

TOWN OF PLAINFIELD

Plainfield, Massachusetts 01070

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www.plainfield-ma.us



Human Resources Manual

Adopted by Select Board, May 14, 2019

SECTION A: INTRODUCTION & APPLICABILITY

Welcome to The Town of Plainfield (“The Town”). We strive to make the workplace a mutually beneficial and pleasant one. The Town and its employees take great pride in our community and are dedicated to providing the highest level of services to residents and visitors.

As you begin your employment with the Town, we invite you to read and become familiar with this Employee Handbook. It contains helpful and valuable information about the policies, benefits, procedures, and opportunities available to guide and assist you in performing to the best of your abilities as one of our valued employees. Please read it carefully and keep it for future reference.

Personnel Administration

The Town’s Select Board or its designee oversees personnel records and related personnel administration functions at the Town of Plainfield. Questions regarding insurance, wages, and benefits may also be directed to the Town Treasurer. Questions regarding interpretation of policies may be directed to the Select Board or its designee.

Applicability

This Employee Handbook shall apply to all Town departments and to all positions of all appointed employees in the service of the Town, whether full-time or part-time, temporary, seasonal, special, intermittent or any other type of employment, unless otherwise covered by separate agreements between the Town or any individual employee or developed through collective bargaining.

The Town adheres to the policy of employment-at-will, which permits the Town or the employee to terminate the employment relationship at any time, pursuant to the terms of the Personnel Policy. Nothing contained in this Handbook should be construed to create an employment agreement or promise of employment between the employee and the Town.

The Town agrees that, in all personnel matters, it will continue its policy of not discriminating because of race, ethnicity, color, religious creed, national origin, or ancestry, gender, sexual orientation, genetic information, veteran status, age, disability or any other protected status defined by law. The Town has not adopted any provision of Massachusetts General Law, Chapter 31, regarding Civil Service.

SECTION B: RECRUITMENT AND SELECTION

Section B-1: Recruitment

The Town of Plainfield is an equal opportunity/affirmative action employer. The Town is committed to equal opportunity for all persons regardless of race, color, religion, national origin, ancestry, sex, sexual orientation, age, genetic information, mental or physical disability, or any other lawfully protected categories. All persons, subject to any statutory requirements or limitations on the position, shall be eligible for employment with the Town.

(a) Internal Posting

Internal posting of a vacancy shall be made to ensure that qualified current employees have the opportunity to apply. Appointing authorities and the Select Board or its designee shall ensure that notices of vacant positions are posted on the Town Bulletin Boards for ten (10) calendar days. External advertisement of the position may be done concurrently.

(b) Advertisement of Job Vacancy

A variety of external recruitment sources shall be used when appropriate.

(c) Job Application

All applicants for employment with the Town are required to complete a Town Job Application Form. All employees are required to furnish their respective Department Head or the Treasurer with any change in personal information including change in address, marital status or employee benefits.

(d) Examinations

The respective appointing authority may require a job-related examination as one part of the selection process, subject to the approval of the Select Board or designee, and appointing authority. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position.

For positions that require pre-employment physicals, prior to the first day of employment, an employee may be required to have a physical examination by a Town-designated physician, for which the Town will pay. All public safety positions, all positions involving the operation of a motor vehicle or power equipment, and all positions requiring a worker to lift more than twenty five pounds shall require a pre-employment physical.

The examining physician must return a completed “Physical Examination Form” to the Department Head before work begins, indicating the employee’s physical ability to perform the essential functions of his/her job for employment with the Town. The Town reserves the right to withdraw a conditional offer of employment made to an applicant if they fail the pre-employment physical.

(e) Proof of Citizenship/Employment Eligibility

The United States Immigration and Reform Act requires all employers to verify employee citizenship and employment eligibility. The employee is required by law to complete the Employment Eligibility Verification Form (I-9) and submit it to the Treasurer before receiving the first paycheck. Original documents that establish both identity and employment eligibility must also be provided, for example a U.S. passport or both a driver's license and a certified birth certificate. For a list of other acceptable documents, employees should contact the Office of the Treasurer.

(f) Work Permits

State and Federal laws require that any employee under the age of 18 who has not graduated from high school must have a work permit. No one under age 14 will be employed by the Town.

(g) Background and Reference Checks

To ensure that individuals employed by the Town are well qualified and to ensure that the Town maintains a safe and productive work environment, it is the practice of the Town to conduct pre-employment background checks on all applicants who accept a conditional offer of employment. Background checks may include verification of any information on the applicant's résumé or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the Town. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead the Town to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Additional checks such as driving record or credit report may be made on applicants for particular job categories at the Town's discretion.

The Town also reserves the right to conduct a background check of current employees to determine eligibility for promotion or reassignment in the same manner as described above.

(h) CORI

Town employees who work with elders or youth will be required to submit to a CORI check. The Town may also require CORI checks for other reasons consistent with Massachusetts Law. If your position requires a CORI check, you must complete a CORI release form and submit it to your appointing authority.

(i) Failure to Report

An applicant who accepts an appointment and fails to report to work on the date set by the appointing authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

(j) Union Membership

Where employees are represented by a Union, a representative of an employee's bargaining unit will contact new employees during the initial months of employment with the town. An employee can obtain copies of his/her respective collective bargaining contract from the union.

(k) Individuals with Disabilities

The Town is committed to realizing the full potential of all its employees regardless of their physical or mental disabilities. The Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations to allow disabled employees to perform the essential functions of their jobs. Accommodation is an interactive process where an employee works with his/her employer to find a reasonable accommodation. If an employee requires an accommodation, he/she should contact the Department Head or Select Board or designee to discuss accommodation options. The Town will make the final determination of what accommodation is reasonable.

Section B-2: Orientation

The purpose of the orientation is to ensure that new and promoted employees become aware and understand their duties, responsibilities and required work standards and to help employees achieve an effective level of performance. Following the initial orientation, it is the ongoing responsibility of department heads to assist employees in understanding these duties, responsibilities and standards of performance. This is applicable to all employees covered by this handbook.

In order for an employee to receive their first paycheck, employees must complete various employment forms such as W-4 (tax withholding) and Employment Verification Form (I-9) which are on file with the Treasurer's Office. A detailed list of required employment forms is available in the Office of the Treasurer.

Section B-3: Probationary Period

Unless otherwise provided by law, all newly appointed, transferred, and promoted employees shall be required to successfully complete a Probationary period. The Probationary period shall begin immediately upon the employee's starting or promotion date and shall continue for a total of six (6) consecutive months of employment. This Probationary period may be extended based on the recommendation of the Department Head or appointing authority and shall be approved in writing by the Select Board or its designee.

Section B-4: Job Descriptions and Interpretations

The Select Board or its designee shall maintain written job descriptions of the jobs or positions in the Salary Administration Plan, including definitions, statements describing the kind of work, the distinguishing features of the work, and illustrative examples of duties as may be deemed appropriate.

- A. The description of any position shall be construed solely as a means of identification and not as a limitation to what the duties and responsibilities of any position shall be, or as modifying or in any way limiting the power of the appointing authority, as otherwise existing, to assign duties, modify, direct or control the work of any employee under the jurisdiction of such authority.
- B. All current job descriptions should be reviewed when the position becomes open or when the employee, Department Head, or Select Board believes a review is warranted. All job descriptions for newly created positions should be reviewed at the one-year anniversary date of the position(s) being filled, and may be modified as necessary to meet the Town's needs.

SECTION C: CLASSIFICATIONS & SCHEDULING

Section C-1: Employment Classifications

Wage and classification policies as developed by the Town shall be used to determine employment classification. Employees are classified as exempt or non-exempt. Unless otherwise specified, the benefits described in this Employee Handbook apply only to non-exempt employees. If you are unsure where your position falls in the Salary Administration Plan, please ask your supervisor, or the Treasurer's office. For employees covered by individual contract, items not addressed in the contract may default to the Employee Handbook.

Section C-1.1: Employee Groups

1. **Exempt Employees:** Exempt employees are hired on an annual salary basis with an estimated number of hours per week established in a job description and contract. Exempt employees are eligible for all employee benefits provided to Town of Plainfield employees as set forth in Section E of the Employee Handbook, but are not eligible for overtime pay.
2. **Non-Exempt Employees:** Non-exempt employees are regularly scheduled to work less than twenty (20) hours per work week, fifty two (52) weeks per year. These employees are eligible for overtime pay for all actual hours over forty (40) worked in a work week, but are not eligible for the employee benefits provided to the Town of Plainfield employees as set forth in Section E of the Employee Handbook unless otherwise noted.

