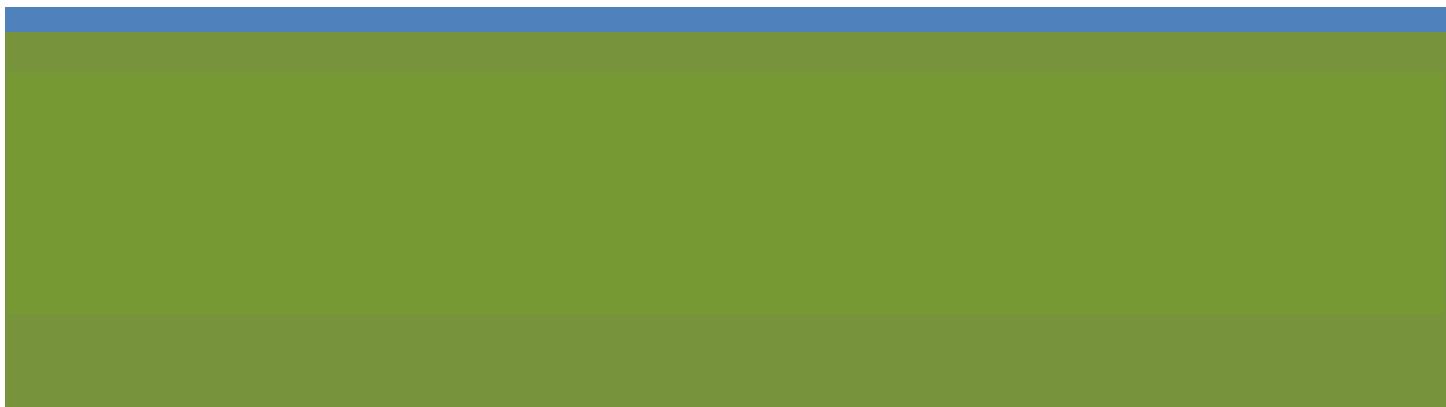


# Personnel Code

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TOWN OF WEBSTER



**The Personnel Policies enclosed herein are designed to set forth the human resources policies of the Town of Webster. Where collective bargaining agreements are silent, these policies and regulations may be applied.**

## **1.0 GENERAL PROVISIONS**

### **1-1. AUTHORIZATION**

These policies are promulgated in accordance with the authority granted by the Webster Personnel Bylaw.

### **1-2. PURPOSE**

The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Webster. Nothing in these policies shall be construed to create a contract or term of employment between the town and an individual employee. Except as otherwise prohibited by law, the town reserves the right to modify, amend or discontinue any of the provisions herein.

These policies are consistent with the following merit principles:

- (A) Recruitment, selection, and classification of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- (B) Employment shall be open to all segments of society.
- (C) Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, or other non-merit factors and with proper regard for privacy and constitutional rights.
- (D) Retention and advancement of employees shall be determined on the basis of their performance. Where otherwise appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.

### **1-3. RULES OF INTERPRETATION**

- (A) These policies are intended to be in accordance with all applicable State, Federal laws. In the event of inconsistencies, the applicable State or Federal law shall apply.
- (B) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

### **1-4. DEFINITIONS**

The following definitions shall apply:

(A) "*Town*" shall mean the Town of Webster, MA

(B) "*Employee*" shall mean an employee of the Town of Webster occupying a position in the classification plan.

(c) "*Full-time employee*" shall mean an employee working not less than thirty-two (32) hours per week for fifty-two (52) weeks per year minus legal holidays and authorized vacation leave, sick leave, bereavement leave, jury duty, or other authorized leave of absence.

(D) "*Part-time employee*" shall mean an employee working less than a full-time employee, provided, part-time employees working less than twenty (20) hours a week.

(E) "*Temporary employee*" shall mean any employee in the Town service for which a specified tenure of service is stipulated at or before the time of hire.

(F) "*Appointing authority*" shall mean the Town Administrator or an official or board otherwise authorized by the town's Home Rule Charter to appoint employees.

(G) "*Department head*" shall mean the officer responsible for supervising a department's operations and activities.

## **2.0 ADMINISTRATION**

### **2-1. TOWN ADMINISTRATOR**

Pursuant to the Webster Town Charter the Town Administrator shall have the authority to manage and execute the aforementioned policies and procedures, and other regulatory measures established for the management or supervision of all personnel and personnel matters.

Responsibilities shall include:

(A) Ensure that the Town acts affirmatively to provide maximum opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management;

(B) Ensure that recruitment, selection, appointment, and retention of employees is consistent with the Personnel Bylaw and the personnel policies;

(C) Provide advice and assistance to department heads, supervisory personnel, employees, and board and committees as necessary on all aspects of personnel management.

## **2-2. BOARD OF SELECTMEN**

The Board of Selectmen shall have authority to establish and maintain a written personnel policy, rules, regulations, employment terms and conditions and other items that they deem necessary to manage the personnel affairs of the Town of Webster (excluding schools) and consistent with the Webster Town Charter.

