

Personnel Policies

TOWN OF WEBSTER

ADOPTED | JULY 9, 2018 AMENDED | APRIL 26, 2019

The Personnel Policies enclosed herein are designed to set forth the human resources policies of the Town of Webster. Not every situation that may arise will be addressed within these policies. This document will be revised as needed and reviewed for relevance at least annually.

This manual is designed to further the following goals:

- To provide a uniform system of human resource administration throughout Town government.
- To assist managers in the development of sound management practices and procedures, and to make effective consistent use of human resources throughout the Town.
- To promote effective communication among managers, supervisors and employees.
- To ensure, protect, and clarify the rights and responsibilities of both the employer and employees.

Nothing in any of the Town of Webster's Personnel By-Law, Policies, Procedures or other documents relating to employment with the Town of Webster ("the Town") creates any express or implied contract or guarantee of continued employment for a specific term. No past practices or procedures, whether oral or written, form any express or implied agreement or contract to continue such practices or procedures. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the limitations set forth in this paragraph create any contract of employment unless: 1) the terms are put in writing, 2) the document is labeled "Contract," 3) the document States the duration of employment, and 4) the document is signed by the Town Administrator.

The Town, acting exclusively through the Town Administrator, reserves the right to add, change or discontinue any aspect of its personnel policies and benefit programs and to revise or modify provisions of this manual with proper notice provided to the Town's collective bargaining groups.

Conflicting provisions contained in collective bargaining agreements, to the extent required by law, shall supersede these policies. Where collective bargaining agreements are silent, these policies and regulations may be applied. If there is a conflict between language in this manual and language in an official plan document (such as the group health insurance policy) the official plan document governs.

Subject to the Town Administrator's review and approval, Departmental regulations that establish standards of performance, employee conduct, or action shall continue to be applicable. Employees of the Town that are not otherwise covered by a collective bargaining agreement, employment

agreement, or State civil service statutes are at-will employees. Either party may terminate the employment relationship at any time with good cause, with or without notice. The term cause shall include but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

These policies are intended to be in accordance with all applicable State and Federal laws. In the event that these policies are inconsistent with the applicable State or Federal law, the applicable law shall apply.

TOWN OF WEBSTER
PERSONNEL POLICIES AND PROCEDURES
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1.0 GENERAL PROVISIONS

1.1 Authorization

These policies are promulgated in accordance with the authority granted by the Webster Town Charter and Bylaws.

1.2 Purpose

The purpose of these policies is to establish a fair and equitable system of personnel administration based on the merit principles that ensure a uniform, fair, and efficient application of personnel policies. The contents of this personnel policy and procedures manual for the Town of Webster does not constitute the terms of a contract of employment and should not be construed as a guarantee of continued employment with the Town. Employment with the Town of Webster is on an at-will basis.

1.3 Applicability

These policies and procedures apply to all individuals, whether appointed or elected, who are employed by the Town of Webster, except School Department employees. In the event a provision of this manual conflicts with a provision of a collective bargaining agreement, the provision of the collective bargaining agreement will prevail for those employees covered by the agreement.

1.4 Definitions

The following definitions shall apply:

Affirmative Action: the commitment to the recognition, development, and utilization of protected groups. Affirmative action is a process used to achieve the purpose and spirit of antidiscrimination laws.

Americans with Disabilities Act: the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.

Appointing Authority: any board or official authorized to employ personnel to perform services for the Town.

Automobile Allowance: That amount compensated to an employee for approved work-related use of a personal vehicle. An automobile allowance is subject to taxation.

Department Head: The individual responsible for supervising a department's operations and activities.

Discrimination: Treatment that is contrary to laws and regulations governing equal employment, such as unequal treatment or

categorization of individuals on a basis other than individual merit including, but not limited to: race, sex, age, color, religion, marital status, national origin, sexual orientation, disability, political affiliation, or veteran status.

Emergency Response Employees: those employees whose work regularly involves the activities of dispatching emergency vehicles and personnel, rescue work, and ambulance services.

Employee: any individual who performs services for and under the control and direction of the employer for wages or other remuneration.

Employee – Contracted: an employee whose term of employment is negotiated by their supervising authority.

Employee – Essential: an employee designated by an employee's supervisor or the Town Administrator to be available on a 24-hour basis to work during seasonal weather-related conditions or other emergency situations.

Employee – Full-Time: an employee regularly scheduled to work a minimum of thirty (30) hours per week for fifty-two (52) weeks per year.

Employee – Limited Part-Time: an employee working fewer than twenty (20) hours weekly.

Employee – Part-Time: an employee working twenty (20) to twenty-nine (29) hours weekly.

Employee – Temporary/seasonal: an employee whose fixed tenure of service is stipulated at the time of hire, and generally for a period not to exceed six (6) consecutive months.

Employer: the Town of Webster.

Employment At-Will: a legal concept expressing the Town's ability to separate an individual from employment with the Town without giving the employee notice or a right to object to the decision.

Equal Employment Opportunity: a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, color, national origin, sex, age, religious or political affiliation, physical disability, sexual orientation, or veteran status.

Expense Reimbursement: payment for approved work-related

expenses.

Health-Care Provider: a doctor of medicine or other licensed medical practitioner capable of providing health care services.

Individual with a Disability: An individual who has a physical or mental impairment that substantially limits one or more of his or her major life activities or who has a record of such impairment, or who is regarded as having such impairment. An individual who currently uses drugs illegally is not considered to be an individual with a disability.

Intermittent Leave: time away from the job taken in separate blocks of time due to a single illness or injury.

Involuntary Retirement: retirement by ordinary or accidental disability.

Major Life Activities: Activities that an average person can perform with little or no difficulty.

Nepotism: When a relative of an employee is placed: in a position in the workplace that would result in a supervisory/subordinate relationship of one employee over the other; or in an administrative relationship that would create a real or perceived appearance of conflict of interest or impropriety in the eyes of colleagues or the public.

Pay – Compensatory Leave: time off in lieu of wages for hours worked in excess of an exempt employee's normally scheduled work hours.

Pay – Exempt Employees: those employees who are paid by salary, not hourly, and are excluded from overtime compensation in accordance with the U.S. Fair Labor Standards Act.

Pay – Non-Exempt Employees: employees who are paid by an hourly rate and are entitled to receive overtime compensation in accordance with the U.S. Fair Labor Standards Act.

Performance Review Committee: a group consisting of a peer (individual from another community with similar responsibilities), representative from relevant town committee, and a member of the personnel advisory board tasked to resolve the appeal of a department head's performance appraisal.

Personnel Advisory Board: Seven individuals appointed pursuant to the Town's Charter.

Public Records: records defined in MGL Chapter 4, Section 7, including all records made or received by the Town to serve a public purpose, unless exempted.

Qualified Individual with a Disability: an individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the particular job.

Reasonable Accommodation: a modification or adjustment to a job, employment practices or work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.

Reclassification: a change made to a position title within the Classification Plan because of a change in the duties to be performed.

Regular Employee: an employee who has completed the probationary period and whose tenure of service is unlimited, except as provided by law, regulation, Bylaw or this policy.

Serious Health Condition: an illness, injury, impairment or physical or mental condition that involves:

- A. Incapacity or treatment as an inpatient in a hospital, hospice or residential medical care facility, or
- B. Incapacity requiring absence from work or other activities for more than three consecutive (3) calendar days and involves continuing treatment of a health care provider, or
- C. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or if left untreated would result in incapacity for more than three consecutive (3) calendar days.

Sexual Harassment: unwelcome conduct of a sexual nature as defined in section 3.9.2 of this manual

Tardiness: reporting to work after the expected reporting time has passed.

Town's Medical Provider: a health professional designated by the Town.

1.5 Roles and Responsibilities:

The Town Administrator is responsible for developing and implementing personnel policies and procedures and managing the Town of Webster personnel system, including making decisions on hiring, terminating, and evaluating individuals.

The Personnel Advisory Board (PAB) is composed of qualified individuals appointed by the Board of Selectmen, Town Moderator, and Finance Committee. The Town Administrator is a participating member of the Board. At the request of the Town Administrator, the PAB conducts studies and/or research, develops draft personnel policies and procedures, serves on panels as directed, and provides advice to the Town Administrator on personnel issues. In some cases, the nature of the personnel issues under discussion by the Board requires that the PAB members maintain confidentiality. The Town of Webster Board of Selectmen is responsible for approving all personnel policies.

1.6 Amendments

The Personnel Advisory Board has the authority to propose to amend the Town's Personnel Policies and Procedures subject to the approval of the Town Administrator and final approval by the Board of Selectmen.

1.7 Administration of Policies

The Town Administrator is responsible for the Town's personnel system and will:

- provide assistance and training to appointing authorities and department heads;
- ensure consistency with recruitment, selection, appointment and retention of employees;
- maintain the classification plan and salary schedules;
- supervise the maintenance of a personnel record keeping system;
- routinely apply and periodically review personnel policies;
- assure that administration of any problem resolution system is accomplished in ways that are consistent with Town Bylaws and these policies;
- bring to the Personnel Advisory Board's attention issues or matters requiring their attention in the administration of these policies.

2.0 RECRUITMENT, HIRING & TERMINATION

The Town of Webster's recruitment policy is governed by non-discrimination and equal opportunity in all hiring programs and activities. The town recognizes the right of individuals to work and advance, based on merit, ability and potential without regard to race, sex, color, disability, religion, national origin, sexual orientation, age or any other category under state or federal law.

(A) Posting and Advertising

The department heads should develop notices for positions including: the position title, updated detailed job description, professional, education/training requisites, and pay/classification schedules. Prior to posting, the Town Administrator reviews, edits and approves all notices for positions.

All postings and advertisements will be posted internally and externally to ensure the most highly qualified candidates are considered. The minimum time for postings will be ten business days. Postings will include:

1. Position title
2. Salary range/classification information
3. Brief description of duties
4. Minimum education/training qualifications
5. Name and address to which to send applications
6. Last day for filing applications
7. An Affirmative Action /Equal Employment Opportunity statement

Temporary appointments or the temporary replacement of personnel on approved leave status will not be required to be posted, but require approval by the Town Administrator. In no case will a temporary or interim appointment become permanent without following the recruitment policy.

(B) Applications

All applicants for employment will complete an employment application or online equivalent that the appointing authority will retain in accordance with public record retention requirements. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form. Resumes may be accepted as supplements to the application, but not as substitutes. A sample application form can be found in Appendix A.

(C) Screening

Applications and resumes will be screened based on criteria in the posting. Highly qualified candidates will be selected for interview. In the event that qualified candidates are not part of the application pool, then the position will be reposted in additional locations and may include the use of a service.

(D) Interviewing

The Town Administrator observes, as needed, interviews of prospective employees. Note: Interviews conducted by Town Boards and Committees are subject to the provisions of open meeting law.

1. Selected candidates will be notified by telephone and in writing or e-mail that they have been selected for interview.
2. Interviews
 - a. Schedule interviews
 - b. Develop necessary and appropriate questions related to the position and qualifications. The interviewer should ask the same questions of all candidates for the same position.
 - c. Conduct the interviews
 - d. Determine if 2nd and 3rd rounds of interview may be necessary. If so, schedule and conduct additional rounds once additional questions are developed to further enable a decision.
 - e. Once an offer is made and accepted, notify unsuccessful candidates in writing. All rejection letters will be approved by the appointing authority.
3. Collect references, if not previously received, and an authorization to conduct background search, CORI (if appropriate) and current and previous employer contacts for finalists.
4. References - Current employers will only be contacted after the candidate is previously notified and has approved the contact.

The appointing authority or his/her designee will conduct reference checks and a background search of potential candidates. The appointing authority and Town Administrator will approve the questions for checking references. Documentation of all verbal, written and search activity will be maintained and available for review and comment by the candidate.

All notes taken during the interview process will be stored with the original applications.

(E) Offer of Employment

The appointing authority, after approval from the Town Administrator, will provide an offer of employment in writing (contingent on CORI, I-9, physical, or other requirement, if applicable) to the prospective employee. The offer will contain the rate of pay or annual salary, work week, summary of benefits and anticipated starting date for employment, probationary period and any other relevant information. Any changes to the original offer must be approved by the Town Administrator.

Once the contingent offer is accepted, each candidate must undertake a pre-employment physical and drug screening.

(F) Acceptance

Upon acceptance and prior to beginning employment the candidate will meet with the Town Administrator's designee to provide and receive documentation to ensure compliance with all legal requirements and facilitate enrollment in health insurance plans and the retirement systems as appropriate.

1. Employment Eligibility

- (A) CORI Release where necessary and not already obtained, to be conducted in accordance with the policy adopted 11-3-08 (See Appendix B)
- (B) Pre-Employment Physical and Drug Screen
- (C) Immigration Reform and Control Act of 1986. I-9 Form Completed process as detailed in the Handbook for Employers Guidance for Completing Form I-9 rev. 01/22/17
- (D) Confidential Employee Information Form
- (E) Fingerprinting when required
- (F) Work Permit for Employees under eighteen (18) years.
- (G) Employment Permit for Employees fourteen (14) and fifteen (15) years old.

2. Documentation for Payroll

On the first day of employment, or at the latest, during the first three (3) business days of employment, the employee will be required to submit the following documentation to the Town Administrator.

- (A) W-4 or W-4A tax withholding form
- (B) Payroll authorization form, including authorization for direct deposit
- (C) Applicable retirement form and supporting documentation
- (D) Basic and optional life insurance enrollment form or waiver
- (E) Health insurance enrollment form or waiver
- (F) Annuity/deferred compensation enrollment form (optional)
- (G) Section 125 (Cafeteria Plan) benefit waiver

- (H) Statement concerning Your Employment in a Job Not Covered by Social Security
- (I) New Employee Form
- (J) Acknowledgment of receipt and understanding of the following:
 - a. Drug Free Workplace Act
 - b. Sexual and other Harassment Policy
 - c. Probationary period policy, including no right to contest termination during the probationary period
 - d. Conflict of interest—including ethics training completion certificate.

Note: Temporary and seasonal employees are not entitled to benefits such as health insurance, paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week. Temporary and seasonal appointments will not exceed six consecutive months.

3. Employment of Minors

The town complies with all laws of the United States and the Commonwealth of Massachusetts regarding child labor. Regulations related to minors will be posted wherever minors are employed or report to work. Posting will include the number of hours such minors are required or permitted to work on each day of the week, the total number of scheduled hours for the week, the hours commencing and stopping work, and the hours when the time allowed for meals begins and ends for every day of the week.

2.1 Probationary Period

All newly appointed and promoted employees are required to successfully complete a six (6) month probationary period. The probation period begins immediately upon the employee's starting date or promotion date and continues unless terminated early as provided below. Employees are required to work for the six-month period. A break in service due to injury or illness or any other reason may extend the probationary period.

Newly hired employees will accrue sick and vacation leave during this period which is credited to the individual upon the successful completion of probation. Accrued leave may be available upon request of the employee's supervisor and approval by the Town Administrator. Probationary employees are entitled to receive paid holiday leave.

