



The Town of Savoy Personnel Policy Handbook

This Policy Manual Supersedes any Earlier Versions

~~Rev 1 - 2019~~

REV 2 - 2021

A handwritten signature in black ink, appearing to be "Jm F".

PFMLA - Rev. 3 - 11/10/21 Jmc

Town of Savoy Personnel Policy Handbook:

Introduction Letter Page 4

Receipt Page 5

Contents

1) Definitions:	Page6
2) Expectations:	Page7
3) Equal Employment Opportunity/Americans with Disabilities Act:.....	Page 7
4) Immigration:.....	Page 10
5) Confidential Information/Personal Gain:	Page 10
6) Lawsuits against the Town of Savoy:.....	Page 10
7) New Employees:	Page 10
8) Employment of Relatives (Nepotism):.....	Page 11
9) Authority for Personnel Action:	Page 11
10) Outside Employment:.....	Page 11
11) Telephone:.....	Page 11
12) Personal Mobile Devices:.....	Page 11
13) Computer Usage:.....	Page 13
14) Email:	Page 13
15) Security:.....	Page 13
16) Personnel File:	Page 13
17) Alcohol-Free & Drug-Free Workplace:.....	Page 14
18) Resignation:	Page 14
19) Workplace Violence/Possession of Weapons:	Page 14
20) Health & Safety:	Page16
21) Workers Compensation Claim Procedure:	Page 16
22) Time Sheets and Payday:	Page:18
23) Working Hours/Work Week:	Page18
24) Solicitations:	Page 19
25) Travel and Expense Reports/Reimbursement:.....	Page19
26) Holidays:.....	Page 19
27) Vacation:	Page20
28) Personal Time:	Page21
29) Sick Leave:	Page21
30) Bereavement Leave:.....	Page 22
31) Breast Feeding in the Workplace Policy:.....	Page 22
32) Family and Medical Leave Act (FMLA):	Page 22
33) Small Necessities Leave Act:	Page 22
34) Domestic Violence Leave Act:	Page 22
35) Absence without Authorization:	Page 24
36) Attendance:	Page 24
37) JuryDutyLeave:.....	Page 25
38) MilitaryLeave:	Page 25
39) EducationalLeave/Training:	Page 25
40) Licensing Fees:	Page 26
41) Insurance:	Page26
42) Personal Appearance and Demeanor:	Page 26

43) Smoking:..... Page 26
44) Discipline:..... Page 26-31
45) Personnel Policy Addendum:..... Page 32-42

Preface A: Introduction Letter

Welcome New Employee:

The Selectman and staff of the Town of Savoy would like to welcome you.

As you familiarize yourself with the town staff and your new surroundings, please note the employee bulletin board displays with the required federal and state postings. The postings are updated as necessary--be sure to read the board occasionally. If you notice an item that is obsolete or needs updating, please inform the Administrative Clerk of the Select Board and/or a designee.


During your one year introductory period, your employment with the town is at will and may be terminated with or without consent at any time by either you or the town. This handbook is not an employment contract and does not limit the reasons for termination of the employment relationship. Rather, it is designed to provide you with general information regarding employment practices and benefits of the town. The handbook cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic policies and rules. The Town reserves the right to make changes in content or application of its policies as it deems appropriate. These changes may be implemented even if they have not been reprinted, or substituted in this handbook. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the Board of Selectmen and /or their designee.

During your first few days working for the town you will probably have questions regarding our organization and policies. You are encouraged to research the answer within the handbook; however, do not hesitate to ask your supervisor or the Board of Selectmen and /or their designee concerning any questions you may have.

We are pleased that you have joined our organization. The town provides many valuable services to the residents of Savoy. Your position has been designed to assist the town with accomplishing these services. We hope you will find this position rewarding and challenging.

Sincerely,

Selectman Chair  _____

Selectman  _____

Selectman  _____

Select Board
Town of Savoy

Preface B: Receipt Page

It is understood that the handbook is issued to inform employees regarding the operating policies of the town. The handbook may be changed from time to time at the sole discretion of the Town, and is to be used as a guide to town employees in the performance of their duties. Violations of the policies set forth in this handbook may result in disciplinary action up to and including termination.

By signing this statement, the employee acknowledges the Town Personnel Handbook and Addendum has been received and read and that the employee understands the policies contained herein.

Signed Date _____

Print Name _____

Position _____

Effective Date of Employment _____

Attest:

Supervisor. _____ Date: _____

Town of Savoy Policy Handbook

Definitions

Appointing Authority--The Board of Selectmen is the Appointing Authority for all appointed Town positions, not otherwise directed by law.

Conflict of Interest--Conflicts of interest for municipal employees arise when a government employee's personal or financial interest conflicts or appears to conflict with their official responsibility.

Discipline--Correction, punishment, or penalty. Discipline is used to bring order to situations where there have been violations of federal, state or local laws, and/ or violations of town rules and regulations, employee conduct/ behavior/ performance standards, or town policies, or insubordination.

Exempt Employee--Exempt employees are those who, according to the Fair Labor Standards Act (FLSA), are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Town Clerk for details.)

Independent Contractor--Independent Contractors are not considered employees of the town. Rather, Independent Contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the Independent Contractor.

Non-Exempt Employee: A nonexempt employee is an employee who, according to the (FLSA) is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week period. Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked.

Part-Time Employee: A part-time employee who is scheduled and generally works less than 20 hours if called on infrequently to work extra hours is not eligible for benefits.

Regular Full-Time Employee: An employee who is scheduled and works 40 hours a week. Regular full-time employees are eligible for all employee benefits and may not be hired without a competitive selection process.

Regular Part-Time Employee: An employee who is scheduled and works less than 40 hours per week, but at least 20 hours per week is eligible for limited benefits and may not be hired without a competitive selection process.

Seasonal Employee: An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons and does not earn benefits including leave, holiday benefits, or any insurance benefits.

Sick Leave: Period allowed by an employer to an employee for the employee's sickness either with or without pay but with no loss of seniority or other benefits.

Temporary Employee: An employee who is hired on a temporary basis for a definite period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process

Vacation Leave: A recess or leave of absence; a respite or time of respite from active duty or employment; a period of freedom from duty or work but not the end of employment. Vacations do not result in loss of seniority or other benefits.

Expectations

Employees are expected to treat co-workers, Board Members, vendors, colleagues, customers and other business contacts with respect and dignity, and to be treated in the same manner. Employees are expected to conduct their job functions in a professional, businesslike fashion with minimal interference by other staff members or visitors. Employee attention to responsibilities and work products should be constant, consistent, efficient and productive. Personal interference or distractions should be kept to a minimum.

The affairs of the Town are important and are to be considered a confidential trust, as well as a responsibility, excepting those matters which fall under the Public Records Law. Employee attitude, ability, productivity and a sense of responsibility are critical aspects of all job performance.