## **3.0 EQUAL EMPLOYMENT OPPORTUNITY**

### **3-1. EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATION ACTION PROGRAM**

The Town of Webster commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 15 1B; and all other applicable Federal and State laws and regulations.

The Town of Webster, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, national ancestry, or age, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training programs, and all terms and conditions of employment. The Town of Webster shall strive to eliminate any systemic that may be pervasive throughout the place of employment or throughout the personnel program that could adversely affect the Town's goals relative to equal employment opportunity.

It is intended that the affirmative action plan of the Town shall constitute a formalization of philosophy and practice sufficient to guarantee equality for all persons employed by or seeking employment with the Town of Webster and shall serve as a firm statement of public policy endorsed by the highest levels of town government

### **3-2. AFFIRMATIVE ACTION COMPLIANCE OFFICER**

The Town Administrator shall serve as the Affirmative Action Compliance Officer and shall:

(A) Be responsible for the development and implementation of policies, procedures, guidelines and regulations for the Town, to ensure that the Town employment process operates in compliance with Titles VI and VII of the Civil Rights Act of 1964 and all subsequent amendments, relevant State laws, and Municipal policy; and

(B) Exercise supervision over the hiring practices and appointments of all Town departments and agencies of Town Government (excluding schools).

### **3-3. COMPLAINT PROCEEDINGS**

Any written complaint alleging violation of the procedural terms and intent of this section shall be processed in accordance with the provisions of the Affirmative Action Plan, except that complaints of discriminatory treatment on the basis of a disability should be referred to the ADA Compliance Officer.

## **4.0 SEXUAL HARASSMENT POLICY**

### **4-1. COVERAGE**

All persons employed by the Town of Webster, including those firms and individuals who are contracted to perform work for the Town or who serve in some voluntary capacity for the Town.

### **4-2. POLICY**

The Town of Webster expressly prohibits any form of sexual harassment among its employees. Allegations of sexual harassment will be vigorously investigated, and violations of this policy will result in disciplinary actions up to and including termination. Employees may make complaints of sexual harassment without fear of reprisal, and confidentiality will be maintained to the maximum extent possible.

The Town's complete Sexual Harassment Policy and complaint procedure is attached hereto as Appendix A and is incorporated herein by reference.

## **5.0 RECRUITMENT AND APPOINTMENT**

### **5-1. COVERAGE**

Full-time and part-time employees.

### **5-2. POLICY**

The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability applying for employment in the Town will receive fair and equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates are attracted for various positions. The recruitment, selection, and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices and the principles and practices of Equal Employment Opportunity in accordance with the affirmative action program of the Town.

### **5-3. RECRUITMENT**

Qualifications, classification and compensation for positions shall be established in accordance with the classification and compensation plan. Recruitment of all positions shall be in accordance with the Town's affirmative action program for employment.

(A) **NOTICE OF VACANCIES.** Upon the identification of a vacancy or on the authorization of a new position, a job vacancy notice will be prepared. The job vacancy notice shall include: the job title, essential functions of the position, qualifications, salary, level, a closing date for applications, and application instructions.

(B) **POSTING AND ADVERTISEMENT OF JOB VACANCY NOTICES.** Notices of vacant positions shall be posted on the town's website for ten (10) business days. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.

(C) **APPLICATIONS.** All candidates applying for employment in the Town shall complete an official employment application form and return the form prior to the end of the working day of the closing date specified by the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications. The appointing authority shall provide written notification concerning an applicant's selection or non-selection at the conclusion of the hiring process. If deemed appropriate to the vacancy, a letter of application and resume may be substituted for an official employment application.

(D) **EXAMINATIONS.** The appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, or any combination thereof and shall be relevant to the requirements of the position.

(E) **REFERENCES.** A candidate's references from former employers, supervisors and others are considered an important part of the selection process. Refusal to provide consent to contact references may result in the application being denied further consideration. All reference checks and investigations shall be completed prior to the offer of employment.

(F) **APPLICATION RECORDS.** The application, reference checks and related documents submitted shall be maintained as part of the central personnel file for the period required by law.

The Town shall make a reasonable effort to maintain the confidentiality of the application records.

### **5-4. APPOINTMENT**

All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the salary or wage, the starting date and any conditions of employment not covered in these personnel policies.

## **5-5. MEDICAL EXAMINATION**

All persons selected for full-time employment with the Town after receipt of notice of such appointment by the appointing authority and prior to the starting date of employment may be required to undergo a medical examination. The examination shall be at the expense of the Town by a physician selected by the town. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit for employment. If deemed unfit, the appointing authority may withdraw the offer of employment.

## **6.0 ORIENTATION AND PROBATIONARY PERIODS**

### **6-1. COVERAGE**

Full-time and part-time employees.

### **6-2. POLICY**

Appointing authorities shall make every effort to inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

### **6-3. ORIENTATION PERIOD**

Appointing authorities or their designee shall:

(A) Notify the new employee of a date, time and designated location for starting work. If the new employee is subject to provisions of a collective bargaining agreement, the employee shall be provided with a copy of such agreement.

