods, means, and staffing by which operations are to be carried out
- Assign job classifications to pay ranges

### EXCLUDED EMPLOYEES

Employees with probationary, temporary, and part-time without benefits appointments may not use the grievance procedure to appeal suspension, demotions, dismissals, or other disciplinary actions or decisions regarding the continuation of their employment status.

## **GRIEVANCE PROCEDURE**

The grievance procedure shall consist of the following steps:

### **A. Step 1.**

The aggrieved employee shall meet and take up the grievance or dispute in writing with the Department Head within five (5) working days of the date of the grievance or the employee's knowledge of its occurrence. The Department Head shall attempt to adjust the matter and shall respond to the employee, in writing, within five (5) working days.

### **B. Step 2.**

If the grievance remains unsettled, it shall be presented to the Town Administrator. The appeal shall be submitted, in writing, to the Town Administrator within five (5) working days after the response of the Department Head is received. The Town Administrator shall meet with the aggrieved and/or their representative. The Town Administrator shall respond, in writing, within ten (10) working days of the presentation of the grievance. The decision of Town Administrator shall be final.

## ANTI-DISCRIMINATION AND HARASSMENT

### PURPOSE

This Policy describes The Town's prohibition of unlawful discrimination and harassment in the workplace, in order to ensure compliance with all applicable federal laws and state statutes and regulations.

### APPLICATION

The Policy applies to all employees, excluding those employees under the supervision and control of the School Committee and/or Superintendent. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

### POLICY

It is the Policy of the Town to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related condition, genetic information, military service, veteran status or other bases prohibited under state or federal anti-discrimination statutes, will not be tolerated. Prohibitions on discrimination based upon race include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles. To achieve the goal of providing a workplace free from discrimination, the Town will implement the procedure described below to address any potentially inappropriate conduct.

#### 1. Coverage

This Policy applies to all employment practices and employment programs sponsored by the Town. This Policy shall apply, but not be limited, to the areas of:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion
- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment.

This Policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including but not limited to, online conduct or conduct

utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Town takes allegations of unlawful discrimination and harassment seriously, officials will respond promptly to complaints and, where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct, and impose such corrective action as is necessary, including disciplinary action where appropriate. Please note that while this Policy sets forth Town goals of promoting a workplace that is free of discrimination and 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 legal definitions of discrimination or harassment.

## 2. Examples of Prohibited Discriminatory Behavior

It is not possible to list all the circumstances that may constitute discrimination in violation of this Policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures; and any conduct constituting sexual harassment.

## 3. Definition of Sexual Harassment

*Sexual Harassment* – That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:

- 1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or



- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

*Hostile Work Environment* – A form of sexual harassment, where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do their job.

*Quid Pro Quo* – Another form of sexual harassment, where tangible job benefits are offered or withheld in exchange for sexual favors.

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

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

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

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

## **PROCEDURES**

### **A. Complaints of Sexual Harassment**

If an employee believes that the employee has been subjected to sexual harassment, it is the Town's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing. An employee may file a complaint of sexual harassment by contacting the Town Administrator unless the subject of the complaint is the Town Administrator. In such cases, the employee may file a complaint with the Police Chief

Alternatively, an employee may file a complaint with the Police Chief unless the subject of the complaint is the Police Chief in which case the complaint should be filed with the Town Administrator. These persons will remain available to discuss any concerns employees may have and to provide information about the Policy on sexual harassment and the complaint process.

#### B. Sexual Harassment Investigation

When a complaint of sexual harassment is received, the Town will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with any witnesses. The Town will also interview the person alleged to have committed sexual harassment. When the investigation has concluded, the City/Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct and, where appropriate, impose disciplinary action.

#### C. Complaints Concerning Other Forms of Discrimination and/or Harassment

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Paragraphs 1 and 2, above, whenever appropriate.

#### D. Confidentiality

Given the sensitive nature of complaints of discrimination and/or harassment, all parties, and witnesses in a complaint, as well as department heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. All employees are reminded of the provisions of the Conflict of Interest Law, particularly G.L. c.268A, § 23(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the Public Records Law and acquired by an employee or official in the course of official duties. General Laws c.268A, §23 also prohibits a municipal employee or official from using such information to further the employee's/official's personal interest. Violations of this statute may lead to disciplinary action, up to and including termination.

#### E. Retaliation

Any retaliation against an individual who has formally or informally complained about discrimination, including harassment, or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

### **SANCTIONS**

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions may include counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

### **STATE AND FEDERAL REMEDIES**

In addition to the above, if an employee believes that the employee has been subjected to sexual harassment, the employee may file a formal complaint with either or both government agencies listed below. Using the Town's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).

#### **1. The United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000 TTY: (800) 669-6820

#### **2. The Massachusetts Commission Against Discrimination (MCAD)**

Boston Office  
One Ashburton Place Sixth Floor,  
Room 601 Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

Worcester Office  
Denholm Building  
484 Main Street, Suite 320  
Worcester, MA 01604  
(508) 453-9630

Springfield Office  
436 Dwight Street Second Floor,  
Room 220  
Springfield, MA 01103  
(413) 739-2145

New Bedford Office  
Demello International Center  
128 Union Street, Suite 206  
New Bedford, MA 02740  
(774) 510-5801

## PREGNANT WORKERS FAIRNESS ACT

### INTRODUCTION

The Pregnant Workers Fairness Act ("the Act") amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). This law became effective April 1, 2018.

### PURPOSE AND SCOPE

The purpose of this policy is to provide notice to all employees of their right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodation for conditions related to pregnancy. The Town does not discriminate on the basis of pregnancy and pregnancy-related conditions. This policy applies to all Town employees.

### GENERAL POLICY REGARDING PREGNANCY AND PREGNANCY RELATED CONDITIONS

The Pregnant Workers Fairness Act makes it unlawful for an employer in Massachusetts to discriminate against an employee due to pregnancy or a condition related to pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. The law updates MGL Chapter 7 57 B, the Massachusetts anti-discrimination law to include these new provisions.

The Act expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

### APPLICATION OF THE PREGNANT WORKERS FAIRNESS ACT ("THE ACT")

The Town will:

1. Upon request for accommodation, communicate with the employee to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it will be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the Town;
2. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the Town significant difficulty or expense;
3. Will not require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the

employee to perform the essential functions of the job without undue hardship to the Town;

4. Will not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
5. Will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
6. Will not require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food, or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non- bathroom space for expressing breast milk. The Town may, however, request medical documentation for other accommodations.

## **REPORTING PROCEDURES**

The Town is committed to maintaining a productive work environment free from discrimination. If you believe that you, as an employee, have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the Town. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Town Administrator. In addition, the Board and your manager are also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

When the Town receives the complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. When the investigation is completed, the Town, to the extent appropriate, will inform the person filing the complaint of the results of the investigation.

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such action may range from counselling to termination from employment and may include such other forms of disciplinary action as it deems appropriate under the circumstances

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

United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building

Government Center  
Room 475  
Boston, MA 02203  
800-669-4000

Massachusetts Commission Against Discrimination (MCAD)

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

Worcester Office:  
484 Main Street, Rm 320  
Worcester, MA 01608  
(508) 453-9630

### **ACKNOWLEDGEMENT**

Massachusetts employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodation for conditions related to pregnancy. Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy-related condition. The attached acknowledgement form is provided to ensure compliance.

### **The PUMP Act for Nursing Mothers**

The Federal Providing Urgent Maternal Protection for Nursing Mothers Act (the 'PUMP Act'), an amendment to the Fair Labor Standards Act, requires most employers to provide employees the right to take reasonable break time to express breast milk for their nursing child for one year after the birth of the child. The frequency and duration of such breaks will depend on the employee in each case. The law applies to employees who are teleworking. Employers must also provide a private space, other than a bathroom, to employees for the required lactation breaks. The room must be shielded from view and not subject to intrusion.

If an employee is not completely relieved of work duties, the time used to express breast milk must be paid. If an employer provides paid breaks, an employee who expresses milk during a break must be paid in the same way as other employees who are paid for break time.

## SOCIAL MEDIA

### I. PURPOSE AND SCOPE

The Town recognizes the importance of online social media networks as a communication tool. The use of social media presents certain risks and carries with it certain responsibilities. Social Media, while a relatively new form of activity, does not change the law or expectations around public service. The Town recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Town in promoting accountability, responsible and mature judgment, and the efficiency of the public services it performs through its employees and officials. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

To that end, this policy establishes guidelines for employees' personal use of social media (Section II) and for the official use of social media by Town employees and officials for government-related purposes (Section III).

The Policy applies to all employees, officers, and officials (elected and appointed) of the Town. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

This Policy is to be read in conjunction with all other applicable policies and rules of the Town, including but not limited to the Town's Personnel Policies and Procedures. It may be amended from time to time and may be supplemented with additional administrative procedures and rules as may be issued.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, union activities).

#### A. Definitions

The following definitions apply for the purposes of this Policy.

1. "Social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.
2. "Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such

as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.

3. A “social media identity” is a specific user identity or account that has been registered on a third-party social media site.
4. A “blog” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
5. A “moderator” is an authorized Town official (appointed or elected) or employee, who reviews, authorizes, and allows content submitted by Town officials, employees, and public commentators to be posted to the Town social media site or sites.
6. “Town Systems” are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, “smartphone”/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.
7. “Town social media site” is any official social media site established by or for a Town department, with the authorization of the Town Administrator.

## **II. GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA**

All employees and officials are responsible for what they post online. Through this Policy, the Town is not intending to act as “thought police” or otherwise unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of Town government to function efficiently and effectively cannot be ignored. Any conduct that exposes the Town to legal liability may result in disciplinary action up to and including termination.