Equal Employment Opportunity/Americans with Disabilities Act

The Town is an equal opportunity employer. The Town shall comply with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission, (EEOC). The Town shall adhere to all relevant provisions of the ADA. The Town ensures equal opportunity regardless of race, religion, color, creed, national origin, sex, sexual orientation, marital status, familial status, pregnancy or pregnancy related condition, political belief, age, ancestor, gender identity, handicap or any other protected class.

If an employee believes that they have been subjected to discrimination, including harassment, based upon any of these factors, they should immediately contact their supervisor.

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

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

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

- To ensure equal employment opportunity in the application process
- To enable a qualified individual with a disability to perform the essential functions of the job
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.

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

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

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

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

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

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

may not make inquiries about specific disabilities. Questions which may not be asked during a pre-employment interview include (but are not limited to):

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

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

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

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

An employee who is an alcoholic is considered to be a person with a disability under the terms of the ADA. However, the Town may discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct to the extent that he or she is "not qualified" for the position.

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

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

Immigration

All employees hired after November 6, 1986, are required to provide, prior to employment, documentation which indicates their United States citizenship, or if not citizens, that they are legally authorized to work in the United States. The Accounting Office has the forms required for this purpose.

Confidential Information/Personal Gain

Employees of the Town frequently deal with confidential information. It is imperative that employees maintain town integrity and not discuss confidential town business with people who should not be privy to the information including co-workers. In some circumstances, confidential town business should be revealed to other town employees on a need-to-know basis. In addition, confidential information is not to be discussed in corridors, eating areas or anyplace other than the work site. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the Board of Selectmen, their designee, or the appointing authority or their designee.

Lawsuits against the Town of Savoy

When an employee is approached by a legal process server regarding a matter of the Town, they should refer the server to the Board of Selectmen and/or their designee. Should an authority not be available and the employee is required to accept served papers, it is the employee's priority to locate and forward the information to either of the authorities without opening or reading the documents.

New Employees

New employees will complete an informal orientation session with a member of the Board of Selectmen and/or a designee. The employee will have the opportunity to complete necessary employment forms required by Federal and State Statutes. The Board of Selectmen and/or their designee will explain in general terms the rules and expectations, and provide an overview of the pay and benefit packages offered by the Town. The employee will be responsible for reading and following the policies established within the policy manual, to include understanding their employment classification. In addition, new employees will be provided orientation and education specific to the equipment and tasks required of their new position.

All employees hired or re-hired will go through a one year probationary period, during which the employee will receive three formal interview/evaluation sessions with the employee's immediate supervisor. These are held at or about the 30th day following the first day of work just prior to the 90th day of employment and at the conclusion of the first year. The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate an employee's potential and performance. After the probationary period, employees will receive an evaluation on at least an annual basis or more frequently as determined by the employee's immediate supervisor. The contents of the evaluation will be shared and discussed with the employee. After this process, the evaluation will be entered into the employee's personnel file.

The purpose of an evaluation is to review the employee's progress and/or any problems which may have arisen and to ascertain the employee's reaction to the job and to the Town. During the established probationary period, the town reserves the right to terminate an employee with or without cause.

Employment of Relatives (Nepotism)

No employees will be appointed in a manner inconsistent with the Nepotism laws.

Authority for Personnel Action

The Town reserves the right to direct, hire, promotes, transfer, and assign employees. The Town also reserves the right to supervise, discipline and discharge employees from their employment with the town for any reason determined sufficient by the Town, as well as determine and change hours of work, shifts and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished at the sole discretion of the Town. The Board of Selectmen will execute personnel actions at their discretion, with consultation and advice from Town or Labor Counsel.

Outside Employment

The Town should be the primary job for regular full-time employees. Should another position interfere in any way with the employee's ability to satisfactorily complete town job duties, the employee will receive feedback and if the situation is not quickly corrected, may receive disciplinary action up to and including termination.

Telephone Calls and Mail Use

Town employees are expected to use their home addresses to receive personal mail. Use of town stationary or postage for personal mail is not permitted.

When answering the phone speak in a pleasant tone of voice. Always identify yourself and where you are located. If you must refer your caller to another department explain clearly why you are doing this.

While personal calls are sometimes necessary, employees are asked to limit these to essential situations. Employees are not to make personal long distance calls unless necessary for work. This keeps the town's cost down and leaves telephones free for necessary town business and allows you to make the best use of your working time.

Personal Mobile Devices

This policy is meant to ensure the proper use of Personal Mobile Devices during work hours. This policy applies to all full-time, part-time, and intermittent Town employees, as well as grant funded employees. The policy also applies to temporaries, interns, and volunteers.

Employees, and others designated above, may carry personal cell phones/PDA's/mobile devices during work hours, but are expected to keep personal phone calls and/or text messages to a

minimum and of short duration, except in an emergency, family illness, or crisis. Personal mobile devices may be freely used during scheduled breaks and meal times in the break area or outside the building.

Phone calls or text messages that would classify as "chit-chat" during work time is prohibited. Employees, temporaries, interns, and volunteers who receive such "chit chat" phone calls/messages during work time are requested to quickly conclude the conversation and call back during non-work times. Those that receive frequent incoming calls/messages should inform their family and friends of this policy or simply turn their devices(s) off during work hours.

Ring tones that are offensive or overly distracting during work hours are prohibited.

If there is a temporary personal situation that will require more frequent, unscheduled, mobile usage, he/she should request approval in advance for the use of the personal mobile device from his/her manager or supervisor (i.e. Mortgage closing, medical problem, etc.).

If this policy is abused by an individual, his/her manager or supervisor should ask that the behavior is corrected, if it continues, the individual may be required not to carry the device(s) during work hours. Further continuation of the misuse of the devices by an employee will lead to disciplinary action up to and including termination or the end of status as temporaries, interns, or volunteers.

There is also a state law which provides for a ban on hand-held mobile phone use while driving a Commercial Motor Vehicle. The ban specifies that no driver shall use a hand-held mobile telephone while driving a commercial motor vehicle. A commercial motor vehicle is defined by the US DOT as a vehicle with a single or combined GVWR, or actual weight of over 10,001 pounds, whether they have their CDL or not. The Town also requires a ban on hand-held mobile phones while an employee is driving a Town vehicle, including but not limited to pool cars, department, and department head vehicles.

Use of a hand held mobile telephone means:

1. Using at least one hand to hold a mobile telephone to conduct a voice communication;
2. Dialing or answering a mobile telephone by pressing more than a single button, or
3. Reaching for a mobile telephone in a manner which requires a driver to maneuver so that he or she is no longer in a seated position.