(B) Make every effort to explain thoroughly all the benefits and options to which the employee is entitled and assist the employee with completion of appropriate forms. The employee shall be provided with a copy of the personnel code. Each employee shall sign a record of receipt of same. Such signature is to acknowledge receipt only and is intended for no other purpose.

### **6-4. PROBATIONARY PERIOD**

All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion and to continue for a six (6) month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct, performance, and work habits. Nothing herein shall be construed to prevent the termination of an employee prior to the conclusion of the probationary period. Probationary period can be waived as deemed appropriate by the Town Administrator in writing.

## **7.0 CLASSIFICATION PLAN**

### **7-1. COVERAGE**

Full-time and part-time employees.

### **7-2. POLICY**

The policy of the Town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

### **7-3. CONTENTS**

The classification plan shall consist of descriptions for positions which are similar in duties, degree of difficulty and level of responsibility so that each position in the class: 1) be given the same job title, 2) requires essentially the same training and experience, 3) be filled by substantially the same methods of selection, and 4) is of the same relative value and therefore deserves the same range of compensation.

Each position shall have a written description. The description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

### **7-4. ADMINISTRATION**

The Town Administrator shall have responsibility for the administration of the classification plan and shall be authorized to:

- (A) Complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;
- (B) Provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
- (C) Conduct periodic studies to ensure the classification plan remains uniform and current; and;
- (D) Develop procedures to determine the proper classification of each position and to classify positions.

## **7-5. RECLASSIFICATION OF POSITIONS AND PERIODIC REVIEWS**

Positions may not be reclassified without a review and approval of the Town Administrator. The Town Administrator shall review all positions subject to the classification plan in accordance with proper personnel practices.

## **8.0 COMPENSATION PLAN**

### **8-1. COVERAGE**

Full-time and part-time employees.

### **8-2. POLICY**

The Town Administrator shall establish a compensation plan to accompany the existing classification plan. The compensation plan shall be directly related to the classification plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the Town; and ratified labor agreements. All employees shall be paid in accordance with the rates in the compensation plan.

### **8-3. STARTING RATES FOR NEW APPOINTMENTS**

Persons appointed to positions shall be paid at the minimum rate. However, on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate, the Town Administrator may approve compensation at a higher rate subject to available funds.

### **8-4. MERIT INCREASES**

An employee shall be eligible for merit advancements after the completion of each year of satisfactory service until the maximum rate is reached. Receipt of pay increments or levels within the salary range shall be based on merit subject to an annual performance review.

### **8-5. ADVANCEMENT**

An employee who advances to a higher grade shall be compensated at the minimum level rate of pay not less than the employee's current rate of pay or at a level rate that the Town Administrator believes is warranted based upon the employee's qualifications and performance.

### **8-6. PART-TIME EMPLOYEES**

A part-time employee shall be compensated at the proper hourly rate for the appropriate classification, or, in the absence of a specified hourly rate, at a rate pro-rated for the appropriate classification for that part of the full-time normal work week actually worked.

## **8-7. TEMPORARY EMPLOYEES**

A temporary employee shall be compensated at the appropriate hourly rate for the services to be performed. A specified tenure shall be stipulated at or before the time of hire. This tenure may be extended by the Town Administrator in consideration of the needs of the town.

## **9.0 HOLIDAYS**

### **9-1. COVERAGE**

Full-time and part-time employees.

### **9-2. RECOGNIZED HOLIDAYS**

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

- New Years Eve (half day), New Years Day, January 1st
- Martin Luther King Day, Third Monday in January
- President's Day, Third Monday in February
- Patriot's Day, Third Monday in April
- Memorial Day, Last Monday in May
- Juneteenth, June 18th
- Independence Day, July 4th
- Labor Day, First Monday in September
- Columbus Day, Second Monday in October
- Veteran's Day, November 11th
- Thanksgiving Eve (half day), Thanksgiving Day, Fourth Thursday in November
- Friday after Thanksgiving, Fourth Friday in November
- Christmas Eve (half day), December 24th (if on a regular work day)
- Christmas Day, December 25th

If any holiday falls on a Saturday, it shall be observed on a Friday; if a holiday falls on Sunday, it shall be observed on Monday. Holidays are observed on those dates as specified by Federal or State law

### **9-3. TERMS OF HOLIDAY PAY**

Holiday pay shall be granted as follows:

(A) Employees paid on an hourly basis shall receive one day's pay at the regular rate of the employee based on the number of hours regularly scheduled on the day on which the designated holiday occurs.

(B) Employees paid on a weekly, semi-monthly or annual basis shall be granted each holiday without loss of pay.

(c) Holiday pay shall be granted provided the employee was in full pay status on the regularly scheduled working day preceding and following the holiday in accordance with other provisions of these policies or was officially and appropriately absent.

## **10.0 VACATION LEAVE**

### **10-1. COVERAGE**

Full-time and part-time employees.

### **10-2. DEPARTMENT HEADS AND SUPERVISORS**

(A) Department heads and supervisors shall be entitled to fifteen days (15) vacation with pay each fiscal year. Vacation benefits shall run on the fiscal year schedule. For new employees who qualify under this section the vacation benefit shall be prorated over the remainder of the fiscal year in which the employee was hired. For employees with variable hour schedules, one day of leave time will be calculated by dividing the average hours expected to be worked per week by five (5).

