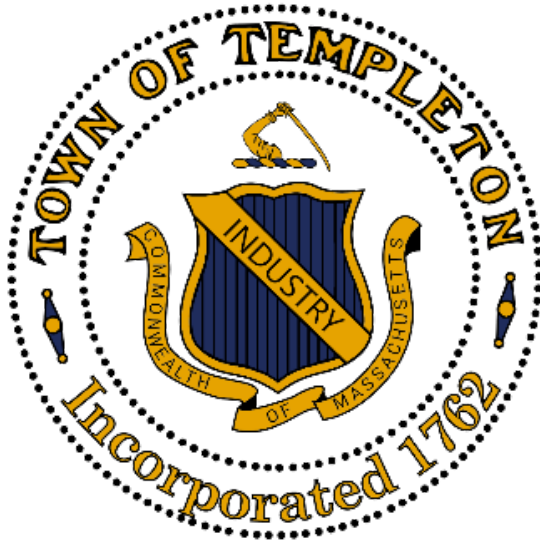


# TOWN OF TEMPLETON, MASSACHUSETTS



## PERSONNEL POLICIES AND PROCEDURES

## **TABLE OF CONTENTS**

Section 1:	Scope and Purpose .....	3
Section 2:	Administration and Effective Date .....	3
Section 3:	Employment Practices.....	4
	A. Equal Employment Opportunity.....	4
	B. Reasonable Accommodation .....	4
	C. Announcements .....	4
	D. Status Changes .....	4
	E. Orientation .....	4
	F. Probationary Period .....	4
	G. Annual Performance Goal and Merit Review .....	4
	H. Separation .....	6
	I. Exit Interview .....	6
Section 4:	Conduct and Working Conditions.....	7
	A. Job Descriptions .....	7
	B. Attendance .....	7
	C. Inclement Weather Closing Policy .....	7
	D. Attire .....	8
	E. Employee's Private Property .....	9
	F. Safety .....	9
	G. Vehicle Policy and Procedure .....	9
	H. Internet/Electronic/Smartphone Communications .....	10
	I. Injury On or In Town Property .....	10
	J. Anti-Harassment Policy .....	11
	K. Tobacco Regulation .....	14
	L. Drug and Alcohol Free Workplace Regulation .....	14
	M. Employee Assistance Program (EAP) .....	14
Section 5:	Progressive Discipline .....	15
Section 6:	Benefits .....	15
	A. Family and Medical Leave Act .....	16
	B. Leave for Victims and Family Members of Abusive Behavior .....	18
	C. Small Necessities Leave Act .....	20
	D. Sick Leave .....	21
	E. Sick Leave Bank .....	22
	F. Vacation .....	22

G. Holidays .....	23
H. Personal Leave .....	23
I. Jury Duty .....	24
J. Military Leave .....	24
K. Bereavement Leave .....	24
L. Insurance .....	24
M. Retirement .....	25
N. Workers Compensation .....	25
O. Training and Educational Assistance.....	25
Section 7: Personnel Records .....	26
A. Personnel File .....	26
B. Access to Employee Personnel Records.....	26
C. Release of Information .....	26
Section 8: Compensation Policy.....	26
A. Compensation .....	26
B. Employee Time Records .....	27
C. Payroll Period .....	28
D. Over Time .....	28
E. Pay for Temporary Assignment .....	28
F. Emergency Closing .....	28
G. Special Merit Awards.....	28
Section 8A: Recruitment Incentives.....	29
Section 9: Glossary.....	29
Appendix.....	31
Amendments.....	32

## **SECTION 1: SCOPE AND PURPOSE**

The provisions of this document entitled the "Town of Templeton, Massachusetts, Personnel Policies and Procedures." may be referred to as the "policy" for the purposes of this document. The Town of Templeton, Massachusetts, may be referred to as the "Town" for the purposes of this guide. The purpose of this policy is to establish a system of personnel administration with policies and procedures governing employment with the Town in conformity with federal, state, and Town bylaws.

The policies and procedures outlined herein are subject to change without notice provided that the changes are made in accordance with federal and state laws and Town bylaws. Any and all additions, revision or updates, to state or federal guidelines as defined here in the policy will supersede this policy. Each provision of this policy will be construed as separate to the end that if any part of it will be held invalid for any reason, the remainder will continue in full force and effect.

Unless otherwise stated, these policies apply to all full-time, part-time, and seasonal employees.

These policies are a guide only, and it is not the intent of the Town to grant any employee any contractual commitment expressed or implied by its adoption. The employment relationship between the employee and the Town is at will and may be terminated by either party at any time.

All employees will receive a hard copy of this policy at the time of hire, and it is the responsibility of the employee to review all sections then return a signed acknowledgment form stating that they understand what they have read to the Human Resources Assistant. All employees have the right to ask for an updated printed copy at any time.

Except as otherwise prohibited by law, The Town reserves the right to modify, change, or amend these policies and procedures at any time without notice.

This document serves as the primary policies and procedures for the Town. To the extent that there is a conflict between a specific provision of these policies and a Collective Bargaining (CBA), the CBA takes precedence over the Policy.

## **SECTION 2: ADMINISTRATION AND EFFECTIVE DATE**

It will be the responsibility of the Town Administrator in conjunction with the Human Resources Assistant, to properly administer these policies consistent with its duties and responsibilities as defined by the Massachusetts Constitution, Massachusetts General Laws, Code of Massachusetts Regulations, Federal Laws and Regulations, and the by-laws of the Town of Templeton. The Board of Selectmen may establish policy and procedure as necessary to fulfill this charge and may, from time to time, make and issue interpretations and regulations consistent with the provisions of these policies and necessary for its administration.

This policy will take effect upon approval of the Templeton Board of Selectmen and will be reviewed from time to time. Any revisions due to changes in federal, state or Town Bylaws will be voted as needed and incorporated as appendixes into the policy with the next annual review.

### **SECTION 3: EMPLOYMENT PRACTICES**

**A. Equal Employment Opportunity** - The Town of Templeton commits itself to the principles and practices of equal employment opportunity, in compliance with Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act (ADA); MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

**B. Reasonable Accommodation** - The Town is committed to acting in compliance with the ADA and state law designed to ensure equal employment opportunities for individuals with disability or handicap. The Town prohibits discrimination on the basis of disability/handicap in regard to hiring and terms and conditions of employment. The Town will make reasonable accommodations in accordance with ADA and applicable state law. Applicants and employees who wish to request reasonable accommodations should contact the Human Resources Assistant.

**C. Announcements** - The Town Administrator or Designee will make known all approved vacancies for positions by posting announcements of such vacancies via the official Town website or local newspaper or other publications, to the extent necessary to ensure sufficient numbers of qualified candidates.

**D. Status Changes** - Employees are responsible for notifying their Department Head of any change in their personal status including address changes and telephone number. The Department Head is responsible for forwarding this information to the Human Resources Assistant via the New Employee Status Update Change form. Employees with changes that will affect insurance, such as marital or familial status, are to contact the Human Resources Assistant directly to get the proper forms and policies updated. Any changes to job description and wages will be made by the Department Head with approval of the Town Administrator. Appropriate forms will be completed, signed, forwarded to appropriate departments, and a copy placed in the personnel file.

**E. Orientation** - The Human Resources Assistant will inform new employees of their rights, responsibilities, duties and obligations, thoroughly explain all benefits and options the employee is entitled to and assist the employee with completion of all appropriate forms. The employee will be provided with a copy of these personnel policies at the time of hire. After reading this policy, the employee is to sign the appropriate form indicating receipt and return it to the Human Resources Assistant. The employee will receive onsite training and orientation regarding specific rules, regulations, policies and procedures of the assigned department, including the safety policies and procedures.