This rule does not prohibit a driver from using a mounted mobile phone which can be easily accessed from the driver's seat and activated with a single button. Driving means operating a commercial vehicle on a public road, and when stopped in traffic on such a road. Driving does not include instances when the driver is safely parked. Emergency use is permitted.

The term mobile telephone does not include mobile services which are provided for profit, have inter-connected service and is available to a substantial portion of the public.

Penalty: Drivers who violate the restriction will face federal civil penalties of up to \$2,750 for each offense and disqualification from operating a commercial motor vehicle for multiple offenses. Additionally the Commonwealth of Massachusetts will suspend a driver's commercial driver's license (CDL) after two or more serious traffic violations.

Violation of this policy may also lead to disciplinary action of the employee up to and including termination from employment.

Computer Usage

The town's electronic communications equipment, systems and/or tools should be used for town business only. Personal computer use that is deemed excessive or inappropriate by the town or computer use that is illegal is prohibited and may result in disciplinary action up to and including termination. There is no use of town equipment permitted by unauthorized people including friends and family of employee. New employees may be given a period of instruction on the town's computer equipment.

Email

Employees are responsible for the content, dissemination of their messages and the timely response to messages received. Personal email use that is deemed excessive or inappropriate by the Town, or emails that are illegal are prohibited and may result in disciplinary action up to and including termination. This responsibility includes ensuring that their messages are accurate, courteous and that do not violate another's right to privacy or confidentiality. If an employee has a question pertaining to the content of an email, they should consult with their supervisor. All emails are public records and will be maintained in accordance with public records laws.

Security

The Town owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them. The Town expressly reserves the right to monitor the use of the Internet by employees and to review and search all computers.

The Town reserves the right to check packages carried by employees if deemed necessary. Lockers, desks, cabinets, and drawers are subject to inspection by the Town at any time without prior notice. If an employee observes someone who may not have authorization to be on the premises or who is engaged in an illegal or inappropriate activity, the employee should immediately contact his/her supervisor, the BOS or the police.

Personnel File

The Town maintains records on every employee related to their employment with the Town. The employee's personnel file may contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records. Any information

obtained for Equal Employment Opportunity Commission compliance and/or any medical information will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by the BOS and/or their designee. Personnel files are confidential and only accessible to others on a need-to-know basis. Upon request to the BOS, the Appointing Authority, or the Personnel Director, and with the BOS, the Appointing Authority, or the Personnel Director present, employees may inspect and make copies of their personnel records. Employees should contact the BOS or the Personnel Director to establish a convenient review time.

Alcohol-Free & Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988 (41 USC Sec.701, et seq.) the Town is committed to providing an alcohol-free and drug-free workplace. The Town prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance or alcohol in the workplace, during work hours, or while conducting Town business. All employees must comply with this policy and notify the BOS and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The BOS and/or their designee is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including termination of employment.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVER'S LICENSE (CDL) HOLDERS

In addition to the Drug and Alcohol Policy provided above, employees who are required to have a C.D.L. will be drug, including marijuana, and alcohol tested in accordance with Federal Law and Federal Highway Administration Regulations.

Resignation

Employees who voluntarily resign from the Town should give a written two week notice. Earlier notification is always appreciated. Employees will be provided their final paycheck at the next pay period. Depending on the circumstances surrounding the resignation, employees who resign from the town may be eligible for re-employment. Former employees will be required to complete an application/resume, as determined, and proceed through the regular hiring procedure as other applicants. A former employee who is re-hired by the town will be considered a new employee and required to complete the probationary period. Date of service, for seniority purposes, will be the date of the subsequent hiring. Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

Workplace Violence/Possession of Weapons

The Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts

business with the Town. It is the intent of the Town to provide a workplace that is free from intimidation, threats, or violent acts.

Weapons are prohibited from the workplace, with the exception of weapons assigned to police officers or other authorized licensed personnel.

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

If an employee anticipates a particularly confrontational situation, they should notify their supervisor, the BOS and/or their designee so that additional security can be arranged. When a situation begins amicably but turns hostile, employees should try to de-escalate the situation. If de-escalation tactics don't work, they should withdraw from the situation.

Force should not be used unless it is absolutely necessary for self-defense.

Threats or acts of violence experienced or witnessed should be reported to the employee's supervisor or the BOS and/or their designee as soon as possible. The Town will promptly investigate any complaint received that pertains to workplace violence. The Town will take appropriate, prompt actions against any employee who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures. This policy prohibits employees from bringing unauthorized firearms or other weapons (including pepper spray, stun guns, batons, etc.) onto town premises. Employees are also prohibited from carrying unauthorized firearms or other weapons in town vehicles or in personal vehicles if conducting town business. If a town employee has violated this policy, such action will warrant disciplinary action, up to and including termination. If necessary or appropriate, the town will notify the necessary law enforcement personnel. If there is fear that domestic violence could result in workplace violence, employees should notify their supervisor or the BOS and/or their designee immediately so appropriate security measures can be arranged.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the Department Manager. The Department Manager will assess and investigate the incident, and determine the appropriate action to be taken. The Department Manager will inform the BOS of all reported incidents of workplace violence, and will inform the employee of his/her right to have the police department notified.

Any form of harassment or hazing that creates a hostile work environment will not be tolerated.

Health & Safety

The Town has a safety program and complies with the Massachusetts Safety Standards. Relevant safety regulations are addressed by delegating safety responsibilities, establishing procedures, providing training, inspecting workplaces, and providing/requiring the use of safety equipment, etc.

If an employee notices a potential hazard, they should repair the hazard if capable and qualified or they should promptly refer the problem to the supervisor, or the BOS. Employees must use safe driving habits and wear seat belts while traveling in town vehicles. Employees required to drive automobiles or equipment will have driver's licenses periodically inspected by the Town Clerk or the supervisor to ensure the employees have maintained required endorsements. Employees should not operate or use equipment if not authorized or do not have the appropriate licensure.

If an employee sustains an injury while on the job, they should notify their supervisor or the BOS as soon as possible after the injury occurred and prior to leaving work for the day, if possible. An Accident Report and appropriate Worker's Compensation forms must be completed and the incident must be documented in writing by the injured employee and /or witnesses as soon as possible following the injury. The Town maintains Worker's Compensation coverage pursuant to the provisions of the Massachusetts Worker's Compensation Act.

WORKER'S COMPENSATION CLAIM PROCEDURE

The Worker's Compensation Claim Procedure is in accordance with Massachusetts General Laws, Chapter 152 (including Section 69). This policy covers all employees except those in public safety positions.

If there is a work-related injury or condition in any department that a department head believes will cause an employee to be absent from work for any length of time one of the two following procedures must be followed.