A change in status must be approved by the Department Head and Select Board or its designee for any employee to change from one group to another. The threshold for requesting to move to a benefit eligible from a non-benefit eligible position is that the employee is scheduled to work 20 hours or more per week for more than 40 consecutive weeks in a fiscal year, barring any coverage for FMLA, MMLA, USERRA, or any Town approved leave of absence.

Section C-2 Scheduled Work Hours

Section C-2.1: Core Hours

The normal workweek begins at 12:01 a.m. on Monday and ends at 12 midnight on Sunday. The normal workweek consists of forty (40) hours during a seven-day period. The normal work shift varies depending upon department. Part-time employees will work a schedule that is created by the Department Head.

Work schedules may be changed periodically at the discretion of the Town with five (5) days written notice. If an employee is required to work six (6) consecutive hours he/she is entitled to a $\frac{1}{2}$ hour of unpaid rest. The employee's Department Head or Appointing Authority may advise the employee of the time to take the rest period.

Section C-2.2: Absence

Excessive absences may result in temporary or permanent layoff if an employee is unable to attend work as scheduled or fulfill job requirements. If a physician's documentation is required before returning to work, employees will be notified. Absence for any period of time, during which no notification is given to a Department Head or permission is obtained, is considered job abandonment or voluntary resignation and an employee may be subject to disciplinary action up to and including termination.

Section C-2.3: Meal Breaks

In accordance with M.G.L. chapter 149, sections 100 and 101, all non-exempt employees will receive a 30-minute meal break if they are scheduled to work more than six hours in a calendar day. An employee is free to leave the workplace during the break. An employee can voluntarily give up the meal break, but must be paid for all hours worked. Compensation for the 30-minute meal break must be paid if the employee has voluntarily agreed to waive his or her meal break by (1) working through his or her meal break, or (2) remaining on the premises at the request of the employer during the meal break. The employee may be given permission to work through their meal period in the case of a scheduling necessity for the employee or at the request of the manager.

SECTION D: COMPENSATION

Section D-1: Time Sheets and Recording of Time

Accurately reporting time worked is the responsibility of every employee. The Town of Plainfield must keep an accurate record of time worked in order to calculate employee pay and benefits. The Town retains the right to establish the mode by which time is recorded. All employees must accurately record the total hours worked for each workday.

A non-exempt employee may not work before his/her scheduled starting time or after scheduled quitting time unless approved by a Department Head, Select Board or designee, or Appointing Authority.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The department head will review and then approve the time record before submitting it for payroll processing. In the event of an error in reporting time, immediately report the problem to the department head, who will then report the error to payroll.

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

Section D-2: Salary Administration Plan

The Salary Administration Plan is currently under development (3/19).

Section D-3: Compensation

All employees shall be compensated in accordance with the Salary Administration Plan that is being established to provide a uniform system for classifying all positions and establishing proper relationships between positions based upon levels of responsibilities and minimum qualifications required to perform the job, thereby ensuring equitable compensation for each classification. No employee's salary shall be changed without the written consent of the Department Head, Select Board or designee.

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

Maintenance of Classification and Compensation Plan

It is the policy of the Town to develop and maintain a Classification and Compensation plan in a consistent and competitive manner, consisting of salary ranges for each grade level that are competitive

with the market place and consistent with the fiscal constraints of the Town. External salary data may be collected as needed to maintain competitive salary ranges for each position. The selection of comparable communities is determined on a position-by-position basis based on the geographic recruitment area for each position (local, state, national etc.) as well as operational and demographic criteria. Based upon the data collected, the Town may make changes to a salary range as it deems necessary to maintain salary ranges competitive with the market place on a position-by-position basis.

Development of Salary Range Structure

A minimum/maximum salary range structure has been developed for each grade level in a defined, consistent manner. Each salary range represents the current market value for all positions within each grade level.

New Employee Hire Compensation Policy

It is the policy of the Town to compensate new employees within the hiring range of a classification level, with the understanding that the Town reserves the right to hire a new employee above the hiring range based on the qualifications of the employee and/or market conditions.

Salary Range Adjustments

A salary range for each grade level may be adjusted when and if it is determined by the Town that the current salary range for one or more positions within that range is no longer competitive with the marketplace.

Classification and Compensation Plan Appeal Process

Employee appeals regarding a position's classification or compensation level are to be administered in accordance with the Town's grievance procedure that requires an employee to notify their respective department head or supervisor of any concern regarding changes to their job duties or responsibilities that they feel should result in a possible change in the classification and/or compensation level of their position.

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

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

Section D-3.1: Expense Reimbursement

Employees must obtain the prior approval of their Department Head or designee for all work-related expenses. No expense will be reimbursed without an original receipt. Copies of checks do not constitute a payment receipt. Routine travel costs to and from work are not reimbursable. Mileage expenses will be reimbursed to any employee who uses a personal vehicle for Town business, provided that he or she receives authorization in advance from the appropriate Department Head or designee. This mileage reimbursement will be at the standard rate established by the IRS each year.

Department Heads attending professional conferences, conventions or short schools, or to visit other communities in the interest of the Town, are entitled to reasonable reimbursement for actual expenses for travel and up to three meals per day. Alcoholic beverages and tips are not eligible for reimbursement.

Such employees shall submit an itemized list of expenses for such travel together with paid receipts, which shall be the basis for any and all petitions or requests for reimbursement of expenses incurred. Reimbursements shall be issued to the applicant when approved by the Town Accountant and Appointing Authority.

Section D-3.2: Payroll

Employees must notify the Treasurer of any changes in dependent status so that forms for tax deductions and insurance can be updated. It is the employee's responsibility to immediately notify the Department Head and the Treasurer if an employee loses a paycheck. Once an employee has notified the Treasurer's office, a stop-payment will be put on the check as soon as possible. Employees are required to reimburse the Town for any bank charges that are incurred for the stop-payment.

Employees are paid on a regular weekly, bi-weekly, or monthly basis in accordance with agreement made at the time of hire, for time worked since the preceding pay period. State and Federal laws require the Town to make deductions from employees' pay for Federal income tax, FITW taxes and State income tax. Such payments are sent by the Town to the appropriate governmental agencies. In addition, any authorized voluntary deductions (for example, health insurance premiums or optional retirement plan contributions) will be automatically withheld from an employee's paycheck once the employee has notified the Town in writing.

Section D-3.3: Benefits

1. Consolidated Omnibus Budget Reconciliation Act (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued, at the employee and dependent's expense, at group rates for up to thirty-six (36) months following a qualifying loss of coverage.

2. Death Benefit

Upon the death of a Town employee who is on the Town's payroll, his/her estate or designated beneficiary is eligible to receive his/her accumulated unused vacation leave benefits, retirement contributions and/or life insurance as applicable.

3. Educational Assistance

With prior approval of the Select Board or Appointing Authority and subject to the availability of funds, employees will be reimbursed for the cost of taking job-related education courses from accredited colleges or universities, secretarial and trade schools, and/or from organizations providing specialized training related to an employee's responsibilities.

This practice also applies to the cost of training required for the maintenance of certifications required by the Commonwealth of Massachusetts. The Town will pay the full cost of training related to required certification of licenses. To be eligible, employees must have a minimum of one (1) year continuous service with the Town, and commit to repayment of cost of training if employee leaves the relevant position less than one year following the training.

To obtain tuition reimbursement, an employee must submit receipts, including records of mileage travelled, and submit them to the Select Board or designee, Appointing Authority or their Department Head. Employees must be actively employed by the Town at the time of course completion.

Employees must receive a grade of "C" or higher in the class, or in the case of a pass/fail, must receive a "Pass," in order to receive reimbursement.

Within a reasonable period of time of completion of the course, employees must submit to the Town an official transcript from the school that includes the grade received, and the receipt or other official proof of payment. Failure to timely submit the appropriate receipts and transcripts may result in denial of reimbursement. It is the responsibility of the department head to maintain and update employee training records.

Payback of tuition reimbursement will be required if an employee leaves the employment within one year of completing the course. New employees shall execute a reimbursement agreement as a condition of their initial employment with the Town.