**F. Probationary Period** - Any new hire or a change in position, the first six (6) months of employment will be considered a probationary period. This period allows the employee an opportunity to get to know the Town and the position and further allows the employee's Department Head to assess the employee's skills and abilities. Performance reviews may be done in writing during the probationary period, to evaluate the employee's strengths and weaknesses and will be signed by both the Department Head and employee and placed in the personnel file with a copy given to the employee. Upon successful completion of the six (6) month probationary period, the Department Head will notify the employee that they will be considered a permanent employee of The Town of Templeton. A letter will be sent from the Town Administrator to the employee and a copy placed in the personnel file. Completion of the probationary period does not guarantee employment for any period of time since each employee is still an at-will employee of the Town and may be dismissed at any time.

**G. Annual Performance, Goal and Merit Review** - The Town may provide annual performance reviews and consideration for wage increases subject to budgetary constraints.

### 1. Purpose

The performance appraisal provides a means for discussing, planning and reviewing the performance of each employee.

Regular performance appraisals:

- a. help employees clearly define and understand their responsibilities
- b. provide criteria by which employees' performance will be evaluated
- c. suggest ways in which employees can improve performance
- d. help managers distribute and achieve departmental goals
- e. provide a fair basis for awarding compensation based on merit

### 2. Eligibility

All full-time and regular part-time employees are eligible for an annual performance review and consideration for a merit pay increase. All pay increases will be approved by the Town Administrator.

### 3. Procedures

a. Performance review schedule

Performance reviews may be conducted on an annual cycle based on the employee's hire date. Employees will typically receive a performance review one month prior to their anniversary hire date each year.

b. Merit increase schedule

Merit increases are not guaranteed and are based on Town budget constraints. If the employee's performance is satisfactory, a merit increase, if awarded, would be approved for the next fiscal year.

Merit increases are designed to reward individual performance and must be allocated within The Town's budgetary constraints

c. Performance reviews—salary increases

Each Department Head is responsible for the assessment of the performance and contribution of employees. The Human Resources Assistant will send a reminder to the Department Head stating when an employee's review is scheduled to be due. A performance review may not always result in an automatic merit increase. The employee's overall performance and step level relative to position responsibilities must be evaluated to determine whether an increase is warranted, and within budgetary constraints.

d. Responsibility

The Human Resources Assistant will provide the forms and spreadsheets to be used, and the completed evaluation will be retained in the employee's personnel file.

The performance evaluation will be discussed and signed by both the employee and the Department Head to ensure that all strengths, areas for improvement and goals for the next review period are clearly communicated.

The Town Administrator will be fully informed of each review and will approve any pay increases based on the Town's budgetary constraints.

**H. Separation** - Employment with the Town has no specified term or length. Employees are free to resign at any time, and the Town reserves the right to terminate employment for any reason permissible by law. All employees, except some contract employees and bargaining unit employees, are considered employees at will. All separations of employees will be designated as one of the following types and accomplished in accordance with the manner indicated. Contract employees and bargaining unit employees should refer to their respective contracts and collective bargaining agreements.

1. **Dismissal** - An employee may be terminated for any reason permissible by law including but not limited to misconduct or incapacity. The Town Administrator will provide the employee with a written notice with the effective date and stating the reason(s) for the termination.

2. **Resignation** - An employee may resign from the Town at any time, as we are an at-will employer. The Town would prefer the notice be submitted in writing to the Department Head with a 2-week time frame for non-supervisory employees and a one (1) month notice for Department Heads or Supervisors.

3. **Lay-off** - The Town of Templeton reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization, or for any other appropriate reasons. If eligible, employees will be issued an unemployment form upon notice of lay-off.

4. **Retirement** - All regular employees are required to enroll in The Worcester Regional Retirement System. Retirement benefits are described in Section 6 - N.

At the time of separation and prior to final payment, the Department Head, Treasurer/Collector, Assistant to the Town Administrator and Human Resources Assistant, will gather all records, assets, or other items that belong to the Town that are in the employee's custody. In the event of a shortage in the above, an amount representing the value of unreturned property will be calculated and withheld from the employee's final compensation or collected through other appropriate action. Employees who separate from the Town's service will receive payment for all earned salary, vacation leave, sick time buyback, and are subject to normal deductions.

**I. Exit Interview** - For consideration in providing feedback to the Town separating employees may be asked to complete an exit interview, as near as possible to the close of the last day of work, prior to the issuance of the employee's final paycheck. The objectives of the exit interview to be conducted by the Human Resources Assistant are:

1. To give the employee an opportunity to further explain reasons for their resignation
2. To discover any criticisms the employee may have about the efficiency or effectiveness performed within the department in order that positive action(s) may be undertaken
3. To discover any miscommunications the employee may have had about their job or with their Department Head in order that positive measure(s) may be undertaken
4. To retain the goodwill of the employee toward the Town
5. To review administrative details with the employee such as benefits continuation rights and conversion privileges, if any, final pay, re-employment policy, and employment compensation and
6. To arrange for the return of any Town of Templeton property that has not already been returned to the Department Head. A record of the exit interview will be maintained in the employee's personnel file.

## **SECTION 4: CONDUCT AND WORKING CONDITIONS**

Employees of The Town of Templeton must adhere to the highest levels of ethical conduct and service so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Town employees are required to adhere at all times to the requirements of M.G.L. c. 268A, the Massachusetts State Ethics law.

**A. Job Descriptions** - The job descriptions are descriptive and subject to change as needed, with the approval of the Town Administrator. Should there be a change in any of the duties, responsibilities or qualifications of a position, the Department Head will notify the Human Resources Assistant so that the proper updates will be made.

**B. Attendance** - Employees are expected to report to work as scheduled, on time and prepared to start the work day. Employees also are expected to remain at work for their entire work schedule.

All employees are expected to give as sufficient of a notice as possible for any type of time off needed. Employees must use the appropriate leave time with or without pay as provided in this policy. (e.g., jury duty, bereavement, personal, sick etc.)

*Absence* is defined as the failure of an employee to report for work when the employee is scheduled. Punctual and regular attendance is an essential responsibility of each employee. Any tardiness or absence diminishes the overall function of the department.

If it is necessary for an employee to be absent or late for work because of illness, the employee must notify their Department Head or Supervisor as soon as practicable but no later than 30 minutes before the employee's scheduled start time on that same day, unless not possible. If the employee is unable to call, due to an emergency, if possible they should have someone make the call for the employee.

Employees who have three (3) consecutive days of excused absences because of illness or injury must give the Town acceptable documentation of a physician's care. If an illness or injury prevents an employee from performing their regularly scheduled duties, a physician's statement must be provided verifying:

1. the nature of the illness or injury,
2. if and when the employee will be able to return to work, if applicable, and
3. whether the employee is capable of performing their regularly scheduled duties, and if not, what duties the employee is capable of performing.

Absences, tardiness or early departures for unsatisfactory or undocumented reasons will be subject to discipline up to and including discharge.

Any employee who fails to report to work without acceptable notification or documentation to their Department Head or for a period of two (2) days or more will be considered to have voluntarily terminated their employment with The Town.

**C. Inclement Weather Closing Policy** - Inclement/severe weather closing(s) apply during declared State of Emergencies by the Governor for an emergency that affects the Town. This decision will apply to all



Town Offices and clerical staff of the Police Department, Highway Department, Fire Department, the Council on Aging, and Library personnel. All non-union, non-essential personnel need not report to work in accordance with the specific conditions stated above. Any non-essential personnel already at work may go home as safety permits. In each case said employees will be compensated by the Town.

Every effort must be made to ensure essential town business is completed as necessary. Departments should work to anticipate potential closings and to provide alternatives to ensure scheduled tasks are completed on time.

If the governor declares a State of Emergency that affects the Town, after conferring with the Town's TEMA Director, the Town Administrator will notify non-union, non-essential employees that they will not be required to report to work and will be paid for the day by the Town.

In addition, should a State of Emergency not be declared, each employee may make a personal decision to take unpaid time and stay home if they feel the weather dictates that is safer for them; alternatively, they may choose to take personal, holiday or vacation time to be paid for that day, for employees that receive such benefits. Such use will not be at the discretion of the Department Head.