### **A. Required Conduct**

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, all personal posts on any social media site shall contain an express statement that “The postings on this site are my own and do not represent the views, positions or opinions of the Town” or similar disclaimer. Employees and officials should not, except as authorized by their supervisor or board, represent themselves as a spokesperson for the Town.
2. Employees and officials should be mindful that social media activity that violates any of the Town’s policies may result in disciplinary action, up to and including



termination. Such policies include, but are not limited to, the Town's Information Technology Resources Use Policy, Anti-Harassment and Discrimination Policy as well as the Personnel Policies and Procedures.

3. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public's perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.

#### B. Prohibited Conduct

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. No personal posts shall be made during work time.
3. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
4. Per G.L. c. 268, §35, no employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Administrator.
5. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
6. Do not post internal reports, draft policies, procedures, or other internal confidential communications or documents. Employees shall maintain the confidentiality of the Town's procedures for the development of policy and other such data exempt from the Public Records Law. The state's Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, s/he should contact the Town Clerk.

7. Do not post information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information and any other personal medical information, information concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.
8. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that “The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town.”
9. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission’s jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction and may constitute improper deliberation among the members of a board or committee.

#### C. Permitted Conduct

1. Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town-sponsored events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per Section II.A. (1) and Section III.A (14) of this policy.
2. The Town respects the rights of employees under the National Labor Relations Act and the Massachusetts Chapter 150E and in no way seeks to impermissibly restrict or retrain conduct protected by these Acts and laws through the policies herein.

### **III. USE OF SOCIAL MEDIA SITES FOR OFFICIAL PURPOSES**

The Town permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of the department’s goals and objectives. Town officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town business. Social media sites facilitate

further discussion of Town government business, operations, and services by providing members of the public the opportunity to participate in many ways using the Internet.

The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town purposes, as well as explanatory guidance.

A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites

1. All Town social media sites shall be:
  - a) approved by the Town Administrator with a documented letter of approval; and
  - b) published using a social media platform and tools approved by the Information Technology ("IT") Department.
2. Posting for the Town on such sites shall only be performed by the Town Administrator or his/her designee(s).
3. Subject to prior approval of the Town Administrator, departments have the option of allowing employees to participate in existing social media sites as part of their job duties or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state and federal laws, regulations, and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.
5. Because the Public Records Law applies to social media content, all posts, once made, may not be deleted or amended, except to correct typographical errors, and a record shall be kept of any such modifications.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town Internet site for forms, documents, and other information.
7. All Town social media sites shall clearly indicate that they are maintained by the Town and shall have the Town contact information prominently displayed, and, if possible, the Town Seal.

8. Town social media content shall not contain the following:
  - a) Profane, obscene, or vulgar language or content;
  - b) Comments or content that are denigrating, threatening, insulting, bullying, or harassing;
  - c) Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, genetic information, active military status, or any other status protected by state or federal law;
  - d) Sexual content or links to sexual content;
  - e) Conduct or encouragement of illegal activity;
  - f) Information that may tend to compromise the safety or security of the public or public systems;
  - g) Content that violates a legal ownership interest of any other party;
  - h) Protected health information;
  - i) Personnel data; or
  - j) Other information that is not public record or is otherwise privileged from public disclosure.
9. All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.
10. To the extent applicable, the Town's IT security policies shall apply to all social media sites and articles.
11. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.
12. No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers, or other stakeholders. Employees may not engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.
13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

B. Employee Use of Official Town Social Media Sites

The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

1. Information Technology Resources Use Policy. All employees are responsible for understanding and complying with the Town's Electronic Communications and Computer Usage Policy.
2. First-Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e., subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.
3. Copyright Law. Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography, and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.
4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of G.L. c. 268A.
5. Protected Confidential Information. Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Administrator. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Administrator or relevant Department Head, for instance, where public comment or input is being solicited.
6. Carefully Consider Content. Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream

media, and therefore, consideration needs to be exercised to use social media in a way that benefits both the Town and the public.

7. **Handling Negative Comments.** Town Employees and Officials shall only post factual information as it relates to a Town-related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:
  - a) Provide accurate information in the spirit of being helpful;
  - b) Remain respectful; and
  - c) Notify the moderator to address the matter prior to any escalation.
8. **Respect the Audience and Town Employees and Officials.** Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.
9. **Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission.** All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of the public. What is published on Town social media sites reflects on the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:
  - a) Helping Town employees and officials perform their jobs better;
  - b) Informing citizens about government services and how to access them;
  - c) Making government operations transparent and accessible to the public;
  - d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
  - e) Encouraging civic engagement.
10. **Mistakes.** The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:
  - a) Strike through the error and correct; or

- b) Create a new post with the correct information, and link to it from the post that is being corrected or clarified.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

- 11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.
- 12. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and therefore constitute Public Records. Officials must ensure that the Town or department retains a copy of the social media content in accordance with applicable Public Records Retention Schedules and in accordance with the Public Records Law.

#### **IV. MEDIA CONTACTS**

Oftentimes, presence on social media can lead to inquiries from the press or media. Employees may not speak to the media on the Town's behalf, unless specifically authorized by the Town Administrator. All media inquiries shall be directed to the Town Administrator's Office.

#### **V. RETALIATION PROHIBITED**

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

#### **VI. ADDITIONAL INFORMATION**

If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Administrator's Office

## ACCEPTABLE TECHNOLOGY USE

Town employees have access to the use of information technology resources provided by the town. These information technology resources (ITRs) include computers, printers and devices, programs, data, the local area network, email, and internet access. Anyone with questions about this policy should seek clarification from the Human Resources Department.

Use of Town ITRs by any employee shall constitute acceptance of the terms of this policy and any such additional policies. It is the responsibility of any person using Town ITRs to read, understand, and follow this policy. All employees who use office computers or access town email or servers via personal devices (home computers/phones/tablets), etc. are required to complete one-time, online training. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of ITRs. Failure to observe this policy may subject individuals to disciplinary action, including termination of employment.

### ACCEPTABLE USES

- Town ITRs are intended for and should be used for Town business only.
- Employees are encouraged to use provided ITRs in support of Town goals and objectives.
- Incidental personal use is permitted, provided it does not conflict with the security guidelines of this policy, interfere with workstation or network performance, or result in employee productivity loss. Notwithstanding the above, employees may not use Town resources, including its technology, to further their own financial interests or conduct private business.
- Network accounts are to be used by the authorized account owner for the authorized purpose.
- Applications and computers are to be logged off at the end of the business day.

### UNACCEPTABLE USES

- Perpetrating an illegal or improper act, including violation of any criminal or civil laws or regulations, whether state or federal, or the Town's bylaws, rules, regulations or policies
- Use for political purpose
- Use for commercial purpose
- Sending threatening or harassing messages, whether sexual or otherwise
- Accessing or sharing sexually explicit, obscene, or otherwise inappropriate materials or infringing upon any intellectual property rights
- Gaining, or attempting to gain, unauthorized access to any computer or network
- Uses that cause interference with or disruption of Town ITRs, including propagation of computer viruses or other harmful programs
- Intercepting communications intended for other persons



- Misrepresenting either the Town or a person's role at the Town
- Distributing chain letters
- Accessing inappropriate sites including adult content, online gambling, or dating sites
- Libeling or otherwise defaming any person
- Installing software or hardware not approved by ITD

## **DATA CONFIDENTIALITY**

In the course of performing their jobs, Town employees often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for employees to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees disseminate any confidential information that they have access to unless such dissemination is required by their jobs.

### **Software/Copyright Protection**

Computer programs are valuable intellectual property. Software publishers are entitled to protect their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.

## **NETWORK SECURITY**

Most desktop computers are connected to the Town's local area network. It is critically important that users take particular care to avoid compromising its security. All network user accounts require strong password authentication, and all passwords must be established according to rules promulgated by ITD. Users should never share their passwords with anyone else and should promptly notify ITD personnel if they suspect their passwords have been compromised. In addition, users who will be leaving their PCs unattended for extended periods should either log off the network or have a password-protected screen saver in operation. Finally, no user is allowed to access external networks or Internet-based file sharing services unless they have received specific permission from ITD.

## **COMPUTER VIRUSES**

The Town implements a number of industry standard measures to ensure the security of the Town's local area network (blocked internet sites, filtering of incoming/outgoing email, etc.), but users should still exercise reasonable precautions to prevent the introduction of computer viruses.

## **EMAIL**

When using email, there are several points users should consider. First, because email addresses identify the organization that sent the message, users should consider email

messages to be the equivalent of letters sent on official letterhead. For the same reason, users should ensure that all emails are written in a professional and courteous tone. Second, although many users regard email as being similar to a telephone in offering a quick, informal way to communicate, users should remember that emails can be stored, copied, printed, or forwarded by recipients. As such, users should not write anything in an email message that they would not put into a memorandum. Finally, users should understand that all email created or received by a Town employee is a public record and may be subject to public access and disclosure through the provisions of the MA Public Records Law, MGL c.66 §10.

## **WIRELESS ACCESS**

The Town provides wireless access for Town staff for use with town devices. A guest wireless system is provided for staff personal use and for vendors and other visitors to the Town Hall.

Remote Access to Town ITRs -- Users must request written permission to use webmail or VPN access from the ITD.

## **NO EXPECTATION OF PRIVACY**

Town ITRs are the property of the Town and are to be used in conformance with this policy. The Town retains control over the efficient and proper operation of the workplace, reserves the right to monitor, access, review, copy, store, or delete any electronic communications without prior notice, including personal messages, from any system for any purpose and to disclose them to others, as it deems appropriate. Users should be aware that ITD, to ensure proper network operations, routinely monitors network traffic. Use of Town ITRs constitutes express consent for the Town to monitor and/or inspect any data that users create or receive, any messages they send or receive, and any web sites that they access.

The Town retains ownership of all resources, materials, documents, and files stored, maintained, deleted, modified, received, sent, or otherwise accessible via the ITRs unless otherwise copyrighted, trademarked, or agreed to by the Town Administrator.