1. Work-related injury or condition which results in less than 5 days lost time from work (medical cases only) - the following forms must be completed and immediately forwarded to the Accounting Office:

A. Form No. 118: Employer's Notification to Insurer of Medical Only Injuries (Department of Industrial Accidents - Form 118). This form is to be completed by the employee, supervisor, and department head.

B. Supervisor's Report Form: This form is to be completed by the employee's supervisor. It is used for loss control purposes.

C. Medical Authorization Forms: Whenever possible this form should be signed by the injured employee. This form allows the Worker's Compensation carrier to obtain medical records associated with the case, and to conduct a proper investigation promptly.

These forms, and others if required, will be forwarded to the Worker's Compensation carrier by the Accounting Office.

2. Work-related injuries or conditions which could result in 5 days or more lost time from work. The lost work days do not have to be consecutive. The following forms must be completed after 2 days or more of lost time and immediately forwarded to the Accounting Office:

A. Form No. 101: Employer's First Report of Injury (Department of Industrial Accidents - Form 101). This form is to be completed by the employee, supervisor, and department head as soon as 5 days of lost time from work have occurred as a result of an alleged work-related injury or condition. Please note it is the Employer's responsibility to file this form. Failure to do so within 5 days after the fifth working day is lost will result in monetary penalties. Any department incurring a monetary penalty for failure to notify will be responsible for paying any fines.

B. Supervisor's Report Form: see Worker's Compensation Claims Procedure 1-B.

C. Medical Authorization Form: see Worker's Compensation Claim Procedure 1-C.

These forms, and others if required, will be forwarded to:

1. Massachusetts Department of Industrial Accidents
2. The Town's Worker's Compensation Carrier
3. Employee

All forms are self-explanatory, and should be filled out in black ink or typed.

IF APPROVED

The department will be advised of the amount of Worker's Compensation that will be paid. The department will then adjust the employee's attendance record to reflect the time charged between the date of the accident and the date of the claim approval.

The employee will receive a Worker's Compensation check in the mail each pay period as long as the employee is out on approved worker's compensation leave. This check may be signed over to the Town, or it may be kept by the employee in lieu of his/her regular compensation. If an employee chooses to keep the workers compensation check, all benefit contributions must be fully continued. For further information on this policy contact the Accounting Office. The Accounting Office will determine the last date the department can pay the employee against

accrued sick, vacation and/or personal time, and ask the employee for permission to apply said leave to make up the gap between worker's compensation pay and his/her normal pay.

IF NOT APPROVED

The Department will charge the employee for accrued sick, vacation, or personal time used, beginning with the day following the accident. Payroll records submitted by the department should indicate this usage. The Accountant's Office will determine the date accrued sick, vacation, or personal time is exhausted. After that date, no payroll submission for that employee will be accepted.

Time Sheets and Payday

Time sheets for the pay period are to be completed by all employees and submitted to their supervisors when they are requested or when payroll needs to be processed. In the event an employee is unavailable to complete and submit his or her time sheet, he or she may complete the time sheet in advance or call the supervisor and relay the information. Time sheets must include the employee's name and hours worked on a daily basis, holiday time, sick leave used, vacation leave used, leave without pay, etc. The employee must sign the time sheets attesting that all time worked and leave used is reported for the period. The employee's supervisor and/or the BOS and /or their designee will review and sign the time sheets. Town employees are paid every other week. If the employee desires to release their pay to another authorized person, they shall notify the Treasurer or the BOS or their designee in writing.

Working Hours/Work Week

Normal full time working hours are from 7:00am to 3:30pm Monday through Friday. Working schedules vary between departments; employees working part time and/or alternate schedules may be required or considered by the supervisor or the BOS and/or their designee. The workweek will begin on Sunday at 12:00am and end on Saturday at 11:59 pm. Non-exempt employees working over 40 hours per week will be paid overtime at 1 1/2 times their hourly wage rate. Vacation, holiday, personal day(s), and paid sick time taken during the week is included in the computation of overtime. Exempt employees do not receive compensatory time for hours worked over 40 hours per week. Lunch periods are unpaid and last 30 minutes. If an employee needs to take a longer lunch period, it should not interfere with the employee's performance of their duties and must be preapproved by the employee's supervisor. Lunch periods are to be taken at a time approved by the supervisors and are staggered among the employees to ensure effective service to the residents of the town. Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid, but may not exceed 15 minutes per four consecutive hour period. Additional breaks for exempt employees should not interfere with the employee's performance of their duties.

Employees are assigned a regular hour to report to work. This time may be changed at any time during the course of your employment based on the operational needs of the Town. If an

employee is late, the time will be deducted from that employee's pay. The same practice applies if an employee leaves before the end of the employee's shift. Repeated tardiness or leaving the work area early will require disciplinary action and may result in dismissal from employment. If an employee reports to work early through the employee's own choice, the employee will not be paid for this time and will not be permitted to work. Naturally, if the Town, through the employee's Department Manager, requests that an employee come in early because of a heavy workload or similar reason, that employee will be paid for this time.

SOLICITATIONS

Solicitation of employees is prohibited on town property for any purpose. An exception to this rule is the annual town sanctioned campaign for the United Way.

Travel and Expense Reports/Reimbursement

All employees shall have their travel approved prior to by the supervisor, Appointing Authority, BOS and/or their designee. All employees driving on town business are required to provide verification of valid driver's license with appropriate endorsements for the types of equipment operated.

Employees completing Town business may be compensated for travel expenses, meals, mileage and/or incidental expenses at a rate established by the town. Receipts must be included for lodging, travel, meals, and appropriate ancillaries. If meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly. Employees may be able to use a town vehicle when traveling. Vehicles in need of repair must be reported to a supervisor and/or the BOS and/or their designee immediately. (See the Use of Town Vehicle/Vehicle Accident Section.) If a Town vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement. When employees use their own vehicles for town business, they are required to provide proof of liability insurance coverage. Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for town business. The advance must be justified with reasonable requests for meals, lodging, gasoline cost, public transportation, etc. Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed. **Travel costs estimated to exceed \$500.00 must be approved by the BOS.**

Paid Holidays

The Town may observe the same holidays as recognized by the Commonwealth of Massachusetts most of Town Offices will be closed. If an employee must work on the holidays listed below due to weather or other emergency, time and one half wages will be earned:

Full time employees

These are the days the Town Hall is closed:

- New Year's Day
- Martin Luther King Day
- President's Day
- Patriot's Day

4/5/2021

JUNE TEENTH

- Memorial Day
- Labor Day
- Veterans' Day
- Day after Thanksgiving
- Independence Day
- Columbus Day
- Thanksgiving Day
- Christmas

If a holiday falls on a Saturday, the Friday preceding is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday. If a holiday occurs within an employee's vacation period, he/she shall receive an additional vacation day with pay.