(B) Years' Service Completed Earned Vacation Time

- (1) Employed 1 year, but less than 5 years:.....three weeks
- (2) Employed 5 years, but less than 10 years:.... three weeks
- (3) Employed more than 10 years:.....four weeks

benefits of those employees who earn more than 20 days on the current schedule shall be grandfathered at their current accrual.

(C) Employees in this class may carry over a maximum of 5 days of unused vacation leave from one fiscal year to the next or paid out at current fiscal year rate, with the approval of the Town Administrator.

(D) For the purpose of calculating vacation leave the Town Administrator may grant a new employee the number of years seniority as that served in a similar position in another community(ies).

### **10-3 NON-SUPERVISORY AND HOURLY FULL TIME EMPLOYEES**

Vacations shall be granted to nonsupervisory and hourly full-time employees as follows:

(A) Non-supervisory full-time employees shall be entitled to ten (10) days vacation with pay each fiscal year. Vacation benefits shall run on the fiscal year schedule. For new employees who qualify under this section the vacation benefit shall be prorated over the remainder of the fiscal year in which the employee was hired. For employees with variable hour schedules, one day of leave time will be calculated by dividing the average hours expected to be worked per week by five (5).

(B) The beginning of the fiscal year after employees in this class have completed five (5) years of continuous service following the date of original appointment the employee shall be entitled to one (1) additional day per year up to a maximum of fifteen days (15). There shall be no provision for more than fifteen (15) vacation days annually for any employee other than for those who have earned additional time under the town's prior personnel by-law. The benefits of those employees shall be grandfathered at their current accrual.

who qualify under this section the vacation benefit shall be prorated over the remainder of the fiscal year in which the employee was hired. For employees with variable hour schedules, one day of leave time will be calculated by dividing the average hours expected to be worked per week by five (5).

(B) (B) Years' Service Completed Earned Vacation Time

- (1) Employed 1 year, but less than 5 years:.....two weeks
- (2) Employed 5 years, but less than 10 years:..... three weeks
- (3) Employed more than 10 years:.....four weeks benefits of those employees who earn more than 20 days on the current schedule shall be grandfathered at their current accrual.

(C) The beginning of the fiscal year after employees in this class have completed 20 years of continuous service following the date of original appointment the employee shall be entitled to twenty (20) days vacation with pay. The benefits of those employees who earn more than 20 days on the current schedule shall be grandfathered at their current accrual.

(D) Employees in this class may carry over a maximum of 5 days of unused vacation leave from one fiscal year to the next or paid out at current fiscal year rate, with the approval of the Town Administrator.

## **10-5. SCHEDULING**

Vacation leave will be advanced to the employee on the first day of the fiscal year. The only exception to this principle is the first-year pro-rated benefit. Vacation leave must be taken during the fiscal year in which it is credited. Exceptions may be granted with the advance approval of the immediate supervisor and/or Town Administrator. It is the responsibility of each employee to coordinate vacation schedules with the department head and/or Town Administrator to ensure that no vacation time is denied due to the operating needs of the department

## **10-6. TERMINATION**

Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by retirement, or entrance into the military, the employee shall be paid an amount equal to the vacation allowance as earned and not taken up to the date of termination, based on the employee's current rate of pay. For an employee who separates from employment before the end of the fiscal year, that fiscal year's earned vacation allowance shall be prorated according to the portion of the fiscal year worked. The value of any vacation days used in excess of this prorated allocation shall be deducted from the employee's remaining wages.

## **10-7. DEATH**

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation allowance accrued in the fiscal year prior to the employee's death but which had not been taken. In addition, payment shall be made for that portion of the vacation allowance earned by the employee up to the time of death.

## **10-8. OTHER USES OF VACATION LEAVE**

At the discretion of the department head and/or Town Administrator, sick leave used in excess of that authorized may be charged to vacation leave.

## **11.0 SICK LEAVE**

### **11-1. COVERAGE**

Full-time and part-time employees.

### **11-2. FULL-TIME EMPLOYEES**

Full-time employees shall earn sick leave at the rate of 1 ½ days per month. Unused sick time may be accumulated to 120 days. Unused sick time in excess of 120 days may not accumulate from year to year. Sick leave may exceed 120 days during a particular year but will be reduced to 120 at the end of the fiscal year. For employees with variable hour schedules, one day of leave time will be calculated by dividing the average hours expected to be worked per week by five (5).

### **11-3. PART-TIME EMPLOYEES**

Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be pro-rated according to the number of hours of work per full-time week in which such employee is required to work. For employees with variable hour schedules, one day of leave time will be calculated by dividing the average hours expected to be worked per week by five (5).

### **11-4. EXTENSION OF SICK LEAVE**

Extended sick leave may, at the discretion of the Town Administrator be granted to an employee after all of an employee's sick leave and vacation leave has been used.