## **“BRING YOUR OWN DEVICE” (BYOD) PROGRAM**

With permission from their respective department head this program permits use of personally owned smart phones and/or tablets (“personal devices”) by Town employees to access Town network resources. Access to and continued use of Town network services is granted with permission from their respective department heads, and on condition that each user reads, understands, and follows this policy concerning the use of these devices and services.

Requirements for all BYODs Accessing Town Network Services - The ITD establishes rules of behavior that may vary depending on the type of device or operating system configuration. Users:

- will not download or transfer sensitive business data to their personal devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a charge/complaint/case, proprietary information, or Town financial operations.

- agree a complex network password is to be used to access email and network resources will maintain the original personal device operating system and keep it current with security patches and updates, as released by the manufacturer.
- will not “jail break” the personal device (installing software that allows the user to bypass standard built-in security features and controls).
- agree to not share the personal device and network accounts with other individuals or family members, due to the business use of the device (access to Town email and network resources).
- will delete any sensitive business files that may be inadvertently downloaded and stored on the personal device through the normal process of viewing email attachments.
- will immediately notify ITD if the personal device is lost or stolen, at which point ITD will change the user’s complex network password.

Expectation of Privacy - ITD personnel respect the privacy of your personal device and will only request access to the device to assist with implementation of security controls, or to respond to legitimate discovery requests arising out of administrative, civil, or criminal proceedings. While usage of the personal device itself is both personal and business, the Town’s ITR Policy regarding the use/access of Town email and other Town system/network services remains in effect.

Unless otherwise arranged, employees will not be reimbursed for costs associated with using a personal device for work-related purposes.

## RESIGNATION

Employment with the Town has no specified term or length. Employees are free to resign at any time, and the Town reserves the right to terminate employment for any reason permissible by law. All employees, except contract employees, are considered employees at will.

At the time of separation, all records, assets, or other items of Town property in the employee's custody shall be transferred to the appropriate department or official. Employees who separate from the Town service shall receive payment for all earned salary and accumulated vacation leave, and if applicable, a portion of accrued sick leave subject to appropriate deductions and any indebtedness in accordance with the Massachusetts Wage Act.

*Unemployment Compensation* - The Town must pay the cost established by the Commonwealth of Massachusetts to provide unemployment compensation for its employees.

*Civil Service Law and Collective Bargaining Agreements* - The rights and procedures granted under a relevant collective bargaining agreement and/or the Massachusetts Civil Service Law will take precedence over any conflicting policies described herein.

## EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program is a CONFIDENTIAL counseling and referral service providing professional help for Work/Life problems, large and small. All employees and members of their household are entitled to call for services 24 hours a day. Caring staff consists of licensed professional counselors with a wide range of experience. Call their national, toll-free number: (800) 451-1834. More detailed information is also available online: [www.allonehealth.com/MIIEAP](http://www.allonehealth.com/MIIEAP).

## AMERICAN WITH DISABILITY ACT (ADA) STATEMENT

The Town fully supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of disability. No applicant or employee shall receive less favorable treatment because of disability.

The Town will provide reasonable accommodation(s) to an employee or job applicant with a disability, unless doing so would cause an undue hardship. This accommodation may include a change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

In addition, the Town complies with the provisions of G.L. c. 151B, §1E, requiring certain reasonable accommodation for an employee's pregnancy or pregnancy-related condition.

An employee or applicant with a disability may request a reasonable accommodation, verbally or in writing, at any time during the application process or during the period of employment. A reasonable accommodation should be requested when the employee knows that there is a workplace barrier that is preventing they/them, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment.

Employees seeking reasonable accommodations may submit their request in writing to Samuel Joslin, ADA Compliance Officer [SJoslin@grovelandma.com](mailto:SJoslin@grovelandma.com) (978)556-7209.

The ADA Compliance Officer and the employee with a disability will engage in an informal, interactive process to clarify individual needs and identify the appropriate reasonable accommodation, requesting reasonable and relevant information and documentation or requiring a medical examination, as necessary.

If you believe you have been discriminated against on the basis of disability, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

## HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPPA)

The Town will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town shall limit the use of and access to Protected Health Information which is held by the Town or its lawful agents. Protected Health Information is any written, oral, or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical, and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.

### COMPLIANCE

#### A. Responsibility of Privacy Contact

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

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

### ACCESS TO EMPLOYEE PROTECTED HEALTH INFORMATION

Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.

## **USE OF EMPLOYEE PROTECTED HEALTH INFORMATION**

As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

## **INFORMATION NOT PROTECTED**

Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers' compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

## **RELEASE OF PROTECTED HEALTH INFORMATION**

Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.

## **MAINTAINING PROTECTED HEALTH INFORMATION**

The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party Coordinator, ambulance billing company, fully insured plan providers, legal counsel, actuaries, and consultants) must enter into a business associate agreement with the Town committing to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

## **GRIEVANCE PROCEDURE**

Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. What unauthorized protected health information was released;
2. Who received the protected health information and/or is knowledgeable of the protected health information;
3. When was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information; and



4. What was the result of the release of the unauthorized protected health information?

The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting, the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of the Town management and, if necessary, legal counsel. The Privacy Contact will provide a written report of they/them findings and recommended action, if warranted, to the Town Administrator and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Contact is unable to conduct this meeting and/or investigation the Town Administrator shall appoint an alternate senior manager to perform these duties.

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

**VIOLATION OF POLICY**

The Town will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination.

## BENEFITS, LEAVES AND ELIGIBILITY

### RETIREMENT SYSTEM

Any permanent employee who works 20 or more hours per week and who receives at least \$5,000 in wages shall be required to join the Essex Regional Retirement System. Massachusetts is one of only six states for which public employees do not participate in Social Security.

#### Contribution Rates

Your pension contributions are made through a payroll deduction. The contribution rates are different based on the date you became a member of a public retirement system. The pension contribution rates are based on the following dates of membership:

- If you became a member before 1975 your contribution rate is 5%
- If you became a member between 1975 - 1983 your contribution rate is 7%
- If you became a member between 1984 - June 30, 1996 your contribution rate is 8%
- If you became a member after July 1, 1996 to present your contribution rate is 9%

Additionally, if your employment date in a public entity subject to Massachusetts General Law Chapter 32 is after January 1, 1979, you also must contribute 2% of your annual pensionable income earned over \$30,000. Please note that your employment date may differ from your membership date and that it is your employment date that determines whether the additional 2% will be withheld from your regular compensation over \$30,000. You should also be aware that the Pension Reform Act of 2011 establishes a new contribution rate for Group 1 members who become members of a public retirement system on or after April 2, 2012. The contribution rate of these members will be reduced to 6% when the 30 years of creditable service is attained. The new contribution rate applies to those who become members on or after April 2, 2012. Additionally, if a member who has terminated and taken a refund of their accumulated total deductions later becomes a member of a public retirement system, they are subject to all of the rights and responsibilities of Massachusetts General Law, Chapter 32 as of the date that the individual returns to membership.

Contribution rates and eligibility are further defined within [M.G.L. c.32](#).

Employees not required or eligible to contribute to the Retirement System must contribute to an Omnibus Budget Reconciliation Act (OBRA) account.

### MEDICAL INSURANCE

#### **BASIC LIFE INSURANCE**

All employees who work at least (20) hours each week continually throughout the year, and occupy positions classified as permanent are eligible for the basic life insurance coverage in the amount of \$10,000.00. At the time of appointment to a position that meets the above criteria, the employee must report to the Treasurer's Office to receive additional information and to complete the required paperwork.

If an employee elects not to subscribe to the life insurance coverage, they must sign a waiver indicating that they do not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, they must wait until the open enrollment period at the anniversary date of the policy, and meet the requirements as set forth by the insurance carrier. The Town shall contribute 50% of the premium for the basic coverage, and the employee shall contribute 50% of the premium.

## **HEALTH INSURANCE**

All employees who work at least twenty (20) hours each week regularly and continually throughout the year or who are officially retired from the Town are eligible for medical insurance. Eligibility is in accordance with these policies, M.G.L. c.32b and various federal laws. Both individual and family plans are available to employees. At the time of appointment to a position that meets the above criteria, the employee should report to the Treasurer/Collector's Office to receive additional information and to complete the required paperwork. If an employee elects not to subscribe to the medical health insurance coverage, they must sign a waiver indicating that they do not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, they must wait until the open enrollment period at the anniversary date of the policy, and/or meet the requirements as set forth by the insurance carrier.

The Town shall contribute 75% of the premium for health insurance coverage for its active employees, its officially retired employees, their spouses and dependents. The employee/retiree shall contribute 25% of the premium.

It is the employee's responsibility to notify the Benefits Coordinator in the Treasurer/Collector's Office of any qualifying event that would affect the employee's insurance coverage (i.e., divorce, dependent child reaching maximum age for coverage under the parent's plan, change in individual or family coverage, planned retirement, or termination). Continued medical insurance coverage is available when an employee or their dependents' status changes (COBRA).

## **COBRA**

The Town complies with COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985. This provides temporary continuation of health insurance coverage for former employees. Governed by Title X of federal law, as amended, COBRA defines and governs continuation coverage requirements (including qualifying events that trigger continuation coverage, notice requirements, premium payments, and eligibility) of covered employees and other beneficiaries.

For COBRA qualified plans, the employee or dependent pays the entire premium. To ensure that you receive all the important information concerning your Continuation Coverage, you should notify the Benefits Coordinator in writing as soon as possible upon the occurrence of any of the following events:

5. You and your spouse legally separate or divorce.
6. You or your spouse change addresses.
7. Your child ceases to be an eligible dependent under the Benefits Plan.
8. You are a covered employee and you become entitled to Medicare.
9. You are covered by the Benefits Plan and the Social Security Administration determines that you are disabled, as well as a subsequent determination by the Social Security Administration that you are no longer disabled, if applicable.