Regular part time employee (20 or more hours):

The above holidays are paid only if that particular holiday falls on a day normally worked by that employee.

Vacation

Each regular full-time and regular part-time employee (20 or more hours) shall earn annual leave from the first day of employment, but will not be eligible to take the accrued leave until the employee successfully completes 90 days of service.

Regular full-time permanent employees who have passed 90 days of service accrue vacation leave as follows:

90 days of service -- 1 Year of Employment: One (1) week or forty (40) hours of paid vacation through the first (1st) year of service.

1 – 5 Years of Employment: Two (2) weeks or eighty (80) hours of paid vacation after the first (1st) through the fifth (5th) year of service.

6 – 12 Years of Employment: Three (3) weeks or one hundred twenty (120) hours of paid vacation during the sixth (6th) through the twelfth (12th) year of service.

12 + Years of Employment: Maximum four (4) weeks or one hundred sixty (160) hours of paid vacation during and after the twelfth (12th) + year of service.

Regular part time (20 or more hours) employees who have passed their probationary period accrue vacation leave as follows:

1 – 5 Years of Employment: One full (1) year of service are entitled to one (1) week or forty (40) hours of paid vacation through the fifth (5th) year of service.

6 – 12 Years of Employment: Two (2) weeks or eighty (80) hours of paid vacation during the sixth (6th) through the twelfth (12th) year of service.

12 + Years of Employment: Maximum (3) weeks or one hundred twenty (120) hours of paid vacation during and after the tenth (12th) year of service.

Each fiscal year, all vacation time must be taken before the first of the next fiscal year (July 1). At the end of the fiscal year, any unused vacation time, not to exceed five (5) days or forty (40) hours, will be added to the employee's vacation for the next fiscal year **not to exceed forty (40) hours max rollover**. Vacation time will be taken in units of, not less than, one (1) hour. The timing of all regular vacation is subject to the approval of the Department Head. Requests for vacation must be submitted in advance (at least 3 working days) and pre-approved by the employee's supervisor or the BOS and/or their designee. The annual leave will be approved after considering the best interest of the town and the employee's unit. Should two employees request the same period of vacation, their supervisor or the BOS and/or their designee has discretion regarding the approval of the leave requests. An employee who has worked 90 days of service and has separated from the service of the town for any reason shall be entitled upon termination to cash compensation pay-out for unused vacation leave. The pay-out will be based upon the employee's salary at time of termination.

Personal Time

Full Time employees are allowed paid personnel time after they have been of service continuously beyond 90 days. After the 90 days of service period, earned personnel time is (3) days or twenty-four (24) hours per fiscal year earned, for personal matters which require absence during working hours. This time may be taken in units of not less than one (1) hour. Personal time off requires prior approval of the Department Head. Each fiscal year, by the end of the fiscal year (June 30th) any **unused Personal Time will be lost**.

Sick Leave

Full Time employees are allowed paid sick leave after they have been employed continuously for 90 days of service. After the 90 days of service period earned sick leave is (7) days or fifty-six hours (56) per fiscal year, which may be taken in units of not less than one (1) hour. Each fiscal year, by the end of the fiscal year (June 30th) any **unused Sick Leave time will be lost**.

An employee on sick leave shall inform his/her Department Head of the fact and the reason therefore, as soon as possible, but no later than the scheduled start of the employee's shift. Failure to do so shall be cause for denial of sick leave pay for the period of absence.

Employees will not be permitted to transfer sick leave from one employee to another. After an absence of 2 continual days, the employee must present a doctor's note stating that the employee is fit to return to work. The Town may, at its discretion and expense, request a second opinion to ensure that the employee can complete the necessary functions of the position. If the Town suspects abuse of sick leave, the Town can require the employee produce doctor notes for current and future absences. When proof of illness is requested and not provided, the absence will be unpaid. Sick leave is available only for employee illness. Claiming sick leave when not ill will subject you to disciplinary action. Abuse of sick leave may result in disciplinary action up to and including termination.

Bereavement Leave

An employee may be granted up to three working days of paid bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family. For the purpose of bereavement funeral leave, "immediate family" shall be as follows: wife, husband, mother, father, daughter, son, mother-in-law, father-in-law, sister, sister-in-law, brother, brother-in-law, grandfather, grandmother, grandchildren and/or a relative customarily living within the employee's immediate household.

One or two days of Bereavement leave may be granted by the supervisor for the purpose of the employee attending the funeral of a member of the employee's extended family.

Breast Feeding in the Workplace Policy

Women returning from maternity leave who wish to continue breastfeeding or need privacy for any needs concerning this practice will be provided a private place (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the Town will make every effort to provide suitable facilities for milk storage during the employee's daily work period.

Family and Medical Leave Act (FMLA)

See Addendum

PFMLA - see Addendum
SMALL NECESSITIES LEAVE ACT POLICY

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

DOMESTIC VIOLENCE LEAVE POLICY

I. Administrative Policy

It is the Administrative Policy of the Town to implement and administer the provisions of An Act Relative to Domestic Violence. This law is intended to reduce domestic violence, and to provide

victims and family members of victims of domestic violence protected work leave for qualifying reasons associated with domestic violence.

II. Definitions

Eligible Employees: All employees who are employed by an Employer of fifty (50) or more employees and have exhausted all vacation, personal, or sick leave.

Qualifying events: “Domestic Violence” against an Eligible Employee or “Family Member” (unless the employee is the perpetrator of violence against the family member) for qualifying reasons.

Domestic violence: Abuse against an employee or the employee’s family member by a current or former spouse of the employee or the employee’s family member, a person with whom the employee or the employee’s family member shares a child in common, a person who is cohabitating with or has cohabitated with the employee or the employee’s family member, a person who is related by blood or marriage to the employee, or a person with whom the employee or employee’s family member has or had a dating or engagement relationship.

Family Member: Persons who are married to one another, persons in a substantive dating or engagement relationship and who reside together, persons having a child in common regardless of whether they have ever married or resided together, a parent, step-parent, child, step-child, sibling, grandparent or grandchild, or persons in a guardianship relationship.

Length of Leave: The leave entitlement under An Act Relative to Domestic Leave is up to fifteen (15) unpaid days of Domestic Violence Leave in a twelve (12) month period to employees who qualify 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, attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

III. Procedure

Notice Requirement: An employee submitting for Domestic Violence Leave is required to inform the employer prior to taking such leave, unless there is an imminent danger to the health or safety of an employee or the employee’s family member. However, in the case of imminent danger, the employee shall notify the employer within three (3) workdays that the leave was taken.

IV. Effect of Benefits

- A. An employee granted a leave under this policy will continue to be covered under the employer’s group health insurance plans and life insurance plans under the same conditions as coverage would have been provided if he/she had been continuously employed during the leave period.