4. Health Insurance Portability and Accountability Act (HIPAA)

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

B. To assure compliance, the Select Board shall designate a Privacy Contact who shall have the responsibility to ensure that the:

1. Select Board or designee is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
 2. Documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
 3. Town's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
 4. Any protected health information disclosures are tracked;
 5. Authorizations for disclosure and use of protected health information are properly processed;
 6. Complaints from participants are resolved about possible privacy violations;
 7. Appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;
 8. All required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
 9. Town's compliance with HIPAA privacy regulations is monitored on a regular basis.
- C. Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.
- D. As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.
- E. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act (OSHA) and sick leave.
- F. Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.
- G. The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the Town committing to compliance with the HIPAA Privacy

Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

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

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

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

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

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

5. Insurance Plans

The Town makes available to all regular full or regular part-time employees health and life insurance programs. Family coverage is also available. A list of current insurance carriers is available in the Office of the Treasurer. The level of coverage, and respective premium costs are subject to possible change by the Town. The Town will provide proper notice in advance to employees of any proposed changes to an insurance plan (s) in accordance with statutory notification requirements.

For information regarding employee insurance plans and rates, employees should contact the Office of the Town Treasurer.

Section D-4: Overtime and Fair Labor Standards Act

It is the practice of the Town that all work be accomplished within the normal work day of the first eight hours in any day, and the first forty hours worked in any work week. On occasion, the Town may determine that overtime is necessary to complete the assigned work beyond the normal work day. For every hour that a full-time employee is required to work beyond the first eight hours in any day, and the first forty hours worked in any week, the full-time employee shall be paid at one and one-half times the regularly hourly rate at which he or she is employed. Each position authorized by the Town shall be designated as exempt or non-exempt from the payment of overtime in accordance with the provisions of the Fair Labor Standards Act (FLSA).

- Exempt positions in accordance with the Fair Labor Standards Act (FLSA) are not eligible for overtime compensation. Employees in these positions are expected to work the hours necessary to complete their respective duties.
- Non-exempt positions shall be paid overtime for work in excess of forty (40) hours in a work week.

All overtime work must be authorized by the employee's Department Head or Appointing Authority in advance of said employee working beyond the normal work week. A non-exempt employee shall receive a rate of pay for any hours, or portions thereof that are worked as authorized by the Town beyond 40 hours per work week that is equal to one and one-half times his/her regular rate of pay. For purpose of calculating overtime, holiday pay, sick leave, personal leave and vacation leave shall be considered as hours worked. Police and fire personnel are exempt from FLSA. No employee will receive compensatory time in lieu of the payment of overtime compensation. Sufficient funds must be available in the budget before overtime work is assigned.

A summary of the provisions of the Fair Labor Standards Act (FLSA) is available in the Office of the Treasurer.

Section D-5: Retirement System

As a condition of employment, employees who are regularly scheduled to work at least 1040 hours or more in a calendar year are required to join the Hampshire County Regional Retirement System (HRRS); employees who are required to work less than 20 hours per week are required to contribute to OBRA.

The Town Treasurer or designee will provide assistance and direction to an employee eligible for retirement. Retirement applications must be made by an employee in accordance with the rules and regulations of the HRRS.

Section D-6: Performance Evaluations:

All employees are subject to review by their Department Head, the Select Board, or its designee no less than every two years.

- A. Employees may respond in writing to the evaluation and/or requirements for improvement. Responses will be added to the employee's evaluation. The evaluation shall be forwarded to the Treasurer for placement in the employee's personnel file.

Section D-9: Job Credentials

Employees required by law, regulation, or approved job description, to maintain registration, license, or certification, are responsible for acquiring and maintaining such documentation, unless collective bargaining agreements provide otherwise.

An employee who allows a required license specified in the applicable job description to expire, lapse, or a required license is otherwise suspended, or revoked by the licensing authority, may be placed on an unpaid leave of absence or reduced responsibility until the required license is obtained. Failure to pursue reinstatement in a timely manner will be considered abandonment of the position.

Section D-10: Promotions and Demotions:

Section D-10.1: Promotions:

- (a) Unless otherwise provided by law, all promotions shall be subject to a Probationary period of six (6) months. If, during this Probationary period, the Select Board or its designee or an appointing authority in consultation with a department head determines that the job is not being satisfactorily performed, every effort will be made to return the employee to his or her previous or a comparable position. Should there be no vacancy, the employee will be terminated.
- (b) When an employee is promoted to a higher-rated job, he/she shall enter it at the minimum of the job rate range or at his/her own rate, whichever is greater.

Section D-10.2: Demotion:

At the discretion of the Appointing Authority, and only after a hearing, an employee may be demoted to a position in a lower classification level. An employee may be demoted to a position in a lower grade for which the employee is qualified for any of the following reasons:

- (a) An employee would otherwise be laid off as a result of abolition of the position; the employee's position is reclassified to a higher grade for which the employee is not qualified; lack of work; disciplinary action; lack of funds; or because the return to work from an authorized leave of absence to such a position would cause the Town substantial and grievous injury in accordance with the rules of leave set forth in these guidelines;
- (b) An employee voluntarily requests the demotion; An employee may request or accept a voluntary demotion when assignment to a less difficult role would be in the best interest of the Town.
- (c) If an employee is transferred to a lower-rated job, he/she shall enter it at his/her own rate or at the maximum rate for the job, whichever is the lower, following Select Board or designee approval;

- (d) All demotions must receive the prior approval of the appropriate appointing authority. The employee shall be notified in writing of the demotion and the reason for the action.

Section D-11 : Resignation

Unless stated by contract, all employees of the Town of Plainfield are employees at will and are not required to give a notice regarding resignation. However, to resign in good standing, an employee must provide his/her Department Head at least two (2) weeks' notice in writing of intent to resign from employment with the Town. To resign in good standing a Department Head is required to provide the Select Board or Appointing Authority with advance notice in writing of at least thirty (30) days.

Section D-11.1: Exit Interview:

The Select Board or Department Head may conduct an exit interview with each employee who is leaving the employment of the Town. A copy of the Exit Interview form is available from Select Board or their designee.

Section D-11.2: Post Employment Benefits

Each employee who is terminating employment shall meet with the Town Treasurer or designee to receive an explanation of benefits.

SECTION E: EMPLOYEE BENEFITS

Section E-1: Benefits as Adopted by Special Town Meeting, August 17, 2005

1. Definitions

“Full Time Employee” shall mean an employee of the Town of Plainfield who regularly works a minimum of 40 hours per week.

“Month” shall mean a period of 30 days.

“Spouse” shall mean a member of a voluntary union of two persons, to the exclusion of all others, whose union is recognized by the laws of the Commonwealth of Massachusetts.

“Year” shall mean fiscal year.

2. Bereavement Leave.

A full-time employee shall be granted up to three days of paid leave for the death of a parent, spouse, sibling, or child. A full-time employee shall be granted up to two days of paid leave for the death of a grandparent, aunt, uncle, in-law or grandchild.

The select Board may in their discretion grant additional unpaid bereavement leave.

3. Sick Leave

Seven days of paid sick leave a year granted to full-time employees. Unused sick leave may accumulate to a maximum not to exceed forty-five days. Sick leave days are for illness or injury that by nature prohibit a full-time employee from carrying out his or her duties. The Select Board may require verification of illness by a physician after three consecutive days of absence attribute to illness or injury.

The Select Board may in their discretion grant additional unpaid sick days.

4. Personal Leave

Up to three days of personal leave with pay is provided for each full-time employee for religious, legal business, and other personal affairs requiring absence during the workday. Personal leave does not accumulate and must be used within the year.

The Select Board may in their discretion grant additional unpaid personal leave.

5. Vacation Time

Full-time employees earn accrued vacation time according to the following schedule:

- (a) For the first year of employment, vacation days accrue at the rate of one per month, beginning with the third month after the date of hire, up to five working days.
- (b) For the second, third, and fourth years of employment, vacation days accrue at the rate of one day per month, beginning with the first month after the anniversary of the date of hire, up to ten working days; provided, however, that if in the ordinary course of business the workplace or office is shut down, vacation time, accrued and unaccrued, must be taken during this time of shutdown.
- (c) For the fifth, sixth, seventh, eighth, and ninth years of employment, vacation days accrue at the rate of two per month, beginning on the first month after the anniversary date of hire, up to fifteen working days; provided, however, that if in the ordinary course of business the workplace or office is shut down, vacation time, accrued and unaccrued, must be taken during this time of shutdown.
- (d) For the tenth or more years of employment, vacation days accrue at the rate of two per month, beginning on the first month after the anniversary date of hire, up to twenty working days; provided, however, that if in the ordinary course of business the workplace or office is shut down, vacation time, accrued and unaccrued, must be taken during this time of shutdown.