During the probationary period, supervisors must discuss work performance with the probationary employee and at 90 days a formal performance evaluation must be given. Supervisors are responsible for

documenting these discussions, and copies of such documentation shall be submitted to the Town Administrator to be filed in the employee's personnel file, with notice to the employee. Upon expiration of the probationary period, the appointing authority notifies the probationary employee in writing that: (a) the employee's performance meets satisfactory standards and the individual will be retained in the position, or (b) the employee's performance requires additional observation and that the probationary period will be extended an additional period of time not to exceed four (4) months, or (c) the employee will not be retained.

At any time during the probationary period, the appointing authority may impose disciplinary action up to and including discharge, if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position.

At any time during the probationary period, including any extension thereof, the appointing authority may terminate the probationary employee's employment and need not specify any reason for such action. The appointing authority notifies the probationary employee in writing of any disciplinary action up to and including termination. Probationary employees may not appeal any disciplinary action, including termination. Terminations will be subject to Town Administrator approval.

2.2 Nepotism

Purpose: The purpose of this policy is to ensure that relatives of employees are not placed in a position in the workplace that would result in: 1) a supervisory/subordinate relationship of one employee over the other; or 2) an administrative relationship that would create a real or perceived appearance of conflict of interest or impropriety in the eyes of colleagues or the public. This policy applies to new appointments, promotions, demotions, transfers, and reinstatements.

Definition: A relative is an employee's spouse or domestic partner, child, mother, father, brother, sister, step-parent, step-children, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or any other member living in the immediate household.

Policy: No person may be hired for full-time, part-time, seasonal, or temporary employment, promoted, transferred, demoted, or reinstated: 1) into the same line of supervision as a relative; and 2) into a position in which a relative has an administrative influence over his or her salary, benefits, working conditions, leave accruals, disciplinary action or other

terms and conditions of employment. This policy in no way abrogates responsibilities under the Massachusetts Conflict of Interest Law under G.L. c.268A, Section 23.

Change in Status: If a change occurs contrary to this policy, such as a marriage or partnership, the town administrator will advise the employees of alternatives available to them to eliminate the conflict. The Town will evaluate each situation and determine if it is in the Town's interest to make an exception.

The Town Administrator will make the final decision in cases where there is a question about coverage of the policy and change in status.

2.3 SUCCESSION PLANNING, WORKFORCE DEVELOPMENT, AND EXIT INTERVIEWS

Succession planning is a concerted effort to identify future areas of expertise and positions needed to provide services to the Town. A strong workforce development program that evaluates employee skills, competencies, and training needs is part of this effort.

An exit interview is a valuable tool for obtaining feedback from an employee about his or her work experience. It can be used by the Town Administrator and department heads to ensure competitive hiring practices and assist in solving problems. Thus, it is the policy of the town to conduct an exit interview with all regular, full time employees who are resigning from town service. This interview should be conducted during the employee's final week of work. Among other things, the interview is meant to:

- identify problems or trends in working conditions in a particular area;
- obtain information that can be used to screen job applicants and help reduce turnover; and
- solicit the employee's opinions about town policies and practices, including ideas on improvements.

The interview should be documented and used for analysis and will remain confidential.

3.0 GENERAL ADMINISTRATION

3.1 Classification Plan and Schedule

The Town's classification plan and schedule covers and includes all Town departments and positions in Town service other than positions under the direction and control of the School Committee.

Under this plan, classifying positions is based on similarity of duties and responsibilities. In this way, the same qualifications are required and the same schedule of pay is applied to all positions in the same class.

The Town Administrator is responsible for establishing, maintaining, and amending written job descriptions for positions in each class, including temporary classifications and compensation when needed. Job descriptions should include: 1) the essential character of the duties and responsibilities of positions allocated to the class, with examples of work where desirable; and 2) the minimum qualifications for positions in the class.

Standard uniform practices are used when assigning positions to classifications, and the minimum qualifications for all positions/classes are based upon:

- A. The minimum qualifications described by the department heads;
- B. An examination of the work content of positions allocated to the class; and,
- C. A study of comparable positions in the service of other municipalities.

The Personnel Advisory Board recommends updates of the Town Classification Plan and Salary Schedule to the Town Administrator; and is responsible for reviewing and rating job descriptions.

3.2 Reclassification and Salary Adjustments

Department Heads may request the Town Administrator to consider changes in the classification of positions or the compensation of Town personnel covered by these policies. Request must be made in writing. No position is to be reclassified, nor any class assigned a different compensation grade, until the Personnel Advisory Board has determined such reclassification or reassignment is consistent with the classification plan.

3.3 Hours of Work and Work Schedules

Establishment of regular working hours are subject to the approval of the Town Administrator and the Board of Selectmen, and are to be forwarded to the Town Accountant once approved. The Town Administrator or the appointing authority, at his/her sole discretion, may grant flex/compensatory time to salaried employees where appropriate.

3.4 Time Recording

3.4.1 Hourly Employees

All hourly employees must document their time on a weekly basis, including: the starting time, the beginning and end of the lunch break (if required), and end of daily work time, as well as overtime, vacation days, personal days, sick days, holidays and other leave granted by the Bylaw. The employee must complete these records and submit them to his/her supervisor for approval. They must be retained in accordance with M.G.L. Ch151.s15.

3.4.2 Salaried Employees

All salaried employees must document their time weekly; including: days worked, vacation days, sick days, holidays, and other leave granted by Bylaw. The employee must complete these records and submit them to his/her supervisor. They must be kept in the accounting office, in accordance with M.G.L. Ch151.s15.

3.5 Employee and Department Head Performance Evaluation

3.5.1 Employee Performance Evaluation

The Town's Employee Performance Evaluation System is central to the continuous improvement of the Town's services. The Town's efficiency and effectiveness depend upon the performance of its employees. Thus, in order to obtain a high degree of efficiency and effectiveness, there must be a year round partnership between supervisors and employees. This partnership is based on continuous communication that includes both work and personal development goal setting, coaching, reviewing, and rewarding performance. The Town Employee Performance Evaluation System incorporates both work behaviors valued by the Town, as well as elements of specific job descriptions and duties.

Process: All employees must receive a formal evaluation annually. Those in a probationary situation (new hire, promotion) must be evaluated within 90 days of beginning a new job.

The Town's process has three phases conducted on a fiscal year basis: 1) the development of performance standards, 2) a mid-year discussion of performance, and 3) a formal end of year review of performance and overall rating. In all of these phases the focus is not only on whether the work has been completed, but also how it has been performed.

The first phase ensures that the employee understands what is expected of him/her throughout the year. This is accomplished through the development of performance standards and a schedule for performance reviews. Performance standards and goals must be in place at the beginning of the new fiscal year, no later than July 1. These standards must include work and personal development goals for the upcoming year based on the employee's job description, behavioral standards, and departmental goals. Goals should be specific, measurable, attainable, relevant, and cover a set time period.

The second phase ensures that the employee is successfully performing and helps to uncover problems that can be corrected before a formal evaluation is conducted. No later than December 31st, the supervisor and employee must meet to discuss progress within the first six months of the fiscal year. This is an opportunity to make adjustments to the performance standards if necessary, to coach the employee, and to identify training needs and resource constraints.

The final phase provides a rating and a formal record of performance for the year. This, along with other factors, can be used for salary and promotion decisions. Before June 30th, the supervisor must meet with the employee to evaluate him/her formally. As preparation for that meeting, the employee provides the supervisor with a written self assessment of his/her performance. The supervisor prepares a rating for each performance standard and a written assessment to be discussed with the employee during the meeting. This should include accomplishments, as well as areas for personal development and improvement. The rating categories are: exceeds expectations, meets expectations, needs improvement, and unacceptable. If two or more of the standards have an unacceptable rating, the employee must be put on a Performance Improvement Plan within two weeks and be re-evaluated in 45 days. The supervisor may add comments to his/her original assessment as a result of the discussion. Both the employee and the supervisor must sign the form to indicate that the review has taken place. The form is retained in the employee's personnel file.

The development of the performance standards and the end of year evaluation meeting may take place simultaneously at the discretion of the supervisor.

An example of the Performance Standards and Evaluation Form is found as Appendix F.

Appeal: An appeal of an evaluation to the Town Administrator may take place only in the case of an error of fact. This occurs when an employee either failed to provide information or the information on the evaluation form prepared by the supervisor is not correct. It is the responsibility of the supervisor and employee to try to work out any issue resulting from such perceived errors. However, if this is not possible, the employee may send corrections to the Town Administrator within one week of the evaluation and request a reconsideration based on the facts presented. The Town Administrator must respond within two weeks of receipt of the information. His/her response is final.

3.5.2 Department Head Evaluation

The Department Heads are a crucial part of the Town of Webster Government and instrumental in ensuring that the citizens of Webster are well served. They are responsible for implementing town goals in a fiscally sound manner; engineering improvements to promote the efficient operation of their departments; and providing staff with the direction, training, and tools to serve the public.

To ensure that progress is made in these areas there must be continuous communication between the Department Heads and the Town Administrator. Good judgment, ability to communicate and coalesce support, business acumen, and creativity are core leadership competencies for effective managers. The evaluation process provides an opportunity to articulate mutually agreed upon goals and identify areas for improvement and training to enhance a manager's core competencies. It also provides positive, critical feedback at the mid-year and the end of year. The goal is continuous improvement to provide the best value to the citizens of Webster.

Process: At the beginning of the fiscal year the Town Administrator and each Department Head will agree upon a performance plan, consistent with the Town's goals for the year (see Appendix E for sample). This will include the Department Head's goals, objectives, and actions for his/her department; an understanding of what it means to be successful in implementing them; and an identification of management and professional development training needs. The goals should be specific, measurable, attainable, relevant, and cover a set period of time.

A meeting between the Town Administrator and each Department Head will be held six months into the fiscal year to discuss performance to date and to make adjustments to the performance plan if necessary to

recognize unforeseen circumstances or other changes in work implementation.

The Town Administrator will meet with each Department Head to evaluate his/her performance and recognize achievements at the end of the year. Five levels of performance are used: outstanding, exceeds expectations, fully successful, minimally successful, and unsuccessful. The Department Head will provide to the Town Administrator a self evaluation in writing prior to the meeting. It should highlight accomplishments, identify issues, and suggest areas for professional development. If serious performance problems are identified, the Town Administrator will develop a Remediation Plan with the Department Head which will be reviewed in three months to determine if further action is needed.

An example of the Performance Standards and Evaluation Form can be found as Appendix E.

Appeal: The Department Head has the right to dispute any part of the evaluation in writing to the Town Administrator within 5 working days. Errors of fact should be presented. The Town Administrator must respond within 5 working days of receipt of the information with a determination of whether or not to adjust the performance evaluation and his/her rationale. Should there be no agreement, the Department Head may request that a Performance Review Committee be convened. The Review Committee, chaired by a member of the Personnel Advisory Board, will meet with the parties, review the information presented as part of the evaluation, and make a decision to amend or uphold it. The decision of the Committee will be final. All documentation will be part of the Department Head's personnel record.

3.6 Promotion

A promotion is an advancement to a different position within a department or in another department which has increased responsibilities and classification to a higher salary grade. Employees who have completed successfully the probationary period, and are qualified for the position and who express interest in an open position in writing are eligible to be considered for the promotion. Interested employees must formally apply for consideration to the appointing authority, per section 2.0. They must demonstrate motivation, experience, ability, and skills to meet requirements described in the job description.

3.7 Personnel Records

The Town Administrator maintains a centralized personnel file system. Personnel files contain employee applications, evaluations, reports, and

records pertinent to employment. To ensure uniformity and confidentiality of employee personnel files, content of and access to files is limited and is controlled in accordance with this policy. A separate payroll file shall be kept by the Town Accountant for all payroll and benefit information.

Personnel records are subject to public records law (MGL Ch. 66, s10). Employees must not knowingly or willingly release confidential personnel information.

3.7.1 Content

Pre-employment documents such as applications, resumes, required licenses, offer of employment letters, copies of transcripts or diplomas, military discharge documentation, and other similar materials are stored in the personnel file.

Post-employment documents such as performance appraisals, disciplinary action notices, commendations, Civil Service promotional certifications, copies of information sent to the employee, or to third parties about the employee, etc. are also stored in the personnel file. When post-employment information is inserted into a personnel file, the former employee shall be given a copy of such material by the appointing authority/designee or Town Administrator.

The appointing authority/designee determines whether a report or record is placed in the employee's personnel file. Rebuttal information may be submitted by the employee to be included in the file. Any material submitted by a person other than the appointing authority or the employee (excluding routine paperwork) will be forwarded to the appointing authority for his/her approval prior to insertion in to the file. The employee is given a copy of any information that is placed in their personnel file.

Medical-related information will be maintained by the Town Administrator in a separate filing system.

3.7.2 Removal

Once inserted into an employee's personnel file, documents may only be removed if there is a clear and compelling reason to do so. Either an employee or his/her appointing authority may make requests in writing, with a clear explanation of the compelling reason for removal of a document. The employee should forward requests to his/her appointing authority. The appointing authority forwards the request, and a letter of support or denial, to the Town Administrator for a decision.

3.7.3 Location and Security

The Town Administrator is responsible for the maintenance, supervision, safety and security of employee personnel records. It is the responsibility of the appointing authority/department head to forward all relevant documents to the Town Administrator for inclusion in the official files.

3.7.4 Access

Any current or former employee, upon written or verbal request and in the presence of the Town Administrator or designee, may review, add rebuttal to a particular document, or be provided with a copy of all or part of his/her personnel file. The Town Administrator has ten (10) business days to comply with the request.

The Town Administrator is not required to allow an employee to review the employee's personnel file on more than two (2) occasions within a calendar year. However, review of an employee personnel file does not count toward the two (2) permitted reviews when it is triggered by a negative information notification.

Other individuals authorized access to employee personnel files include:

- The Town Administrator or his/her designee
- Attorneys or union representatives of the employee who have written authorization from the employee
- The department head and appointing authority who supervise the employee
- Attorneys or their agents representing the Town
- Third parties in response to a court order.

A subpoena or court order may require certain individuals to appear in court with specified personnel records. Any employee who receives a subpoena or court order requiring personnel or payroll information must contact the Town Administrator immediately. The Town will only release confidential personnel information in response to a court order. The employee will be notified by the Town Administrator in the event that confidential employee data is released in response to a court order.

Authorized employees may respond to requests for verification of employment from banks, mortgage companies, credit card agents, etc. by providing basic information such as length of service and salary rate. Employees who receive requests for personnel information other than employment verification, even that which is public record, should refer such requests to the Town Administrator or his/her designee.

Any reference checks of former employees from potential new employers will only be provided with employment verification stating the dates the employee worked and the title of the position(s).

3.8 Weather and Emergency Events

The Town will compensate employees who cannot report for work when the municipal building they work in is closed due to snow or other emergency events. Non-exempt employees will be compensated at their regular rate of pay if required to remain at work or report to work after the municipal building in which they work has been closed. Employees working in excess of forty (40) hours per week will be paid for over-time.

If a snow or other weather-related event occurs before or during morning commute hours, employees should take a reasonable amount of time to arrive safely at work. Employees may use Personal or Vacation time, in lieu of reporting to work.

Unless the town buildings are closed by the Town Administrator/designee, employees who do not report to work at all must use their own accumulated personal or vacation leave for the day.

In the event a decision is made by the Town Administrator/designee not to open the building, or to schedule a late opening, employees will be notified as soon as possible prior to the start of their work day. Employees will be compensated for the period that the municipal building in which they work is closed, unless they were previously scheduled to be on vacation, sick, or other leave for that period.