B. If the employee fails to return from domestic violence leave, the employer may seek reimbursement from the employee for the portion of the premiums it paid on behalf of that employee (also known as the employer contribution) during the employee's leave.

C. An employee shall be in an unpaid leave status for the duration of the leave.

V. Job Protection

A. If the employee returns to work within the time permitted, a maximum of fifteen (15) days in a twelve (12) month period, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.

B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, the employee will be subject to any pay or benefit reductions or other adverse actions, including layoff, which he/she would have experienced if he or she had not taken leave under this policy.

C. If the employee fails to return after qualifying leave under this section, the employee may be terminated, unless reinstated to his/her same or similar position, in accordance with applicable laws, other leave-related policies, and/or appropriate bargaining unit contract language.

Absence Without Authorization

Absence is the failure to report to work and/or to remain at work as scheduled. It includes late arrivals and early departures as well as absence for an entire day. Regular and punctual attendance is essential for efficient operations. If an employee does not know in advance that they will be absent or unavoidably late, they should telephone the office to ensure their supervisor, BOS and the staff is notified as soon as possible. Failure to request advance approval or to report an absence as described above may result in disciplinary action up to and including termination. An employee who fails to call in for three successive days to report such absences will be considered to have voluntarily terminated employment with the town unless a justifiable reason is provided.

Attendance

Employees are expected to report to work as scheduled by their supervisor, Appointing Authority or the BOS. If the employee is late to the point where it will impact their job duties, they must contact their supervisor, Appointing Authority or the BOS with an explanation. If the tardiness/absence is deemed unreasonable, it may result in disciplinary action. Advance notice should be given if possible to allow for a replacement to be scheduled, if necessary. If the employee's supervisor, Appointing Authority or the BOS are unavailable, a message should be

left with the senior staff member explaining the situation. Failure to notify the office of an absence or tardiness may result in disciplinary action up to and including termination.

Jury Duty Leave

The Town agrees to make up the difference of the employee's wages between a normal week's wages and compensation received for jury duty, exclusive of travel of any other allowance, for an employee actually serving on jury duty on a workday or who actually reports to the Court for jury service as required by said Court for any portion of a workday. Employees are required to check with the court the night prior to scheduled jury duty to determine if they are required to appear. If not, the employee is required to report to work.

The employee shall immediately notify his/her supervisor in writing on an approved form upon receipt of notice of jury duty and provide the Town with written verification of the date(s) of jury duty. The Employee shall submit official court documentation of the date(s) of jury service and compensation therefore as soon as jury service is completed.

This also applies when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive on behalf of the Town.

The Town reserves the right to request that an employee who is called for jury duty be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

If an employee chooses to use vacation leave the employee may keep jury or witness fees in addition to their mileage and actual expense fees. The employee may keep any witness fees or court payment if services are performed on the days of his/hers regularly scheduled weekend or days off. Benefits continue to accrue while an employee is on jury duty. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

Military Leave

Regular employees who are called for temporary military duty shall receive the difference between their military pay (excluding travel allowance) and their regular pay for up to seventeen (17) days of such duty annually upon receipt of a copy of the employee's military orders and a written request for such pay differential. The employee's vacation allowance shall not be affected by such duty.

Educational Leave/Training

The Town encourages training for employees where the training improves employee productivity, knowledge and skills when town's services and programs will be more efficient and effective. The town may provide some level funding for training that is a work-related

program, seminar, conference, convention, etc. and is pre-approved by the employee's supervisor and the BOS or the appointing authority.

Licensing Fees

If the town has requested that the employees responsibilities change of a current employee to include obtaining a license, the town will pay for the licensing fees and/or annual renewal fees.

Insurance

Employees who are regularly scheduled 20 or more hours per week may participate in the Town's medical insurance plan. The town currently pays seventy-five percent (75%) of the medical insurance premium.

Personal Appearance and Demeanor

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings, board meetings, or other related contact should dress professionally in business attire. The office, though a casual atmosphere, may receive visitors, board members, etc and all personnel are to be dressed appropriately. Hair and clothes should be neat. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the Appointing Authority or the BOS. The supervisor may order an employee to take unpaid time to go home and change if their attire is not considered appropriate. It is hoped continuous instances of non-compliance would not occur otherwise disciplinary action will be necessary.

Smoking

All Town Buildings, facilities, and Vehicles are non-smoking. Employees may smoke during scheduled break periods outside of town buildings, but not within 50 feet of the town buildings.

Discipline

Upon suspected violation of federal, state or local laws, town rules, and/or regulations, employee conduct/behavior/performance standards, town policies, or insubordination, the employee may be subject to disciplinary action up to and including termination. The supervisor of the employee in question shall notify the BOS or the appointing authority of the alleged conduct and the BOS or appointing authority will task the supervisor and/or the Personnel Director to fully investigate and document situations that may require disciplinary action. Employees may be suspended (with or without pay) pending investigation.

The employee will be interviewed during the investigation process. Prior to the investigation interview, the employee will be informed of the suspected violation and in general terms what the interview will be regarding. The supervisor, BOS, or Appointing Authority as well as the employee may request an attendee to accompany them in the interview, if desired. The attendee, however, will be permitted for observation only and will not be permitted to

participate in the interview. The supervisor, the employee being investigated and the BOS or Appointing Authority will meet and conduct the interview.

Upon conclusion of the investigation, it will be decided whether or not discipline needs to occur. The BOS shall inform the employee of the results of the investigation in writing. If deemed necessary, the Personnel Director shall be present to document the hearing. During the hearing, the employee will be able to respond to the findings of the investigation. Upon completion of the hearing, the BOS will write a letter to the employee documenting the investigation and stating the findings and declaring the appropriate form of discipline as determined by the Town.

Appropriate discipline, as determined by the Town, will be rendered in one of the following forms:

Oral Reprimand. The BOS or Appointing Authority with notification to the BOS, will meet with the employee and explain the problem as well as the necessary action required to correct the problem. The BOS will also outline the time period in which the employee must correct the problem and the consequences should the employee not conform or comply with the necessary action. The BOS will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand. The employee and the BOS will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

Written reprimand. The Board of Selectmen or Appointing Authority will document the problem in a letter to the employee. The BOS will meet with the employee, present the letter, and explain the problem. During the meeting the BOS will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not satisfactorily complete the necessary action. The letter to the employee will clarify that the employee is receiving a written reprimand as part of the disciplinary procedure. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and received the Written Reprimand.

Suspension. The BOS or Appointing Authority will document the problem in a letter to the employee and indicate whether the employee is being suspended without pay. The BOS will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting the BOS will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not do the necessary action. The letter to the employee will clarify the effective dates of the suspension and the date and work schedule and the date that the employee is to return to work. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and that the form of discipline was suspension.