### **11-5. CERTIFICATION OF ILLNESS**

After three consecutive days absence or after a series of repeated absences during the years of employment, The Town Administrator may request a physician's statement which certifies the employee's inability to perform normal work duties. The physician's statement shall be at the expense of the employee.

## **11-6. TERMINATION**

After twenty years of service, when employment is terminated by retirement the employee shall be paid at the employee's current rate of pay an amount equal to 25% of the sick leave allowance as earned and not taken up to the date of termination, up to a maximum of 120 days. The value of any sick time used in excess of the employee's allocation shall be deducted from the employee's remaining wages.

## **12.0 BEREAVEMENT LEAVE**

### **12-1. COVERAGE**

Full-time employees.

### **12-2. POLICY**

In case of a death of a spouse, child, mother or father, foster child, step child, step parent, brother or sister an employee shall be granted up to five (5) non-consecutive working days off without loss of pay within forty five (45) days upon approval from the Town Administrator, and shall be granted four (4) days off for father-in-law, mother-in-law, grandchild and any member living in the immediate household. In the case of the death of an employee's brother-in-law, sister-in-law, aunt or uncle, an employee will be granted two (2) days leave. For a niece or nephew, an employee will be granted one (1) day leave.

## **13.0 MILITARY LEAVE**

### **13-1. COVERAGE**

Full-time employees.

### **13-2. POLICY**

Employees called for temporary summer or like period of training in the military forces of the nation or the Commonwealth will be granted leave in accordance with Federal and State Laws.

## **14.0 JURY LEAVE**

### **14-1. COVERAGE**

Full-time employees and part-time employees.

### **14-2. POLICY**

Employees called for jury duty shall be paid for the amount equal to the difference between the compensation paid for the normal working period and the amount paid by the court excluding

allowance for travel. The amount due the employee shall be certified by the Town Accountant upon presentation of proper evidence for money received for jury duty.

## **15.0 PERSONAL DAYS**

### **15-1. COVERAGE**

All full time and part time employees shall be advanced personal leave time on July 1 following of each fiscal year of employment. For new employees who qualify under this section the personal benefit shall be prorated over the remainder of the fiscal year in which the employee was hired.

### **15-2. POLICY**

The town will grant up to three (3) days of personal leave per fiscal year for all eligible employees. A personal day shall be the equivalent of the employee's average number of hours worked per week, divided by 5. Employees shall schedule their personal days with approval of the department head or supervisor. Personal days may not be carried over from one year to the next but may be used in hour increments.

## **16.0 FAMILY AND MEDICAL LEAVE**

### **16-1. COVERAGE**

All employees who have worked for the Town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested (eligible part-time employees' leave will be pro-rated). If a female employee does not satisfy these eligibility requirements, such female employee, if she has completed the initial probationary period of six (6) months, shall be eligible instead for an eight (8) week maternity leave for the purpose of giving birth or adopting a child, in accordance with Massachusetts law.

### **16-2. POLICY**

The Town will grant a leave of up to a total of twelve (12) workweeks during any twelve (12) month period to an eligible employee for:

- (1) the birth, placement for adoption or foster care for a child and to care for such child;
- (2) the care of the employee's spouse, child or parent who has a serious health condition; and;
- (3) the employee's own serious health condition.

The Town's complete Family and Medical Leave Policy is attached hereto as Appendix B and is incorporated herein by reference.

## **17.0 LEAVES OF ABSENCE**

### **17-1. COVERAGE**

Full-time employees.

## **17-2. POLICY**

Leaves of Absence other than those covered under section 15.0 shall be granted as follows:

- (A) The Town Administrator may grant leaves of absence without compensation. Leaves of absence of over three (3) months duration shall be considered a break in employment and on return to work the employee shall have the status of a new employee, unless an extension of leave beyond the three (3) month period has been authorized in advance by the Town Administrator.
- (B) Employees on leave of absence may continue to remain a member of a group health plan or group insurance plan by assuming full payment of the total premiums.
- (C) Employees on leave of absence shall not be entitled to benefits granted under holiday, vacation, sick, bereavement, military, jury, or maternity leaves.

## **18.0 STANDARDS OF CONDUCT**

### **18-1. COVERAGE**

All employees.

### **18-2. POLICY**

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

## **19.0 DRUG FREE WORKPLACE POLICY**

### **19-1. COVERAGE**

All employees.

### **19-2. POLICY**

The Town of Webster recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and it has a detrimental effect on the professional and personal lives of its employees and the community. The Town of Webster has established a Drug Free Workplace Policy to comply with the Drug Free Workplace Act.

## **20.0 DISCIPLINARY POLICY**

### **20-1. COVERAGE**

All employees.

### **20-2. POLICY**

All employees are responsible for observing regulations necessary for proper operation of departments in the Town. Disciplinary actions shall be discharged with the utmost concern for individuals involved.