When an event begins during the day and is forecast to impact driving conditions, or otherwise impact operation of the facility, the Town Administrator/designee may call for a Limited Work Force. This shall mean that at least one employee in each department should remain in the office until the close of business, or until the building is closed by the Town Administrator.

3.9 Equality in Employment

The Town of Webster acknowledges its responsibility, and will comply with all Federal and State Laws and regulations governing discrimination in the work place.

The Town recognizes the right of individuals to work and advance on the bases of merit, ability, and potential without regard to race, color, religion, sex, national origin, disability, sexual orientation age or any other classifications protected under federal/state law.

Toward this end, the Town commits itself to take affirmative measures to ensure equal opportunity in the areas of recruitment, hiring, promotion, demotion or transfer, layoff or termination, rates of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. The town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, and ages.

All town employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity, not only in the internal affairs of the Town departments and agencies, but also in their relations with the public, including those persons or organizations doing business with the Town. The policy of the Town is to:

- A. Recruit, hire, and promote in all job classifications without regard to race, color, religion, sex, national origin, disability, sexual orientation, age or any other classifications protected under federal/state law.
- B. Make decisions about employment so as to encourage the development of a diverse workforce.
- C. Ensure that employment and promotion decisions are made in accordance with the principles of equal opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- D. Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered with equal opportunity principals.
- E. Prohibit any kind of harassment based on race, color, religion, sex, national origin, disability, sexual orientation, age or any other classifications protected under federal/state law.

No retaliatory action against those persons who file complaints of discrimination or against individuals who cooperate in such investigations will be tolerated. Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town service.

Anyone who feels that he or she has been discriminated against by the Town based on discriminatory employment practices may file a complaint in accordance with the grievance procedure noted below.

Using the Town's Grievance Procedure does not preclude an employee raising the issue directly with the U.S. Equal Employment Opportunity Commission (EEOC) or the Massachusetts Commission Against

Discrimination (MCAD). It is important to note that each of these agencies has a specified time-period within which to file a claim. Using the Town's Grievance Procedure does not extend the time-period for filing a complaint with the EEOC and the MCAD.

The Discriminatory Employment Practices Grievance Procedure and a statement regarding your rights pursuant to the Equal Employment Opportunity Law are included at Appendixs G and H.

3.10 Sexual Harassment

It is the goal of the Town of Webster to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the Town of Webster takes allegations of sexual harassment seriously, the Town will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

The Town's Sexual Harassment Policy is located at Appendix I.

3.11 Americans with Disabilities Act

It is the policy of the Town to comply with requirements of the regulations contained in the U.S. Americans with Disabilities Act of 1990. The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

The Town has and will continue to establish occupational standards that are job related and consistent with business necessity.

The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee. The Town will provide reasonable accommodation:

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

The duty to provide reasonable accommodation is on-going, and may arise any time. It is the obligation of the individual with the disability to request the accommodation.

No pre-employment inquiries may be made about an applicant's disability. If an applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others, if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Town Administrator or his/her designee after careful review of the circumstances.

The Town has established a Notice of Non-Discrimination and Reasonable Accommodation Policy under the Americans with Disabilities Act. The Notice and Policy are located at Appendix J.

3.12 EMPLOYEE SAFETY

The Town of Webster takes its responsibility for employee safety very seriously. Every reasonable effort is made to provide and maintain safe facilities, equipment, materials, procedures and methods.

It is the policy of the Town to provide secure working areas for all employees. However, it is the responsibility of the individual employee to secure all personal property, especially purses and wallets and other valuables, while on the premises.

3.13 EDUCATIONAL INCENTIVE

The Town of Webster endeavors to promote a work-place environment of motivated employees. All employees are encouraged to plan their careers and obtain new skills for personal advancement as well as greater opportunities and contribution in their employment with the Town.

An education incentive program is available to encourage employee educational and/or professional development. The program will defray educational costs for employees attending educational institutions when the class or course directly relates to the employee's position or provides job enhancing potential as an employee of the Town of Webster. To be

eligible, the employee must have worked for the town for at least two years before submitting a request under this policy.

The Educational Incentive/Professional Development reimbursement will not be considered as additional income and/or count towards the employee's retirement or pension plan and will not be included in calculating an employee's pay rate. This reimbursement may be subject to any applicable taxes.

Guidelines:

- Interested employees should submit any Education Incentive/Professional Development request to, and obtain approval for consideration under this policy, from the Town Administrator at the time of registration for the course. Where appropriate, the employee is encouraged to submit the request through his or her supervisor. The supervisor should review the suitability of the request, including how the requested course will improve employee performance, knowledge, skills or service to the Town/Department; and forward a recommendation to the Town Administrator.
- All requests will be reviewed in order of receipt and reimbursement(s) will be subject to the availability of funds in the current fiscal year budget.
- Reimbursement is dependent upon successful completion of the course which means a minimum grade of "B" or better, or a "pass" grade. In addition, reimbursement is subject to the employee's agreement to return the funds should he or she voluntarily leave Town of Webster employment within one year of reimbursement.
- Reimbursement will be paid within one month of providing the Town Administrator with a copy of the initial request for consideration, the receipt of payment of the course registration fee or tuition bill and related costs; and confirmation of successful completion of the course.
- The amount an employee may receive is limited to the relevant costs of the class or course: up to One Thousand (\$1,000.00) Dollars per course, and not to exceed Two Thousand (\$2,000.00) Dollars per fiscal year.

This Educational Incentive/Professional Development policy is separate, apart and exclusive of the Town's conference, meal and travel reimbursement policy.

4.0 STANDARDS OF CONDUCT

4.1 General Conduct and Standards

All town employees are expected to use good judgment, adhere to high ethical standards, and conduct themselves in a positive and professional manner. Any conduct that interferes with operations or is offensive to residents is not acceptable.

In general, employee conduct includes, but is not limited to the following:

- Treating residents and other employees in a courteous, respectful and professional manner;
- Performing job assignments punctually, efficiently, professionally, and in cooperation with coworkers and supervisors;
- Complying with Town policies and procedures.

If an employee's performance, work habits, overall attitude, conduct or demeanor becomes unsatisfactory in the judgment of the Town, based on violations of the standards of conduct or any other Town policies or procedures, the employee will be subject to discipline up to and including termination.

4.2 Time and Attendance

This section defines the Town's expectations of employees and describes management's course of action in monitoring and controlling tardiness and failure to report to work. All employees are expected to assume their assigned duties at the start of the regularly scheduled work day. Tardiness and failure to report to work are viewed as unacceptable conduct/job performance and may be grounds for progressive disciplinary action.

An employee who anticipates that he or she will arrive after the start of the work day or shift must notify the work location and speak directly to his/her supervisor or the supervisor in charge to inform him/her of the delay and expected time of arrival. The employee should call the work location prior to his/her expected time of arrival, if possible. Employees will be required to provide a reasonable explanation of their tardiness, and may be required to provide documentation, if appropriate.

If an employee exhibits a pattern of repeated tardiness, he/she will be given notice of the need to correct his or her behavior. Subsequent tardiness may result in a written reprimand or further disciplinary action. If an employee is tardy for more than two (2) consecutive hours without cause, he/she may receive a written reprimand without having

received a prior notice to correct his/her behavior. Subsequent tardiness may result in further disciplinary action.

If an employee does not report for his/her scheduled work hours/shift, and fails to notify the work location of the absence by the end of the regularly scheduled shift, the employee shall be considered on unauthorized leave without pay for the day and may be subject to disciplinary action. In the event the absence resulted from an emergency, the employee may be required to provide documentation of the emergency. Further incidents of this nature may result in subsequent disciplinary action up to and including termination of employment.

Failure by an employee to report to work without permission and without notice for five (5) or more consecutive business days may result in the employee being considered to have voluntarily and permanently separated him/herself from Town service.

4.3 Drug and Alcohol-Free Workplace

It is the policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of controlled substances. The use of controlled substances, including alcoholic beverages is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or alcoholic beverages on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited.

Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or consumption of alcoholic beverages on non-working time to the extent that such use impairs an employee's ability to perform his/her job or where such consumption, use, sale, possession, distribution, manufacture, or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.

Employees who are arrested, charged, or convicted of alcohol use or controlled substance-related violations, or who plead guilty or no contest to such charges, must inform their department head or appointing authority within 5 days of such arrest, charge, conviction, or plea. Department heads or appointing authorities shall notify the Town

Administrator immediately. Employees who are convicted, or who plead guilty or no contest to such alcohol or drug-related violations may be required to successfully complete a drug abuse or similar program as a condition of continued employment or re-employment.

The Town recognizes that drug and alcohol dependency is an illness and a major health problem. The Town's objective is to prevent conviction for alcohol or drug related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Town Administrator, employee assistance plan (EAP), or their health insurance provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job, and will not be noted in any personnel record.

A violation of any and all provisions of this policy may result in disciplinary action, up to and including the termination of employment. An employee found to be in violation of this policy on more than one occasion will be subject to termination of employment.

The Town will be in compliance with the law entitled "An Act for the Humanitarian Use of Marijuana". Nothing in the medical marijuana law requires the accommodation of any on-site use of medical marijuana in the work place. In most employment settings, employers may treat marijuana use as one more item subject to its drug testing policy, relying on the testing to determine whether or not an employee is impaired in their ability to perform their job due to the use of marijuana.

4.4 Commercial Driver's License (CDL) Alcohol & Drug Testing Policy

The Town has established regulations regarding testing associated with alcohol misuse and drug use by those employees operating motor vehicles which require a Commercial Drivers' License. The provisions of the policy relating to Commercial Driver License requirements are found at Appendix K.

4.5 Workplace Violence

The Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town and each department/division to provide a workplace that is free from intimidation, threats, or violent acts.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage.

- A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future.
- Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects.
- Property damage is intentional damage to property which includes property owned by the Town, employees, or others.

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

An employee found to be in violation of this policy will be subject to immediate termination of their employment with the Town.

4.6 Dress Code

Employees should dress in an appropriate manner which is consistent with their work environment. Department heads are responsible for determining appropriate work attire within their department, which may include a specified uniform. Employees who violate dress code standards may be subject to appropriate disciplinary action.

4.7 Technology and Communication Systems

The internet provides a source of information that can benefit everyone. Those employees whose job performance can be enhanced through the use of the Internet and electronic communications should be provided with access and become proficient in its capabilities. This policy reviews acceptable use of the internet by employees while using the equipment, facilities, electronic communication addresses (email) owned or registered to the Town of Webster.

This section applies to the internet, electronic communications (email) and cell phone usage. Employees using personal cell phones, smartphones, and computers during work hours are expected to follow the same policies as with Town-owned items.

Employees are permitted access to the internet and electronic communications systems to assist with the performance of their jobs. When using electronic communications systems, all employees must follow state laws regarding texting and hands-free usage while driving.

When accessing the internet or electronic communication devices, employees are prohibited from the following uses:

- Accessing, downloading, printing, or storing information or graphics with sexually explicit content; or information or graphics that exceed the bounds of generally acceptable standards of good taste and ethics.
- Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory or otherwise unlawful messages or images.
- Installing or downloading computer software (includes apps on town phones) without the express written consent of their supervisor.
- Engaging in any lobbying or active political activity.

Incidental and occasional use (i.e. not job related) of internet access or electronic communications is permitted subject to the following conditions:

- Use of the internet and electronic communications shall not interfere with the user's productivity or work performance or with any other employee's productivity or performance and should be contained to their own personal device.
- Use of the internet and electronic communications shall not adversely affect the efficient operation of the computer system.
- Employees must present any and all communications in a way as to be clear that the communication is personal and not a communication of the Town of Webster.
- Employees should limit use of the internet and electronic communications to times of necessity. Employees who abuse personal use during work time, are subject to disciplinary actions up to and including termination.

Users should not have any expectation of privacy in any message, file, image, or data created, sent, retrieved, or received by Town equipment or access. The Town of Webster monitors any and all aspects of their computer systems.

As a pre-condition to allowing an employee access to the Town's internet and electronic communications, all users shall read and review this policy.

4.8 Social Media

This section establishes guidelines for employees of the Town who participate in social media networking. It is intended to promote good use and prevent discrediting of the character and integrity of the Town and its employees or officials.

These guidelines apply to all Town employees who participate in any form of personal social networking. Employees should refrain from accessing personal social media on Town-owned equipment and accessing during the hours when the employee is being paid for Town-related work.

The Town is aware that employees may maintain or contribute to personal blogs, message boards, conversation pages and other forms of social media (i.e. Facebook, Twitter, SnapChat) outside of their job function. These postings should not be used to discuss confidential work-related information. Employees should exercise caution with respect to comments they post concerning the Town.

If employees personally access and/or use external social media platforms, they may not reference the Town or any information that would identify the employee's relationship with the Town or Town Department in which they work in their identity (e.g., username, "handle" or screen name), nor should the employee speak as a representative of the Town. If, however, an employee makes or expresses any comment about Town-business or about the employee's job function or job-related activities because the matter is one of public concern, the employee must disclose his or her relationship with the Town. Unless the employee is specifically authorized by the Town to make such comments, the employee must also state that the comments he/she is making or posting concerning such Town-related business reflects his/her own personal views or opinions and that such comments are neither made on behalf of nor reflect the views of the Town.

Employees are responsible for acting in a manner that is consistent with the Town's policies. Employees are expected to be courteous, respectful, and thoughtful about how other employees may be affected by postings. Postings that harass or threaten any other Town employees, officials, or which disclose confidential information related to the business of the

Town or personal information concerning other Town employees or officials violate Town policy. Postings that violate Town policy will result in disciplinary action up to and including termination.

Postings about other individuals could potentially expose the posting employee to, among other things, personal liability for invasion of privacy, sexual harassment, or discrimination. Employees bear full responsibility for the material they post on personal blogs or other social media. Further, employees who may be required to testify in court as a part of their job should be aware that defense attorneys are increasingly looking for information available on social media and other internet sites to obtain information that can be used at trial to discredit the character and integrity of the prosecution's witnesses. Employees should refrain from posting any comments that might compromise their credibility in court.

For purposes of this section, a "personal blog" or "social media" includes personal websites, and all forms of on-line community activities such as on-line social networks, message boards, conversation pages, and chat rooms, including, but not limited to, Facebook, MySpace, LinkedIn, Friendster, Twitter, Flickr, and personal blogs.

4.9 Vehicle Safety and Use

Under varied circumstances, employees may be authorized to use Town vehicles. The provisions of this section apply to all Town employees, excluding the Police Chief, the Fire Chief and the Town Administrator. Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this section not specifically regulated by agreement.

Certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purposes consistent with providing services to those citizens.

The assignment of municipal vehicles during work time is based upon job description. Appointing authorities who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by the Town Administrator or appointing authority/department head.

The assignment of vehicles for 24-hour use will be made in writing by the Town Administrator, and will only be considered for employees who

require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility for 24-hour vehicle use include:

- Officially designated on-call status;
- requirement for frequent emergency availability;
- issuance of a pager or other communication device;
- emergency or other equipment contained in the vehicle; and/or
- no town facility is available for garaging in a safe and convenient location.

Town vehicles are not personal vehicles and are not for personal use. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons. Whenever a position becomes vacant, the authorization for 24-hour use shall be re-evaluated.