**D. Attire** - Employees and volunteers often present the first image of the town to its citizens and visitors. Workplace attire must be neat, clean and appropriate for the work being performed in each position's job setting. Regardless of one's work setting or position, listed below are examples of what is generally considered to be unacceptable presentation and attire for the workplace.

*Unacceptable attire includes, but is not limited to:*

- anything worn, torn, frayed and/or has patches or holes
- tank tops, t-shirts, or sweatshirts
- athletic wear, shorts of any length, yoga pants/spandex, sweatpants
- hat, baseball caps, and visors inside the office
- light colored jeans
- bare feet, flip flops or sneakers
- skirts or dresses more than 4" above the knee

The above is not an all-inclusive list and the Town Administrator or Designee and Department Head reserves the right to determine appropriateness of any attire. When an employee violates this attire policy, they will be sent home to change into acceptable attire. During this absence, personal time or vacation time is required to be used. Disciplinary action will be considered up to and including discharge.

Department Heads and their Designees should use the following factors to determine appropriate attire and personal appearance for their departments:

- safety of self and others
- job responsibilities
- contact with customers, visitors and the general public

The Town reserves the right to determine what uniforms are to be worn, who will wear uniforms, what protective gear is required and how such gear will be worn and used. Employees required to wear uniforms will follow their respective department's uniform code policies. At the termination of employment, the Town requires that all uniforms and protective gear be returned.

Employees should address any particular questions or concerns related to professional attire with their Department Head.

**E. Employee's Private Property** - Employees will be responsible for all personal property brought onto Town premises. It is each employee's responsibility to secure all personal items.

**F. Safety** - The Town will make every reasonable effort to provide and maintain safe working conditions for all employees. Each employee will observe all safety rules, operating procedures, and safety practices. As appropriate, all employees will use any safety and protective equipment provided and report unsafe areas/conditions or other safety problems to the Department Head. All accidents resulting in personal injury or property damage will be reported promptly to the appropriate Department Head and/or Town Administrator. The Assistant to the Town Administrator or Human Resources Assistant may also be notified.

It is the responsibility of all Departments Heads to assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and as appropriate, investigate and report all personal injury and property damage promptly to the Town Administrator. The Assistant to the Town Administrator or Human Resource Assistant can also be notified. Employees violating safety rules, practices and policies may be subject to discipline up to and including discharge.

**G. Vehicle Policy and Procedures** - Personal use of Town vehicles is strictly prohibited.

The Town of Templeton provides assigned vehicles to specific positions to be used by employees to assist them in fulfilling their job duties. Town vehicles will be used solely for municipal business. Employees using town vehicles will possess a current valid state driver's license and will be responsible for safe and proper driving. Employees are responsible for updating the Town as to any changes in status of their driver's licenses.

All employees who operate any machinery or large scale equipment are required to update and maintain appropriate certifications and licenses. The Human Resources Assistant will be notified of any updates and changes by the Department Head by filling out a status change form and providing a copy of such updates and changes to be placed in the employee's personnel file.

All employees operating or riding in any Town vehicle must use seatbelts. No employee shall be conversing on hand held phones while driving a Town vehicle or driving a personal vehicle for Town purposes. Anything other than hands-free mobile device use while driving in the course of Town business is strictly prohibited. Failure to adhere to the seatbelt and hands-free policy, as stated above, will be considered to be misuse of the vehicle and will be subject to discipline.

Use of personal vehicles on official Town business will be compensated for at the approved mileage rate as established by the Commonwealth of Massachusetts. Reimbursement for mileage claims and tolls will be submitted in writing to the employee's Department Head.

In certain specific cases requiring emergency response, the Town Administrator may approve the use of a town vehicle for purposes of commuting. Normally, the following town vehicles are exempt from income tax as they are considered qualified, non-personal use:

- Public Safety (on-call)
- Police and Fire Vehicles (marked and unmarked)
- Ambulances, dump trucks, utility trucks (for emergencies)

Other Town vehicles are considered non-exempt and the non-cash fringe benefit value for commuting to and from work must be estimated by the Town and included in the (W-2 form) employee's year-end gross income for income tax purposes. The Town accounts for the commuting use by including an appropriate amount as specified in the treasury regulations. The employee may be required to substantiate the non-taxable use of an assigned vehicle.

For non-exempt Town vehicles used for commuting purposes, the employee will be responsible for recording daily mileage use and submitting such information to the Town monthly. The Town will be responsible for estimating and completing social security payroll deductions during the year and including an estimated benefit value in the employee's W-2 form based upon the prevailing rate for actual personal commuting use. The Town will exclude all of the employee's days out of work during the year including holidays, vacation, sick days and personal days.

**H. Internet/Electronic/Smartphone Communications** - All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the Town of Templeton. It is the responsibility of each employee to ensure that the technology provided is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with the Town of Templeton's policies. The use of any software and business equipment including but not limited to facsimiles, smartphone's, computers, and copy machines for private purposes is strictly prohibited.

Employees are not permitted to use a password or personal identification numbers (PIN), access a file, or retrieve any stored communication unless authorized to do so by a Town of Templeton representative. All passwords and PIN are the property of the Town and are given to the employee at the time of hire. No employee may use a password or PIN that has not been issued to that employee. Any change or reset to a password must be authorized by the Town Administrator. Improper use of the E-mail system/Internet/Smartphone will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town of Templeton's legitimate business interests, authorized representatives of the Town may monitor the use of such equipment from time to time. This may include but is not limited to reviewing stored voice-mail messages and/or e-mails. The use of a password to access any part of the Town's electronic or telephone systems does not guarantee the employee a right to privacy in the contents of those systems.

All emails created or received by an employee of the Town of Templeton may be a public record and subject to the requirements of the Public Record Law, M.G.L. Chapter 66.

**I. Injury on or in Town property** - All injuries must be reported immediately to a Department Head and/or the Town Administrator. This includes any injury involving the public on Town property. The Assistant to the Town Administrator and Human Resources Assistant can also be notified.

## **J. Policy Against Inappropriate and/or Unlawful Harassment and Discrimination –**

### **I. Introduction**

The Town is an equal opportunity employer and does not unlawfully discriminate based upon an individual's gender/sex, gender identity, race, color, national origin, ancestry, religious creed, age, disability, marital status, sexual orientation, genetic information, pregnancy, military status, veteran status or membership in any other protected category under applicable state or federal anti-discrimination laws. It is the goal of the Town to promote a workplace that is free of unlawful discrimination, including sexual harassment and retaliation.

The Town will not tolerate unlawful discrimination occurring in the workplace or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about discrimination, or who has cooperated with an investigation of a discrimination complaint, will not be tolerated. Please note that unlawful discrimination is not limited to conduct that occurs between or among Town employees. Unlawful discrimination may occur between or among Town employees, independent contractors, outside vendors, members or the public or any other individuals that Town employees interact with in connection with their employment. To achieve its goal of providing a workplace free from unlawful discrimination, the Town takes allegations and/or complaints of discrimination seriously and will respond promptly to such allegations and/or complaints. Where it is determined that inappropriate and/or unlawful conduct has occurred, the Town will act promptly to eliminate such conduct and impose corrective action as necessary. Such corrective action may include disciplining employees, up to and including discharge.

While this policy sets forth the Town's goal of promoting a workplace that is free of unlawful discrimination, this policy is not designed or intended to limit the Town's authority to discipline or take other remedial action for inappropriate conduct that is discriminatory or harassing in nature and based on an individual's membership in a protected category, regardless of whether that conduct satisfies the legal definition of unlawful discrimination.

### **II. Definition of Unlawful Discrimination and Harassment**

Discrimination and harassment are defined as unwelcome conduct, whether verbal or physical, that is based on an individual's gender/sex, gender identity, race, color, national origin, ancestry, religious creed, age, disability, marital status, sexual orientation, genetic information, pregnancy, military status, veteran status or membership in any other protected category under applicable state or federal anti-discrimination laws.