### **20-3. REASONS FOR DISCIPLINARY ACTION**

Disciplinary action may be imposed upon an employee for misconduct or failure to fulfill responsibilities as an employee. Sufficient cause for disciplinary action shall include, but not be limited to, the following:

- (A) Incompetence or inefficiency in performing assigned duties;
- (B) Inability to perform one or more critical elements of the position;
- (C) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out reasonable directions made by a proper supervisor;
- (D) Habitual tardiness;
- (E) Absence without leave;
- (F) Abuse of sick leave;
- (G) Intoxication while on duty;
- (H) Possession or use of a controlled substance while on duty;
- (I) Possession of illegal narcotics or substance abuse while on duty;
- (J) Misuse or unauthorized use of Town property;
- (K) Fraud in securing appointment;
- (L) Disclosure of Town confidential information;
- (M) Abuse of sick leave or absence without leave;
- (N) Conviction of a felony;
- (O) Violation of safety rules, practices and policies;
- (P) Engaging in sexual harassment; and

(Q) Any other situation or instance of such seriousness that disciplinary action is warranted.

## **20-4. DISCIPLINARY ACTIONS**

Nothing herein shall be construed to limit the Town's right to impose discipline of any degree, including discharge, in a particular case without regard to the existence or non- existence of prior disciplinary action.

Department heads and supervisors shall be responsible for enforcing rules and regulations. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspension, and discharge.

## **21.0 TRAINING AND EDUCATION**

### **21.1. COVERAGE**

All employees.

### **21-2. POLICY**

The Town shall foster and promote programs of training for employees for the purpose of improving employee performance and the quality of services provided by the Town. The town shall encourage departments to develop training and education strategies to meet the specific needs of the Town.

## **22.0. SAFETY**

### **22-1. COVERAGE**

All employees.

### **22-2. POLICY**

The Town shall make every effort to provide and maintain safe working conditions. It is the responsibility of each employee to report any and all potential safety issues they may notice.

### **22-3. PROCEDURES**

As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

## **22-4. RESPONSIBILITIES OF DEPARTMENT HEADS AND EMPLOYEES**

(A) Department heads and supervisors shall: assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or

equipment, or attitudes; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

(B) Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; and report all accidents promptly to the appropriate supervisor.

## **22-5. DISCIPLINARY ACTION**

Employees violating safety rules, practices and policies may be subject to disciplinary action.

## **23.0 PERSONNEL RECORDS**

### **23-1. COVERAGE**

All employees.

### **23-2. CENTRALIZED RECORD KEEPING**

The Town Administrator shall be responsible for establishing and maintaining personnel records as may be required by law and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator.

### **23-3. CONTENTS OF RECORDS**

The Town Administrator shall maintain an individual personnel file for each employee which may include, but not be limited to, the employee's employment application; a copy of all background investigation reports; documents reflecting the employee's appointment, promotion, demotion, reassignment, transfer, separation or layoff; results of tests; history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title; commendations; records of disciplinary action; training records; performance evaluations; and other records that may be pertinent to the employee's employment record.

### **23-4. ACCESS TO RECORDS**

Any employee may upon written request to the employee's appointing authority have access to review their personnel records. The employee's review of his/her personnel records shall be in the presence of an authorized management employee.

### **23-5. RELEASE OF INFORMATION**

No information shall be released unless written authorization is received from the employee

**APPENDIX A**

**Sexual Harassment Policy**

**APPENDIX B**

**Family and Medical Leave Act Policy**

**APPENDIX C**

**Drug Free Workplace Policy**

## APPENDIX A

### SEXUAL HARASSMENT POLICY

#### I. MISSION STATEMENT REGARDING SEXUAL HARASSMENT:

To promote a safe, comfortable and appropriate work environment that is free from all forms of sexual harassment; protects the rights of all employees; and outlines proper management, interpretation and interventions that are professionally appropriate and respectful of each employee's personal rights to privacy.

#### II. SEXUAL HARASSMENT POLICY:

**A. SCOPE OF POLICY:** This policy and the procedures established herein extend to all persons employed by the Town of Webster.

**B. SEXUAL HARASSMENT POLICY:** The Town of Webster expressly prohibits any form of sexual harassment among its employees. Allegations of sexual harassment will be vigorously investigated, and violations of this policy will result in disciplinary actions up to and including termination. Employees may make complaints of sexual harassment without fear of reprisal, and confidentiality will be maintained to the maximum extent possible.

Note:

This policy also pertains to those individuals who are contracted to perform work for the Town of Webster or who serve in some voluntary capacity. The remedies sought for incidents involving individuals may be different and will be decided on a case-by-case basis.

**C. SUPERVISORY RESPONSIBILITIES:** All persons having supervisory responsibilities over other employees have an affirmative responsibility to create an atmosphere free of sexual harassment. Further, all supervisory personnel have the responsibility to consult the complaint procedures that have been established for the Town of Webster when conducting such investigations.

#### III. SEXUAL HARASSMENT WITHIN THE WORK PLACE:

**A. GENERAL CONSIDERATIONS:** The Town of Webster expects that each and every employee will respect the rights of his/her co-workers in a comfortable and harassment-free environment. To work towards this level of mutual respect and understanding, each employee should, whenever possible, let fellow employees know when certain conduct or activity is considered offensive and/or leads to uncomfortable working conditions. Once made aware that such condition does exist, such conduct or activity should cease.