Employees authorized to commute in a Town vehicle may be subject to imputed income tax under regulations of the Internal Revenue Service. The Treasurer/Collector will be provided with the names of all employees authorized to use Town vehicles. The Treasurer/Collector shall be responsible for determining any taxes and advising the employee of his or her tax liability,

Rules Governing Use:

- A. Municipal vehicles may only be used for legitimate municipal business.
- B. Municipal vehicles will not be used to transport any individual that is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Town vehicles.
- C. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
- D. Employees are expected to keep municipal vehicles clean, and to report any malfunction or damage to their supervisor immediately.
- E. Employee's assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.

- F. Employees (both driver and passengers) must wear seatbelts in vehicles so equipped during operation of the vehicle.
- G. All operators of vehicles that require a CDL license must be tested for drugs and alcohol as provided by US DOT regulations.
- H. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
- I. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license and insurance once every twelve (12) months.
- J. All drivers must consent to a motor vehicle record check prior to driving any town owned vehicle. This record check will be done every other year thereafter. An adverse drug record, regardless of what vehicle it occurred in, may result in revocation of an employee's privilege to operate municipal vehicles. If operating a municipal vehicle is an essential job function, reclassification or termination could result.
- K. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
 - 1. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the town is approved by the Town Administrator.
 - 2. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor and the Town Administrator immediately, when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
 - 3. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor and the Town Administrator immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.

- L. No employee may use a municipal vehicle for travel more than 120 miles from Webster without advance approval of the Department Head and Town Administrator.
- M. Under NO circumstances will any person ride in the body of a truck, or in a trailer or bucket of a loader or backhoe.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.

4.10 Travel

The Town will reimburse officials and employees for reasonable travel costs incurred in the carrying out of official duties and attendance at conferences and meetings. Expenditures are to be planned so that costs do not exceed budgetary limitations.

1. The Department Head must approve all travel reimbursements in advance for all employees. Additionally, employee conferences and meetings for which the total costs are estimated to exceed \$500 per person must also be approved by the Town Administrator. The Town Administrator must approve travel reimbursements in advance for all Department Heads.
2. Employees will complete and submit an estimate of travel costs prior to travel.
3. An original conference brochure or other documentation detailing dates, times, and locations must be attached to the request for approval.
4. Cash advances are not issued for any travel expenses.
5. Upon return from travel, employees must complete and submit the Time, Activity and Mileage – Extended Form and attach the original itemized vendor invoices, along with proof of payment, within sixty (60) days. If payment was made by a credit card, the slip must be attached. If payment was made by a personal check, a copy of the cancelled check must be attached.
6. Reimbursements will only be made for invoices and receipts consistent with the approved dates and locations.
7. Reimbursements for meals will be paid in accordance with the Meal Expense Reimbursement Provisions.
8. Expenses paid directly to the vendor prior to the travel must not be duplicated on expense reimbursements: i.e., employees must not submit meal reimbursements if the conference included meals.
9. The Town will reimburse the following types of travel:
 - Air Fare: Coach Class/Lowest Class only (employees may fly first-class, but will only be reimbursed for coach class/lowest

class fare). A statement from the airline certifying the rate of a coach fare must be submitted.

- Train: Sleeper travel only where overnight travel is required.
 - Bus: Coach Class/Lowest Class only
 - Personal auto
10. Reimbursement for overnight stay will be approved as follows: a. Conferences that are two or more days in length: The Department Head or Town Administrator, as required by policy, will determine if the location requires overnight stay. b. Conferences one day in length or more and a distance of 120 miles or greater: The Town Administrator will determine the number of nights that will be reimbursed.
 11. Mileage reimbursement for the use of your personal vehicle on authorized official business will be paid in accordance with the Mileage Reimbursement Provisions.
 12. Actual costs for toll receipts, detailed meal slips, taxi cabs, rental cars, parking garages, shuttle buses, etc. are reimbursed with original receipts. If you do not have original detailed receipts you will not be reimbursed.
 13. The Town does not reimburse expenses for alcoholic beverages. M.G.L. Ch. 44§58 strictly prohibits a city or town from paying a bill incurred by any official thereof for wines, liquors or cigars.
 14. The employee must pay all costs for spouse and children; i.e., the Town pays the single hotel/motel rate and the employee pays the additional costs above the single rate. Additional hotel/motel charges other than room occupancy must be independently approved.
 15. If the reimbursement requested is for an amount greater than the estimate, additional authorization to pay is required by the Town Administrator and may be denied.
 16. Reimbursement will be made only to the employee incurring the original costs.
 17. If this policy conflicts with any contractual obligation of the Town, then the terms of the contract shall prevail.

A. Meal Reimbursement Policy

The policy stated below does not apply to events where meals are included in the registration fee. Events must take place out of town unless otherwise mentioned.

OUT OF TOWN ONE DAY EVENTS: The event must have prior authorization by the employee's Supervisor.

The meal allowance will be as follows: Lunch \$10.00 Maximum (included only if out of town for 6 hours or more hours). Any

additional meal expenses over and above this total will be the responsibility of the Employee and are not reimbursable.

OUT OF TOWN MULTI-DAY EVENTS: These events must have prior authorization by the Employee's Supervisor and must include at least one overnight stay; otherwise the one day policy applies.

The meal allowance is as follows:

Day One - Lunch \$10.00 maximum, Dinner \$20.00 maximum.

Middle day(s) (if applicable) - Total not to exceed \$35.00

Last Day - Breakfast \$5.00 maximum, Lunch \$10.00 maximum.

Dinner will not be included unless the day is 8 hours or more. If 8 hours or more, the dinner meal expense would be a \$20.00 maximum.

Any additional meal expenses over and above the total allowed will be the responsibility of the Employee and are not reimbursable. All Meal reimbursement limits include gratuities.

OTHER: There will be no meal allowances for events taking place in town with the following exceptions:

1. Upon the approval of the Highway Superintendent, Town employees who are conducting snow removal operations during or immediately after a snowstorm shall be authorized to expend a total of \$15.00 per person for every 10 consecutive hours of work.
2. During a public safety emergency, meals may be provided to public safety personnel at the discretion of the Police Chief, Fire Chief, Highway Supt., and Emergency Management Coordinator.
3. Food and beverages may be provided to citizens and town employees at Special Events that are open to the public.
4. Food and beverages may be provided to election workers during local/state locations.

Any exemptions to this policy must receive the prior approval of the Town Administrator.

Note: Receipts must be presented for reimbursement.

B. Mileage Reimbursement Policy

When any employee, elected official or appointed official uses his/her personal vehicle in performing official duties for the town, he/she will be reimbursed at the current rate of the Federal Standard Mileage Allowance per mile. If the same trip is being

made by more than one employee, elected official or appointed official, only one car is to be used.

4.11 Conflict of Interest/Financial Disclosure

Town employees must comply with the requirements of Chapter 268A of the Massachusetts General Laws which governs conduct as a public official or public employee. The Town Clerk will distribute a written summary of M.G.L. Chapter 268A to all town employees on an annual basis. A copy of the Summary of the Conflict of Interest Law is found as Appendix M.

Town employees may not:

- A. Ask for or accept anything (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
- B. Ask for or accept anything worth \$50 or more, or as otherwise amended in M.G.L. Chapter 268A, from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a nonprofit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer”, provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- C. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse’s immediate family.
- D. Take any type of official action which will affect the financial interests of your immediate family or your spouse’s immediate family. For instance, you may not participate in licensing or inspection processes involving a family member’s business.
- E. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding and “after hours” employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.
- F. Have more than one job with the same town, unless you qualify for an exemption.

- G. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- H. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, as association, a friend, or even a charitable organization.
- I. Ever disclose confidential information, data or material which you gained or learned as a public employee.
- J. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure including all relevant facts.
- K. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- L. Use public resources for political or private purposes. Examples of “public resources” include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms and official seals.
- M. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

4.12 Anti-fraud/Whistleblower

4.12.1 PURPOSE:

To protect the Town’s assets and reputation from misappropriation and abuse, this policy provides guidelines to safeguard against fraudulent activities and any appearance thereof.

Policy objectives include:

- To create an environment in which employees and citizens can report any suspicion of fraud
- To communicate the Town’s intent to prevent, report, investigate, and disclose to proper authorities suspected fraud, abuse, and similar irregularities
- To provide management with guidelines and responsibilities regarding appropriate actions in conducting investigations of alleged fraud and similar improprieties

4.12.2 APPLICABILITY:

This policy pertains to any suspected fraud, abuse, or similar irregularity against the Town. It applies to the Board of Selectmen and all other elected town officials; their appointees; all Town of Webster employees; and to any other persons acting on behalf of the Town, such as vendors, contractors, consultants, volunteers, temporary, and casual employees, and grant sub recipients.

4.12.3 POLICY

The Town is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, consultants, vendors, agents, or its own employees, to gain by deceit, financial or other benefits at the expense of taxpayers. Town officials, employees and other persons acting on behalf of the Town must at all times, comply with all applicable policies, laws, and regulations. The Town will not condone any violation of law or ethical business practices and will not permit any activity that fails to withstand the closest possible public scrutiny. The Town intends to fully, objectively, and impartially investigate any suspected acts of fraud or other similar irregularities regardless of the position, title, length of service, or relationship with the government of any party who may be the subject of such investigation.

A. Definitions

Any person acting on behalf of the Town - will mean any person responsible for or to Webster's government placed in that position by some official relationship with the Town.

Abuse can occur in financial or nonfinancial settings and refers to, but is not limited to:

- Improper use or misuse of authority
- Improper use or misuse of Town property, equipment, materials, records, or other resources
- Waste of public funds
- Any similar or related activity

Fraud or other irregularity refers but is not limited to:

- Any dishonest or fraudulent act
- Forgery or alteration of any document or account
- Forgery or alteration of a check, bank draft, promissory note, or any other financial document
- Embezzlement
- Theft
- Falsifying time sheets or payroll records
- Misappropriation of funds, securities, supplies, or other assets

- Impropriety in the handling or reporting of money or financial transactions
- Profiteering, as a result, of insider knowledge of Town activities
- Disclosing confidential or proprietary information to outside parties
- Accepting or seeking anything of material value from consultants, contractors, vendors, or persons providing services or materials to the Town
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Any claim for reimbursement of expenses not made for the exclusive benefit of the Town, including falsifying travel or entertainment expenses or utilizing town funds to pay for personal expenses or personal benefit
- Any computer-related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes
- Any omissions and misrepresentations made in bond offering documents, presentations to rating agencies, and annual financial reports
- Fictitious reporting of receipt of funds

Fraudulent Financial Reporting

- Improper revenue recognition
- Improper expense/expenditure recognition
- Overstatement of assets
- Understatement of liabilities

B. Antifraud Responsibilities

Every employee has the responsibility to assist the Town in complying with policies and laws and in reporting violations. The Town encourages the support and cooperation of all employees in meeting the Town's commitment and responsibility to such compliance.

Town managers and officials are responsible for instituting and maintaining a system of internal controls to reasonably ensure the prevention and detection of fraud, misappropriations, and similar irregularities. Management should be familiar with the types of improprieties that could occur within their areas of responsibility and be alert for any indications of such conduct.

The Town Administrator has primary responsibility for investigating all activity defined in this policy and will, to the extent practical, notify the Board of Selectmen of reported allegations of fraudulent or irregular conduct upon commencing the investigation. In all circumstances where there are reasonable grounds to indicate a fraud may have occurred, the Town Administrator, subject to the advice of Town Counsel, will contact the District Attorney's office and/or the Webster Police Department.

Upon concluding the investigation, the Town Administrator will report results to the Selectmen and others as determined necessary.

C. Disclosure

If the Town's investigation concludes that there was a violation of any federal criminal law involving fraud, bribery or gratuity potentially affecting a federal award, the Town Administrator will disclose such in writing to the federal awarding agency in compliance with the Office of Management and Budget's Omni Circular. Similarly, if there are findings of bond offering information falsification, The Town Administrator and/or the Town Accountant will disclose in writing to the bondholders.

REFERENCES

M.G.L. c. 149 §185

U.S. Office of Management and Budget's Omni Circular issued December 2013

4.12.4 PROCEDURES

The Town Administrator creates the procedures to cover all of the following at minimum:

1. Procedure and methods for reporting suspicions of fraud, abuse and other irregularities:
 - Any individual/employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her immediate supervisor or their department head. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Town Administrator (if the alleged fraud has been committed by the employee's supervisor or department head or in the case of a non-employee).
 - Town employees are prohibited from initiating investigations on their own. However, anyone may report suspected violations or concerns in writing to the Town Administrator and shall indicate whether he/she is an employee of the Town. The report shall be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. The report shall be submitted to the Town Administrator in a sealed envelope marked "Confidential and Private". It is the policy of the Town that anyone who reports a violation may submit such report confidentially and offsite.
2. Assignment of responsibilities in response to reported suspicions:
 - The supervisor or department head receiving the report will report it as soon as practical to the Town Administrator. The

written or oral report shall be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. In the event, that the Town Administrator is the subject of, or otherwise identified as involved in the acts underlying the report, the person making the report may notify and forward such report to the Chief of Police who will then lead the investigation and shall immediately report such allegations to the Chairman of the Board of Selectmen.

- The Town Administrator upon notification of a discovery of suspected fraud, abuse or impropriety will promptly investigate the suspected issue.
- An objective impartial investigation will be conducted regardless of the position, title, length of service, or relationship with the Town of any party involved in such an investigation.
- In conducting investigations, the Town Administrator will consult with and receive guidance from the Town Counsel, the Chief of Police and any other source they deem appropriate.
- In all circumstances, where there are reasonable grounds to indicate that a fraud, abuse or impropriety may have occurred, the Town Administrator will inform Town Counsel. Subject to the advice of Town Counsel, the Town Administrator will contact the office of the district Attorney and /or the Webster Police Department.

3. Employee protections from retaliation:

- Whistleblower Protection – In addition to whistleblower protections provided by federal and state laws, no employee or person acting on behalf of the Town as it relates to this policy shall:
 - a. Be dismissed or threatened with dismissal
 - b. Be disciplined, suspended, or threatened with discipline or suspension;
 - c. Be denied a promotion
 - d. Receive an adverse job performance evaluation
 - e. Be penalized or any other retribution imposed, or
 - f. Be intimidated or coerced
- There shall be no retaliation by any Town employee against an employee who makes a report pursuant to this policy even if, after investigation, the Town Administrator determines that there has not been a violation of any applicable Town Policy, state or federal laws and regulations or internal accounting controls.

This section shall not apply to:

- a. Any employee who discloses information that the employee knows to be false, or who discloses information with disregard for the truth or falsity of the information.
- b. Any employee who discloses information from public records that are closed to public inspection pursuant to the Massachusetts Public Records Law.
- c. Any employee who discloses information that is confidential under any other provision of law.
- It shall be the obligation of an employee who discloses information under this section to make a good faith effort to provide their department head, appointing authority or the Town Administrator, the information to be disclosed prior to its public disclosure.