The vacation year coincides with the fiscal year. Up to ten working days of accrued vacation time not taken by June 30 may be carried forward to the following year. If a full-time employee is called back to work from a scheduled vacation or if a full-time employee is prevented from taking a scheduled vacation because in the judgment of the Select Board the timing of the scheduled vacation creates a hardship for the Town of Plainfield, the full-time employee may carry forward to the next year such unused accrued vacation time if the full-time employee cannot reasonably reschedule a vacation before June 30.

Vacation pay shall not be provided unless time is actually taken off from work or unless the full-time employee leaves employment or is terminated. A paid holiday or a paid leave day falling within a vacation period is not charged as a vacation day. Advance vacation pay may be made to a full-time employee taking vacation in increments of one week or more, but only if the full-time employee submits a written request to that effect to the town accountant or town treasurer at least three weeks before the start of the vacation. When a full-time employee leaves employment or is terminated, accrued vacation days will be calculated for each full month of service worked, up to the full-time employee's final day. The full-time employee will be paid for all the unused accrued vacation days; provided, however, that if the full-time employee has any vacation days taken but not accrued, pay for such days will be deducted from the final pay check.

Vacation pay is based on the full-time employee's regular rate of pay at the time of vacation. Vacation schedules are subject to work requirements and supervisory approval. Vacations of more than three days' duration should be scheduled at least three weeks in advance with the full-time employee's department head or supervising authority.

The Select Board may in their discretion allow a full-time employee to take up to two vacation days per calendar year, even though the vacation days are not yet accrued; provided, however, that the total vacation time for that year allocable to that full-time employee is not exceeded. The Select Board may in

their discretion call a full-time employee back from a scheduled vacation or cancel in advance a scheduled vacation depending on work requirements or an emergency

6. Paid Holidays and Paid Leave Days

Paid Holidays. The following are paid holidays for full-time employees: New Year's Day, Martin Luther King Jr. Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If Independence Day or Christmas and New Year's Day fall on a Saturday or Sunday a full-time employee may elect to take either the preceding Friday or the following Monday as a paid holiday.

Paid Leave Days. All full-time employees are granted paid leave the day after Thanksgiving Day, a half-day on Christmas Eve, the day following Christmas Day, and a half-day on New Year's Eve; provided, however if Christmas Day, or New Year's Eve falls on a Saturday or Sunday it is not deemed a paid leave day.

If because of work requirements or an emergency a full-time employee is required to work on a paid holiday, he or she shall be paid one and one-half times the regular hourly rate in addition to the regular hourly rate at which he or she is employed. If because of work requirements or an emergency a full-time employee is required to work on a paid leave day, he or she shall be paid the regular hourly rate at which he or she is employed; provided, however, the full time employee may take the unused paid leave time as a personal day or half-day, as applicable, in addition to the three personal days provided per year, at any time within the next ninety days. A full-time employee may not elect to receive pay in lieu of a personal day or half-day.

7. Overtime and Payment for Extraordinary Services

A full-time employee shall be paid at his or her regular hourly rate for the first eight hours worked in any day, and for the first forty hours worked in any week. For every hour a full-time employee works in excess of eight hours per day or on excess of forty hours per week, the full-time employee shall be paid one and one-half times the regularly hourly rate at which he or she is employed.

Although the regular hourly rate and overtime as described herein shall constitute full payment for services of a full-time employee, subject to prior appropriation therefore, the Select Board may in their discretion authorize payment for extraordinary services rendered by a full-time employee.

8. Drivers' Hours

No full-time employee shall operate any motor vehicle owned or leased by the Town of Plainfield at any time after the full-time employee has been continuously on duty for twelve hours and before he or she shall have had at least eight consecutive hours off duty, or at any time after the full-time employee has been on duty sixteen hours in the aggregate in any twenty-four hour period and before the full-time employee shall have had ten consecutive hours off duty. Period of release from duty shall be given at such place and in such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of duty unless it be for at least three consecutive hours at a place where there is opportunity for rest.

Notwithstanding the forgoing time limitations, in case of flood, storm, terrorist attack, or other emergency, the Select Board or their delegate may authorize a full-time employee to complete his or her task or tour of duty beyond the limitations described in the foregoing paragraph if (a) the full-time employee consents, (b) no reasonable alternative to extending hours exists, and (c) the provision of the full-time employee's services is deemed by the Select Board or their delegate to be essential to the well-being of the Town of Plainfield. For the purposes of this section, the chairperson or clerk of the Select Board shall be deemed "their delegate" unless the Select Board publishes written notice appointing another delegate.

9. Professional Development

Full-time employees shall be reimbursed for all reasonable expenses incurred for workshops, classes, and seminars reasonably calculated to promote learning in a subject or area of knowledge bearing on the full-time employee's work for the Town of Plainfield, which expenses shall include registration, meals, mileage, course materials, and incidentals, but not lodging. To be eligible for reimbursement, the full-time employee must obtain written approval in advance from the full-time employee's department head or supervising authority.

10. Health and Life Insurance

Health and life insurance coverage are offered to all full-time employees. Seventy-five percent of the premium for health insurance under the provisions of Massachusetts General Laws chapter 32B and seventy-five percent of the premium for the first \$2,000 of coverage for life insurance are paid by the Town of Plainfield. If a full-time employee elects instead to obtain health or life insurance from another source, the Town of Plainfield does not contribute to the premiums for such insurance and does not pay the full-time employee the amount that would have been expended on such premiums if the full-time employee had elected to avail him- or herself of the health and insurance coverage offered to all full-time employees.

11. Select Board's Discretion

The Select Board may make such exceptions to the foregoing as are reasonable and necessary to their implementation, depending on unforeseen circumstances and exigencies as they arise. Any such exceptions shall, however, not be taken as precedent for future circumstances and exigencies.

Section E2: *Additional leave policies*

Section E-2.1: Family and Medical Leave

In accordance with the provisions of the Federal Family and Medical leave act of 1993 (FMLA), employees having completed at least twelve (12) months of continuous service and who have worked at least 1,250 hours during the preceding twelve (12) months, are entitled to take up to twelve (12) weeks of unpaid leave annually due to (1) the birth of the employee's child; or (2) the placement with the employee of a child for adoption or foster care; or (3) a serious health condition that makes the employee unable to perform the functions of their job; or (4) to care for the employee's spouse, son, daughter, or parent who has a serious health condition; or (5) the employee's spouse, son, daughter, or parent is on covered active

duty or has been notified of an impending call or order to covered active duty. An employee eligible to take FMLA leave is entitled to take up to twenty-six (26) weeks of unpaid leave to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, or next of kin of the service member. All earned leave (vacation and sick) must be taken as part of the FMLA.

While on FMLA, employees are responsible for the payment of all withholdings (i.e. insurance) in accordance with the Town's payroll schedule.

For further details, a copy of the Family and Medical Leave Act (FMLA) Policy is available in the Office of the Personnel Administrator.

Section E-2.3: Domestic Violence Leave Practice

Consistent with any and all applicable laws, the Town is committed to the protection of employees from domestic violence by giving them the necessary support to deal with domestic violence issues. This effort along with the Town's Employee Assistant Program (EAP) can be utilized by any employee including all regular full-time, regular part-time, intermittent/seasonal/temporary employees if the need arises for an employee to take needed time off to deal with a domestic violence issue. A copy of the Town's Domestic Violence Leave Policy will be available on the Town's web site when it has been approved.

Section E-2.4: Maternity/Paternity Leave

The Town grants maternity/paternity leave in accordance with the provisions of the Massachusetts General Law. All employees shall be granted eight (8) weeks of unpaid maternity/paternity leave without loss of seniority or benefits for the purpose of giving birth or adopting a child under the age of eighteen (18) or under the age of twenty-three (23) if the child is mentally or physically disabled. Upon expiration of the maternity/paternity leave, employees will be restored to the same or similar position.

In the event that the employee is eligible for both FMLA and maternity/paternity leave, that employee's leave will be charged to both forms of leave simultaneously.

Employees requesting leave must provide notice to the Select Board or designee or Appointing Authority at least two (2) weeks prior to the beginning of the anticipated leave.

Employees are entitled to use any accrued vacation, sick, and personal time during this period. If accrued vacation, sick, and personal leave extends beyond eight (8) weeks, employees will be entitled to use said leave up to a maximum of twelve (12) weeks in total. Employees are required to return to their positions when their leave expires if they are physically and mentally able or must provide a doctor's note stating their anticipated date of return.