## WORKERS' COMPENSATION

Pursuant to Massachusetts General Laws, Chapter 152, all employees except uniformed police and fire employees are provided insurance protection to cover the loss of wages and designated expenses arising from employment related injuries. It is the responsibility of both the injured employee and they/them supervisor or department head to immediately report an injury to the Town Administrator, within 24 hours of the injury whenever possible.

The salary compensation under worker's compensation is calculated at 60% of the average regular pay of the employee. If any employee has accumulated leave and requests to do so, the difference between the worker's compensation pay and their regular pay may be charged to accumulated sick, vacation or compensatory time leave so that the employee receives 100% of they/them weekly gross pay. The employee may also elect only to receive the worker's compensation. No deductions are made from the worker's compensation check and therefore the employee must make arrangements for voluntary deductions such as for the employee's share of health insurance premiums.

An employee does not accrue any paid leave or other benefits while on worker's compensation leave.

All uniformed members of the Police and Fire Department are provided insurance protection to cover the loss of wages and designated expenses arising from employment related injuries. Again, it is the responsibility of both the injured employee and they/them supervisor or department head to immediately report an injury to the Town Administrator.

## VACATIONS

All employees occupying positions designated as permanent are eligible for vacation leave. Procedures for all other employees are listed below. Part-time employees occupying benefited positions shall receive pro-rated vacation in ratio to their part-time employment. Vacation is allocated each fiscal year on July 1<sup>st</sup>.

Vacations shall be granted by department heads at such times and dates in their discretion based on what will cause the least interference with the performance of the orderly administration of the Town's operations. Employees shall submit requests for vacation time on the approved Time-Off Request Form in advance of the planned leave. This form requires the signature from the Supervisor/Manager or the Appointing Authority approving the use of time. A copy shall be provided to the Town Administrator.

All paid time off granted (sick days, vacation, personal) must be noted on the appropriate week's payroll voucher. While the department head will consider the needs of the employee, the employee should not make the assumption that a vacation request will automatically be granted. Paid time is used in hours with a minimum of two (2) hours used at any one instance.

Probationary employees shall vacation be awarded their vacation allowance at the end of the probationary period but are not eligible to use vacation leave until the end of their probationary period. Probationary employees who are terminated for unsuccessful job performance shall not be compensated for accrued vacation. More information on the probationary period can be found elsewhere in this Manual.

Payment for accumulated vacation shall be made under the following conditions:

- upon the death of an employee, payment shall be made to the estate or heirs of the deceased employee for any vacation that is unused. Vacation time carried forward from the prior fiscal year, that was not used, shall not be included in the calculation for unused vacation;
- upon the resignation in good standing, retirement, entrance into the armed forces, or layoff of an employee through no fault or delinquency of their own, payment shall be made for any vacation that is unused. Vacation time carried forward from the prior fiscal year, that was not used, shall not be included in the calculation for unused vacation.

### Vacation Schedule

- Permanent employees who work a five-day (40 hour) work week and have completed their six-month probationary period, but fewer than five years, of continuous service shall be entitled to ten (10) days or eighty (80) hours of paid vacation time each fiscal year. Permanent employees who work a four-day (32 hour) work week (and at least 20 hours per week) shall be entitled to eight (8) days or 64 hours of paid vacation time each fiscal year. Permanent employees who work a three-day (24 hour) work week (and at

least 20 hours per week) shall be entitled to six (6) days or 48 hours of paid vacation time each fiscal year.

- Permanent employees who work a five-day work week and have completed at least five (5) years continuous service shall be entitled to fifteen (15) days or 120 hours of paid vacation time. Permanent employees who work four days a week (and at least 20 hours per week) shall be entitled to 12 days or 96 hours of paid vacation time. Permanent employees who work three days a week (and at least 20 hours per week) shall be entitled to nine (9) days or seventy-two (72) hours of paid vacation time. Employees are responsible for notifying the Benefits Coordinator of the anniversary date and additional time accrued in writing, 14 days prior to the anniversary date, in order for the additional time to be recognized.
- Permanent employees who work a five (5) day work week and have completed six (6) through twenty (20) continuous years shall earn one (1) day or eight (8) hours each year to a maximum of thirty (30) days or 240 hours of paid vacation time. Permanent employees who work a four-day work week (and at least 20 hours per week) shall earn three-quarters (.75) of a day or 6 hours each year for a maximum of 24 days or 192 hours of paid vacation time. Permanent employees who a three-day work week (and at least 19 hours per week) shall earn one-half day or 4 hours each year to a maximum of 18 days or 144 hours of paid vacation time. Employees are responsible for notifying the Benefits Coordinator of the anniversary date and additional time accrued in writing, 14 days prior to the anniversary date, in order for the additional time to be recognized.

Up to ten (10) days or eighty (80) hours vacation leave may be held or “rolled” over into the next fiscal year upon written approval of the employee's department head and Town Administrator with a copy submitted to the Benefits Coordinator, provided, however, that rolled leave must be taken within 90 days following the close of the fiscal year in which it was earned. If such leave is not used within the ninety-days, it shall be forfeited.

## PERSONAL LEAVE

In addition to paid holidays, all regular full-time employees are entitled to twenty-four (24) hours of personal leave per fiscal year. Thereafter, personal days will begin to accrue on the first of the fiscal year. Personal days cannot be carried over from one fiscal year to the next fiscal year, and they are forfeited when employment ends for any reason. Personal days are not paid out upon separation.



## SICK LEAVE

### ACCRUAL

Sick leave is a time-off benefit for full-time employees and part-time employees that work 20 hours or more per week. Sick Leave accrues at the end of the completed month for a total of 10 hours and is prorated for part-time and new employees. Sick leave can be carried forward from year to year with a maximum holding of 180 days (1,440 hours for full-time employees, prorated for part-time employees). Sick leave may be used by the employee for their own health reasons or to care for a sick member of the employee's immediate family as defined elsewhere in this Manual.

Sick leave will not be advanced before accrual. When an employee's required time away from work continues beyond their accumulated sick time, the employee must use compensatory or other leave time if available. Sick time does not accrue during unpaid leave.

### REPORT OF ILLNESS

On the first day of absence from work due to illness, the employee shall report their illness to the supervisor, no later than 30 minutes (or as soon as reasonably possible given specific circumstances of illness) after the beginning of their scheduled work assignment. After three consecutive workdays of missed work, a medical provider's note may be required from the employee if the employee continues to be out sick more than three consecutive workdays. If a note is not provided, an employee's supervisor and/or Town Administrator may deny the use of sick time and require the use of personal, vacation, or compensatory time or leave without pay if such time is not available. If after three (3) days of absence, the employee has not notified their supervisor of their absence and the reasons therefore, the employee will be deemed to have abandoned their position and their employment with the Town shall end.

### SICK LEAVE PAY-OUT

Any permanent employee who works at least 20 hours or more per week, upon official retirement, (or in the event of death), their estate shall be allowed a portion of the accumulated sick leave as terminal leave. Terminal leave allowance shall be computed as follows: thirty percent (30%) of unused accumulated sick leave to be paid at retirement or to the estate, at the rate of the non-contractual employee's current base rate of pay.

#### BEREAVEMENT LEAVE

Employees shall be paid for three (3) days of bereavement leave for regular scheduled time lost due to a death of an employee's spouse, child, parent, parent-in-law, sibling, or such other person living in the household of the employee. For special circumstances owing to transportation requirements, the department head may extend bereavement time beyond the date of the funeral. Employees can petition the Town Administrator to use bereavement leave for the loss of relations not listed above and the Town Administrator in their discretion, may grant bereavement leave of up to three (3) days to the employee in such circumstances.

## DOMESTIC VIOLENCE LEAVE

### PURPOSE

Per the provisions of M.G.L. Chapter 149 Section 52E, which provides leave for victims and family members of domestic violence, employees may take up to 15 days of leave from work in any 12- month period if:

- the employee, or a family member of the employee, is a victim of abusive behavior;
- the employee is using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- The employee is not the perpetrator of the abusive behavior against such employee's family member.

Employees may use any accumulated benefit time, including sick time, for this leave. If the employee has no accumulated leave time, the time taken will be unpaid.

### NOTIFICATION

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section shall provide appropriate advance notice. Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee. If an unscheduled absence occurs, an employee has 30 days to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. Appropriate forms of documentation are outlined in M.G.L. Chapter 149 Section 52E or available from the Town Administrator.

### CONFIDENTIALITY

All information related to the employee's leave under this section shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:

- requested or consented to, in writing, by the employee;
- ordered to be released by a court of competent jurisdiction;
- otherwise required by applicable federal or state law;
- required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
- necessary to protect the safety of the employee or others employed at the workplace.

## PARENTAL/MATERNITY LEAVE

### **PURPOSE**

According to MGL Ch. 149 sec. 105D, an employee who has completed the probationary period, which cannot be more than three (3) months of employment shall be entitled to eight (8) weeks of unpaid parental leave for the purpose of giving birth or for the placement of a child under the age of 18 (under 23 if the child is mentally or physically disabled) with the employee who is adopting or intending to adopt the child.

Where two (2) employees are requesting leave for the birth or adoption of the same child, they shall only be entitled to eight (8) weeks of parental leave in the aggregate.

### **NOTICE**

The employee shall give at least two (2) weeks' notice to their Department Head or Supervisor of the anticipated date of departure and the employee's intention to return or provide notice as soon as practicable if the delay is for reasons beyond the individual's control.

### **FMLA**

The eight (8) weeks shall be included in the employee's twelve (12) weeks of FMLA entitlement in a calendar year to the extent that the employee is eligible and has not previously exhausted their FMLA leave for the year. At the conclusion of the parental leave period, the employee shall be restored to their previous, or a similar position with the same status, pay, length of service credit and seniority.