4. Security of investigation documents:

- Once a suspected fraud, abuse or impropriety is reported, the Town Administrator, in consultation with Town Counsel, shall take immediate action to prevent the theft, alteration, or destruction of relevant records.
 - a. Such actions include, but are not limited to:
 - 1. removing the records and placing them in a secure location
 - 2. limiting access to the locations where the records exist
 - 3. preventing the individual suspected of committing the fraud from having access to the records.
 - b. The records must be adequately secured until the audit or investigation can begin.

5. Treatment of anonymous allegations and false allegations (intentional and unintentional):

- Anonymous Allegations - The Town encourages individuals to sign their names to allegations. Concerns expressed anonymously are difficult to investigate; nevertheless, anonymous allegations will be followed up on at the discretion of management. This discretion will be applied after consideration of the following:
 - a. Seriousness of the issue raised;
 - b. Credibility of the concern;
 - c. Likelihood of confirming the allegation.
- False Allegations - Employees or other parties must understand the implications (resources and costs) of undertaking investigations, and shall therefore guard against making allegations which are false and made with malicious intent.

Evidence of malicious intent will result in disciplinary action, up to and including termination.

6. Personnel disciplinary actions:

- If a suspected fraud, irregularity or impropriety is substantiated by the investigation, disciplinary action shall be taken by the Appointing Authority in accordance with the Personnel Bylaws and applicable state and federal laws after consultation with Town Counsel.

7. Responsibilities around media contact:

- No elected or appointed official or town employee will discuss the details of any ongoing fraud investigation (including all executive sessions) with the media that may compromise the integrity of the investigation.
- Any Town employee contacted by the media with respect to an audit or investigation shall refer the media to the Town Administrator.

8. Training, education and awareness:

- Management will ensure that all employees and other parties are made aware of and receive appropriate training and education, with regard, to fraud and abuse relative to their areas of employment and the related policies and procedures of the Town.

9. Disclosure requirements and protocols:

- Confidentiality – All participants and persons questioned in a fraud investigation (including all executive sessions) shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.
- All public announcements concerning an investigation shall respect the right of all individuals under federal and state law as recommended by Town Counsel.
- All information relating to investigations will be available to the external auditors of the town.
- Upon completion of the investigation all records will be returned to the appropriate department.
- The results of all investigations will be reported to the Board of Selectmen, Town Counsel and other as determined necessary.

4.13 Membership in Professional Associations

The purpose of this provision is to convey the Town's expectations for professional and management employees concerning membership in

professional associations, including appropriate use of Town time and expenses related to association business. All non-union employees are subject to the provisions of this policy.

The Town supports and encourages employees to join and participate in organizations or associations related to their municipal position or professional discipline. It is the policy of the town that a reasonable amount of Town expense and work time may be devoted to such organizations, subject to the procedures set forth below.

4.13.1 Dues

Subject to appropriation, department heads may authorize payment of dues to professional associations for themselves or for staff members. Dues for organizations (excluding any union dues) which were created to encourage professional development for members are appropriate.

4.13.2 Conferences or Meetings

Subject to appropriation, department heads may authorize payment of registration fees, expenses, and paid leave from work for attendance at in-state conferences held to promote the training, education, or the professional development of participants.

4.13.3 Publications and Presentations

All employees are encouraged to present or publish articles in professional, technical, and scholarly journals or meetings. To protect the integrity of Town government, all such articles and presentations should bear the following caveat: "This article represents the opinions and conclusions of the author and not necessarily those of the Town of Webster."

Employees are prohibited from using their office and professional title when expressing opinions of a political nature.

Any employee who violates this policy shall be subject to disciplinary action, up to and including suspension or discharge.

4.14 Fair Labor Standards Act

"FLSA" The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State and local governments. Covered nonexempt workers are entitled to a minimum wage as set by State Law. Overtime pay at a rate of not less than one and one-half (1 ½) times their regular rates of pay is required after forty (40) hours of earned time in a workweek. An employee's use of

sick, vacation, and personal time will be counted towards the forty (40) hours when calculating an employee's entitlement to overtime compensation.

4.15 Retirement

The Town of Webster has a retirement program under General Laws, Chapter 32, Sections 1-28, and other special acts of the Commonwealth of Massachusetts. An employee must be working a minimum of twenty (20) hours a week to qualify for the retirement program. Employees should contact the Retirement Board concerning the Town's retirement program.

4.16 Dispute Resolution

Employees are encouraged to bring any problems or complaints regarding their work or other day-to-day relations with the Town to the attention of their supervisors or appointing authority.

If an employee has a particular request or a problem he or she should discuss the matter with his or her immediate supervisor.

If the matter remains unresolved after the discussion with the employee's immediate supervisor, the employee should contact the Town Administrator in writing. The Town Administrator shall discuss the matter with the employee, as well as others who may be involved, and attempt to reach a satisfactory understanding and resolution of the problem.

If the dispute remains unresolved more than two (2) weeks after the submission in writing to the Town Administrator, the employee may appeal to the Personnel Advisory Board. The Personnel Advisory Board shall take the question under advisement, collecting such facts relating thereto as may seem helpful and it may, in its discretion, hold public or private hearings with respect to the question, subject to the provisions of the Open Meeting Law.

No later than thirty (30) days after receipt of the written submission of the matter, the Personnel Advisory Board shall render its decision and thereafter promptly take such action as may be appropriate relative to the problem. If the decision rendered by the Board is unsatisfactory to any party to the problem or dispute, he or she may appeal for relief to the Board of Selectmen.

5.0 LEAVE POLICIES

5.1 Civic Duty Leave

A full-time or part-time employee whose service as a juror makes it impossible or impractical to work the hours necessary to earn his or her normal week's pay may make application to the department head for the difference between jury duty pay and the employee's normal weekly earnings. The Town agrees to pay this difference upon presentation of proof of the amount of jury pay received by the employee.

5.2 Military leave

All permanent full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding seventeen (17) days per calendar year in order to receive military training. The Town Administrator may extend military leave beyond seventeen (17) days for extenuating circumstances. At least sixty (60) days prior to departure, employees shall provide notice of the date of departure and the date of return, and shall provide confirmation of the satisfactory completion of such training upon his or her return to work.

Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation, sick leave or other employment benefits. Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than ten (10) working days per calendar year. The Town Administrator, at his/her sole discretion, may extend the time granted to employees for military leave under this section.

5.3 Unpaid Leave of Absence

The Town Administrator may grant an employee, excluding those classified as seasonal or temporary, leave of absence without pay for a period exceeding fifteen (15) calendar days, but not to exceed ninety (90) calendar days.

Upon expiration of a regularly approved leave without pay the employee shall be offered a position comparable to that held at the time leave was granted, if a vacant position exists in the Town.

Failure of an employee on leave to report for duty at the date designated and approved initially or upon renewal shall constitute resignation.

5.4 Criteria for Granting Leave

Leave without pay shall not be considered as a privilege, but shall be granted only when it serves to promote the mutual benefit and interests of an employee and the Town.

Leave of absence for training or study to enable the employee to render more valuable service to the Town may be deemed by appointing authority as serving to promote mutual benefit and interest.

The Town Administrator, upon recommendation of the department head, may approve or disapprove such request on the basis of the operation requirements of the department, availability of temporary substitute employees, the performance and attendance record of the individual and the reason for the request.

Procedure for Requesting Leave of Absence

An employee requesting leave of absence for any reason must present the request in writing to the department head, who shall submit a recommendation for review by the Town Administrator. Requests other than for sick leave shall be made in advance to allow for the department to re-assign or reorganize the work of the department.

Fringe Benefits During Leave

During any leave of absence without pay, all benefits including vacation, sick, and personal day accruals, and seniority calculations that are normally accrued shall be frozen until the employee returns to work. All insurance benefits paid by the Town shall terminate during an unpaid leave of absence. The employee may retain membership in the Town's plans for health and life insurance for the duration of an approved leave of absence without pay. In such instances the employee shall be responsible for paying the full cost of the monthly premium, including the premium percentage normally paid by the Town. An exception to this would be employees on approved FMLA leave of absence. Employees on FMLA leave shall continue to receive health insurance, with the Town continuing to provide its share of the premium.

5.5 Maternity/Paternity Leave

Any employee, both female and male, who has completed their probationary period shall be entitled to leave for a period not exceeding twelve (12) weeks for the purpose of giving birth or for adopting a child under the age of 18, or under 23, if the child is mentally or physically handicapped. In order to be eligible for leave under this section the employee is required to give two weeks' notice in advance of the anticipated date of departure, stating their intention to return and anticipated date of return. Upon their return to work, the employee is entitled to be restored to his/her previous position, and to the length of service credit and seniority as of the date of their leave. Leave under this section shall be unpaid, unless the employee is eligible to apply for other leave, such as sick leave or vacation, to which they are entitled. Any leave taken under this section shall be deemed leave taken under the provisions of Family and Medical Leave.

5.6 Family and Medical Leave

Employees who have completed at least twelve (12) months with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible for Family Medical Leave.

Eligible employees will be granted leave in accordance with FMLA regulations for:

- A. family leave due to the birth, adoption or placement of a child (foster care)
- B. medical leave due to an employee's serious health condition,
- C. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition,
- D. to care for a member of the Armed Forces who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

At least thirty (30) days in advance, the employee shall submit to the department head or appointing authority, if there is no department head, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days' notice is not possible, the employee shall give notice as soon as practical. In connection with family leave, employees shall upon request by the department head or appointing authority, provide proof of birth, adoption or placement of a child. In connection with medical leave, employees shall upon request of the department head or appointing authority provide medical certification which shall include:

- A. in the case of the employee's illness a statement by the health care provider on letterhead listing the provider's address and telephone number, that the provider has personally examined the employee, identification of the serious medical condition unless it is confidential in nature with date of onset and probable duration, and stating that the employee is unable to perform his or her duties due to the specific illness or injury on the days in question;
- B. in the case of care for a spouse, child, or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question

Employees may be required to provide re-certification including the employee's affirmative commitment to return to work and anticipated date of return after each thirty day period of medical leave, or at shorter intervals if the employee requests an extension of leave; if there are

significant changes from the original certification circumstances; or if the Town receives information which casts doubt on the validity of the certification.

Employees may request medical leave on an intermittent leave, or reduced work, schedule if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

Leave under this section shall be unpaid unless an employee applies other paid leave benefits that may be available, such as vacation leave or sick leave. Use of such paid leave will not extend the total length of leave time available under this section beyond twelve (12) weeks in a twelve (12) month rolling period.

Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during their leave, unless they are utilizing their accrued time-utilized accrued time for the two days prior to and following the holiday.

During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays the required employee share of the premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee the cost incurred in maintaining insurance coverage for the duration of the employee's leave.

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department. For additional information, please see the Family & Medical Leave Act Employee Rights and Responsibilities informational handout in Appendix N.

5.7 Vacation Leave

Regular full-time and regular part-time employees are eligible for annual paid vacation leave pursuant to town by-law or, if represented, the terms of their collective bargaining agreement. In order to maintain a healthy life/work balance, employees are strongly encouraged to utilize their vacation time during the calendar year. However, employees may request to (1) carry over one week of vacation into the next fiscal year or (2) elect

to receive compensation for the equivalent of one week unused vacation time with the approval of the Town Administrator. The carry-over week will be treated as any other vacation time with no limitations or expiration date beyond the standard vacation time usage. The town will try to honor all vacation requests, but reserves the right to deny the use of vacation if it will adversely impact the performance of town work or services.

5.8 Sick Leave

Employees will begin accruing sick leave from their date of hire. Subsequent accrual will be based on a fiscal year. Sick leave shall be credited monthly at a rate of 1.5 days per month after each month of employment and may be rolled over from year to year at a maximum of 150 days. Employees who are on an unpaid status for more than one day in the month shall not be credited with sick leave for that month, unless under the provisions of FMLA.

Sick leave gives an employee continued compensation during times of absence due to (1) personal illness, or (2) illness of a spouse, child or parent residing in the immediate household.

Sick leave may be used for absences caused by illness, injury, or temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's spouse, child, parent, or person living in the employee's household when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation. The Town reserves the right to review an employee's use of sick leave at any time, and, if the Town determines that the use of sick leave shows a pattern of abuse, the employee may be subject to discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

If an employee is out sick for three (3) or more consecutive working days, the Town Administrator shall require verification of the sickness, as well as written confirmation that the employee may return to duty be provided by a physician/doctor before an employee may return to duty.

~~For employees hired on or after July 1, 2016, after~~ After 20 years of service, upon an employee's retirement or death, the employee or his/her estate, as the case may be, shall receive payment for not more than 120 unused sick days at his/her regular hourly rate of pay.

Any permanent employee who has reached 120 days accumulated unused sick leave shall be eligible to receive payment in accordance with the schedule below. Days paid shall be deducted from the employee's yearly accumulation.

- 5 days or less sick days used per fiscal year—payment for 5 working days
- 6 days or less sick days used per fiscal year—payment for 4 working days

5.9 Sick Leave Bank

There is hereby established a sick leave bank for use by permanent, full and part time employees who, because of their own prolonged illness, have exhausted all accumulated sick, vacation, and other paid leave.

Participation. At the inception of the sick leave bank any permanent employee who wishes to participate (hereinafter referred to as a "participating employee") shall donate one day of his/her sick leave balance into said bank for each year of service, up to a maximum of five days. Annually thereafter, every January, each participating employee shall donate a minimum of one sick leave day to the bank. Donations of sick leave days in excess of these amounts shall require the written assent of the town administrator and three members of the personnel advisory board.

Each participating employee shall first complete and sign a form established by the town administrator certifying their participation in the sick leave bank (see Appendix O), an approved copy of which shall be provided to the town accountant. Only participating employees shall be eligible to apply for benefits.

Permanent employees shall become eligible to participate after one year from their initial date of appointment.

Application for Benefits. Application for benefits shall be in writing on the official form (see Appendix P). This form, accompanied by a doctor's certificate as to the physical inability of an employee to resume his/her duties due to prolonged illness shall be presented to the Town Administrator for review.

Eligibility. The Town Administrator shall deny an application if: (1) the applicant is not a participating employee; (2) the application for sick leave does not comply; (3) the applicant has not exhausted all accumulated sick, vacation, and other paid leave; (4) the applicant's health condition does not render the employee unable to perform his or

her job; or (5) the applicant has filed a claim for workers compensation benefits, unless such claim has been denied.

The Town Administrator may deny an application if: (1) the applicant's category of achievement under these rules is "less than satisfactory;" (2) the applicant has had a poor attendance record; (3) there are other sources of benefits available to the applicant; (4) the applicant's previous withdrawals from the sick leave bank have been excessive; or (5) there is other just cause for denying the application.

Action on Application. The Town Administrator shall act on an application within thirty days of its filing.

The amount of leave to be granted hereunder to any particular employee shall not exceed six weeks per application or twelve weeks in any one year. Notwithstanding the foregoing, no amounts shall be approved which shall cause the sick leave bank balance to be depleted by more than fifty percent (50%) of its balance as of the date the application was made.

The sick leave bank committee may request that the town administrator invoke a medical panel to substantiate the certification of the employee's physician; and may request that the town accountant furnish the applicant's attendance records for the three years preceding the filing date of the claim.

Decisions of the Town Administrator shall be made in writing and shall not be subject to the grievance procedure.

Appeals: Anyone who has been denied benefits from the Sick Leave Bank may request a review by the Sick Leave Bank Committee. A sick leave bank committee shall be composed of two members of the personnel advisory board selected annually by the members of that board and one participating employee selected annually by all participating employees.