**B. SEXUAL HARASSMENT DEFINED:** The term "sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions;

(2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, humiliating or sexually offensive work environment.

**C. EXPLANATION OF SEXUAL HARASSMENT:** In its simplest expression, sexual harassment is unwelcome verbal or physical contact of a sexual nature that impacts on the conditions of employment. There generally have been two (2) forms of sexual harassment which have been defined as follows:

(1) There is the "*quid pro quo*" form of sexual harassment which occurs when the harassment is used by the offending individual as the basis for employment decisions affecting the victim, for example:

a. demanding sexual favors accompanied by threats concerning one's job security, performance evaluation, assignments, etc.

b. engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior.

(2) The other form of sexual harassment occurs when an employee is subjected to unwelcome sexual conduct which unreasonably interferes with the employee's work performance or creates an intimidating, hostile or offensive working environment, for example:

a. verbal abuse of a sexual nature.

b. making offensive comments, jokes, innuendos, and other sexually oriented statements.

c. offensive and unwelcome touching of any kind.

d. displaying sexually suggestive pictures, objects, cartoons, posters, or other pornographic materials.

e. refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.

f. continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities.

g. subtle pressure for sexual activities; e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

**D. SCOPE OF SEXUAL HARASSMENT:** Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee. Rather:

1) A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.

(2) The harasser does not have to be the victim's supervisor. He/she may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or, in some circumstances, even a non-employee.

(3) The victim does not have to be of the opposite sex from the harasser.

(4) The victim does not have to be the person at whom the unwelcome sexual conduct is directed. He/she may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one female (or male) employee may create an intimidating, hostile, or offensive working environment for another female (or male) co-worker or interfere with the co-worker's work performance.

(5) Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where such conduct does interfere with the victim's work or create a harmful or offensive work environment.

#### **IV. COMPLAINT PROCEDURES:**

**REPORTING SEXUAL HARASSMENT:** Employees are strongly encouraged to report any incident of sexual harassment to their immediate supervisor, unless the complaint is about that individual, in which case the matter should be brought to the attention of the Town Administrator

## APPENDIX B

### FAMILY AND MEDICAL LEAVE POLICY

#### I. COVERAGE

Employees who have worked for the town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested (eligible part-time employees' leave will be pro-rated).

#### II. DEFINITIONS

The following definitions shall apply to the Family and Medical Leave Policy:

(A) *"Twelve Month Period"* shall mean a *"rolling"* period measured backward from the date an employee uses any family medical leave.

(B) *"Serious Health Condition"* shall mean an illness, injury, impairment or physical or mental condition that involves:

(1) incapacity or treatment as inpatient in a hospital, hospice or residential medical care facility; or

(2) incapacity requiring absence from work or other activities for more than three (3) calendar days and involves continuing treatment of a health care provider; or

(3) continuing treatment by a health care provider for chronic or long-term health condition which is incurable or if left untreated would result in incapacity for more than three (3) calendar days.

(C) *"Health Care Provider"* shall mean a doctor of medicine or osteopathy authorized to practice within located state, or any person determined by Secretary of Labor, or others capable of providing health care services as defined by Department of Labor Family and Medical Leave Act rules.

(D) *"Intermittent Leave"* shall mean time away from the job taken in separate blocks of time due to a single illness or injury.

(E) *"Reduced Leave Schedule"* shall mean a reduction in the number of hours per work day or work week.

#### III. PROCEDURE

The Town will provide all eligible employees up to twelve weeks of unpaid leave in a twelve-month period for one or more of the following reasons:

(1) the birth, placement for adoption, or foster care for a child;

(2) the serious health condition of a spouse, child, or parent; or

(3) the employee's own serious health condition.

**(A) NOTICE REQUIREMENT**

In the case of leave for the birth or placement of a child an eligible employee must provide thirty (30) days advance notice to his or her Department Head before the date on which leave is to begin. If an eligible employee is unable to provide thirty (30) days notice due to unforeseen circumstances the employee must provide notice as soon as is practicable.

If leave requested for a serious medical condition is foreseeable based on planned medical treatment employees are required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Town. Employees are further required to provide thirty (30) days advance notice to the Department Head or if the treatment is in less than thirty days such notice as is practicable.

Any leave taken because of the birth of a child or placement of an adopted or foster child must be taken within one year of birth or placement of the child.

The Town will provide a written response to an employee's request for leave within a reasonable amount of time.

**(B) MEDICAL CERTIFICATION REQUIREMENT**

Eligible employees requesting leave under this policy must provide medical certification to the Town which supports leave for their own serious health condition or to care for a seriously ill child, spouse or parent.

Certification shall include:

- (1) Identification of the practitioner and the type of medical practice.
- (2) The date the serious health condition commenced and the probable duration of the condition.
- (3) Diagnosis of the serious health condition.
- (4) Statement of the regimen of treatment prescribed for the condition (including estimated number of visits, nature, frequency and duration of treatment, including referred or ordered treatment of other health care providers).
- (5) In instances of the employee's serious health condition:
  - (a) statement that the employee is unable to perform work of any kind, or
  - (b) statement that employee is unable to perform the essential functions of his/her position.
- (6) Instances of care for a family member:
  - (a) statement that the family member is in need of the employee's assistance for basic medical,

hygiene, nutritional needs, safety or transportation, or

(b) statement that the employee's presence would be beneficial or desirable for the care of the family member.