## FAMILY MEDICAL SICK LEAVE

### PURPOSE

To define the circumstances under which eligible Town employees may be granted a leave of absence under the Family and Medical Leave Act (FMLA).

### SCOPE

#### A. Description

To be eligible for FMLA benefits an employee must have worked for the town for a total of at least 12 months and have worked at least 1,250 hours over the previous 12 months immediately preceding the leave

#### B. FMLA Eligibility

An employee is eligible for up to 12 weeks of unpaid leave per calendar year because of:

1. the birth of the employee's child, to care for the child within 12 months after the birth,
2. the employee's adoption of a child or the initiation of foster care,
3. the need to care for the employee's spouse, child, or parent with a serious medical condition,
4. the serious health condition that makes the employee unable to perform the functions of the job,
5. a qualifying exigency arising out of the fact that the employee's family member is on covered active duty in a foreign country (or has been notified of an impending call or order to covered active duty in a foreign country by the regular Armed Forces Reserves or National Guard).
6. a qualifying parental care exigency to care for the parent of a military members, or someone who stood in loco parentis to the military member, when the parent is in capable or self-care and the need for the arises out of the military member's covered active duty or call to covered active-duty status.

#### C. Service Member Family Leave

If the employee is an eligible family member or next of kin of a covered service member, the employee can have up to 26 workweeks of "Service Member Family Leave" during a single 12-month period to care for a covered service member deployed or is being deployed to a foreign country who is:

1. Undergoing medical treatment, recuperation, or therapy,
2. Otherwise in outpatient status or
3. On the temporary disability retired list, for a serious injury or illness or

4. To care for a veteran who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.
5. Taking from five days up to a max of 15 days to spend time with a covered family member during rest and recuperation leave orders.

**D. If You and Your Spouse are Employed by the Town**

Spouses employed by the Town are jointly entitled to a combined total of 12 workweeks of family leave outlined sections B. However, each spouse is eligible for a full 12 weeks of leave if each has a need to take care of a child or other family member with a serious health condition, to take care of each other if one has a serious health condition, or to take care of their own serious illness.

**HEALTH AND WELFARE BENEFITS (Medical, Dental and Life insurance)**

The Town will continue the employee's health benefits coverage during leave. If the employee is in a paid status during all or part of the FMLA leave period, employee contributions for continued medical benefits at the regular employee rate will be deducted while the employee is in a paid status. The Town will maintain health care benefits for an employee on FMLA in an unpaid leave status on the same terms as if the employee continued to work provided that the employee pays the employee contribution portion of their benefit premium.

**A. Continuation of Health and Welfare Benefits while on FMLA Leave Health and Welfare benefits cease if:**

1. the employee informs the Town of an intent to not return to work at the end of FMLA leave; or
2. the employee fails to return after FMLA leave is exhausted; or
3. the employee falls behind in employee payments for health care benefits (after advance notification from the Town that coverage will cease if payment is not received).

**B. Payments While on FMLA**

For any period of FMLA leave where the employee is in an unpaid status, the employee can continue medical insurance coverage by making timely payments at the employee contribution rate. Effective on the first day of the pay period in which the employee is in a "no pay" status, the employee must pay the employee portion of the premium for that calendar month within 30 days of the date of the invoice. If payment is not received within 60 days, the employee may be declared ineligible to receive any further benefits and their insurance cancelled retrospectively to the last paid period.

**HOLIDAY, VACATION, SICK TIME, AND SENIORITY**

The employee will continue to accrue holiday, vacation and sick leave credits during paid and unpaid Family and Medical leave. An employee will not be eligible to access any time accrued while on said leave until the employee's return to duty unless otherwise approved by the employee's department head and the Town Administrator. Seniority, however, will accrue during the term of the leave. An employee taking such leave is entitled to be restored to the same or an equivalent position as held by the employee when the leave commenced, the same status, pay, and length of service credit, and will be entitled to any other benefits the employee would have accrued had they not taken family leave.

Holidays will be included in the accounting of FMLA time taken.

#### A. How Accrued Time Must be Used

Employees on FMLA will use their accrued time in the following order:

1. Sick leave, if any, and applicable and consistent with the Town's sick leave policy;
2. Personal leave, if any, and if applicable and consistent with the Town's personal leave policy;
3. Vacation leave, if any.

Employees must exhaust all accrued paid time before entering unpaid status.

### **DEFINITIONS**

#### A. Serious Health Condition

FMLA defines a serious health condition as one that requires either inpatient care or, "continuing treatment by a health care provider." The definition is not meant to cover short-term conditions where treatment and recovery are brief. Rather, it includes conditions that require absences on a recurring basis or for more than a few days off for treatment or recovery. Examples of serious conditions include heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, severe nervous disorders, pregnancy, childbirth, and recovery from childbirth.

A serious health condition also is defined as one that makes an individual unable to attend work or perform other daily activities for more than three days and requires continuing treatment by a health care provider. Also, qualifying under FMLA would be treatment for a serious, chronic health condition that if left untreated, would likely result in an absence from work of more than three days. For example, absences for treatment for early-stage cancer, physical therapy after a hospital stay, severe arthritis, or prenatal care are covered under FMLA. Not included in the definition are voluntary or cosmetic treatments that are not medically necessary unless inpatient hospital care is required. Prenatal care is included, but routine physical examinations are not.

#### B. Eligible Family Member

An eligible family member includes a spouse, parents, and natural, adopted, or foster children.

#### C. Child

Child is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who has day-to-day responsibilities to care for and financially support that child. The child must be either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

#### D. Spouse

Spouse is as defined or recognized under Federal or State law for purposes of marriage.

#### E. Parent

Parent is a biological parent or an individual who had day-to-day responsibilities to care for and financially support the employee when the employee was a child. This term does not include parents "in-law."

#### F. Covered Veteran

Is a member of the Armed Forces or National Guard who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

### **FMLA MEDICAL LEAVE OF ABSENCE**

#### A. How to Apply

An eligible employee with a qualifying condition who provides certification of that condition from a health care provider will be granted a medical leave under the FMLA for up to 12 weeks (in a 12-month period beginning with the first day of the calendar year). Employees requesting leave must complete a Request for Leave form. An employee must utilize any accrued paid personal, sick, and vacation time as part of an FMLA medical leave. An employee must exhaust all accrued paid time before entering an unpaid status. Medical certification must accompany the request. The Town must allow the employee at least 15 calendar days for the employee to obtain the medical certification.

When leave is needed under the category of care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.



## B. Medical Opinion

The Town may require, at its expense, that the employee obtain the opinion of a second health care provider selected by the Town:

1. In any case in which the second opinion differs from the opinion in the original certification, the Town may require, at its expense, that the employee obtain the opinion of a third health care provider designated by the Town.
2. The opinion of the third health care provider shall be final and binding on the Town and the employee.

## C. Employee Notice

An employee who requests FMLA medical leave must provide 30 days' advance notice to Town Administrator where the need for the leave is foreseeable. Requests for medical leave must be in writing and should contain the reason for the leave, the anticipated length of the leave and the anticipated start date of the leave.

## D. Intermittent Leave

An employee requiring leave because of a serious health condition (their own or that of a parent or child), may, if medically necessary, take leave intermittently or on a reduced leave schedule that reduces the employee's usual number of hours per workweek or per workday only under certain circumstances. If an employee requests leave on such a basis, the employee's Department Head may require the employee to transfer temporarily to an alternative position which better accommodates recurring period of leave than the employee's regular position, provided that the position has equivalent pay and benefits. To request Intermittent Medical leave, the employee must submit a Request for Leave form to their manager/supervisor. The Department Head will review the request and forward the form to Human Resources for their approval to ensure fair and consistent practices.

## E. Return to Duty

The employee will be restored to the same or a substantially equivalent position at the end of an FMLA leave, as required by the FMLA, provided such a position is still available, provided the employee is still qualified for the job as determined by the Town and provided the employee returns to work at the end of the approved leave. The steps the employee must follow are:

1. An employee who is returning from a medical leave of absence must notify Human Resources of the intent to return no later than seven calendar days prior to the anticipated date of return.
2. For an FMLA medical leave of more than 30 days, the employee must provide Human Resources with a Return-to-Work form completed by the Attending

Physician indicating the return date if the leave was taken due to a serious health condition that made the employee unable to perform the functions of their job.

3. If the release indicates any limitations on the employee's ability to perform normal duties, return to active employment will be at the Town's discretion consistent with applicable state and federal laws. An employee who has notified the Town Administrator and their Manager of their intent to return from FMLA leave will be reinstated to the same or an equivalent position upon their return to employment, with the same status, pay, length of service credit and seniority as the position the employee held prior to the leave. If an employee's job was changed temporarily prior to leave (e.g., hours were reduced or duties were changed as an accommodation), they will be restored to the same or similar position held prior to such temporary change, as possible. If an employee fails to report to work promptly at the end of the leave, the Town will assume that the employee has voluntarily resigned, and all benefits will be terminated.

Nothing in this policy shall be construed to conflict with either the federal Family and Medical Leave Act or the Massachusetts Parental Leave Act (MGL, c149, §105D). Leaves due to childbirth, adoption, or foster care must be completed within 12 months of the date of birth or date of placement.

#### **FMLA LEAVE TO CARE FOR A FAMILY MEMBER**

##### **A. How to Request Leave to Care for a Family Member**

A request for a family leave of absence must be on the Request for Leave form and must be approved in writing. The form must contain the reason for the leave, the anticipated length of the leave and the anticipated start date of the leave. An employee who requests family leave must provide 30 days advance notice to Personnel, where the need for the leave is foreseeable. If an employee fails to give 30 days' notice of a foreseeable leave with no reasonable excuse for the delay, the Town may deny the taking of a leave until 30 days after notice is provided.