5.10 Bereavement Leave

When a death occurs in an employee's immediate family all regular full-time and part-time employees may take up to three (3) days off with pay to attend the funeral/service or to make funeral/service arrangements. The pay for time off will be prorated for part-time employees if the funeral occurs on a scheduled work day. The Town may in unusual circumstances, require verification of the need for leave.

Immediate Family Defined for Bereavement Leave

Immediate family members are defined as an employee's spouse,

domestic partner, children, stepchildren, parents, stepparents, siblings, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and grandparents.

Non-family Member Funeral Leave

All regular full-time and part-time employees may take up to one (1) day off with pay to attend the funeral of a close non-family member. This time off will be considered by the employee's department head on a case by case basis.

The pay for time off will be pro-rated for part-time employees if the funeral occurs on a scheduled work day.

Additional Time Off

The Town understands the deep impact a death can have on an individual, therefore, additional non-paid time off may be granted. The employee may make arrangements with his or her supervisor for up to an additional four (4) unpaid days off in the instance of the death of an immediate family member.

5.11 Personal Days

At the beginning of each fiscal year, i.e., full-time employees receive an allotment of four personal days for the year. Personal days do not carry over from one fiscal year into the following fiscal year. Employees may use their personal days each fiscal year for any reason not necessarily covered by the other time off policies.

Personal days must be approved by the supervisor before they are taken. For emergency or other unplanned and unavoidable situations for personal days, employees should notify their supervisors of such situations as quickly as possible through the normal reporting channels.

Unused personal days are not compensated upon termination or at the start of an unpaid leave of absence.

6.0 HEALTH CARE BENEFITS

6.1 Health Insurance

Full-time employees, and permanent part-time employees working twenty (20) or more hours per week on a regular basis, are eligible to participate in the Town's Group Health Insurance plan.

Based on Massachusetts law, the Town will provide a fair and reasonable contribution to the premium for health insurance coverage of employees.

The Town also provides access to group insurance programs for employees seeking dental and eye-care insurance coverage.

Enrollment forms and changes to enrollment coverage information may be obtained from the benefits coordinator.

Eligible employees may voluntarily elect to waive health insurance coverage and in lieu thereof receive an annual cash payment of \$2,000. In order for an employee to be eligible for the cash payment they must a) be eligible for health insurance benefits; and b) have received the cash out payment the prior fiscal year or had elected health insurance benefits from the Town for the immediate prior 12 month period; No payment shall be made unless the employee has provided the Town with proof of alternative insurance coverage. This cash payment is not regarded as compensation for wages, overtime or pension calculation purposes.

If an employee's status changes and the employee must resume coverage on Town-provided insurance, a pro-rated amount of the payment will be required to be returned to the Town.

6.2 Continuation of Coverage

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) is a federal law that provides for continuation of health care coverage if your hours of employment are reduced or your employment ends for reasons other than gross misconduct. The Town Administrator, or designee, will provide a notice of eligibility for continued health-care coverage through COBRA at the time of the change in employment status.

Also, under certain circumstances the law provides for continued coverage for spouses or dependent children.

A spouse who has been covered under the Town's health-care insurance provider may request continued coverage in the following circumstances:

- The employee/spouse dies;
- The employee is separated from employment for any reason other than gross misconduct, or his/her hours of employment are reduced or;
- The employee and spouse legally separate or divorce.

A dependent child who has been covered under the Town's health-care insurance provider is eligible for continued coverage in the event:

- The employee parent dies;
- The employee-parent's employment is terminated (for reasons other than gross misconduct) or the parent's hours or employment are reduced;
- The parents legally separate or divorce; or
- The dependent ceases to be a dependent child under the health care eligibility rules.

Continuation of health-care insurance coverage is available for a limited period of 18 or 36 months depending on the event that gave rise to the COBRA rights and to additional qualifying circumstances. Information concerning COBRA coverage is available from the Town's health care insurance provider.

6.3 Health-Care Information Right to Privacy

The Health Insurance Portability and Accountability Act (HIPAA), requires the Town and the Town's health-care insurance provider to maintain privacy of employee personal health care information. To assure the privacy of employee health-care information, the Town keeps a separate filing system for employee medical related documentation. This filing system is maintained under the direction of the Town Administrator.

Guidance relating to employee information, rights and responsibilities under HIPAA is included in Appendix Q. Employees may also contact their health-care insurance provider for HIPAA information.

6.4 Workers Compensation

The Town of Webster is committed to providing a work environment that is safe for all employees. If a work-related injury occurs, the following procedures and guidelines are to be followed to assure compliance with Massachusetts laws governing Workers' Compensation.

The Town seeks to assist all employees in receiving compensation and medical treatment for any injury that occurs during work hours.

6.4.1 In the event of an accident or injury:

- First assure that the employee receives any necessary first aid;
- When appropriate, immediately call 9-1-1;
- If the employee has a life-threatening injury, arrange for immediate transportation to the nearest hospital emergency room.

Injured employees must schedule an appointment with the Town's Medical Provider after emergency treatment or for non-emergency injury treatment. When immediate medical attention is needed beyond the hours of the Town's Medical Provider, treatment should be sought through a hospital emergency room or other emergency care provider. The employee should inform the health-care practitioner that he/she is seeking treatment for a work-related injury.

The employee's supervisor must advise the Town Administrator of the work-related injury and if the employee has gone to the emergency room, the Town Administrator will provide that information to the Town's Medical Provider.

6.4.2 Reporting the Accident

An employee injured on the job must report the injury to their supervisor and fill out an accident report, (Appendix R-a). The accident report begins the claims process and should be done immediately.

Supervisors are to complete all sections of the Supervisor's accident investigation report (Appendix R-b).

If the employee is not able to fill out the accident report because of the injury, the supervisor is responsible for completing and submitting both report forms.

The reports are to be submitted to the Town Administrator. Without an accident report, the Town has no ability to arrange processing of medical bills and lost wages.

It is the responsibility of the supervisor to report all work-related injuries to the Town Administrator immediately. Failure to report injuries may result in disciplinary action.

6.4.3 Lost-Time From Work

The department head will communicate any job-related lost-time to the Town Administrator who will forward the information to the Town's Insurer and to the Workers Compensation Officer.

Once the employee is absent five (5) days, and has received notice from the appropriate health care provider that he/she will be out of work for a

longer period, the employee will be placed on Workers' Compensation benefits in accordance with MGL Chapter 152. The original 5-day absence will be paid out of the employee's accrued sick leave benefit.

The employee will receive correspondence from the Town's Insurance Company outlining the process and detailing the administration of benefits; and a notice from the Town's Workers' Compensation Officer with a guide to the Massachusetts Workers' Compensation System.

Once placed on Workers' Compensation benefits, the employee will receive 60% of his/her average weekly wage. The average weekly wage is calculated by taking the gross wages from the preceding twelve months and then dividing that by fifty-two. This 60% portion is not taxable, which will be reflected on the employee's paycheck.

Under MGL Chapter 152 an employee may supplement 40% of their regular wage with benefit leave (e.g., sick, vacation or personal leave). The 40% supplement is taxable and will be reflected in the employee's paycheck. To receive the supplement, the employee must complete and sign the Workers' Compensation Wage Supplement Request Form, (Appendix R-c), and submit it to the Workers' Compensation Officer.

Workers' Compensation checks will be mailed to the employee.

6.4.4 FMLA

Under the Family Medical Leave Act of 1993, the twelve-week entitlement for Workers' Compensation and FMLA run concurrently. See also section 5.6 for more information regarding FMLA.

6.4.5 Health and Life Insurance Deductions

If the employee is expected to be on workers' compensation for less than a month, the employee must make payment for the insurance premiums on the date the deduction would have been made, had the employee been paid wages (e.g., each Thursday).

If the employee is on workers' compensation for more than one month, the employee must make payment for insurance premiums at least one month in advance of coverage. Payment should be made by check payable to the Town of Webster and mailed to the Treasurer's Office, 350 Main Street, Webster, MA 01570. Payment must be received regularly to maintain coverage, or it will be cancelled.

6.4.6 Benefit Leave

Employees who are receiving Workers' Compensation payments will not accrue earned leave (e.g., sick or vacation leave) during the period in

which the workers' compensation is paid, except as otherwise provided in a collective bargaining agreement.

6.4.7 Medical Appointments

Employees must attend all medical appointments. Employees who do not attend scheduled appointments will be responsible for any fees assessed to the Town.

6.4.8 Return to Work

Once the employee has medical clearance to return to work, the employee must provide a copy of the medical release to the Town Administrator and the Workers' Compensation Officer. The employee should not return to work without notice of approval to return to work from the Workers' Compensation Officer, or other appropriate authorization. Supervisors who allow an employee to return to work without the appropriate authorization, may be subject to disciplinary action.

6.4.9 Light Duty

Employees able to perform light duty within reasonable medical restrictions, as certified by a health care provider, may be required to do so at the discretion of the Town Administrator in consultation with the department head.

APPENDICES:

A. Employment Application.....	
B. CORI Policy	
C. Prohibited Hazardous Occupations for Minors Under Age Eighteen (18)	
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a. Meal Expenses Reimbursement Forms	
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N. Family & Medical Leave Act Employee Rights & Responsibilities	
O. Sick Leave Bank Enrollment Form.....	
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Q. HIPPA Guidance Summary	
R. Workers Compensation Forms.....	
a. Accident Report Form	
b. Supervisor's Accident Investigation Report Form	
c. Workers' Compensation Wage Supplement Request Form	

APPENDIX A Employment Application

Date Received: _____

Personal Information			
Last Name	First Name	Middle Name	Today's Date
Street Address	Town	State	Zip Code
Home Phone: (____) _____ - _____ Work Phone: (____) _____ - _____ Other: (____) _____ - _____		Are you a United States Citizen or legally eligible to work in the U. S.? ____ Yes ____ No <i>(if hired, you will be required to provide documentation that you are eligible to work in the U.S.)</i>	
Are you 18 or over? ____ Yes ____ No			
Title of Position Applying For			Date Available to Work
Have you been previously interviewed or employed by the Town of Webster? ____ Yes ____ No			
If Yes, list date(s) and job title(s):			
Do you have any relatives currently working for the Town of Webster? ____ Yes ____ No			
If Yes, list names and relationship to you:			
Are you employed now? If so, may we contact your present employer?			

Education				
Name and Location	# Years Completed	Major Area of Study	Degree/Diploma	
High School				
College				

Graduate School				
Technical or Certificate Programs				

Employment History Please provide the following information for your previous three employers, beginning with the most recent: (Please attach an additional page if necessary, do not use "see attached resume".)

Employer:	Dates Employed: From _____ To _____	Job Title:
Address:		
Telephone:	Job Duties:	
Weekly Pay Start: Finish:		
Reason for Leaving:		

Employer:	Dates Employed: From _____ To _____	Job Title:
Address:		
Telephone:	Job Duties:	
Weekly Pay Start: Finish:		
Reason for Leaving:		

Employer:	Dates Employed: From _____ To _____	Job Title:
Address:		
Telephone:	Job Duties:	
Weekly Pay Start: Finish:		
Reason for Leaving:		

Describe your qualifications for the type of employment you are seeking: (Please include skills, special training, etc.)

Please list any special awards, honors, scholarships, or offices held.

References Please list names of supervisors, managers, or others who can comment directly on your abilities:				
Name	Address	Phone #	Relationship/Occupation	Years Known

If applying for Public Works Position, Please indicate whether you hold the following valid drivers licenses:

Class A _____ Class B _____ Class C _____
 Drivers License Number: _____ State Issued: _____

<p>Election of Veteran's Preference</p> <p>Do you wish to claim a veteran's preference? _____ Yes _____ No</p> <p>If so please check the preference you are claiming.</p> <p>____ Veteran (defined as person separated under honorable conditions who has served on active duty for at least 181 days, or honorably discharged by reason of disability incurred while on active duty).</p> <p>____ Disabled Veteran (a veteran having a compensable service connected disability as adjudicated by the U.S. Veterans Administration or the retirement board of one of the branches of the Armed Forces which disability is currently existing).</p> <p>____ Spouse of deceased veteran.</p> <p>____ Spouse of disabled veteran who is unable to use preference due to disability.</p> <p>Note: If you elect to use veteran's preference, please enclose proper documentation establishing your right to claim the preference.</p> <p>Signature _____ Date _____</p>

The Town of Webster is an Equal Opportunity Employer. It is the policy of the Town of Webster not to discriminate in employment matters on the basis of race, creed, color, age, marital status, national origin, sex, or status with regard to public assistance or disability.

I certify that the facts set forth in this application for employment are true and complete to the best of my knowledge. I understand that if employed, false statements on this application shall be considered sufficient cause of dismissal. You are hereby authorized to make investigation of my personal references.

Signature of Applicant

Date

APPENDIX B

CORI Policy

This policy is applicable to the criminal history screening of prospective and current employees or volunteers as well as professional licensing applicants and interns.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be a part of a background check for employment or licensing purposes, the following practices and procedures will be followed:

1. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by MGL c. 6, §.172, and only after a CORI Acknowledgment Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgment Form, the subject shall be given seventy two (72) hours' notice that a new CORI will be conducted.

2. ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need" to know, such as the hiring authority and the individual submitting the CORI check. The Town must maintain and keep a current list of each individual, duly authorized through the formalized process set forward by the DCJIS, to have access to or to view CORI reports. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

3. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI in the Town of Webster will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

4. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied and for which there is cause to be concerned that the person's criminal history may have a negative effect on the job they are being hired for. These would mostly pertain to jobs where the prospective employee would be working unsupervised around children or the elderly, jobs with financial responsibility or handling cash or valuable items, or other positions of that nature for which a recent criminal conviction directly related to the responsibilities of the position could warrant further discussion with the candidate.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant from consideration. Determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

5. VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

6. INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteering or professional licensing, the subject shall be provided with a copy of the criminal history record, obtained from the DCJIS, prior to questioning the subject about his or her criminal history. The source of the criminal history record is also to be closed and a copy given to the subject in advance of any such discussion. If the criminal record indicates that the result of the applicant's criminal charge was: dismissed, sealed, non-conviction, not guilty, acquitted, rejected, declined, no action or ignored, these outcomes are not cause to warrant basis for further discussion with the prospective employee as they all indicate that the individual's criminal charge was either dismissed or they were not found to be guilty.

7. DETERMINING SUITABILITY

If a determination is made, based on the information as provided in #5 of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise protected by law, factors considered in determining suitability may include, but not be limited to, the following:

- Relevance of the record to the position sought;
- The nature of the work to be performed;
- Time since the conviction;
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

8. ADVERSE DECISIONS BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal record. The source of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record.

9. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI, including dissemination at the request of the subject.