Section E-2.5: Small Necessities Leave

The Small Necessities Leave Act allows each employee eligible for FMLA a total of 24 hours of unpaid leave during any twelve-month period, in addition to leave available under FMLA, to (1) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school; (2) accompany the son or daughter

of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and (3) accompany an elderly relative (an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent) of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes. If the necessity for leave is foreseeable, an employee must provide the department head with not less than seven days' notice of the need for leave. If the necessity for leave is not foreseeable, an employee shall provide such notice as is practicable. An employee taking leave for any of the aforementioned circumstances may substitute any accrued paid vacation and/or personal leave for any leave provided. Unlike the FMLA, the Small Necessities Leave may be taken intermittently or on a reduced leave schedule.

Section E-2.6: Military Leave

- (a) Purpose:** This section outlines the obligations and rights of Town employees who are reservists in a branch of the United States military, and those employees who are members in the Army and Air National Guard, or who leave Town service to enter the Armed Forces.
- (b) Application:** This shall apply to all employees of the Town. Employees subject to the terms of a collective bargaining agreement shall be subject only to those provisions which are not specifically regulated by provisions of law or agreement.
- (c) Policy:** The Town is committed to complying with all applicable state and federal laws and regulations governing military leave, including initial active duty for training, inactive duty training (such as weekend drills), temporary and long-term active duty, and reinstatement following active duty. All requests for military leave should be reported to the Select Board or designee as soon practicable.

(d) Procedures:

i. Leave for Training

In accordance with G.L. c. 149, § 52A, all full-time and permanent part-time employees who are members of a state or federal military reserve unit shall be entitled to an unpaid leave of absence from a permanent position for the purpose of attending compulsory military training for up to seventeen (17) days per calendar year. Such absence for military training shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of employment.

ii. Leave for Active Duty

An unpaid leave of absence shall be granted to full-time and permanent part-time employees called under orders for active duty with the state or federal armed forces for compulsory service.

iii. Resignation for Purposes of Joining Armed Forces

Employees who are granted leave for active military duty, or who resign from Town service for the purpose of entering active duty in the Armed Forces of the United States, shall be entitled to certain re-employment rights with the Town, in accordance with federal law, as outlined below.

iv. Inactive Duty for Training/Drills

Employees who are reservists or members of the National Guard may not be denied retention in, or any other advantage of, employment due to military obligations. An employee who is required to report for inactive duty for training must inform his/her Department Head in the form of a written request for military leave.

v. Active Duty for Training and Active Duty

Initial active duty training (IADT), which occurs when an employee first signs up to be a member of the reserves or National Guard, shall be treated in the same manner as regular active duty for the purposes of re-employment rights.

Except for emergency situations, employees called for active duty must request a military leave of absence, in writing, for the period of the leave, or may choose to resign. Employees who request a military leave of absence will be required to submit documentation to his or her Department Head as proof of active duty service as soon as is practicable.

Department Heads shall notify the Select Board or designee prior to approval of a military leave of absence or in the event of the resignation of a reservist/National Guard member under orders.

vi. Reinstatement and Retention

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 USC § 4301, et seq., an employee returning from military service is entitled to be re-hired by the Town within a reasonable period of time after applying for re-employment in accordance with the requirements set forth below.

Employees shall be entitled to re-employment following Active Duty service of not more than a cumulative of five (5) years. Any service on Initial Active Duty Training will not be included for the purposes of calculating the number of years in Active Duty Service.

The returning veteran or reservist must demonstrate that he or she remains qualified to perform the duties of the position. An employee who becomes disabled during military service and who cannot perform the duties of the otherwise appropriate job may be entitled to the nearest comparable job he or she is qualified to perform.

The period an individual has to make application for re-employment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work

period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 31 days but less than 180 days, the service member must submit an application for re-employment within 14 days of release from service. For service of more than 180 days, an application for re-employment must be submitted within 90 days of release from service.

An employee returning from military service is entitled to be placed in the position that would have been attained but for the absence due to military service.

An employee returning to service is entitled to be retained on the job for at least one (1) year following his or her return, unless discharged for cause or reached for layoff in accordance with a collective bargaining agreement or civil service procedure. A reservist returning from IADT is entitled to be retained on the job for a minimum of six (6) months following his or her return, unless discharged for cause or reached for layoff in accordance with a collective bargaining agreement or civil service procedure.

The returning employee is entitled to same pay that he or she would have attained without the leave to perform military service. This includes cost of living adjustments and length of service increases (e.g. longevity), but does not include merit increases based on satisfactory performance (e.g. step raises).

The employee is entitled to full credit for any job seniority lost as a result of military service. An employee's length of service therefore shall include: employment prior to military service; a reasonable time between leaving the job to enter military service and the date of entry into military service; the entire period of the military service; and the period between release from service and return to work. In some cases, the application of the seniority entitlement may be deferred until the employee has been re-employed for a period of time, in accordance with bargaining agreements and Civil Service Law.

The returning employee is entitled to retirement credit as if his/her employment had continued without interruption.

Reservists or National Guard members on Inactive Duty Training must report back to work for the next regularly scheduled work period after training ends.

The Town shall not discriminate against a reservist or National Guard member as a result of his or her military obligations.

vii. *Health/Life Insurance*

Employees granted an unpaid military leave of absence for less than a complete calendar month may retain their health insurance at the current rate of contribution. Employees who do not receive a paycheck for a particular week must pay the employee's share of the premium directly to the Town during the week that the deduction would have been made had the employee been on the payroll.

Employees granted an unpaid military leave for more than one full calendar month shall be required to pay the full cost (100%) of the premium (both employee and employer share) directly to the Town, one month in advance of coverage, if they wish to continue to participate in the Town's health insurance plan. Employees on military leave or who resign for active duty military service may elect to remain on the Town's plan for up to 24 months.

viii. Notice of Rights

The Town shall provide to employees covered by USERRA a notice of their rights, benefits, and obligations under USERRA. The Town may post the attached notice entitled "Your Rights under USERRA" where notices are customarily placed, mail it, or distribute it via electronic mail.

Section E-2.7: Other Leave Provisions

(a) Application of this Section

Regular employees, working for the Town one thousand forty (1,040) hours or more during a fiscal year are eligible to participate on a pro-rated basis in the following fringe benefit programs offered by the Town unless otherwise indicated.

(b) Civic Duty Leave

All employees entitled to vote at National, State, Municipal or Special Elections shall, when necessary, be allowed sufficient time off as approved by the Select Board with pay to exercise this right.

(c) Effect of Leave

When any leave of absence without pay exceeds time worked or its equivalent in any month, an employee's length of service credit for all employment privileges shall cease until active employment with the Town is resumed.

(d) Extended or Emergency Leaves of Absence

Extended or emergency leave of absence without pay may be granted by the Select Board or Appointing Authority for a period not to exceed sixty (60) days. Extended or emergency leave of absence may also be granted on the recommendation of the Department Head and the Select Board or designee or Appointing Authority..

Any employee requesting an extended or emergency leave of absence shall designate a specific period of time which the leave of absence is to cover, and in the event such leave of absence is requested for reasons of physical disability, it shall be required that the employee's physician submit to the Town an indication of the nature of the disability and the time for which such leave of absence is requested. While on extended leave of absence, employees are responsible for the payment of all withholdings (i.e. insurance, dependent care, etc.) in accordance with the Town's payroll schedule.

Section E-2.8: Worker's Compensation

Employees injured on the job are protected against loss of income and medical expenses by provisions of the Massachusetts Workers Compensation Act. Employees receiving workers' compensation benefits may, upon request, receive vacation, sick or personal leave accrued at the time of injury to supplement workers' compensation benefits up to the amount of base wages the employee received each week before the injury occurred.

To preserve rights under the law, an employee must notify the Town immediately if involved in an on-the-job accident that results in personal injury. Injury report forms are available in the office of the Town Treasurer's office.

(a) Application of this section:

To ensure that the employee gets prompt and appropriate medical treatment.

To get the injured employee back to work in a modified or light duty capacity, if opportunities for light duty exist; and

To provide cost containment for workers' compensation.

(b) When an injury occurs:

The first action when an accident with injury occurs is to provide prompt medical attention, either at a local hospital or a town identified or approved physician. Immediately notify the office of the Select Board or its designee who functions as the Worker's Compensation Officer. The Department Head or designee should assist in obtaining information for filing the Employer's Report of Occupational Injury or Disease which should be received by the office of the Personnel Administrator no later than seven (7) days from the date that an accident has occurred.

(c) Maintain employee contact:

During the recovery period, regular contact will be maintained with the employee by the Select Board or its designee, Department Head or Appointing Authority. Medical updates from both the employee and the physician will be obtained by telephone or by personal visit.