##### **B. Restoration to Same or Equivalent Position**

An employee will be restored to the same or a substantially equivalent position at the end of an FMLA family leave as required by the FMLA provided such a position is still available, provided the employee is still qualified for the job as determined by the Town and provided the employee return to work at the end of the approved leave. The Town reserves the right to deny reinstatement if there is a reduction in the workforce and the employee's position would otherwise have been eliminated had they not been on leave.

##### **C. Benefits Plan, Service and Coverage**

Benefit plan, service, and coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. Benefits will continue provided that the employee's contributions are received on a monthly basis.

#### **D. Return from Leave**

An employee who is returning from a leave of absence must notify Personnel of the intent to return to work no later than seven calendar days prior to the anticipated date of return.

#### **FMLA MILITARY LEAVE**

Eligible employees who are absent from work while in the United States uniformed services are granted a military leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

#### **REQUIREMENT TO TAKE PAID LEAVE**

The Town requires that employees use all of their available vacation, sick and personal days as part of their 12-week leave under the FMLA. The remainder of the 12-week period, after the exhaustion of vacation, sick and personal days, will be considered unpaid leave. Thus, an employee with a two-week vacation entitlement who needs to take a 12-week family leave will be required to take the 2 weeks' paid vacation and is limited to 10-weeks of unpaid family leave.

#### **KEY EMPLOYEES**

Under very limited circumstances, an employee who qualifies as a "key employee" may be denied restoration of employment at the end of an approved FMLA. A key employee is an employee who is among the highest paid 10 percent of the employees employed within 75 miles of their worksite. To determine who are within the highest paid 10 percent, year-to-date earnings as of the date leave is requested are considered. The Town may deny restoration of employment to a "key employee" only if necessary to prevent substantial and grievous economic injury to its operations.

#### **HOW TO REQUEST AN FMLA FAMILY OR MEDICAL LEAVE**

To request a leave, the employee must complete a Request for Leave form and provide a copy to their manager/supervisor. If the request is for a serious health condition affecting the employee or an immediate family member, they will also need to complete a Certification of Health Care Provider. This form must provide the date on which the serious health condition began, the probable duration of the condition, appropriate medical facts about the condition, and, if applicable, a statement that the employee is needed to care for a relative. After the forms have been submitted to Town Administrator, you will be notified of the outcome of the request.

In the case of a foreseeable leave due to childbirth, adoption, foster care, or planned medical treatment, employees are required to provide at least 30 days' advance notice. When it is not practicable to provide such advance notice, and employee is required to provide notice as soon as is feasible. Leaves due to childbirth, adoption, or foster care must be completed within 12 months of the date of birth or date of placement.

#### **EMPLOYER DESIGNATION OF FMLA**

When the Town has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the employer may designate leave as FMLA regardless of whether the employee requests FMLA leave or whether the employee, in lieu of FMLA leave, uses their accrued vacation, sick or personal leave. IN such cases, the use of such leave will run concurrently with the employee's 12 week FMLA leave rights. If the Town designates leave as FMLA it will notify the employee in writing of such designation.

The Town may retroactively designate leave as FMLA leave, with appropriate notice if the employer's failure to timely designate leave does not cause harm or injury to the employee.

#### **OTHER PROVISIONS**

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersedes any state or local law which provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, where applicable.

## SMALL NECESSITIES LEAVES ACT

The Town will comply with the provisions of the Small Necessities Leave Act which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave within a rolling 12-month period.

The SNLA permits an employee leave for the following purposes:

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

The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e., 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide their department with seven (7) days' notice of the need for leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for unpaid leave. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the Town's leave policies.

The Town may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided by the SNLA. A department may require that written certification or documentation support a request for leave under this act.

## MILITARY LEAVE

Any employee called to active duty in the Armed Forces of the United States or the Commonwealth of Massachusetts as the right to military leave of absence under USERRA and applicable State law. Additional Information on USERRA rights can be found online at the Federal Department of Labor. Employees of the Town are entitled to a leave of absence during the time of the employees' compulsory services in the armed forces of the United States or the Commonwealth of Massachusetts or during compulsory annual tours of duty not exceeding seventeen calendar days as provided in Chapter 33, Section 59 of the Massachusetts General Laws as members of reserve components of the armed forces of the United States or the Commonwealth. The employee shall receive their ordinary remuneration while on an annual tour of duty per Federal fiscal year. Employees shall not lose any seniority or previously accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. Employees must provide a copy of their military orders to the Town Administrator. Employees returning to Town service within ninety (90) days after military discharge shall not lose seniority standing.

## COURT LEAVE/ JURY DETAIL

### **PURPOSE**

The purpose of this policy is to define and establish procedures for an employee to fulfill their civic duty when serving on juries or appearing as a witness in court proceedings.

### **POLICY**

Employees are entitled to leave with pay when called to perform their civic duty, such as for jury service or when subpoenaed as a witness on behalf of any city, town, county, the Commonwealth, or federal government. Employees are not entitled to receive payment from both the Court and the Town unless they are using their own accumulated time.

### **PROCEDURES**

The appointing authority or department head shall require that the employee provide official notice of jury service or witness appearance prior to approving employees for such purposes. An employee who receives fees for jury service, exclusive of reimbursement for travel, meals, and incidentals, may: retain the fees, in lieu of regular straight time pay, if such fees exceed their regular rate of pay; or receive regular straight time pay and remit the fees for jury service to the Town Treasurer's Office, if the fees are less than their regular rate of pay. An employee on civic leave status must remit witness and other fees, exclusive of those for reimbursement for travel, meals, and incidentals, to the Town for service performed during regular working hours. Any fees for service paid during an employee's vacation or on a holiday may be retained by the employee if that day is properly charged to vacation or falls on a recognized holiday.

Civic duty leave will not be paid to an employee who is subpoenaed to appear by a party, other than a city, town, county, the Commonwealth, or federal government, must use their accumulated leave time or request a leave of absence.

An employee who is discharged from jury or other court duty must report to their work location if, by the time they would arrive back at their work location, more than half of the employee's regularly scheduled workday would remain available for work.

Absence due to civic duty leave shall not affect an employee's eligibility for longevity, satisfactory performance step increases or benefit eligibility.

## LEAVE WITHOUT PAY

The Town Administrator may grant a leave of absence without pay for a period of up to one (1) year in duration. The granting of such leave will be in the sole discretion of the Town and will be contingent upon whether a suitable temporary replacement is available and if Town services or the administration of the Town's operations of the Town will be adversely impacted as a result of the granting of such leave. An employee wishing to take a leave of absence shall request such leave through their department head who will forward the request to the Town Administrator along with the department head's recommendation on the granting of such leave.



## HOLIDAYS

### POLICY

Our company holiday policy outlines the days our company acknowledges as holidays and provides relevant guidelines for holiday pay.

### SCOPE

This policy applies to all our employees. Our employees' exempt or non-exempt status calls for different provisions, which we will describe in this policy.

Our Town observes the following holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Patriot's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- ½ day before Christmas Day, if this day falls on a Tuesday - Friday
- Christmas Day

When a legal holiday falls on a Saturday, town offices will close on the Friday before. When a legal holiday falls on a Sunday, town offices will close on the Monday following.

In addition to the holidays specified above, the employees shall be entitled to any specially declared federal or state holidays which occur in the course of the year.

Employees who work a part-time schedule shall receive the holiday hours in ratio to the number of hours they normally work per week. For example, employee X works twenty (20) hours per week and would therefore receive four (4) hours of compensation for the holiday. Payment for a holiday shall be made at the employee's regular rate of compensation. If a holiday occurs within an employee's vacation period, they will not be charged vacation leave for the holiday. If an employee is scheduled to work on a holiday, they shall be compensated at one and one-half (1.5) times their regular rate of pay for all hours worked on the holiday in addition to their regular rate of compensation. In no case shall this compensation be less than an amount equal to four (4) hours work at the above rate. Each time an employee is called back to work on the holiday, they shall be paid for no less than two (2) hours at the above rate.

If an employee who is scheduled to work Thanksgiving Day and/or Christmas Day, the employee shall be compensated at two (2) times their regular rate of pay for all hours worked on the holiday in addition to their regular rate of compensation. In no case shall this compensation be less than an amount equal to four (4) hours work at the above rate. Each time an employee is called back to work on the holiday, they shall be paid for no less than two (2) hours at the above rate.

## REMOTE WORK ARRANGEMENT

### **APPLICABILITY**

This Policy applies to all full-time and regular part-time employees of the Town. This policy is not applicable to union employees, Fire Department personnel, or Emergency Management personnel.

**REMOTE WORK AGREEMENT:** A written agreement between the Town and the employee outlining the work schedule, duties, and performance standards for the remote working employee.

### **Definition**

Telecommuting (also referred to as “teleworking” or “working remotely”) is a flexible work arrangement in which some or all of an employee’s work is performed at an approved work site other than the physical location in which the employee would otherwise work, such as the employee’s home, or in alternative office space near home.

### **Assignment of, and Employee Eligibility for, Remote Work**

The Town Administrator, in consultation with the department head/supervisor, will determine the suitability of all telecommuting arrangements and will work with Department Heads/Supervisors to assess whether a particular job or position can be effectively and productively performed remotely, and to what extent.

An employee may request, or a Department Head/Supervisor may initiate a discussion about a remote work arrangement. At this time, remote work is open to permanent non-union personnel only. Unionized personnel will require a separate agreement between the employee, the Union and the Town.

Eligibility to work remotely on a consistent or routine basis is contingent on job responsibilities rather than job title, type of position -supervisory or public facing, work habits -work effectively, independently and meet deadlines, and work schedule. Jobs acceptable for remote work are those that can be performed without diminishing the quality of work, level of services provided, and without disrupting productivity.

To qualify for remote employment, the employee must have completed the 6-month probationary period.