Demotion-Termination. The BOS or Appointing Authority will document the problem in a letter to the employee and indicate the specific conditions of the demotion to include modified job duties and compensation, as warranted. The BOS will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting, the BOS will clarify the necessary corrective action and the consequences should the employee not comply with the necessary corrective action. The BOS will determine if the demotion is a temporary disciplinary measure or a permanent job modification. In the event the demotion is a permanent job modification, the employee's job description will be updated to reflect such. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required and that the form of discipline was a temporary or permanent demotion and loss of job duties/responsibilities. If the employee's job description was updated, the employee must sign the updated job description to reflect that the employee has had the modified duties communicated to the employee. If the appropriate disciplinary action is termination, a letter to the employee will document the problem and summarize the results of the investigation and hearing. The letter will detail the effective cause and date of discharge.

POLICIES

DISCIPLINARY ACTION

When a disciplinary action is warranted, you will be taken by your supervisor to a quiet area and informed of the infraction and the penalty being imposed. A record of all penalties will be maintained in your job file.

Infractions of the following specific rules will merit penalties shown on the chart as follows, however, it should be noted that the below chart is a guidance document and multiple infractions, whether the same or a variety of different infractions, and serious infractions can result in higher levels of discipline leading up to and including termination:

NOTE: Suspensions may be recommended for investigation purposes. Discharge is recommended in cases where an employee is suspended for one rule infraction and is one step short of discharge for another rule infraction.				
KEY	VW	WW	S	D
	Verbal Warning	Written Warning	Suspension	Discharge
Where W/S , W/S/D or S/D is indicated, the penalty for the rule infraction may vary, depending upon the severity of the offense and other facts considered.				

Your supervisor has the authority to suspend you for the balance of the work day, if the infraction warrants the discharge/suspension penalty. The full discharge or suspension penalty will be carried out only after a review of the facts with the employee, his/her supervisor.

ATTENDANCE	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
Absence of three consecutive work days without notifying your supervisor without a justifiable reason.	D			
Unexcused Absence	WW	S/D		
Chronic Absence	VW	S/D	D	
Unexcused/ Excessive Tardiness	VW	WW	S	D
Leaving without permission	S	D		
Failure to report an absence before the start of your shift	VW	WW	S	D

ON THE JOB BEHAVIOR	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
Inaccurate, careless recurrent errors.	VW	WW	D	
Failure to satisfactorily carry out normal assigned duties	VW	WW	D	
Refusal to accept assigned duties.	S	D		
Improper use, possession or selling of alcohol or controlled substance on company property; reporting for or being at work under the influence of either.	D			
Sleeping on the job	D			
Littering, poor housekeeping	VW	WW	S/D	D
Horseplay, running, scuffling, throwing things, or interfering with the work of fellow employees.	S	D		
Smoking in an unauthorized area.	S	D		
Fighting.	D			
Gambling.	D			

Failure to use safety devices.	S	D		
Failure to observe the work schedule.	VW	WW	S	D
Carelessness.	VW	WW	S	D
Violation of dress/uniform code	VW	WW	S	D
Delaying or restricting operations or influencing others to do so	WW/S/D	D		
Distribution of written or printed material of and description on company property during working time.	WW	S	D	
Intimidating, threatening or interfering with a supervisor or other employees.	S/D	D		
Possession of firearms or other weapons while on company/customer property.	D			
Failure to observe posted safety rules	S/D	D		
Excessive interruption of work for personal phone calls, personal business, and/or personal visits by or to other employees.	VW	WW	S	D
Malicious or negligent destruction, waste or abuse of company property	D			

OTHER ACTS	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE	FOURTH OFFENCE
Theft, embezzlement from company, customer or employees.	D			
Punching another employee's time card or altering their or your time card record.	D			
Malpractice, Fraud or Falsifying work records	D			
Removal and personal use or the use by others of company property, material, products, designs, forms and private or confidential reports.	D			
Misconduct which casts discredit upon the towns reputation or image while on duty.	S	D		
Failure to follow the computer policy	WW/S	D		

Town of Savoy Personnel Policy Handbook Addendum

Contents

Town of Savoy Personnel Policy Handbook Addendum

A1) Sexual Harassment Policy

A2) Family and Medical Leave Act

A1) Sexual Harassment Policy

I. Introduction

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

Because the Town of Savoy takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

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

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

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies. Savoy's;
- 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.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor. All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Commonwealth of Massachusetts or the Town of Savoy.

III. Complaints of Sexual Harassment

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

If you would like to file a complaint you may do so by contacting your Supervisor, Administrative Assistant or Town Clerk. Select Board Chairmen or designee will also be available to discuss any concerns you may have and to provide information to you about the Town's policy on sexual harassment and the complaint process.

IV. Sexual Harassment Investigation

When the Town receives a complaint it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted by BOS or designee in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The BOS or designee will also interview the person alleged to have committed sexual harassment. When the investigation is completed, the Town will, to the extent appropriate, inform the

person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

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

V. Disciplinary Action

If it is determined that an employee has engaged in inappropriate conduct, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action deemed appropriate under the circumstances.

VI. State and Federal Remedies

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

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

2. The Massachusetts Commission against Discrimination ("MCAD") Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108, (617) 994-6000. Springfield Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103, (413) 739-2145.

A2) Family and Medical Leave Act

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. An eligible employee is an employee who has been employed for at least twelve (12) months by the Town and who has worked at least 1250 hours in the previous 12 month period or has a salaried position of at least .5 F.T.E.s.

Definitions:

a. "Child" means a son or daughter, whether biological adopted, foster child, a stepchild, legal ward or child to whom the employee stands in loco parentis, if the child is either under the age of eighteen (18) years or is incapable of self-care because of a mental or physical disability.

b. "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state where the doctor practices, or any person determined by the Secretary of Labor to be capable of providing health care services.

c. "Intermittent Leave" means leave taken in whole day periods but less than a whole work week.

d. "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

e. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per work week, or hours per workday, of an employee.

f. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which involves either

(1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care;

or

(2) continuing treatment by a health care provider, which includes:

(a) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:

a. treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); or

b. one (1) treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or

(b) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or

(c) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for absence; or

(d) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or

(e) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

- g. "Spouse" means a husband or wife, as defined by state law.
- h. "Twelve Month Period" the preceding twelve-month period from when the leave commences.

Types of Leave without Pay

1. **Personal Medical Leave:** The Town may grant a medical leave of absence without pay to an employee who, because of a serious health condition is unable to perform the functions of his or her job.
 - a. An employee must exhaust all available sick leave before taking leave without pay.
 - b. **Medical Certification:**
 - (1) The Town may require a medical certification from the employee's health care provider, stating—
 - i. the date on which the health condition began,
 - ii. the probable duration of the condition,
 - iii. the appropriate medical facts within the health care provider's knowledge regarding the condition,
 - iv. a statement that the employee is unable to perform the functions of his/her job.
 - (2) If the Town has reason to doubt the validity of the medical certification provided by the employee's health care provider, the Town may require, at the Town's expense, a second opinion. The employee must obtain the opinion of the Town's designated health care provider concerning the information in b., above.