It is unlawful discrimination to condition an individual's hiring, compensation, terms or conditions of employment or access to Town services based on his or her membership in a protected category. It is unlawful harassment to subject an individual to unwelcome conduct based on his or her membership in a protected category that is so severe or pervasive as to create a hostile work environment or deny him or her access to Town services. Examples of inappropriate conduct that may constitute unlawful discrimination or harassment include, but are not limited to the following:

- Possessing, displaying or circulating written or electronic materials or pictures that are degrading to a protected category of individuals;
- Verbal abuse, slurs, insults, derogatory comments or jokes that are degrading to a protected category of individuals;

- Any conduct, whether verbal or physical, that is based on an individual's membership in a protected category and is sufficiently severe or pervasive as to either (i) interfere with or limit the individual's ability to fully benefit from his or her employment with the Town; or (ii) creates an intimidating, threatening or hostile work environment.

### III. Definition of Sexual Harassment

Sexual Harassment is defined as unwelcome 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.

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

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

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying or possessing 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; and
- Dissemination of sexually explicit comments or material via voice mail, e-mail, text messages, videos or other electronic mediums.

As noted above, this policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the legal definition of unlawful discrimination, including sexual harassment. Therefore, even if the above conduct does not rise to the level of sexual harassment, an employee who engages in such conduct may be disciplined up to and including discharge.

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 such a complaint is unlawful and will not be tolerated by the Town.

#### IV. Complaints of Unlawful Discrimination

All employees, managers, and supervisors share responsibility for avoiding, discouraging, and reporting any form of potential unlawful discrimination, including sexual harassment.

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

Prompt reporting is in the Town's best interest and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint, you may do so by contacting the Town Administrator.

These individuals listed above are also available to discuss any concerns you may have and to provide information to you about the Town's policy, including the complaint process.

#### V. Investigation of Unlawful Discrimination

When the Town receives an allegation and/or complaint, it will promptly investigate the allegation in a fair and expeditious manner to determine whether there is a violation of this policy or other inappropriate conduct. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include an interview with the person filing the complaint and with relevant witnesses. The investigation will also include an interview with the person alleged to have engaged in the offending conduct. When the investigation is complete, to the extent appropriate, the Town will 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 we will also impose disciplinary action.

#### VI. Disciplinary Action

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

#### VII. State and Federal Remedies

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

#### **United States Equal Employment Opportunity Commission (EEOC)**

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

## **Massachusetts Commission Against Discrimination (MCAD)**

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

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

Worcester Office:  
484 Main St., Rm. 320  
Worcester, MA  
(508) 453-9630

New Bedford Office:  
800 Purchase St., Rm 501  
New Bedford, MA 02740  
(508) 990-2390

**K. Tobacco Regulation** – Per the Massachusetts Smoke Free Workplace Law, M.G.L. c. 270 § 22, the Town enforces a tobacco free work environment for the health and safety of the employees and citizens. Therefore, it is the policy of the Town to prohibit the use of all tobacco products including but not limited to e-cigarettes on Town property, including all Town owned or leased vehicles.

**L. Drug and Alcohol Free Workplace Regulation** - The Town of Templeton enforces a drug and alcohol free workplace environment for the health and safety of the employees and citizens. Therefore, it is the policy of the Town to prohibit the use of all alcohol and drug products, without a medical prescription, on Town property, including all Town owned or leased vehicles.

An employee, who is required to take prescription medication that is indicated to possibly have a negative or harmful impact on their performance or safety on the job, is required to inform their Department Head of such medication, by providing documentation from a physician. This documentation must specify the medication being taken, the side effects, the duration of time for which the medication has been prescribed, and when the employee can safely perform all their job duties. Per HIPPA guidelines, all employee medical information will be kept confidential.

Any employee found in violation of this regulation will be subject to disciplinary action up to and including discharge.

An employee found in possession of any of the items or substances prohibited by this policy shall be subject to disciplinary action, up to and including discharge.

A positive result for substances illegal or impeding performance will result in disciplinary action up to and including discharge.

**M. Employee Assistance Program (EAP)** - The challenges you face can overwhelm you. Your home life, your happiness and your performance at work all can suffer. Your EAP can help by providing FREE

confidential support for those everyday challenges and for more serious issues. This support is available 24 hours a day and to all employees or family members at a moment's notice or by a scheduled appointment. Each member of your household is allocated a specified number of free counseling sessions per calendar year; see contact information below.

Whether struggling with stress at work, seeking financial or legal advice, or coping with the death of a loved one, EAP's offers assistance and support for all these concerns and more:

- Workplace effectiveness
- Management skills
- Communicating effectively
- Managing stress
- Parenting Childcare or eldercare
- Family and couple's issues
- Divorce or custody issues
- Overcoming anxiety
- Strengthening personal relationships
- Depression
- Alcohol or drug dependency
- Physical, Emotional, or Financial abuse
- Financial planning
- Compulsive gambling
- Legal questions
- Coping with grief and loss
- Elder Care
- Smoking Cessation

To access counseling services through Total Care:

- Public Safety Employees can access services by calling 1-888-327-1060 or by going online to [www.PublicSafetyEAP.com](http://www.PublicSafetyEAP.com)
- All other employees can access services by calling 1-800-252-4555 or 1-800-225-2527 or by going online to [www.theEAP.com](http://www.theEAP.com)

MIIA's counseling services and referrals are available by phone 1-800-451-1834 to speak to an EAP Professional 24/7 or visit <http://www.allonehealth.com/MIIAEAP/> online anytime.

## **SECTION 5: PROGRESSIVE DISCIPLINE**

The Town may use the concept of progressive discipline to give a written reprimand to or suspend an employee prior to discharge. This discipline does not prevent the Town from having the right to discharge an employee for any first time misconduct.

## **SECTION 6: BENEFITS**

*Note:* The employee benefits outlined in this Personnel Policies and Procedures Manual are effective as of the date approved by the Board of Selectmen. For those employees receiving benefits exceeding those



outlined in the approved Personnel Policies and Procedures Manual, they will continue to receive their present benefits until such time as they terminate or retire from employment with the Town of Templeton. Full-time employees are eligible for full benefits as outlined in this section. Part-time employees who work more than twenty hours (20) but less than forty hours (40) per week, are eligible for pro-rated sick, vacation, holiday and bereavement pay as outlined in this section. All regular employees may participate in the town's Group Health and Life Insurance Plans provided, however, that the whole dollar contribution the Town makes toward any Indemnity or PPO Health Insurance plan that it offers shall not exceed that which it makes toward its Health Maintenance Organization (HMO) Health Insurance Plan.

#### **A. Family and Medical Leave**

The Town will administer family and medical leave in accordance with the Family and Medical Leave Act ("FMLA") and/or leave pursuant to M.G.L. c. 149 S 150D, the Massachusetts Parental Leave Act ("MPLA") applicable state laws. If there are any conflicts between this policy and either the MPLA or the FMLA, the terms of the MPLA and FMLA shall be controlling.

When an employee is eligible for both MPLA and FMLA leave, the leaves shall run concurrently.

To the extent permitted by the MPLA and FMLA, the Town may require an eligible employee to use all applicable accrued paid leave time during all or part of the employee's MPLA or FMLA leave.

#### **FMLA**

FMLA entitles eligible employees of the Town of Templeton who have worked for the town for a total of at least 12 months and have worked at least 1,250 hours over the previous 12 months 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. The fiscal year will be used to calculate when an employee's entitlement to unpaid FMLA leave begins and ends. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:  
the birth of a child and to care for the newborn child within one year of birth;  
the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;  
to care for the employee's spouse, child, or parent who has a serious health condition;  
a serious health condition that makes the employee unable to perform the essential functions of his or her job;  
any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

#### **Intermittent Leave**

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means the employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. 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 Town's operations.