An employee that has been disciplined in 6 months preceding the commencement of a remote work assignment will not be eligible. Where an employee is disciplined for any reason while telecommuting, the remote work assignment may be revoked. All teleworking assignments shall be on an initial trial basis. If the employee has not adequately complied with the terms of this Policy, or otherwise demonstrated adequate performance in a remote work assignment, the Town may discontinue the availability of the employee’s telecommuting arrangement.

#### A. Occasional Remote Work

Occasional remote work requests are approved on a case-by-case basis, are intermittent, and are not regularly scheduled. Approval by a Department Head/Supervisor and the Town Administrator must be documented. For example, this type of remote work arrangement may be appropriate when a supervisor or Department Head/Supervisor assigns a specific task or project to an employee who is likely to be more productive and efficient at home without workplace distractions.

#### B. Routine Remote Work

Routine remote work arrangements are for ongoing purposes, include both full and part-time requests, and must be supported by a written agreement that specifies the requirements and details of the arrangement. Routine part-time remote working arrangements must be approved by a Department Head/Supervisor and the Town Administrator. The arrangement can last for a defined period or can continue indefinitely with regular review.

### **General Conditions for Telecommuting**

Teleworking employees must establish an appropriate work environment within their home for work purposes. The Town reserves the right to inspect the employee's remote work location, if necessary due an employee's report of a work-related injury (see section F, below).

#### A. Remote Workspace and Equipment

The Town will not be responsible for costs associated with initial setup of the employee's home office such as furniture or lighting, nor for repairs or modifications to the home office space. Employees may be provided town-owned equipment to facilitate their remote work, but the town will not pay for standard communication services such as internet connectivity through their Internet Service Provider, telephone or cell phone services. Equipment supplied by the employee will be maintained by the employee; the Town accepts no responsibility for damage or repairs to employee-owned equipment. Minimum hardware and software requirements will be identified by the Town's information technology personnel/vendor. The Town reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Telecommuting employees shall get permission from their Department Head/Supervisor before performing work while connected to any public Wi-Fi, or from any public location or location other than the employee's home.

The Town will supply proprietary and licensed software if necessary for the performance of Employees' duties. Employees will be provided a VPN account which will enable access to departmental network drives and standard in-house applications. Personal devices should NEVER be used to access the town's network due to security concerns. Equipment supplied by the Town, and access to the Town networks and information systems, shall be used for business

purposes only. The Town will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The Town will also reimburse the employee for business-related expenses, (such as printer cartridges) or expenses that are reasonably incurred in carrying out the employee's job.

Connectivity problems unrelated to the Town's equipment, software, or networking systems are the responsibility of the employee. Productivity missed due to home connectivity problems must account for absence in some way (e.g., making up the time, paid vacation time, or unpaid time). In the event of local network connection problems that prevent the employee from working, the employee has the option of reporting to their normal workstation or other available work space on the Town's premises. If no work space is available, missed time must be made up during the week or taken as time unpaid.

#### B. Hours of Work, Overtime and Benefits

Telecommuting employees will work regular hours in accordance with a pre-determined schedule set by the employee's Department Head/Supervisor.

Department Head/Supervisors and employees shall continue to attend after hour meetings and conferences as needed. It is the responsibility of employee working remotely to track and report their time accurately. An employee may be asked to provide evidence or regular updates to their supervisor or Department Head.

Employees who are classified as non-exempt under the Fair Labor Standards Act must obtain advance approval from their Department Head/Supervisor prior to working in excess of their scheduled hours per day or per workweek, including overtime hours. It is incumbent upon the Department Head/Supervisor and employee to consider and agree on how time will be tracked remotely.

Employees who are classified as non-exempt continue to be required to work the number of hours needed to accomplish their assigned duties. Participation in a remote work plan does not limit the number of hours that an exempt employee must work to accomplish those responsibilities.

All employees on a remote work plan will be required to take leave to accommodate personal business at their home or sick leave if the employee is unable to work remotely due to illness. While remote work provides some flexibility in an employee's schedule, employees are reminded that while teleworking, all workplace policies remain in effect, including time and attendance, and expectations for performance and conduct.

If the employee needs unexpected time off or a temporary schedule change, they must notify a Department Head/ Supervisor as soon as practical prior to the absence or schedule change, to obtain approval.

#### C. Tracking Work Time/Performance Expectations

Evaluation of the telecommuter's performance and work arrangement by the employee's Manager is ongoing. Teleworking employees are required to meet all normal, reasonable performance expectations, and shall perform such duties required by their job descriptions and as may be assigned by their Department Heads/Supervisors. Each employee shall provide their supervisor with a "work at home" narrative report describing the work performed daily while telecommuting. Unless otherwise specified, that report shall be provided on a bi-weekly basis with their time sheets. In addition, all teleworking employees are required to maintain daily timesheets, specifically identifying the time periods of work, and signed by the employee under the pains and penalties of perjury. Department Heads/Supervisors are responsible for reviewing and approving employee time sheets on a regular basis, prior to submission to payroll/accounting for processing.

Employees working remotely are required to comply with all Town policies and regulations that would apply if the employee were at their normal worksite. Employees working remotely are expected to be actively working and available during regularly scheduled hours of work and must be available to communicate in a timely fashion via email, telephone or any other means of virtual communication approved by the Town. Daily contact between the employee and Department Head may be necessary to verify that the employee is actively working as well as to resolve any problems that may arise. Employees working remotely may require more frequent interaction and communication between the employee and their Department Head and other employees. Communication must be at a level consistent with employees working at the office or in a manner and frequency appropriate for the job and the individuals involved. Supervisors and/or Department Heads may require employees to provide reports or updates of work performed or accomplished while working remotely.

Commute time between home and work is not paid.

Failure on the part of any employee to maintain these communication/attendance standards may result in loss of telecommunicating privileges.

#### D. Conduct Expectations

All Town policies, including but not limited to the Drugs and Alcohol Policy and Harassment Policy, will continue to apply to employees who are working remotely. Employees should raise any questions about the application of a policy in a remote work setting with their Department Head/Supervisor.

Supervisory employees who are working remotely are expected to set an example for other team members as to the necessary level of productivity and accountability. Telecommuting employees are required to take precautions to ensure that confidential or non- public information is not inadvertently lost or misplaced, or otherwise disclosed or released to any unauthorized person inside or outside the Town's employment, unless required for a specific and bona fide business purpose or by law. Unauthorized release of such records, even where

unintentional, may result in discipline up to and including termination. If an employee is unsure about its authority to release a particular record, they should first confer with their Department Head/Supervisor.

#### E. Reporting of Injuries while Working Remotely

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Telecommuting employees must report any injuries occurring during the period of their remote workday and in the performance of their job duties, to their Department Head/Supervisor immediately, as soon as feasible after the injury.

#### **Violations**

By accepting a telework assignment, an employee agrees to abide by the terms and conditions of this Policy, and any related telework guidelines, and/or telework instructions from Department Heads/Supervisors. Teleworking employees who violate this Policy, and any related telework guidelines, and/or telework instructions from Department Heads/Supervisors, may be disciplined, up to and including termination from employment.

## TIMEKEEPING/PAYROLL

Accurately recorded work time is the responsibility of every non-exempt employee. The non-exempt employee must accurately and truthfully record the time they begin and end their work as well as the beginning and ending of each lunch break. No employee may punch or sign in any earlier than ten (10) minutes before the start of their work time. No employee may punch or sign out any later than ten (10) minutes after the ending of their work time. Any time over and above this ten-minute window will not be considered work time and is not compensable unless work authorized by the employee's supervisor is performed during that time.

Tardiness: is any time when you arrive after your normal starting time or return late from breaks or lunch and/or are not dressed and ready to work. You are expected to be completely ready to work.

Employees are allowed a 30-minute lunch break.

Altering, falsifying or tampering with time records or recorded time on another employee's time record is prohibited and may result in disciplinary action up to and including termination.

In the unlikely event that there is an error in an employee's amount of pay, the employee should promptly bring the discrepancy to the attention of their manager so that corrections can be made as quickly as possible.

## OUTSIDE EMPLOYMENT

Any outside employment must not conflict in any way with your responsibilities with the Town or impair an employee's performance of their duties. You should ensure that any outside employment complies with the State's Conflict of Interest Law, Chapter 268A. You may contact the State Ethics Commission for advice and guidance. You should notify the Town/your supervisor of any other employment.



## ATTENDANCE AND PUNCTUALITY; EMERGENCY CLOSINGS

Both attendance and punctuality are important for the success of our Town and for employees' success within the Town. The Town functions as a team and this requires that each person be in the right place at the right time.

If an employee is going to be late for work or absent, they must notify their immediate superior as soon as possible **PRIOR** to the start of their work day.

Severe weather is to be expected during the winter months. Although driving may be at times difficult, it is a hardship we all endure for living in the great Northeast, and when caution is exercised, the roads are normally passable. Except in cases of severe storms, all employees and officers are expected to work regular hours and, as such, time taken off due to poor weather conditions is unpaid. Employees may use available paid leave time such as sick or personal time for such absences.

## BULLETIN BOARDS

Information of interest and of importance to you is regularly posted on the bulletin board in the employee breakroom at Town Hall. It is suggested that you review the bulletin board on a regular basis. The bulletin board is for administrative use only. Employees may not post or remove any information from the bulletin boards.

## PROTECTING TOWN AND INDIVIDUALS' INFORMATION

It is the responsibility of every employee to protect the Town's and each individual's confidential information and all employees and officers share a common interest in making sure that such information is not properly or accidentally disclosed.

Employees should not discuss the Town's or any individual's confidential business with anyone who does not work for the Town.

Employees should not respond to any media inquiries but refer them to the Town Administrator's Office.