(d) Identify alternative work assignments:

The injured employee's immediate Department Head or designee has the responsibility for developing an alternative or modified job. This responsibility can vary based on the Department. Alternative productive work can be full or part-time, one time or ongoing. Consider:

- Tasks not being done by anyone currently
- Jobs being done only occasionally
- Tasks now being done, which if assigned to someone else, would free other employees to do other work

The employee shall provide a written statement from their physician stating that the employee is capable of performing the tasks designated in the alternative work assignment. It is important that the doctor completely understands the alternative work assignment. The Department Head or designee is responsible for monitoring the injured employee's progress and coordinating with the Select Board's office to see that the employee returns to his/her regular job as quickly as possible, recognizing the nature of the injury, the likely recovery period and the work assignment to which the employee will return.

(e) Identify return-to-work date:

Once the injury has occurred, helping the employee get back to work becomes the objective of the Select Board, Appointing Authority, Department Head or designee, the employee and physician. Before an employee is allowed to return to work, all employees are required to submit a Doctor's statement certifying that the employee is physically and mentally fit to perform all of the duties of their position with no restrictions.

E. 2.9 Professional Development

Full-time employees shall be reimbursed for all reasonable expenses incurred to attend workshops, education classes, and/or seminars that are approved by the Select Board to promote learning in a subject or area of knowledge related to an employee's work for the Town, which expenses shall include registration, meals, mileage, course materials, and other related incidentals but not including lodging. To be eligible for reimbursement, the employee must obtain written approval in advance from the employee's department head or appointing authority.

SECTION F: POLICIES AND STANDARDS

Section F-1: Standards of Conduct

All persons employed by the Town of Plainfield hold a position of public trust, and as a result, are expected to conduct themselves in a highly professional, ethical, and appropriate manner. Employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by the laws of the Commonwealth, including Chapter 268A, the Commonwealth's Conflict of Interest Statute.

Town Officials and employees must, at all times, comply with all applicable laws and regulations. The Town will not condone the activities of officials or employees who achieve results through violation of the law or unethical business dealings. The Town does not permit any activity that fails to stand the closest possible public scrutiny. All town employees are provided with a code of conduct upon hire and are expected to adhere to it.

Section F-2: Suspension

A Department Head, with approval of the Select Board or designee or Appointing Authority, may suspend an employee with pay (to be classified as "paid administrative leave") when conduct, whether on or off duty, is so serious that temporary removal from the work place is necessary pending the outcome of an investigation regarding possible disciplinary action up to and including termination. A suspension without pay greater than five (5) days should only be done by the Appointing Authority after a hearing has been held with the employee. A suspended employee shall not be permitted to work on his/her normal day(s) off, nor use paid leave time, nor make up the time by working overtime in lieu of a payroll deduction for the period in suspension. The period of suspension shall be determined by the Appointing Authority, after a hearing with the employee. An employee may be suspended for the same reasons that an employee may be demoted or terminated.

Section F-3: Guidelines for Appropriate Conduct and Discipline

It is the practice of the Town that disciplinary action should be taken only when warranted and with the utmost concern for the individuals involved. The disciplinary action that is appropriate for any particular misconduct is taken at the sole discretion of the Town.

Employees are expected to conduct themselves in a professional and respectful manner consistent with the high standards held by the Town. The list of infractions mentioned below, although not intended to be all-inclusive, illustrate some of the breaches of conduct that may result in disciplinary action, up to and including dismissal. The Town will generally follow the principles of progressive discipline. The Town however, reserves the right to initiate discipline at any level depending upon the severity of the incident(s) giving rise to the need for disciplinary action:

1. Falsifying employment or other Town of Plainfield records;

2. Violating any Town of Plainfield policies as set forth in this Handbook; or any section of Massachusetts General Law regarding municipal personnel;
 3. Establishing a pattern of absenteeism or tardiness; Employees who will be late or absent should notify their Department Head as soon as possible, but in no event later than one hour before their scheduled start time.
 4. Engaging in excessive, unnecessary or unauthorized use of Town of Plainfield supplies or equipment, particularly, for personal purposes, including removing Town Property from the premises;
 5. Stealing property from co-workers or citizens of the Town of Plainfield;
 6. Engaging in insubordination or refusal to follow the lawful directions of a person with management responsibility;
 7. Neglecting one's own job duties and responsibilities or refusing to perform work assigned;
 8. Misappropriation of Town funds or property; and
 9. Failure to provide exemplary customer service.
- A. When it is determined that discipline is necessary, it may take place using one of the methods listed below:

Verbal Reprimand: Employees will meet with their direct supervisor to discuss the issue and discuss ways for immediate improvement on the part of the employee. An employee will receive a written summary of the meeting, which will be kept in the employee's personnel file.

Written Reprimand: Management will meet with the employee and give him/her a formal written reprimand which fully documents the infraction and a copy will be placed in the employee's personnel file.

Suspension/Final Warning: A suspension is the temporary and involuntary separation of an employee from employment. The purpose of a suspension is to serve as a final warning to an employee that continued poor performance or misbehavior will result in dismissal. When possible, prior to the suspension the employee will receive a written summary, which will detail the reasons and terms for the suspension. If a suspension is not practical, an employee shall receive a Notice of Final Warning or a Last Chance Agreement.

Termination: Termination, whether in the form of a formal firing or a recommended resignation, is the permanent and involuntary separation of a person from employment with the Town. The employee will meet with the department head and the Select Board or designee to receive a written notice of dismissal, and the employee may be entitled to a hearing pursuant to Section F-3.1 below.

- B. Management reserves the right to determine at which step of the disciplinary process to begin. Options range from a verbal reprimand up to and including immediate dismissal. This decision will be based on the severity of the infraction. If necessary, employees may be put on administrative leave with pay pending an investigation.
- C. All employees may request a pre-termination meeting with the Select Board or designee at which they have an opportunity to present their case against being terminated.
- D. Employees involved in any step of the disciplinary process are not eligible for consideration for a salary increase until improvement has been documented and/or a period of time as defined by the Select Board or designee and Department Head has expired with no additional disciplinary actions.

Section F-3.1: Termination of Employment

A termination is the most serious discipline that the Town may impose and consists of discharge or separation for delinquency, misconduct, inefficiency, and violations of policy, inability to perform the work of the position, unbecoming conduct, or any other behavior that the Appointing Authority considers unacceptable. In circumstances where the appointing authority is a public body, it shall, at the request of the employee, convene a hearing pursuant to G.L. c.30A. Sec. 21 (a) (1) prior to separating the employee from Town service. Where the appointing authority is an individual, the provision of the Open Meeting Law shall not be applicable.

Nothing in this section shall be construed as granting a right to a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

Section F-4: Problem Resolution

A grievance is defined as any complaint submitted in writing by an employee who is covered by this Handbook that the Town has violated an expressed provision of this Handbook. A grievance may not be filed, however, contesting any disciplinary sanction issued by the Town, including, but not limited to, discharge, suspension, warnings, reprimands, non-reappointment, and/or counseling sessions. If an employee believes that they have not been credited with or have otherwise lost wages or benefits to which they are entitled, he/she must present a grievance in accordance with the Town's grievance procedure.

Section F-4.1: Grievance Steps

Step I: Department Head. If the grievance based on the actions or conduct of the employee's Department Head, he/she should proceed directly to Step 2.

Any employee who believes that the Town has violated an expressed provision of this Handbook may appeal for relief from that condition. An employee must discuss the grievance initially with the Department Head or designee requesting relief from that condition within ten (10) working days of the occurrence or knowledge of the event(s) giving rise to the grievance. Then, if the matter is not settled, the employee should submit said grievance in writing to the Department Head requesting relief from that

condition. The Department Head shall then meet with the aggrieved employee and shall respond in writing to the employee, within fourteen (14) working days of the meeting.

Step II: Select Board/Appointing Authority: If the grievance is not resolved at Step 1, the employee may file an appeal in writing with the Select Board or Appointing Authority within ten (10) working days of receipt of the Department Head's decision at Step 1. The Select Board or Appointing Authority shall, at their discretion or upon the employee's request, meet with the employee within a reasonable time after receipt of the employee's appeal. The Select Board or Appointing Authority shall reply in writing to the employee's grievance within ten (10) working days after a meeting with the employee is held, if any. The Select Board will send one (1) copy of the reply to the employee, one (1) copy to the Department Head and place one (1) copy in the employee's personnel file.

If the grievance is against the Select Board, the grievance should be brought to the Chair of the Select Board or his/her designee.