If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the approval of the Town Administrator.

#### Notice

Employees must comply with the Town's usual and customary requirements for requesting leave and provide enough information for the Town to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances. When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

#### Certification

When an employee requests FMLA leave due to their own serious health condition or a covered family member's serious health condition, the Town may require certification in support of the leave from a health care provider. The Town may also require second or third medical opinions (at the Town's expense) and periodic recertification of a serious health condition.

#### Job Restoration

Upon return from FMLA leave, the employee will be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not be counted against the employee under the Town's attendance policy.

#### Maintenance of Health Benefits

The Town is required to continue health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had continued to work.

Where appropriate, arrangements will need to be made for employees taking unpaid FMLA leave to pay their share of health insurance premiums. For example, if the group health plan involves co-payments by the Town and the employee, an employee on unpaid FMLA leave must make arrangements to pay their normal portion of the insurance premiums to maintain insurance coverage, as must the Town. Such payments may be made under any arrangement voluntarily agreed to by the Town and employee.

FMLA stops if and when the employee informs the Town of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The Town's obligation also stops if the employee's health insurance premium payment is more than 30 days late and the Town has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

In some circumstances, the Town may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

#### Enforcement

It is unlawful for the Town to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for the Town to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. If you believe that your rights

under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against the Town of Templeton in court.

**U.S. Department of Labor  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210  
1-866-4-USWAGE (866-487-9243)**

### **MPLA**

In accordance with the MPLA, any male or female employee who has complete the probation period is entitled to take up to eight (8) weeks leave without pay each time any of the following occurs:

- Birth of the employee's child; or
- Adoption by the employee of a child under 18 years of age; or
- Adoption by the employee of a child under 23 years of age if the child is mentally or physically disabled; or
- The placement of a child with an employee pursuant to court order.

Where both parents are employees of the Town, the employees shall be entitled to eight (8) weeks of parental leave in the aggregate for the birth, adoption, or placement of the same child.

For foreseeable MPLA leave, notice must be provided to the Department Head at least two weeks in advance. If the leave is unforeseeable, then the employee must provide notice as soon as practicable. Notice should include anticipated date of departure, statement of whether or not the employee plans to return to the employee's position, and anticipated date of when the employee intends to do so.

During the period of leave permitted under the MPLA, health insurance coverage will continue. Other benefits will resume as of the date the employee returns to full-time employment. This leave will not affect the employee's rights to receive vacation, sick time, seniority, length of service or any other benefits for which the employee was eligible at the date of his/her departure. Upon returning to work the Town will restore the employee to his/her previous or similar position except when other employees with equal length of service and status in the same or a similar position have been laid off due to economic conditions or other changes in operating conditions.

**B. Leave for Victims and Family Members of Abusive Behavior** - An employee is entitled to and the Town must grant 15 days of paid or unpaid leave, at the sole discretion of the Town Administrator in accordance with M.G.L. c. 149 § 52E.

1. **Covered Individuals** - An employee is defined as an individual "who performs services for and under the control and direction of an employer for wages or other remuneration." A "family member" is defined in the statute as:
  - a. a parent, step-parent, child, step-child, sibling, grandparent or grandchild
  - b. a married spouse
  - c. persons in a substantive dating or engagement relationship and who reside together
  - d. persons having a child in common regardless of whether they have ever married or resided together or
  - e. persons in a guardianship relationship

2. Leave - All of the following criteria must be met:
  - a. the employee, or a family member of the employee, is a victim of abusive behavior as defined in the Law;
  - b. the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
  - c. the employee is not the perpetrator of the abusive behavior.
3. Confidentiality of Documents - The Town of Templeton can request that the employee provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior, and that the leave is or has been taken consistent with the Law.

The Town is required to keep confidential all information related to the employee's leave under the Law. This information shall not be disclosed by the employer, except to the extent that disclosure is:

- a. requested or consented to, in writing, by the employee
- b. ordered to be released by a court
- c. otherwise required by applicable federal or state law
- d. required in the course of an investigation authorized by law enforcement or
- e. necessary to protect the safety of anyone employed at the workplace

Any documentation provided to the Town under the Law may be maintained by the Board of Selectmen's Office in the employee's personnel record, but only for as long as required for the Town to make a determination as to whether the employee is eligible for leave. After such determination, all documentation provided will be returned to the employee.

4. Notice - Except in cases of imminent danger to the health or safety of the employee, the employee seeking leave from work under this section must provide appropriate advance notice of the leave to the Town as required by the Town's attendance policy. In cases of threat of imminent danger to the health or safety of the employee or the employee's family member, the employee is not required to provide advance notice of leave, but must notify the Town within 3 workdays that the leave was taken or is being taken under the Law.

Such notification will be communicated to the Town by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

The employee or individual authorized to communicate to the Town that leave was taken or is being taken under this Law, may do so by telephone, in person, in writing or by any other reasonable means to communicate notice.

5. Required Documentation - The Town can request that the employee provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave is taken under the Law. The employee must provide such documentation to the Town within a reasonable period after the Town requests documentation relative to the employee's absence. However, the Town cannot require the employee to show

evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The employee can satisfy the request for required documentation by providing any one of the following documents to the Town:

- a. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
  - b. A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
  - c. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
  - d. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
  - e. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
  - f. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
  - g. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.
6. Employment Protection – The Town will not discharge or in any other manner discriminate against the employee for exercising the employee's rights under the Law. Upon the employee's return from such leave, the employee is entitled to restoration to the employee's original job or to an equivalent position. If an unscheduled absence occurs, the Town will not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation required under the Law.

**C. Small Necessities Leave Act** – Certain eligible employees are permitted to take a total of 24 hours of unpaid leave during any 12-month period. These 24 hours are in addition to the 12 weeks already allowed as FMLA leave.

1. Reasons for Taking Leave - The 24-hour unpaid leave may be taken for any of the following reasons:
  - a. to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent/teacher conferences or interviewing for a new school or
  - b. to accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations or
  - c. to accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes

2. Notice Requirement/Certification - To be entitled to the leave, employees must provide notice to the employer as follows:
- a. if the need for leave is anticipated, the employee must request the leave at least seven days in advance;
  - a. possible under the particular circumstances of the individual case
  - b. to the extent possible, an employee must provide written notice to the employer. If not possible, an employee may request leave verbally.
  - c. an employee's request for leave must be kept in the employee's personnel file and must be maintained for three (3) years in accordance with MGL C. 149, S. 52C. Records and documents relating to medical certifications or medical histories of employee's family members must be maintained as confidential medical records and kept in separate files from the usual personnel files

**D. Sick Leave** – All employees will be eligible to accrue sick time starting with the first day the employee works for the Town and may use sick time after the employee has completed 90 calendar days of employment with the Town. Accrued sick leave may be used in increments of one hour or greater. Three (3) or more consecutive days of sick leave may require a physician's note to be submitted to the Town Administrator. Notification of absence due to illness must be made to the Department Head as far in advance as possible prior to the regularly scheduled start time on the day of absence.

Each part-time employee, except as provided for hereinafter, accrues sick time at the rate of one hour for every thirty (30) hours worked. Said accrued time may not exceed forty (40) hours in a fiscal year or in total. Should any part-time employee be scheduled to regularly work 30 hours per week or more, effective July 1, 2018, they shall accrue sick leave, and may accumulate the same, at a fractional rate of full-time employees based upon dividing their regularly scheduled work week by the full-time work schedule for the department (i.e. 30 divided by 40). Each full-time employee will be allowed 13 days' sick leave per fiscal year accrued at a rate of two days at the end of July and one day at the end of each month of employment thereafter. Unused sick leave may be accumulated up to a maximum of 100 days.