APPENDIX C
Prohibited Hazardous Occupations for Minors Under Age Eighteen (18)

1. Manufacturing and storing explosives;
 2. Motor vehicle driving;
 3. Coal mining;
 4. Logging and saw-milling;
 5. Operating power-driven wood working machines;
 6. Operating power-driven hoisting apparatus;
 7. Any work causing exposure to radioactive substances;
 8. Operating power-driven metal-forming, punching and shearing machines;
 9. Mining, other than coal mining;
 10. Slaughtering, or meat packing, processing or rendering;
 11. Operating power-driven bakery machines;
 12. Manufacturing brick, tile, and similar products;
 13. Operating power-driven paper product machines;
 14. Operating power-driven circular saws, band saws, and guillotine shears;
 15. Wrecking, demolition and ship-breaking;
 16. Roofing;
 17. Excavating;
 18. Working in railway operations;
 19. Working in foundries, or working in or about blast furnaces;
 20. Buffing or polishing equipment;
 21. Handling, serving or selling alcoholic beverages;
 22. Working as a firefighter or engineer on any boat or vessel;
 23. Manufacturing white or yellow phosphorous matches; and
 24. Working at any occupation over thirty five feet above ground, floor or water level (including washing windows in a public or commercial building if the window is more than ten feet above the ground or floor level, or the roof of an adjoining building).
-

APPENDIX D
Prohibited Occupations for Fourteen (14) and Fifteen (15) Year Old Minors

1. Manufacturing of any kind;
 2. Mining of any kind;
 3. Processing, such as filleting fish, dressing poultry, or cracking nuts;
 4. Laundering as performed by commercial laundries and dry cleaning;
 5. Working in workrooms or workplaces where goods are manufactured, mined or otherwise processed;
 6. Working for a public messenger service;
 7. Operating or tending hoisting apparatus or any power-driven machinery (other than office machines or machines in retail, food service and gasoline service establishments);
 8. Working in any occupations found and declared to be hazardous by official designation;
 9. Working in connection with:
 - a. The transportation of persons or property by rail, highway, air, water, pipeline or other means;
 - b. Warehousing and storage;
 - c. Communications and public utilities; or
 - d. Construction (including repair), except in office and sales work in connection with these four categories as long as such office and sales work is not performed at the site of prohibited work;
 10. Working in or about boiler or engine rooms;
 11. Maintaining or repairing buildings, machines, or equipment;
 12. Outside window washing that involves working from window sills;
 13. Working on ladders, scaffolds, or their substitutes;
 14. Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;
 15. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers;
 16. Working in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas);
 17. Loading and unloading goods to and from trucks, railroad cars, or conveyers;
 18. Working in warehouses except office and clerical work;
 19. Working in any billiard or pool room;
 20. Working in the theatrical trades, unless approval is obtained from the State Commissioner of Labor and Industries;
 21. Working at an occupation involving industrial homework; and
 22. Working in any of the occupations prohibited for all minors under the age of eighteen (18) as listed in Appendix C.
-

APPENDIX E
Sample Performance Criteria for Performance Appraisals (Department Heads)

TOWN OF WEBSTER

DEPARTMENT HEAD PERFORMANCE STANDARDS AND EVALUATION FORM

NAME OF DEPARTMENT HEAD:

DEPARTMENT:

TOWN ADMINISTRATOR:

PERIOD FROM _____ **TO** _____

PERFORMANCE STANDARDS APPROVAL

Department Head Signature and Date

Town Administrator Signature and Date

MID YEAR DISCUSSION

Department Head Signature and Date

Town Administrator Signature and Date

PERFORMANCE EVALUATION

Overall Rating and Comments:

Department Head Signature and Date

Town Administrator Signature and Date

PERFORMANCE STANDARDS

Standards for senior managers should focus on meeting the town's goals in a fiscally sound manner, through effective management of human and financial resources, leadership, and customer service orientation. Five standards should be developed.

EXAMPLES:

Performance Standard #1: Achieves the organization goals and objectives listed below, consistent with the Town of Webster's annual goals and fiscal operating plan.

Definition of Fully Successful Performance: Sets long term and short term program objectives that stress results, are realistic and measurable, and respond to key Town goals and objectives. Effectively structures, organizes, and prioritizes work to accomplish the objectives listed. Monitors progress toward achieving goals using effective measures, processes, and procedures. Considers customer perspectives and feedback as appropriate. Takes action to modify plans when organizational results and measures indicate corrective action is needed. Keeps the Town Administrator informed of significant program initiatives, developments, and the status of program objectives.

Critical Actions, Objectives, or Results to be Accomplished during the performance year:

To Be Determined
(e.g. miles of water pipe cleaned and/or constructed on time and under budget)

Rating: (Outstanding, Exceeds Expectations, Fully Successful, Minimally Successful, Unsuccessful)

Comments:

Performance Standard #2: Acquires, manages, and leverages available resources effectively and in a fiscally sound manner to meet Town goals.

Definition of Fully Successful Performance: Assesses current and future program resource needs based on town goals and budget realities. Prepares timely, well defined budget requests based on program priorities and fiscal constraints. Effectively uses procurement and contractual processes to provide resources and other services needed to meet the goals and objectives of the town. Establishes and maintains effective and efficient management controls and, as appropriate, conducts reviews to identify the need for correction or improvement.

Critical Actions, Objectives, or Results to be Accomplished during the performance year:

To be determined.

Rating: (Outstanding, Exceeds Expectations, Fully Successful, Minimally Successful, Unsuccessful)

Comments:

Performance Standard #3: Effectively leads and manages employees to enhance their performance, development, and satisfaction in accomplishing the Town's goals and objectives and serving the citizens of Webster.

Definition of Fully Successful Performance: Effectively communicates the program's place in meeting the Town's mission, core values, and goals to employees and engages them in the development of objectives contributing to those goals. Encourages employees to develop effective ways to accomplish the program's objectives. Provides constructive feedback to employees regarding individual and group performance. Coaches and develops employees so that they realize their full potential.

Critical Actions, Objectives, or Results to be Accomplished during the Performance Year:

To be Determined.

Rating: (Outstanding, Exceeds Expectations, Fully Successful, Minimally Successful, Unsuccessful)

Comments:

PERFORMANCE STANDARDS 4, 5

Rating:

Comments:

CAREER DEVELOPMENT GOALS (Unrated. Cover training and developmental activities.)

Comments:

APPENDIX F
Sample Performance Criteria for Performance Appraisals (Employees)

TOWN OF WEBSTER
EMPLOYEE PERFORMANCE STANDARD DEVELOPMENT AND EVALUATION FORM

EMPLOYEE NAME:

JOB TITLE AND GRADE:

DEPARTMENT:

PERIOD FROM _____ **TO** _____

SUPERVISOR:

PERFORMANCE STANDARDS APPROVAL

(Employee Signature and Date)

(Supervisor Signature and Date)

MID YEAR DISCUSSION

(Employee Signature and Date)

(Supervisor Signature and Date)

PERFORMANCE EVALUATION

Overall Rating and Comments:

(Employee Signature and Date)

(Supervisor Signature and Date)

1. Professionalism Standard (For All Employees)

Adheres to the standards of conduct outlined in the Town of Webster Personnel Policies and Procedures Guidance relating to time and attendance and other workplace activities. Maintains a professional attitude and demonstrates an ability to work with others and a customer service orientation.

Rating (Exceeds Expectations, Meets Expectations, Needs Improvement, Unacceptable):

Comments:

2. Competency Standard (For All Employees)

Demonstrates an understanding of the job and ability to fulfill its requirements. Communicates effectively in writing and verbally. Demonstrates an ability to solve problems creatively and effectively. Keeps management informed of potential issues that affect work.

Rating (Exceeds Expectations, Meets Expectations, Needs Improvement, Unacceptable):

Comments:

Standards 3, 4, 5, based on Work Goals for the Year

To be developed with the Supervisor to reflect the Town and Department goals for the year and the employee's role in meeting them based on the employee job description. The standard should be specific, measurable, attainable, relevant, and cover a defined period of time. The evaluation of the employee's performance of these standards should cover accomplishments as well as how the work was performed, i.e. demonstration of productivity, efficiency, and ability to follow a schedule and accomplish work within budget, etc.)

Ratings (Exceeds Expectations, Meets Expectations, Needs Improvement, Unacceptable):

Comments:

Career Development Goals: (Not Ranked)

The supervisor and employee should discuss training and career development goals and activities for the period covered. Progress should be discussed at the mid year and end of year evaluation and revised for the upcoming year.

Comments:

TOWN OF WEBSTER EMPLOYEE PERFORMANCE IMPROVEMENT PLAN

EMPLOYEE NAME:

JOB TITLE AND GRADE:

DEPARTMENT:

SUPERVISOR:

PERIOD FROM _____ **TO** _____

WORK PERFORMANCE TO BE ADDRESSED:

ACTIVITIES TO BE UNDERTAKEN TO IMPROVE PERFORMANCE:

EXPECTED PERFORMANCE OUTCOME:

EMPLOYEE:

Signature

Date

SUPERVISOR:

APPENDIX G

Discriminatory Employment Practices Grievance Procedure

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that a grievant is not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action. Anyone who feels that he or she has been discriminated against by the town based on race, color, religion, sex, national origin, disability, sexual orientation, age or any other classifications protected under federal/state law may file a grievance.

Grievances must be in writing and include information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the alleged problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

The grievant should file the grievance with the Town Administrator who will promptly investigate the allegation in a fair and expeditious manner. The investigation will include a private interview with the person filing the complaint, with witnesses and with individual(s) named in the complaint. When we have completed our investigation, we will inform the person filing the complaint, and the person alleged to have committed the discriminatory practice, of the results of that investigation.

If it is determined that a discriminatory practice occurred, we will act promptly to eliminate the discrimination and where it is appropriate we will also impose disciplinary action.

All grievances received by the Town Administrator and responses from same, will be kept by the Town for at least three (3) years. Such documents will remain strictly confidential and be kept in the employee's personnel file.

This grievance procedure is meant to be informal, and cannot be legally binding on either party. No retaliatory action will be taken against those persons who file a grievance under this section or otherwise participate in the investigation of a grievance filed under this section.

APPENDIX H

Equal Employment Opportunity is the Law

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES) In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC

promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov. Employers Holding Federal Contracts or Subcontracts Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in

providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09

Supplement EEOC-P/E-1 (Revised 11/09)

APPENDIX I

Sexual Harassment Policy

Introduction

To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment as outlined below.

Definition of Sexual Harassment

In Massachusetts, the legal definition of sexual harassment is: Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a 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 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.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

Complaints of Sexual Harassment

If any employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the town, orally or in writing.

A sexual harassment complaint may be filed either to the Town Clerk (508) 949-3800 ext. 4003, or the town administrator (508) 949-3800 ext. 1005, located at 350 Main Street, Webster, MA 01570. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint; and the person alleged to have committed the conduct, of the results of that investigation.

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

Disciplinary Action

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

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Note that each agency has a short time period for filing a claim; and using the Town's complaint procedure does not extend the time limit for filing a complaint with a government agency.

United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203-0506
Telephone: 1-800-669-4000

The Massachusetts Commission Against Discrimination (MCAD)

Boston: One Ashburton Place, Room 601
Boston, MA
Telephone 617-994-6000

Springfield: 436 Dwight Street, Room 220
Springfield, MA 01103
Telephone 413-739-2145

Worcester: 484 Main Street, room 320
Worcester, MA 01608
Telephone 508-453-9630

APPENDIX J

Americans With Disabilities Act -Reasonable Accommodation Policy

Under the Americans with Disabilities Act, covered employers are required to provide “reasonable accommodations” to qualified job applicants and employees with disabilities. In the employment context, a reasonable accommodation is defined as any change or adjustment to a job, the work environment, or the way things usually are done that would allow an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace. Accommodations have accurately been described as “productivity enhancers” and come in many shapes and forms, including:

- Physical changes
 - Installing a ramp
 - Modifying a workspace
- Accessible and assistive technologies
 - Ensuring application software is accessible, e.g. online application systems
 - Providing screen reader software
 - Utilizing videophones to facilitate communications with colleagues who are deaf
- Accessible communications
 - Providing sign language interpreters or closed captioning at meetings and events
 - Making materials available in Braille or large print
- Policy enhancements
 - Modifying a policy to allow a service animal in a business setting
 - Adjusting work schedules to allow employees with chronic medical issues to go to medical appointments and complete their work at alternate times or locations

These are just examples and not a comprehensive list. Individuals and employers who would like additional information or ideas about accommodations should contact the Job Accommodation Network (JAN). JAN is an ODEP-funded technical assistance center providing free, expert, and confidential guidance on workplace accommodations for applicants and employees with disabilities and other employment-related issues.

Reasonable accommodations should not be viewed as special treatment and in fact often benefit more than the requesting employee. For example, facility

enhancements such as ramps and accessible restrooms benefit more than just employees with disabilities.

Additional information about reasonable accommodations is available from these resources:

The Town ADA Committee or Coordinator.

ADA National Network — A federally-funded network of 10 regional centers offering businesses, government agencies, and individuals information, guidance, and training on the ADA

Computer/Electronic Accommodations Program (CAP) — The federal government's centrally funded accommodation program, which provides assistive technology and services free of charge to federal agencies

The Equal Employment Opportunity Commission — One of the federal agencies responsible for administering and enforcing the employment provisions of the ADA

The U.S. Department of Justice, Civil Rights Division — One of the federal agencies responsible for interpreting, administering, and enforcing the ADA

APPENDIX K

Commercial Driver License and Alcohol Policy

The Following is the Alcohol and Drug Testing Policy for those employees operating motor vehicles which require a Commercial Driver's License. This policy applies to all employees subject to the regulations of the Federal Highway Administration, Department of Transportation Alcohol and Drug ruling covering every person who operates a commercial motor vehicle in interstate or intrastate commerce, and who is subject to the commercial driver's license requirements of Part 383 of those regulations.

In this policy the terms alcohol misuse, drug use, and substance abuse are used interchangeably.

Safety - Sensitive Functions

Regulations are based on the delineation of safety-sensitive functions that are defined as including any of the following circumstances and or activities:

- A. At a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the employer;
- B. Inspecting service brakes, including trailer brake connections, parking (hand) brakes, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguishers, spare fuses, or warning devices for stooped vehicles;
- C. Inspecting, servicing, or conditioning any CMV in operation;
- D. At the driving controls of a CMV in operation;
- E. While in or upon a CMV, except when resting in a sleeper berth;
- F. Supervising or assisting in loading or unloading a vehicle;
- G. Attending a vehicle being loaded or unloaded;
- H. While in readiness to operate the vehicle;
- I. When giving or receiving receipts for shipments loaded or unloaded;
- J. Performing the driver requirements of sections 392.40 and 392.41 of Part 392, Driving Motor Vehicles, relating to accidents;
- K. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Alcohol Prohibitions

The following prohibitions are established by the DOT relative to alcohol use for performance of safety-sensitive functions:

- A. Driver may not report for duty or stay on duty:
 - 1. with a blood alcohol concentration of 0.02 or greater;
 - 2. If in possession of alcohol, unless it is being transported as cargo (this includes any product, medication, or food containing alcohol regardless of the alcohol content);
-

- 3. if using alcohol;
- 4. within four hours of using alcohol;
- B. A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first;
- C. Drivers cannot refuse to submit to alcohol testing;
- D. Employers who know about any of the above acts cannot permit the driver to perform a safety sensitive function.