The health care provider giving the second opinion may not be a person regularly employed by the Town.
 - (3) If the second opinion conflicts with the first, the Town may require, at the Town's expense, a third opinion. The third health care provider's opinion shall be final and binding on the Town and the employee.
 - (4) The Town may require an employee on medical leave without pay to provide medical certifications at reasonable intervals.
 - c. If the necessity for leave is foreseeable based on planned medical treatment, the employee—

- (1) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the school, subject to the approval of the employee's health care provider.
 - (2) shall give the employee's supervisor at least thirty (30) days' notice, before the date the leave is to begin, of the employee's intention to take personal medical leave without pay, except that if the date of treatment requires the leave to begin in less than thirty (30) days, the employee shall provide such notice as practicable.
 - d. If the necessity for leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day.
 - e. If the necessity for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.
 - f. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
 - g. Before the employee may resume work, the employee must present his or her supervisor with written medical certification from the employee's health care provider that the employee is able to resume work. If reasonable safety concerns exist, the Town may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.
2. Family Medical Leave: The Town may grant a medical leave of absence without pay to an employee who needs the time off to care for the employee's spouse, child or parent, if the spouse, child or parent has a serious health condition.
- a. Medical Certification
 - (1) The Town may require a medical certification from the health care provider for the spouse, child, or parent, as the case may be, stating-
 - i. the date on which the health condition began,
 - ii. the probable duration of the condition,
 - iii. the appropriate medical facts within the health care provider's knowledge regarding the condition,
 - iv. that the employee is needed to care for the spouse, child, or parents, as the case may be, and an estimate of the amount of

time that such employee is needed to care for the spouse, child, or parent.

- (2) If the Town has reason to doubt the validity of the medical certification provided by the employee's health care provider, the Town may require, at the Town's expense a second opinion. The employee must obtain the opinion of the Town's designated health care provider concerning the information in b., above. The health care provider giving the second opinion may not be a person regularly employed by the Town.
 - (3) If the second opinion conflicts with the first, the Town may require, at the Town's expense, a third opinion. The third provider's opinion shall be final and binding on the Town and the employee.
 - (4) The Town may require an employee on medical leave without pay to provide medical certification at reasonable intervals.
- b. If the necessity for leave is foreseeable based on planned medical treatment, the employee—
- (1) Shall make a reasonable effort to schedule the treatments so as not to disrupt unduly the operations of the Town, subject to the approval of the health care provider for the spouse, child, or parent of the employee, as the case may be, and
 - (2) Shall give the employee's supervisor at least thirty (30) days notice, before the date the leave is to begin, of the employee's intention to take family medical leave without pay, except that if the date of the treatment requires the leave to begin in less than thirty days, the employee shall provide such notice as practicable.
- c. If the necessity for leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day.
- d. If the necessity for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.
- e. the employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.

3. **Parental Leave:** An employee may take parental leave without pay within one year of the birth of the child in order to care for that child. An employee may take parental leave without pay within one year of the placement of a child with the employee for adoption or foster care.
 - a. When the need for parental leave without pay is foreseeable based on expected birth or placement, the employee shall give his or her supervisor at least thirty (30) days' notice before the date the leave is to begin. If the date of the birth or placement requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.
 - b. An employee taking parental leave without pay may not take intermittent leave or work on a reduced leave schedule without the express consent of the Chief Administrative Officer in writing.

4. **Qualifying Exigencies Leave:** An employee may take leave without pay for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation. Qualifying exigency leave is not available to family members of military members in the Regular Armed Forces. A qualifying exigency is defined as: (1) Short-notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
 - a. **Certification**
 - (1) Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. A second and third opinion and recertification are not permitted for certification of a qualifying exigency. The employer may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

- b. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.
 - c. Leave may be taken intermittently for a qualifying exigency.
- 5. Care for Service Member Leave: An employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness may take leave without pay for up to a total of twenty-six (26) workweeks during a single twelve (12) month period to care for the service member.

A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member).

a. Medical Certification

- (1) Leave to care for a covered service member with a serious injury or illness must be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. Second and third opinions and recertification are not permitted. The employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's

direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA.

- b. Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable, but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer’s usual and customary notice requirements.
- c. Leave may be taken intermittently whenever **medically necessary** to care for a covered service member with a serious injury or illness. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation.

Special Rules

- 1. Benefits during Leave:
 - a. While the employee is on leave, the Town shall maintain coverage of that employee under its group health plan at the level and under the conditions which would have been provided if the employee had continued in employment instead of being on leave.
 - b. If the employee normally had a monthly payment to that plan, the employee must make that monthly payment. If the employee fails to make such payments, the Town shall, if possible, continue the benefits at the reduced rate. If such a reduced rate is not possible, then the employee shall be excluded from the group health plan.
- 2. Employment and Benefits upon Return to Work:
 - a. Any employee who takes leave under this Policy for the intended purpose of the leave shall be entitled, on return from leave--
 - (1) to be restored to his or her former job, or
 - (2) to be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
 - b. The taking of leave under this policy shall not result in the loss of any

employment benefit accrued before the date on which the leave began, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

- c. No employee shall accrue seniority or employment benefits during any period of leave, nor shall the employee be entitled to any right, benefit, or position of employment other than those to which the employee would have been entitled if the employee had not taken the leave.
3. Failure to Return from Leave: The Town may recover the premium which it paid for maintaining coverage of the employee under its group health plan during the employee's unpaid leave under this policy if--
- a. the employee fails to return from unpaid leave under this policy after the period of leave to which the employee is entitled has expired; and
 - b. the employee fails to return to work for a reason other than--
 - (1) the continuance, recurrence, or onset of a serious health condition which would entitle the employee to personal or family medical leave without pay, or
 - (2) other circumstances beyond the control of the employee.
4. Prohibited Acts:
- a. No employee of the Town shall interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this title.
 - b. No employee of the Town shall discriminate against any individual for opposing any practice contrary to this policy.
 - c. No employee of the Town shall discriminate against any individual for:
 - (1) Filing any charge, instituting or causing to be instituted any proceeding, under or related to this policy,
 - (2) giving, or being about to give, any information in connection with any inquiry or proceeding relating to any right provided under this policy, or
 - (3) Testifying, or being about to testify, in any inquiry or proceeding relating to any right provided under this policy.

Paid Family Medical Leave is not offered by
the Town of Savoy
42
11/12/2021