Step III: Select Board: If the grievance is not settled at Step II, or within ten (10) working days of the deadline for the response of the Select Board or Appointing Authority, the employee may submit the grievance in writing to the Select Board and Personnel Board. The Select Board will investigate the grievance, and may meet with the Appointing Authority, Department Head, the employee or any other party to gather information. The Select Board will submit findings and recommendations to the Select Board.

The Select Board will meet as soon as practicable to consider the grievance. The Select Board will hear testimony, and shall issue a determination, which shall be final and binding on all parties.

Written Presentation: All complaints and their responses presented at any step of the grievance procedure shall be in writing and shall include the facts giving rise to this grievance and the signature and date of the appropriate employee or official. All written grievance information shall be placed in the personnel file of the aggrieved employee.

Section F-5: Personal Appearance and Demeanor

Employees are required to dress in attire appropriate to their position and to behave in a professional, businesslike manner. As a Town employee, you are expected to use good judgment in your choice of work attire and to conduct yourself at all times in a way that best represents you and the Town of Plainfield. Employees are also required to keep their work environment clean and orderly. Before departing at the end of the workday, employees should place all confidential materials in a secure drawer or cabinet.

Section F-5.1: Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing the essential functions of his/her position in accordance with the position's job description. When a Department Head reasonably believes that the physical condition of an employee constitutes a hazard to persons or property, the Department Head may, with approval from the Select Board or designee, direct the employee to submit to a medical examination to be conducted by a licensed medical physician

appointed by the Town at the Town's expense to determine the employee's continued fitness for full, unrestricted duty.

Section F-6: Treasurer Policies

Section F-6.1: Bonding

Employees, as designated by the Town Treasurer or Select Board may be required to be bonded. Inability to secure or maintain a bond may be grounds for dismissal. The Town will bear the cost of any bond required.

Section F-6.2: Cash Control

Cash control procedures are established for all employees required to handle cash. Failure to abide by procedures, shortages, and/or negligence is cause for discipline. Repeated incidents may result in termination.

The Town may conduct an audit of the management of cash at any time.

Section F-7: Conflict of Interest

In accordance with Mass General Laws, Chapter 268A and the Standards Of Conduct Statement, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to perform job responsibilities or provide services to the Town. Employees will receive the Conflict of Interest Statute upon hire and every two years afterwards, and be expected to complete training in the Conflict of Interest Laws on a regular schedule as mandated by the Commonwealth.

Section F-7.1: Political Activity

Participation in political activities is to be carried on outside of normal working hours and shall be conducted in such a manner as to not adversely affect the performance of one's duties to the Town. Employees may not participate in the election of members of their governing body or appointing authority to any office, whether municipal, state or federal. (Example: The Select Board may not campaign for any candidates for Select Board) No political activities will be conducted on Town owned property by employees during working hours or in any work areas.

No employee, official or other person shall solicit orally or by letter, contributions or services for any political party, candidate or political cause from any employee during his/her hours of duty, service or work with the Town.

Nothing herein contained shall be construed to restrict the right of an employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours or to campaign actively during off-duty hours in all areas of political activity.

It is considered to be in the best interest of all municipal employees that they shall not be pressured by direct or indirect political influences. As a safeguard against this, the behavior on the part of municipal employees shall be as follows:

- 1) All employees shall refrain from using their influence publicly in any way for or against any candidate for elective offices during work hours. They shall not circulate petitions or campaign literature for elective officials or be in any way concerned with soliciting or receiving any subscription, contribution, or political service from any person for any such elective official.
- 2) No officer or employee of the Town shall use their official authority or influence on any other officer or employee for the purpose of interfering with an election or a nomination for office or affecting the result thereof (except by casting their vote).
- 3) No officer or employee of the Town shall directly or indirectly coerce, attempt to coerce, command, or advise any other said officer or employee to pay, lend, or contribute any part of their salary, time, or compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes during work hours.

Section F-7.2: Solicitation and Distribution

In addition to prohibitions regarding solicitation of political contributions defined in “Political Activity” above, Town employees are prohibited from soliciting other employees or members of the public for nonpolitical donations or contributions, of any kind, during work hours without the expressed written consent of the Select Board. General Laws c. 55, Section 13 prohibits paid employees, other than elected officials, from directly or indirectly soliciting or receiving any contributions or anything of value for any political purpose, at any time, during both working hours and non-working hours. No coercion of an employee to make contributions shall be permitted. Employees are prohibited from distributing non-work related literature to any other employees of the Town or members of the public during working hours, without the expressed written permission of the Select Board. Disregard of this practice may be cause for disciplinary action, which may result in termination.

Section F-7.3: Nepotism

The Town of Plainfield’s standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary, disciplining, and terminating employees are based upon an individual’s qualifications for the position, ability, and performance. The Town attempts to avoid favoritism, the appearance of favoritism, and conflicts of interest in employment, and reserves the right to take action in accordance with existing employee agreements when relationships or associations of employees negatively affect the Town’s mission and goals.

Employees and applicants for employment shall not be denied employment or advancement opportunities because of their status as a family or household member of another employee. However, no person shall be employed, promoted, or transferred to a permanent position in department where they would be the immediate supervisor of or receive direct supervision from :

- Spouse, domestic partner, or co-habitant;
- Child, including adopted, parent, in-laws and step- or half-parent;

- Grandchild, including adopted, in-laws and step- or half-grandparent;
- Sibling, including in-laws and step- or half-; or
- Any member of the employee's household whether or not related by blood or marriage.

In addition, a person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, evaluation, and rate of pay, salary increases, promotion, monetary awards, or other personal interest for a relative or household member employed by the Town, even when the supervisor is not in the direct line of authority.

Furthermore, to avoid the risk of sexual harassment or any appearance of impropriety, employees shall not be allowed to retain supervisory responsibilities over subordinate employees whom they are dating. A supervisor who becomes involved in a relationship covered by this policy shall notify the Town Director within ten (10) working days after the start of this relationship, the implementation of this policy, or the employee beginning work with the Town of Plainfield. The Select Board will then document the relationship as deemed appropriate by the State Ethics Commission. All documentation will then be kept in the employee's file as mandated by State record keeping laws.

Section F-7.4: Outside Employment

For full-time town employees, town employment shall be considered the primary employment and no regular full-time employee may engage in outside employment which could interfere with the provision of Town services. Any employee included in the Town's Emergency Preparedness Plan who accepts outside employment under the terms of this section will make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the Town. Every employee granted permission to engage in outside employment under this rule shall respond immediately to any emergency call to duty by the Town whenever the Department Head or the Select Board determines his/her services to be necessary.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the Town's worker's compensation plan on account of the injury resulting from the outside employment. Equipment, facilities, vehicles or property of the Town shall not be used by employees for outside employment.

Section F-8: Discrimination and Harassment

The Town of Plainfield intends to provide a work environment that is pleasant, professional and free from intimidation, hostility or other offenses which might interfere with a positive, productive workplace culture. Harassment of any sort – verbal, physical, visual, and electronic – will not be tolerated, particularly against employees in protected classes. These classes include but are not necessarily limited to race, ethnicity, color, religion, gender, age, sexual orientation, national origin or ancestry, disability, medical condition, marital status, veteran status or any other protected status defined by law. Any employee feels that he or she has been subjected to any form of harassment, he/she may file a complaint with the Department Head, Select Board or designee or Chief of Police. Please see the separate handout regarding Harassment and Discrimination for further details regarding definitions, procedures, reporting methods and policies regarding Harassment and Discrimination.

Section F-9: Americans with Disabilities Act

It is the Town of Plainfield's policy to adhere to the requirements of the Americans with Disabilities Act (ADA) and not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. In implementing this policy, the Town of Plainfield will be guided by the then-applicable definitions stated in the ADA or in case law construing the ADA, and applicable state and local law. In the event of any conflict between the definitions in the ADA and the definitions in this policy, the legal definitions will be the accepted definition.

Section F-10: Personal Information

The Town of Plainfield is committed to ensuring privacy and the protection of our employees' personal and confidential information. This information is available to only those employees with a legitimate business need to know. To protect this information, employees with access must:

1. Never e-mail or fax an entire social security or financial account number;
2. Secure all personal employee information in locked cabinets or storage areas;
3. When necessary, only destroy such documents by shredding or other methods of destruction approved by the Secretary of State's recordkeeping division.

Section F-10.1: Personnel Records

The Select Board shall designate the Town Treasurer to be responsible for establishing and maintaining a centralized personnel record keeping system. The personnel record-keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and department heads shall comply with, and assist in, furnishing records, reports, and information as requested by the Select Board or designee. The centralized records constitute the official Town record of personnel actions and shall be maintained in a secure, private, and fire-protected location.