Drug Prohibitions

The following prohibitions are established by the DOT relative to drug use for performance of safety-sensitive functions:

- A. The Federal Highway Administration bans the use of controlled substances by drivers.
- B. Drivers may not report for duty or stay on safety-sensitive duty while using any controlled substance. There may be an exception to this ruling if a physician has prescribed a substance and has advised you that it does not interfere with your ability to operate a vehicle in a safe manner.
- C. Drivers may not report for duty or stay on duty if they have tested positive for a controlled substance.
- D. Employers who know about either of the above acts cannot permit the driver to perform a safety-sensitive function.
- E. Employers may require drivers to report the use of any therapeutic drugs.

Alcohol and Drug Testing

Testing to determine the presence of alcohol and/or drugs can and may be performed in any of the following situations:

- A. Pre-Employment: Before a new hire can perform any safety-sensitive duties or when a person transfers into a safety-sensitive function from elsewhere in the municipality (no person will be considered for a Driver's position who has had a positive drug and/or alcohol test within two years of his or her application).
 - B. Post-Accident: Following an accident where a life was lost or the driver was cited for a moving traffic violation. Post-accident alcohol testing shall be done within two hours of the accident, or not at all. Post-accident drug testing shall be done within 32 hours, or not at all.
 - C. Random: Unannounced random testing is required on a certain percentage of drivers each year. The random selection process used shall ensure that each driver has an equal chance of being tested each time selections are made. Drivers are randomly selected from the pool. Random testing for alcohol shall be completed just before, during or immediately after performing safety-sensitive work. Random testing for drugs may be done at any time you are at work. Once notified that you have been selected for random testing, you must
-

proceed immediately to the test site. Random testing is done as follows:

1. 25% of all drivers shall be randomly tested for alcohol during the first year of the testing program. The number to be randomly tested in following years depends on the percentage of positive tests for the entire industry.
 2. 50% of drivers shall be randomly tested for controlled substances during each year of the testing program.
- D. Reasonable suspicion: If your supervisor has reason to believe that your behavior or appearance may indicate alcohol or drug abuse, he or she may require you to be tested. Testing for reasonable suspicion is based on:
1. The observances of a trained supervisor
 2. Specific, clearly stated observations concerning the driver's appearance, behavior, speech or body odor.

Observations made for alcohol testing shall be made just before, during or just after the performance of safety-sensitive function. The supervisor who makes the observation and determines that reasonable suspicion testing should be done may not conduct the alcohol test on the driver. Alcohol testing for reasonable suspicion must be done within two hours of the observation. Tests that cannot be done within eight hours of the observation shall not be done. You cannot report for duty or stay on the job while under the influence of alcohol or while impaired by alcohol as shown by behavior, speech or performance that indicates alcohol misuse. You will not be allowed to continue to perform safety-sensitive duties until your alcohol concentration is less than 0.02 or 24 hours have passed from the time of initial observation. Action regarding alcohol misuse cannot be taken against a driver unless an alcohol test was administered or was refused by the driver.

- E. Return to duty and follow-up: Return to duty testing is required for drivers who violate prohibitions and are returning to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required. Follow-up testing is required when a driver returns to a safety-sensitive function. A minimum of six tests shall be performed during the first year back in a safety-sensitive position. However, follow-up testing may continue for up to five years.

As part of the alcohol and drug rule and this policy, you must submit to alcohol and drug testing as required. If you refuse to be tested, you cannot continue on the job. Refusal to be tested is considered to be any time you either fail to provide enough breath for alcohol testing or enough urine for controlled substance testing without a valid medical reason after being notified of the testing requirements, or if you clearly obstruct the testing process.

All alcohol testing is done by a certified Breath Alcohol Technician (BAT) in a private setting where no one but you and the BAT can see or hear the test results. An evidential breath testing (EBT) device approved by the NHTSA must be used. The BAT will ask for identification. You may ask the BAT for identification as well.

To complete the test, you must blow forcefully into the mouthpiece of the testing device. The BAT must show you the test result on the testing device. A screening test is done first. If the reading is less than 0.02, you will sign the certificate and fill in the date on the form. The test will be reported as negative to the employer.

If the reading is 0.02 or greater, a confirmation test must be done (after 15 minutes but within 20 minutes of the first test). You will be asked not to eat, drink, belch or put anything in your mouth. These steps prevent the buildup of mouth alcohol which could lead to an artificially high result. If the screening and confirmation test results are not the same, the confirmation test result is used.

Drug testing is done by analyzing a urine sample, which is collected in a private location. Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called 'primary' and 'split,' are sent to a testing laboratory certified by the Department of Health and Human Services (DHHS).

At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive. If the first test is positive, the Medical Review Officer (MRO) will notify you to find out if there is a medical reason for the drug use. If you can document why the substance is being taken and the MRO finds it is a legitimate medical use, the test may be reported as negative to the employer.

After being notified that the first test was positive, you have 72 hours to request a test of the split specimen. If you make this request, the split specimen is sent to another DHHS-certified lab for the test. If you do not contact the MRO within 72 hours, but can prove to the MRO that you had a legitimate reason for not doing so, the MRO can order the split specimen tested. Removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.

If the analysis of the split sample does not confirm the presence of a drug, the MRO cancels the test and reports this to the DOT, to the employer, and to you.

Violation of Policy

Consequences for violating the alcohol or drug prohibitions are as follows:

A. Alcohol violations:

1. Removal from safety-sensitive functions.
2. Prohibition from return to safety-sensitive duties until an evaluation has been done and any recommended treatment is completed.
3. Employees with an alcohol concentration of 0.02 or greater are prohibited from returning to safety-sensitive duties for at least 24 hours.

B. Drug violations:

1. Removal from safety-sensitive functions.
2. Prohibition from return to safety-sensitive duties until an evaluation had been done, recommended therapy is completed, and a verified negative drug test is produced.

The alcohol and drug rule requires that the Town, as the employer, provide you with an opportunity for treatment. The ruling does not, however, require the Town to hold a job open for you or to pay for rehabilitation. If you violate an alcohol or drug prohibition you must be evaluated by a substance abuse professional to determine what help is needed. If you would like further information on alcohol or drug issues, you may do so on a confidential basis through our Employee Assistance Program. Also, The following may be used for assistance with drug and/or alcohol problems:

FIRST CALL FOR HELP

508 755-1233

24 HOUR A DAY INFORMATION AND REFERRAL SERVICE FOR HEALTH AND
HUMAN SERVICES WWW.UNITEDWAYCOM.ORG

APPENDIX L
Travel Expenses Reimbursement Forms
a. Meal Expenses Reimbursement Forms

Employee Name: _____

Day 1: DATE: _____	<input type="checkbox"/> Breakfast	<input type="checkbox"/> Lunch	<input type="checkbox"/> Dinner
Day 2 (if applicable) DATE: _____	<input type="checkbox"/> Breakfast	<input type="checkbox"/> Lunch	<input type="checkbox"/> Dinner
Day 3 (if applicable) DATE: _____	<input type="checkbox"/> Breakfast	<input type="checkbox"/> Lunch	<input type="checkbox"/> Dinner

Event, Purpose and Comments: _____

Make Payment or Reimbursement to: _____

Department Name: _____

Total to be reimbursed: _____

Charge to ORG: _____ OBJECT: _____

This expenditure is approved for payment in accordance with Section 4.10 of the Personnel Policies. Please attach receipts for all meals.

The following signatures are required for all meal reimbursement requests:

Claimant's Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

b. Mileage Expenses Reimbursement Forms

FOR PURPOSES OF REIMBURSEMENT, YOU MUST ATTACH ALL ORIGINAL TOLL RECEIPTS AND PARKING RECEIPTS. IF YOU DO NOT HAVE RECEIPTS YOU WILL NOT BE REIMBURSED.

MILEAGE REIMBURSEMENT FOR THE USE OF YOUR PERSONAL VEHICLE ON AUTHORIZED OFFICIAL BUSINESS WILL BE AT THE **CURRENT MILEAGE RATE OF .545 CENTS/MILE (FOR FISCAL YEAR 2018)**. ONLY ONE PERSON WILL BE REIMBURSED PER TRIP AND DEPARTMENT HEAD/ BOARD/COMMITTEE PERMISSION MUST BE OBTAINED IN ADVANCE.

NAME _____

TRAVEL LOCATION _____

PURPOSE _____

DATE(S) _____

ROUNDTRIP MILEAGE _____

TOLLS/PARKING _____

TOTAL REIMBURSEMENT _____

APPENDIX M

Conflict of Interest Law Summary

All city and town employees must be provided with this Summary of the Conflict of Interest Law for Municipal Employees within 30 days of hire or election, and then annually. All city and town employees are then required to acknowledge in writing that they received the summary.

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them.

This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation : A town administrator accepts reduced rental payments from developers.

Example of violation : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that

would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation : A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation : A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation : A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example : A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in

determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation : A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation : A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example : A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation : A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation : A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

Example of violation : Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation : A selectman buys a surplus truck from the town DPW.

Example of violation : A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation : A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits,

public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example : An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example : While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example : A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

* * * * *

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 7: Revised November 14, 2016

APPENDIX N
Family & Medical Leave Act Employee Rights & Responsibilities

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

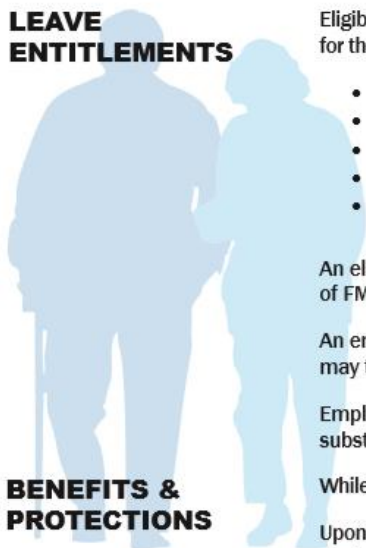
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

ELIGIBILITY REQUIREMENTS

BENEFITS & PROTECTIONS



REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

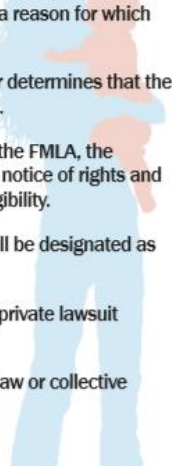
Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



APPENDIX O
Sick Leave Bank Enrollment Form

PLEASE CHECK THE APPROPRIATE BOXES:

☐ I WANT TO PARTICIPATE IN THE SICK LEAVE BANK. PLEASE SUBTRACT _____ DAYS (_____ HOURS/ # OF HOURS PER DAY X # OF DAYS DONATED) FROM MY ACCUMULATED SICK TIME. I UNDERSTAND THAT I MUST DONATE 1 DAY MINIMUM EACH FOLLOWING YEAR.

☐ I WISH TO DONATE MORE THAN 1 DAY EACH YEAR—PLEASE SUBTRACT _____ DAYS (_____ HOURS) EACH YEAR.

SIGNATURE _____ DATE _____

THIS AUTHORIZATION SHALL REMAIN IN EFFECT UNTIL THE PERSONNEL BOARD IS NOTIFIED IN WRITING. ALL CHANGES MUST BE MADE IN WRITING.

At the inception of the sick leave bank any permanent employee who wishes to participate (hereinafter referred to as a "participating employee") shall donate one day of his/her sick leave balance into said bank for each year of service, up to a maximum of five days. Annually thereafter each participating employee shall donate a minimum of one sick leave day to the bank. New employees are eligible to join after one year of employment. The total contribution of sick days is at the discretion of each employee. No contributed sick days shall be returned to the employee upon withdrawal from the Sick Leave Bank.

PLEASE RETURN THIS FORM TO THE TOWN ADMINISTRATOR.

APPENDIX P
Sick Leave Bank Utilization Request

Applicant's Name: _____

Position: _____ **Date of Hire:** _____

Last day of work: _____

Expected duration of leave: _____

_____ **I am a member of the sick bank and have contributed the minimum sick days to the bank**

_____ **I have submitted the appropriate paper work (doctor's notes, progress reports, etc.) to my supervisor**

Date forms were submitted to supervisor: _____

I agree to abide by all provisions of the Sick Bank in the Personnel Policies and understand that any compensation received from my insurance company for lost wages shall be reimbursed to the Town and the sick days used will be reinstated to the Sick Bank.

Signature

Date

please print name

address

home phone

cell phone

Supervisor's Signature

Date

APPENDIX Q

HIPPA Guidance Summary

U.S. Department of Labor
Employee Benefits Security Administration
November 2015

The Health Insurance Portability and Accountability Act (HIPAA) offers protections for millions of America's workers that improve portability and continuity of health insurance coverage.

HIPAA Protects Workers and Their Families by

- Providing additional opportunities to enroll in group health plan coverage when they lose other health coverage, get married or add a new dependent.
- Prohibiting discrimination in enrollment and in premiums charged to employees and their dependents based on any health factors.
- Preserving the states' role in regulating health insurance, including the states' authority to provide greater protections than those available under Federal law.

Special Enrollment Rights

Special enrollment allows individuals who previously declined health coverage to enroll for coverage outside of a plan's open enrollment period. There are two types of special enrollment:

- Loss of eligibility for other coverage - Employees and dependents who decline coverage due to other health coverage and then lose eligibility or employer contributions have special enrollment rights. For example, an employee who turns down health benefits for herself and her family because the family already has coverage through her spouse's plan can request special enrollment for her family in her own company's plan.
- Certain life events - Employees, spouses, and new dependents are permitted to special enroll because of marriage, birth, adoption, or placement for adoption.

For both types, the employee must request enrollment within 30 days of the loss of coverage or life event triggering the special enrollment.

Nondiscrimination Prohibitions

Employees and their family members cannot be denied eligibility or benefits based on certain "health factors". They also cannot be charged more than similarly situated individuals based on any health factors. "Health factors" include medical conditions, claims experience, and genetic information.

HIPAA and the Affordable Care Act (ACA) also provide protections from impermissible discrimination based on a health factor in wellness programs related to group health plan coverage (such as those that encourage employees to work out, stop smoking or meet certain health standards such as a target cholesterol level).

Preserving the States' Role

If a health plan provides benefits through an insurance company or HMO (an insured plan), HIPAA may be complemented by state laws that offer additional protections. For example, states may increase the number of days parents have to enroll newborns, adopted children, and children placed for adoption or require additional special enrollment circumstances.

Preexisting Condition Exclusions

The ACA prohibits plans from imposing preexisting condition exclusions for plan years beginning on or after January 1, 2014. For prior years, HIPAA limited these exclusions and required plans to offset preexisting condition exclusion periods if the individual had prior health coverage. For information on the HIPAA protections applicable to plan years prior to 2014, see the [archived version](#) of this fact sheet.

For More Information

The Employee Benefits Security Administration offers more information on HIPAA on its Website, including Frequently Asked Questions for [workers](#) and [employers](#). To request assistance from a benefits advisor, contact EBSA electronically at askebsa.dol.gov or call toll free 1-866-444-3272.

This fact sheet has been developed by the U.S. Department of Labor, Employee Benefits Security Administration, Washington, DC 20210. It will be made available in alternate formats upon request: Voice phone: (202) 693-8664; Text telephone: (202) 501-3911.

APPENDIX R
Workers Compensation Forms
a. Accident Report Form
b. Supervisor's Accident Investigation Report Form
c. Workers' Compensation Wage Supplement Request

PLEASE SEE THE TOWN ADMINISTRATOR'S OFFICE
FOR THE MOST UP-TO-DATE FORMS