The business affairs of the Town should not be discussed outside the organization except when required in the normal course of business. Information concerning individuals should be regarded as confidential information, the disclosure of which to unauthorized persons is harmful to the Town's business and is illegal. Access to any sensitive Town or individual information and operating procedures will be limited to those employees on a "need to know" basis only. Unauthorized employees are prohibited from attempting to obtain or observe this information.

**Any employee in the possession of confidential information is responsible for their security and extreme care must be taken to ensure that this information is safeguarded.**

## PERSONAL PRIVACY, PROPERTY, PHONE & EQUIPMENT USE

### *Employee Privacy*

Employees shall have no right to privacy and should not expect privacy in any Town-issued desk, file cabinet, locker, cubicle, office, common area, or vehicle. The Town reserves the right to inspect or search such areas at any time, without notice, in its discretion. The Town also reserves the right to inspect an employee's personal property on the premises of the Town.

### *Employees Private Property*

Employees shall be responsible for all personal property brought onto Town premises. It is each employee's responsibility to secure all personal items in accordance with the property's value. Purses, wallets and technology devices shall be kept with the employee at all times. If this is inconvenient, such items shall be locked in a desk, file cabinet or other similar depository for safe keeping. The Town shall not be responsible for theft or loss.

### *Telephones And Mobile Phones*

It is recognized that Town phones or personal mobile phones (whether telephone call or texting) must be used for personal calls on occasion during the workday. Such personal calls must be kept to a minimum. Whenever possible, employees should make non-emergency calls during scheduled breaks or when intervals in work assignments allow.

### *Office Equipment*

Every effort must be made not to use office equipment such as computers, photocopiers, printers and FAX machines for personal purposes.

## TOWN VEHICLES

It is the policy of the Town that certain positions require employee access to Town vehicles. Town vehicles are not personal vehicles and are not for personal use, unless otherwise specified by the Select Board. Town vehicles should be viewed as belonging to the citizens of the Town and are utilized for the purposes consistent with providing services to those citizens.

No employee shall operate a Town vehicle if they do not have a valid driver's license. Employees whose duties include the driving of Town vehicles shall notify their supervisor if their driver's license is revoked or suspended.

Employees operating a Town vehicle shall observe and adhere to all traffic rules, regulations and laws and shall operate the Town vehicle in a safe and prudent manner. Employees may not operate a Town vehicle if they are under the influence of and/or are impaired by the use of alcohol or illegal or lawful drugs or prescription medications.

This policy applies to all Town employees who are afforded the use of Town vehicles. The purposes of this policy are as follows:

- To encourage safe operation of Town vehicles
- To set forth the guidelines under which Town vehicles may be used
- To minimize transportation costs and liability

## PAYROLL RECORDS

Each Department Head or their designee shall submit to the Treasurer's Office a bi-weekly time sheet for each employee. This time sheet shall specify the number of hours worked and any leave taken, as well as any pertinent information for the personnel records, as legally required. The Treasurer shall be responsible for maintaining a permanent record of the time worked for each employee. Time sheets must be signed by the supervisor to approve the hours worked and pay amount.

Altering, falsifying or tampering with time records or recorded time on another employee's time record is prohibited and may result in disciplinary action up to and including termination.

Accurately recorded work time is the responsibility of every non-exempt employee. The non-exempt employee must accurately and truthfully record the time they begin and end their work as well as the beginning and ending of each lunch break. No employee may punch or sign in any earlier than ten (10) minutes before the start of their work time. No employee may punch or sign out any later than ten (10) minutes after the ending of their work time. Any time over and above this ten-minute window will not be considered work time and is not compensable unless work authorized by the employee's supervisor is performed during that time.

In the unlikely event that there is an error in an employee's amount of pay, the employee should promptly bring the discrepancy to the attention of the Treasurer/Collector so that corrections can be made as quickly as possible.

## ACCESS TO EMPLOYEE PERSONNEL RECORDS

Personnel records shall be considered confidential to the fullest extent permitted by the Public Records Law, and access to records shall, unless circumstances dictate otherwise, be limited to the Town Administrator or designee. Any employee, upon request, may have access to review their personnel file or be provided with a copy of their personnel file on two separate occasions per calendar year. Access and/or copies shall be provided within five business days of the employee's written request. The employee's review of their employment record shall be in the presence of the employee's department head, Town Administrator or designee. If any employee disagrees with any information contained in their personnel record, they may submit a written statement to the Town Administrator explaining their position which shall become part of the permanent record.

Unless written authorization is received from an employee, except to verify employment, no information concerning an employee shall be released unless required by law.

## WORKPLACE VIOLENCE

It is the policy of the Town of Groveland to maintain a safe environment in all Town buildings, facilities and properties. Threats of violence will not be tolerated by or toward our employees, customers, the general public or anyone who conducts business with the Town of Groveland. All employees are to immediately notify their supervisor should they hear of any threat of violence.



## ACKNOWLEDGEMENT OF RECEIPT

I am in receipt of the Town of Groveland Personnel Policies and Procedures Manual. I received the information on \_\_\_\_\_. (date). I understand it is my responsibility to be familiar with and adhere to the provisions of these policies.

Unless otherwise specified in the employment agreement of a contractual employee, all employment is of indefinite duration and is terminable at the will of the [town/city] at any time, with or without reason. No one at the Town of Groveland], other than [the Select Board or personnel with statutory authority has the authority to commit to a contract of employment, and then only in writing. The language used in these policies is not intended to create, nor is it to be construed to constitute, a contract between the Town of Groveland and any of its employees. The policies, plans and procedures contained herein supersede all previous personnel policies, plans and procedures of the Town of Groveland.

If you belong to a Union, the provisions of your collective bargaining contract may govern if they are different than the provisions of this Personnel Procedures Manual

The Town of Groveland reserves the right to modify, revoke, suspend, terminate, or change any or all plans, policies, and procedures, in whole or in part, at any time, with or without prior notice. The Town will try to give advance notice in the event that it finds it necessary to change any policy, program or benefit, but the Town cannot guarantee that everyone will receive advance notice of such changes. Any changes that are made will apply retroactively.

EMPLOYEE PRINTED NAME

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EMPLOYEE SIGNATURE

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DATE

Note: A copy of this acknowledgement form will be placed in the employee's personnel file.

## POLICY LOG

<b>Policy</b>	<b>Adopted</b>	<b>Last Reviewed</b>	<b>Amended</b>
Title & Legal Authority		October 7, 2005	January 16, 2024
Coverage		October 7, 2005	January 16, 2024
Definitions		October 7, 2005	January 16, 2024
Overtime		October 7, 2005	January 16, 2024
Equal Employment Opportunity		October 7, 2005	January 16, 2024
Recruitment		October 7, 2005	January 16, 2024
Probationary Period		October 7, 2005	January 16, 2024
Employee Performance Review		October 7, 2005	January 16, 2024
Employee Conduct		October 7, 2005	January 16, 2024
Conflict Of Interest		October 7, 2005	January 16, 2024
Political Activities		October 7, 2005	January 16, 2024
Nepotism		October 7, 2005	January 16, 2024
Drug/Alcohol Free Workplace		October 7, 2005	January 16, 2024
Fraud Risk	May 13, 2024		
Whistleblower	May 13, 2024		
Disciplinary Actions		October 7, 2005	January 16, 2024
Grievance Procedure		October 7, 2005	January 16, 2024
Anti-Discrimination & Harassment		October 7, 2005	January 16, 2024
Pregnant Workers Fairness Act	January 16, 2024	January 16, 2024	January 16, 2024
Social Media	September 13, 2021	January 16, 2024	January 16, 2024
Acceptable Technology Use	January 16, 2024	January 16, 2024	January 16, 2024
Resignation		October 7, 2005	January 16, 2024
Employee Assistance Program			January 16, 2024
American With Disability Act (ADA) Statement		October 7, 2005	January 16, 2024
Health Insurance Portability & Accountability Act (HIPPA)		October 7, 2005	January 16, 2024
Benefits, Leaves & Eligibility		October 7, 2005	January 16, 2024

Retirement		October 7, 2005	January 16, 2024
<b>Policy</b>	<b>Adopted</b>	<b>Last Reviewed</b>	<b>Amended</b>
Medical Insurance		October 7, 2005	January 16, 2024
Workers' Compensation		October 7, 2005	January 16, 2024
Vacations		October 7, 2005	January 16, 2024
Personal Leave		October 7, 2005	January 16, 2024
Sick Leave		October 7, 2005	January 16, 2024
Bereavement Leave		October 7, 2005	January 16, 2024
Domestic Violence Leave		October 7, 2005	January 16, 2024
Parental/Maternity Leave		October 7, 2005	January 16, 2024
Family Medical Sick Leave		October 7, 2005	January 16, 2024
Small Necessities Leaves Act	January 16, 2024	January 16, 2024	January 16, 2024
Military Leave		October 7, 2005	January 16, 2024
Court Leave/ Jury Detail		October 7, 2005	January 16, 2024
Leave Without Pay		October 7, 2005	January 16, 2024
Holidays		October 7, 2005	January 16, 2024
Remote Work Arrangement	February 28, 2022	January 16, 2024	January 16, 2024
Timekeeping/Payroll	January 16, 2024	January 16, 2024	January 16, 2024
Outside Employment		October 7, 2005	January 16, 2024
Attendance and Punctuality; Emergency Closings	January 16, 2024	January 16, 2024	January 16, 2024
Protecting Town and Individuals' Information	January 16, 2024	January 16, 2024	January 16, 2024
Personal Privacy, Property, Phone & Equipment Use	January 16, 2024	January 16, 2024	January 16, 2024
Town Vehicles	January 16, 2024	January 16, 2024	January 16, 2024
Payroll Records	January 16, 2024	January 16, 2024	January 16, 2024
Access to Employee Personnel Records	January 16, 2024	January 16, 2024	January 16, 2024
Workplace Violence		October 7, 2005	January 16, 2024