The first 40 hours of sick leave of each year may be used for the following purposes:

- For the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
- To attend the employee's routine medical appointment or routine medical appointment for the employee's child, spouse, parent or parent of spouse;
- To care for the employee's child, spouse, parent, or parent of a spouse who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care or preventative medical care; or
- To address the psychological, physical or legal effects of domestic violence.

Use of sick leave used beyond the first 40 hours may only be used:

- For the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
- To attend the employee's routine medical appointment;

- To address the psychological, physical or legal effects of domestic violence.

Upon voluntary termination or retirement from the Town of Templeton, the Town will pay an employee \$10.00 per day, for accumulated sick time up to 40% of the accumulated time with a maximum of 40 days.

**E. Sick Leave Bank** - A sick leave bank is established subject to the following terms and conditions:

1. Eligible town employees may contribute to the sick leave bank in any amount up to fifty percent (50%) of their accrued sick leave, provided that the contribution is made by an employee in good standing who leaves at least 160 hours of accrued sick leave in their account after the donation. Contributions of sick leave to the bank are non-refundable.
2. Withdrawals from the sick leave bank will be made at the discretion of the Town Administrator. Requests must be made in writing, and will be immediately applied to the sick leave balance of a named employee who has exhausted their personal, vacation, and sick leave.

**F. Vacation** - All full-time employees will earn vacation time at their current rate of pay based upon length of service as of their anniversary date. All vacation time will be taken within one year of the anniversary on which it was granted and may not be carried forward into the next fiscal year. On occasions where an employee is required to forego their vacation due to excessive workload and personnel constraints, carry over may be permitted by Board of Selectmen approval. Full-time employees will be granted vacation leave in accordance with the following schedule:

<i>Service</i>	<i>Length</i>
6 months	1 week
18 months	2 weeks
Five (5) years and over	3 weeks
Ten (10) years and over	4 weeks
Fifteen (15) years and over	5 weeks
Twenty (20) years and over	one additional day for each year over 20

Part-time employees who work more than twenty hours (20) but less than forty hours (40) per week will be granted vacation time, as above, on a pro-rated basis.

Requests to utilize vacation leave must be approved by the employee's Department Head. Conflicts between employee vacation requests will be resolved on the basis of seniority of continuous service and the Town's needs. Notwithstanding any other provisions of these policies, a Department Head's denial of an employee's request to utilize vacation leave maybe appealed to the Board of Selectmen with the Board's decision on the matter being final and without any further right of appeal.

Whenever, the employment of any person, subject to the provisions of these Policies, is terminated during the year due to layoff, resignation, retirement or death, without the employee having taken all vacation to which he/she is entitled, the employee or his/her estate will receive compensation for any unused vacation time.

Illness suffered during an employee's scheduled vacation will be considered vacation time rather than paid sick time. However, if hospitalization or confinement is required, paid sick time may be substituted for vacation time if the provisions of the sick leave are satisfied and the vacation time rescheduled. If leave for bereavement purposes during vacation time becomes necessary, then bereavement leave may be substituted as provided in section 6-L.

Because the purpose of a vacation is rest and relaxation, no additional salary will be paid to an employee in lieu of vacation time without approval of the Board of Selectmen.

Vacation time will be determined by the length of continuous service. For the purposes of calculating vacation time, employees who leave the Town's service and are later reinstated, will be considered new employees except as covered in the lay-off provisions.

Observed holidays established by these policies falling within a vacation will be considered holiday time not vacation time. Employees wishing vacation pay in advance will submit the request to their department head, who will notify the Town Administrator in writing of the request. The notification will be made no later than the Friday before the payroll distribution date on which the employee wishes to receive vacation pay.

Employees who leave the service of the Town of Templeton at any time throughout the six (6) month probationary period, or at the end of the probationary period, will not be entitled to any vacation. Vacation is only earned for this six (6) month period if the employee is retained as a permanent employee of the Town via a letter from the Town Administrator. During the six (6) month probation an employee is entitled to pay for holidays and other benefits provided to other eligible employees. Vacation time may be accumulated but not used until six (6) months of continuous service has been completed.

**G. Holidays** - All holiday pay is paid at an employee's regular daily rate. The following are paid holidays:

New Years' Day	Labor Day
Martin Luther King's Birthday	Columbus Day
Presidents Day	Veterans Day
Patriots Day	Thanksgiving
Memorial Day	Day After Thanksgiving
Juneteenth	½ Day Christmas Eve
Independence Day	Christmas
	½ Day New Year's Eve

Per Massachusetts law, holidays falling on Sunday are celebrated on Monday. All holidays falling on Saturday are celebrated on Monday. Full-time employees and part-time employees who work more than twenty hours (20) but less than forty hours (40) per week, who are not normally scheduled to work on the holiday, will be entitled to holiday time off at the rate equivalent to one fifth of their normal work week.

The Town will accommodate the religious observances, of its employees, that do not conform to the Town's holiday schedule. Employees can use applicable paid time-off, if such time has been earned, consistent with the Town's policies. If all paid time-off benefits have been used, the employee can take un-paid time-off.

**H. Personal Leave** - Full-time employees upon completion of the six (6) month probation period, will be granted three (3) days of personal leave annually at the beginning of the fiscal year. Part-time employees who work more than twenty hours (20) but less than forty hours (40) per week, upon completion of the six (6) month probation period will be granted three (3) days of personal leave annually at the beginning of the fiscal year, on a pro-rated basis.

Full-time employees hired after July 1<sup>st</sup> of the current fiscal year will receive one (1) personal day after completion of the six (6) month probation period, and must take a full day. Part-time employees who



work more than twenty hours (20) but less than forty hours (40) per week hired after July 1<sup>st</sup> of the current fiscal year will receive one (1) personal pro-rated day based on approved hours.

Personal leave is intended for matters of personal business that requires attention during the normal work week.

Requests for personal time should be made to the Department Head in writing at least twenty-four (24) hours in advance, if possible, and are subject to approval by the Town Administrator. Personal leave days may not be carried over from one fiscal year to the next and are not transferable to cash.

**I. Jury Duty** - A full-time, part-time or temporary employee called for jury duty, will be paid their regular wages for any work missed for the first three (3) days of service. After those three (3) days the Commonwealth of Massachusetts compensates jurors at a rate of \$50 per day. No employee can be asked to reschedule juror service to a day that the employee would not normally work. Additionally, employers cannot impose extra work assignments that would interfere with the juror obligation. An employee should notify the Department Head and Human Resources Assistant as soon as the employee receives a jury summons/notice. All employees are required to turn in the Employer Copy of your Certificate of Juror Service, which sets forth the law governing juror compensation on the back to the Human Resources Assistant.

Paid jury leave excludes paid leave for court time as a result of personal activities where the employee is a party to the proceeding, or to testify as a witness in a matter before a legal tribunal which involves the Town of Templeton.

**J. Military Leave** - The Town of Templeton is committed to supporting employees who serve our country. Military leave will be granted to eligible employees in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and M.G.L. c. 33 §59 and other applicable state statutes. Please contact the Human Resources Assistant for more information.

**K. Bereavement Leave** - All full and part-time employees who work more than twenty hours (20) but less than forty hours (40) per week that have completed thirty (30) days of service are eligible for bereavement leave with pay for five (5) work days in the event of a death of an immediate family member and three (3) work days for all other family members.

All part-time employees working less than twenty (20) hours per week shall be granted three (3) work days with pay in the event of a death of an immediate family member.

“Immediate family” shall consist of father, mother, siblings, spouse, significant other, child, grandparents and grandchildren, including any step family members and in-laws.

“Other family” shall consist of aunt, uncle, niece, nephew, and cousin.

Requests for bereavement leave should be made to the Department Head as soon as practicable. The Town reserves the right to request written verification of the employee’s relationship to the deceased and attendance at the funeral service as a condition of bereavement pay.