Employee must indicate on certification the care he/she will provide and an estimate of the time period. The certification must be received with the notice of intent to use family medical leave or within fifteen (15) days of being asked to do so. If the need for leave was not foreseeable, the employee must still attempt to provide the certification within fifteen days (15) days or as soon thereafter as practical. Certification forms are available in the office of the Executive Secretary.

The Town may require at its expense that a second opinion be obtained from a health care provider designated by the Town. In the event of conflicting opinions, the Town may require a third and final opinion at its expense. The third health care provider must be designated or approved by the Town and employee.

#### **(C) RECERTIFICATION REQUIREMENT**

Recertification by the health care provider is required every thirty (30) days. Recertification must include the employee's explicit intent to return to work and a probable date of return.

Recertification may be required more frequently in the following instances:

the employee requests an extension of leave,

significant changes from original certification circumstances,

Town's reception of information which casts doubts upon the continuing validity of the certification, and the inability of the employee to return to work after the family medical leave due to the continuation, reoccurrence, or onset of a serious health condition.

#### **(D) INTERMITTENT LEAVE OR REDUCED SCHEDULE**

An employee requesting leave because of his or her own serious health condition, or the serious health condition of a child, spouse or parent may take leave intermittently or on a reduced leave schedule if it is medically necessary. The Town may require employees who seek intermittent leave or a reduced schedule to transfer temporarily to another position which can better accommodate recurring periods of leave than the employee's regular position provided the alternate position provides equivalent pay and benefits.

#### **(E) SUBSTITUTION OF PAID LEAVE**

If leave is taken under this policy, because of the birth of a child or the placement of an adopted or foster child, or to care for the serious health condition of a spouse, child, or parent eligible employee must first take accrued paid vacation, personal days and compensatory time.

If leave is taken because of the employee's own serious health condition, eligible employees must first take their accrued paid sick leave, vacation, personal days and compensatory time.

If an employee's accrued paid leave is less than twelve weeks, the remaining weeks of leave will be granted without pay. It is the total of this time (paid and unpaid) which will equal the twelve weeks of family medical leave.

## **(F) EMPLOYEE BENEFITS DURING LEAVE**

The Town will maintain an employee's group health insurance coverage at the same level and under the same conditions the employee would receive if not on leave. During any period in which the employee is on paid leave, the employee will have his/her contribution deducted from the paid leave. Upon the depletion of any paid leave the employee must make arrangements to pay his/her contribution to the health premiums.

If the employee fails to return to work following the period of any unpaid family medical leave, unless the failure to return to work is due to the continuation, recurrence or onset of a serious health condition that entitles the employee to leave for a serious medical condition of himself or his family or other circumstances beyond the employee's control, the Town will recover from the employee any premiums paid by the Town during any period of unpaid family medical leave.

## **(G) RESTORATION TO POSITION**

Employees not required to submit medical certification must submit a report regarding the employee's status and his/her intent to return to work on a probable date every thirty (30) days. Employees on family medical leave due to their own serious health condition must submit certification from the health care provider that the employee is able to resume work, i.e., is fit for duty.

On return from family medical leave, the employee will be returned to the same or an equivalent position (equivalent benefits, pay and other terms and conditions of employment). The employee has no "*right*" to be returned to the same position. The Town may deny restoration to a key employee (one who is salaried and among the highest paid 10% of employees) if it is denied.

## APPENDIX C

### DRUG FREE WORKPLACE POLICY

The Town of Webster recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and it has a detrimental effect on the professional and personal lives of its employees and the community. Because the Town of Webster is committed to being part of the solution to such problems and in order to ensure the safety of the workplace, its employees and the public, this policy is hereby established.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all Town workplaces. The Town shall distribute to all employees drug awareness and education materials which you must read and acknowledge. These materials will describe the dangers of substance abuse, the state-wide policy of a drug free workplace, available substance abuse counselling, and rehabilitation and assistance programs. The Town shall include education specifically addressing the role of supervisors in maintaining a drug free workplace. As a condition of employment the terms of this policy must be adhered to, and the violation of this prohibition shall result in one or more of the following appropriate personnel actions against you:

- (a) Mandatory participation and successful completion of a substance abuse rehabilitation or assistance program approved by the Town.
- (b) Unpaid leave of absence pending successful completion of a program described under (a) above,
- (c) Suspension and/or termination from employment.

The severity of any personnel action shall be decided by the Town Administrator, with the approval of the Board of Selectmen in accordance with established personnel policies. Any employee who violates these prohibitions also risks legal prosecution.

As a further condition of employment, you must notify the Executive Secretary of any criminal drug statute conviction for a violation occurring within the workplace no later than five days after such conviction.

The Town will, from time to time, update, amplify and reinforce its policy set out above through the dissemination of drug education and awareness material and programs which may necessitate your attendance at lectures, seminars, or films.