**L. Insurance** - An employee of the Town covered by a group health insurance plan has the right to choose continuation coverage if group health coverage is lost because of reduction in hours of employment or the termination of employment. An employee must enroll within sixty (60) days of

becoming eligible for COBRA to protect the employee and their family from discontinuing the employee's health insurance benefits. The employee will be responsible for 100% payment of all insurance premiums plus an administrative fee of not more than 2%. A surviving spouse may continue coverage for him/herself and dependents until the death or remarriage of the spouse, provided that 100% of the premium is paid. Details are available upon request to the Treasurer/Collector's office.

An employee working at least 20 hours per week for the Town is entitled to insurance coverage as established by M.G.L. Chapter 32B.

No person shall be placed upon the Town's insurance plans until the first of the month after their completion of one full calendar month of service following the date they commence work.

**M. Retirement** - Employees who work twenty (20) hours or more per week throughout the year (1040 hours per year) will join the Worcester County Retirement System. Employees will be excluded if they are over the age of 65 or are receiving an allowance for retirement or disability under any retirement system for public employees in Massachusetts, or are members of the Federal Civil Service Retirement System. Employee contributions are based upon the date of membership into the system. Details of the retirement system are described on their website <http://worcesterregionalretirement.org> or by phone at 508-832-6314

**N. Workers Compensation** - Police and Fire uniformed employees are covered under the provisions of M.G.L. Ch. 41 S. 100 and 11 IF and are entitled to the rights and benefits of these laws. All other employees are covered under the Massachusetts Workers Compensation Law, M.G.L. Ch. 152, and are entitled to the benefits and provisions of this law. The Department of Industrial Accidents (DIA) is the agency responsible for administering the Workers' Compensation law in Massachusetts.

Worker's Compensation law does not provide for payment of lost wages until after five (5) days and is then retroactive to the first date of injury. For on the job injuries that result in lost time of less than five days, the employee's accumulated sick time will be used.

All work-related injuries will be reported immediately to the Department Head and proper forms completed. Employees may use their accumulated sick or vacation leave to make up the difference between their regular pay and the amount of pay received under Workers' Compensation.

**O. Training and Educational Assistance** - The Town considers educational development an integral part of each employee's personal growth, which in turn provides the Town with qualified and promotable individuals.

#### Tuition Reimbursement

The tuition reimbursement program shall be available to all full-time employees. Educational assistance is available for job related courses taken at an accredited school or college. Such requests shall require the written approval of the Department Head and Town Administrator in advance of any course registration; budgetary constraints must be taken into consideration.

Each employee shall be reimbursed as follows:

<b><u>Class Grade Received</u></b>	<b><u>% Expenses Reimbursed</u></b>
"A" grade or equivalent	100%
"B" grade or equivalent	75%
"C" grade or pass in pass/fail	50%

system or equivalent

This reimbursement schedule is applicable to all tuition and registration fee expenses up to a total of \$1,000 per fiscal year after submitting written documentation from the institution regarding expenses paid and grade received.

#### Training

Department heads may request approval of the Town Administrator to enroll employees in outside seminars and other educational programs designed to meet specific development objectives. All training programs must be designed for immediate on-the-job applications. Budgetary constraints must be taken into consideration.

### **SECTION 7: PERSONNEL RECORDS**

**A. Personnel File** - Personnel files of all Town employees will be kept secure in the Board of Selectmen's office. The Board of Selectmen's Office will maintain all individual personnel files for each employee, in accordance with M.G.L Ch. 149 §52C.

Employees are responsible for notifying their Department Head of any change in their personal status including address changes and telephone number. The Department Head is responsible for forwarding this information the Human Resources Assistant via the New Employee Status Update Change form. Employees with changes that will affect insurance, such as marital or familial status, are to contact the Human Resources Assistant directly to get the proper forms and policies updated.

**B. Access to Employee Personnel Records** - Personnel records are considered confidential. Any employee may upon written request to the Human Resources Assistant or the Assistant to the Town Administrator have access to review their personnel file. The employee's review of their employment record shall be in the presence of the Town Administrator, Assistant to the Town Administrator or the Human Resources Assistant, during normal business hours in the office of the Board of Selectmen, within five (5) business days of the written request. Should an employee wish to receive a copy of their personnel records, fees will be charged in accordance with Town policy.

- a. An employee may challenge information that is contained in their personnel file and ask for its removal or correction. Should the Town deem it necessary to keep the challenged information in the employee's file, the employee may submit a written statement explaining their position which will also be placed in the personnel records.

**C. Release of Information** - No information in a personnel file, medical file, CORi or I-9 shall be released unless written authorization is received from the employee or required by law.

### **SECTION 8: COMPENSATION POLICY**

**A. Compensation** - Whenever the Town Administrator reviews wages and salaries, he/she will take into account and give as much weight as they may deem desirable to the following:

1. The financial policy and economic considerations of the Town
2. Rates of pay for like positions in other local Massachusetts towns considered comparable to Templeton
3. Rates of pay for like jobs (if any) in commercial and business establishments in the surrounding area

#### 4. Other benefits received by Town employees

##### **Classification Plan**

It is the administrative policy of the Town to classify or group positions based on the application of a position rating system consisting of a set of objective rating criteria. A position rating evaluation method is used to classify positions. This process is intended to establish the "internal value" or relative importance of each position based upon what the Town requires an employee to do and what the Town establishes as the minimum qualifications of each position. Each position is assigned a numerical point value based upon the application of degree levels within each position evaluation criteria; the sum of the points represents the total points assigned to the position; the total points determine which salary grade a position falls within.

##### **Compensation Plan**

It is the administrative policy of the Town to develop and maintain a compensation plan, consisting of salary ranges for each grade level, in a consistent manner that is competitive with the market place and consistent with the fiscal constraints of the Town. External salary data is collected on a regular basis to maintain competitive salary ranges for each position. The selection of comparable communities is determined on a position-by-position basis based on the geographic recruitment area for each position (local, state, national etc.) as well as operational and demographic criteria. Based upon the data collected, the Town may make changes to a salary range as it deems necessary to maintain the salary ranges so that they are competitive with the market place on a position-by-position basis.

##### **Classification and Compensation Plan Appeal Process**

Employee appeals regarding a position's classification or compensation level are to be administered through the Town Administrator's office. An employee is required to notify their respective department head of any concern regarding changes to their job duties or responsibilities that they feel should result in a possible change in the classification and/or compensation level of their position.

The Town has established an Employee Classification Appeal Form that must be completed and signed by both the employee and his/her Department Head or Board Chair before filing an appeal. Based on the application of the Town's Position Rating System's the Town will determine whether a change(s) is significant enough to warrant a change in classification or compensation level.

Upon receipt of the Classification Appeal Form, the Town Administrator will contact the Board Chair in order to schedule a hearing with the employee and his/her department head at a time and place that is convenient for all parties. The Select Board or designee will render a decision to approve or disapprove the appeal. The Town Administrator will notify the department head and employee of a final decision as to whether the change in duties or responsibilities should result in the reclassification of the position and if so what the monetary impact may be to the employee.

**B. Employee Time Records** - Each Department Head will submit to the Accountant, with the weekly pay warrant, a time sheet for each employee. This time sheet will specify the number of hours worked and any leave taken.

Each Department Head will be responsible for maintaining a permanent record of the time worked for each employee. Time sheets must be approved by the Department Head for the hours worked. Department

Heads are not permitted to use signature stamps to approve weekly payroll.

Employees are strictly prohibited to punch-in or sign-out for any other employee. Violation of this rule will be subject to discipline up to and including discharge.

**C. Payroll Period** - Employees are paid on a biweekly basis. The Department Head will not give out paychecks or pay statements to anyone other than the person for whom they are written. Only when a request is made in writing, in advance, by the employee to whom the check is payable may the Department Head give out the check to the specified individual. Paychecks will not be distributed prior to the date and hour authorized by the Treasurer/Collector unless for extenuating circumstances and approved by the Town Administrator. Any payroll deductions other than legally required deductions will not be made from an employee's paycheck without the employee's written approval. Upon receipt, please review your paycheck for errors. If you believe there is a mistake, report it to the Accountant immediately.

Payments to all employees, unless provided for otherwise in a collective bargaining agreement, shall be made by such a "direct deposit". As an alternative to printed statements, the Town may provide access to the employees pay statement electronically provided it shall allow access from a Town work station, on the employee's time, and the printing of one copy of the pay statement if the employee shall so desire.

**D. Overtime** - Payment for overtime will be in accordance with the terms of the Wages and Fair Labor Standards Act (FLSA) and state statutes. If an assignment requires in excess of (40) forty hours per week, such overtime must be authorized in advance by the Department Head and be within that department's budget constraints.

Non-exempt employees will be paid one and one-half (1.5) times their regular hourly rate for the hours actually worked beyond forty in the work week.

Supervisory, professional, and administrative personnel are classified as exempt. These positions have an obligation which goes beyond fixed work schedules and they shall not be paid for overtime work except under exceptional circumstances and with prior written approval of the Town Administrator.

Exceptional circumstances shall include extended snow removal operations, flooding, major fires, or other similar major public safety emergencies.

**E. Pay For Temporary Assignments** - When an employee is temporarily assigned to a position with a higher rate of pay for forty (40) or more consecutive work hours, the employee will be compensated at the same rate of pay as the current employee holding that position after the first forty (40) hours and for the remainder of the temporary assignment.

**F. Emergency Closing** - In the event that employees may not be able to work due to an emergency closing of a building, employees will not be required to make up the lost time.

**G. Special Merit Awards** - In addition to merit increases which may be awarded to an employee under Paragraph 3 Section G, the Town Administrator may annually make a one-time award of \$250.00 to up to three employees who have gone above and beyond in one of three areas. Those three areas are:

Communications: Displays a commitment to assisting the public and transparency in government including, but not limited to, improving and/or devising new ways to communicate information within the

organization and to the public at large.

**Efficiency:** Displays a commitment to ensuring we operate proficiently and efficiently by “stepping up” and “stepping in” to undertake nominal cross training in mission critical functions, exhibits a willingness to “float” as needed, and/or suggests ideas that result in ease of processing, and savings of time, material, storage requirements and the like.

**Pinnacle of Excellence:** Displays a willingness to make extraordinary efforts in the ongoing improvement of the organization, assisting other staff members or departments to complete new or ongoing assignments and often requires the person to “stretch” to learn new computer programs, methodologies or processes. (One award only this category.)

All full and part time employees are eligible for nomination to receive an award. The Town Administrator may make such awards as a result of the annual performance review process or solicit nominations of employees, upon a form to be designed by him, from citizens at large, a member of a Board or Committee, a Department Head, or a fellow employee where someone’s service has impressed them during the past calendar year. The Town Administrator may withhold an award in one or more categories if he deems there are no worthy nominees. All recipients will be publicly recognized for their accomplishment and have a letter of commendation placed in their personnel file in addition to their one-time award of \$250.00.

**SECTION 8A: Recruitment Incentives** - The Town acknowledges that there may be times of extremely low unemployment, a discipline specific shortage of qualified applicants, or recruitment challenges posed by the community’s wage structure, that the recruitment of needed employees may prove so difficult as to make it problematic to deliver certain mission critical services. Upon the Town Administrator making such a finding, he may offer the prospective employee a recruitment incentive by depositing up to 10 days of leave time, which shall be charged against earned leave time over the coming year, with which to begin their employ.

## **SECTION 9: Glossary**

**Continuous Service** - Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, jury duty or other approved leave of absence.

**Department** - Any department, board, committee, commission, or other agency of the Town subject to this policy.

**Department Head** - The employee, board or other body having immediate supervision and control of a department. Each Department Head will report directly to the Town Administrator.

**Designee** - An employee approved to act on behalf of the Town Administrator or Department Head in their absence. All Designee’s will be approved by the Town Administrator.

**Emergency Employment** - Employment made for not more than two weeks without the prior approval of the Board of Selectmen; this employment is to cover an unforeseen emergency.

**Emergency Employee** - An employee retained for emergency employment to serve for a period not to exceed two weeks unless an extension is granted by the Board of Selectmen.

Exempt Status - An employee paid on a salary basis, who is paid by dividing the annual salary rate by the number of pay periods per year.

Non-Exempt Status - An employee paid on an hourly basis who is paid for the actual number of hours worked during a pay period times the hourly rate, and is covered by minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).

Overtime - Time worked in excess of the normal work week of 40 hours.

Part-Time Employee - A part time employee is one who has completed the six (6) month probationary period and is allocated to work up to nineteen and a half (19.5) hours per week throughout the year. All benefits, other than the Earned Sick Leave, do not apply. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Position - Work to which any full-time or part-time employee is assigned consisting of duties and responsibilities that reflect the job requirements.

Probationary Period - The first six (6) months of full- or part-time employment during which an employee is required to demonstrate the ability to meet acceptable standards of performance prior to an appointment to a classified position.

Full-time Employee - A full-time employee is one who has completed the six (6) month probationary period and who works at least forty (40) hours per week throughout the year. All benefits, with the exception of the Earned Sick Time Law, apply. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Temporary Employee - A temporary employee is a full or part-time position that is not likely to require the services of an employee on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees. Temporary employees are not eligible for any benefits offered by the Town. Temporary employees, after a (6) six-month period with the town, may be considered for permanent employment.

Town Administrator of The Town of Templeton - As the Chief Administrative Officer of the Town, said employee will be responsible for the administrative, technical and supervisory work in overseeing Town activities and projects. The Administrator will research, analyze and recommend changes in Town policies, systems and procedures and will serve as liaison and coordinate between Town Officials, employees and residents. This employee is required to perform all similar or related duties as required by the Board of Selectmen.

**APPENDIX TO**  
**TOWN OF TEMPLETON PERSONNEL POLICIES AND PROCEDURES**

Pregnancy and the Workplace – Employees of the Town of Templeton will not be discriminated against because of pregnancy or pregnancy-related conditions. “Pregnancy-related conditions” include lactation or the need to express breast milk for a nursing child. An employee may request a reasonable accommodation in her working conditions for pregnancy or a pregnancy-related condition, which the Town will provide unless the accommodation will impose an undue hardship on the Town. The Town will not take adverse employment action against any employee who requests or uses a reasonable accommodation.

Accommodations that may be reasonable under the circumstances are adjustments such as more infrequent or longer breaks, time off to attend to a pregnancy complication, modification of the employee’s workstation, changes to job duties, and provision of private space, not in a bathroom, for expressing breast milk. The Town will discuss with the employee what accommodation best fits the particular needs of the employee and the Town. For certain accommodations, the Town may require documentation from an appropriate professional as to the need for the accommodation.



## **AMENDMENTS**

1. Approved at 8.22.16 Meeting of the Board of Selectmen-Amended by adding Section 8A.
2. Approved at 2.27.17 Meeting of the Board of Selectmen as part of the *Reduction & Control of the Cost of Employee Benefits* policy, Section 5.a.ii..-Amended by adding a paragraph at the end of Section 6.L.
3. Approved at 4.9.18 Meeting of the Board of Selectmen-Amended Section 6: Benefits; and Amended Section 8: Compensation Policy, Section C. Payroll Period.
4. Approved at 5.14.18 Meeting of the Board of Selectmen-Amended Section 6: Benefits, D. Sick Leave.
5. Approved at 8.22.18 Meeting of the Board of Selectmen-Add Appendix: Pregnancy & The Workplace.
6. Approved at 9.26.18 Meeting of the Board of Selectmen-Added Section 8: G. Special Merit Awards.
7. Approved at 4.27.2022 Meeting of the Select Board-Added Juneteenth as a paid holiday to the list of Holidays in Section G.
8. Approved at 12.14.2022 Meeting of the Select Board-updates and deletions to Section 8: Compensation Policy; and added Classification Plan, Compensation Plan, and Appeal Process.