Official employee personnel files are maintained in the Office of the Treasurer and are considered confidential. Only the employee, Appointing Authority and Department Head have access to an employee's personnel file information. It is understood that departments may keep their own employee personnel files. The official personnel file shall contain factual information regarding employment with the Town, including but not limited to an application form, the date an employee began work, wage rate, job performance, any on-the-job accidents, reports of any disciplinary action taken for infraction of rules, wage increases, recognition and awards an employee may receive and suggestions that the employee may have submitted to management. The Town shall notify an employee within ten (10) days of placing in the employee's personnel record any information that has been used or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation, or indicate the possibility that the employee will be subject to disciplinary action.

To ensure that an employee's official personnel file is current, it is the responsibility of an employee to notify the Treasurer of the name, address, telephone number, marital status, number of dependents, beneficiary designees, and emergency contacts.

Employee requests to review the contents of his/her personnel file shall be made and complied with pursuant to G.L. c. 149, Sec. 52C. Corrections or comments on any material in an employee's file that he/she consider inaccurate or with which he/she disagrees may be submitted for inclusion in the file. Personnel files may not be taken outside of the Treasurer's office.

The employee is requested to sign all materials in the employee file. Such signature does not necessarily indicate agreement with its content, but merely signifies that the employee has read the material to be filed. In instances where an employee refuses to sign such document(s), the Select Board or designee or Department Head may indicate as such directly on the document

All medical information obtained by the Town relative to an employee shall be maintained in a separate, confidential file.

Section F-10.2: Employee Personnel References

Any requests for past or present employee reference based on employment with the Town shall be referred to the office of the Select Board. It is the practice of the Town to only confirm an employee's dates of employment, position(s) held and salary attained. The Town may also provide a prospective employee with a copy of the employee's job description(s).

Section F-11: Health Insurance Portability and Accountability Act of 1996 (HIPAA)

HIPPA describes how the Town may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected Health Information" is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services. Questions regarding HIPAA should be directed to the Town Director, who is also the Town's HIPAA Privacy Officer.

Section F-12: Safety Policy

All employees are expected to exercise a high degree of care for the safety of themselves, other employees, customers, vendors, the general public, the property of the Town and the property of others whenever they are working, whether on Town property or not. No employee may have in his or her possession on Town property or while working, any weapon, including, but not limited to firearms, explosives, or a knife, except for those weapons used exclusively in the performance of the employee's duties. Employees must wear seatbelts and must adhere to state laws concerning cell phone use when operating Town owned or leased vehicles or while operating their personal vehicles on Town Business.

Section F-12.1: Accident Reporting

It is essential that all workplace accidents that have resulted in an occupational injury or illness, regardless of the severity or lack thereof, be immediately reported to the employee's supervisor, who shall then in turn report the injury or illness to Town. Even minor injuries that require no immediate medical attention must be reported. Failure to report an accident may result in disciplinary action up to and including termination.

Section F-13: Non-Smoking Policy

The Town of Plainfield strives to create and maintain a safe and healthy working environment for all its employees. Therefore, consistent with Commonwealth of Massachusetts' law, smoking is strictly prohibited in all town buildings and vehicles. Department heads are responsible for implementing this policy.

Section F-14: Drug and Alcohol Free Workplace

The Town of Plainfield has a responsibility towards employees to provide a safe and healthy working environment. This can be jeopardized by those who misuse alcohol and drugs. The following are examples of unacceptable conduct that may result in disciplinary action:

Drinking, having the odor of an alcoholic beverage on your breath, possessing or being under the influence of alcohol upon reporting to work or during working hours.

Using, selling, dispensing or possessing alcoholic beverages, at any time, on the Town's premises.

Using, or having present in the body illegal drugs or misuse of prescription drugs upon reporting for work, during working hours, or on the Town's premises during non-working hours.

The Town may inform its employees from time to time of the inherent danger of drug and alcohol abuse in the work place, as well as to inform its employees of the availability of counseling. Additionally, employees are expected as a condition of employment not only to maintain a drug free work place but also to advise appropriate officials of unlawful drug and alcohol abuse violations in the workplace.

A copy of the Town's drug and alcohol policy is available.

In accordance with the Federal Department of Transportation Regulations, Title 49, CFR, Part 40 employees who are required to operate a vehicle weighing more than 26,000 pounds are required as a condition of employment to participate in the Town's random drug testing program.

A violation of this policy may be cause for disciplinary action up to and including termination.

Section F-15: Prohibited Cell Phone/PDA Usage While Operating a Motor Vehicle

This policy about cellular phone usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of and responding to email whether the device is Town-supplied or personally owned.

Town Owned and Supplied Devices or Vehicles

An employee who uses a Town of Plainfield-supplied device or a Town of Plainfield-supplied vehicle must follow state laws regarding cell phone and other electronic device use while driving, whether the business conducted is personal or Town-related.

Use of Town owned vehicles or devices for personal business is prohibited.

Section F-16: Bulletin Boards

Information of interest to employees is posted on bulletin boards in each Town building and on the official bulletin board maintained by the Town Clerk or designee. In addition, informational notices are distributed to Departments and, on occasion, material is enclosed with employee paychecks. Bulletin boards are for official use only and are not for personal use or solicitation. Various collective bargaining agreements may contain provisions for the use of bulletin boards for union announcements.

Section F-17: Emergencies

Section F-17.1: Emergency Closings

Whenever possible Town facilities will remain open during regular business hours during snowstorms and other inclement weather, and will be closed only during extreme conditions. Forecast or unforeseen emergencies or catastrophes including severe weather (i.e. hurricane, blizzard, floods), fires, power failures, acts of terrorism or military acts, criminal actions (i.e. bomb threats) and earthquakes can disrupt Town operations. In these cases, circumstances may require the closing of one or more work facilities or the altering of opening or closing schedules. Municipal buildings being used as emergency shelters are considered essential Town buildings and will not be closed although use may be restricted to emergency sheltering.

In the event such an emergency occurs during regular business hours, the Select Board or Chairman of the Select Board will make a determination that the Town's facilities and services (other than police, fire and highway department) are closed, and non-essential (i.e., clerical and administrative) personnel are not required to report to work.

Information about closures will be broadcast as needed using a telephone notification system, and on the town's website when practicable. Department heads are responsible for ensuring all staff members in their department are informed of facility closings or altered business hours or any other emergency measures.

In the event that such an emergency occurs during non-working hours, notice that any town facility including the Town Hall, Library, Senior Center, or Public Works Buildings, will be closed for any length of time, or business activities may have to be moved to a different location, will be broadcast as described above.

The Town encourages all employees to use their best judgment in making the decision to travel to work in inclement weather. If an employee is going to be delayed or will not be attending work that day, the employee is to contact their supervisor immediately to inform them of this event. An employee may use

vacation, personal or sick time to cover this absence. If an employee does not have, or is not eligible for paid time off, they may either make up the time missed at a different time during that week, or not be paid for the time missed.

When operations of a work facility are officially closed due to emergency conditions, employees shall be paid for scheduled work hours. Employees who are not scheduled to work will not be compensated. Employees who were already scheduled to use accrued paid time off will use their accrued time off as planned. It is the responsibility of the Town's Emergency Management Director to maintain a list of "essential" employees.

Section F-17.2: Emergency, Essential and Non-essential Personnel

The Town's Emergency Management Director or designee shall initiate the phases of the Town's Emergency Disaster Preparedness Plan upon notice of onset of an emergency occurrence. Employees shall be designated as Essential, Non-Essential, or Emergency Personnel by the Town in accordance with the Town's Emergency Disaster Preparedness Plan. All employees shall continue to work in whatever capacity assigned by their Department Head or designee until such time as they are released to seek shelter, as determined by the Emergency Management Director or designated representative. Essential personnel shall be the last to be released prior to the event and shall be released on a case by case basis. Emergency personnel shall remain at their designated posts until released by their Department Head or designee in accordance with directions of the Emergency Management Director or designee.

As soon as the immediate threat or crisis to the Town has passed, the Town will contact all employees to provide instructions. Employees shall return to duty on or before the time given by their respective Department representative in accordance with the guidelines of the Town's Emergency Preparedness Plan.

Section F-18: Authorization to Executive Contracts and other agreements

No employees including Department Heads are authorized to execute contracts, grants, or any agreements on behalf of the Town unless authorized by the Select Board. All contracts or agreements to purchase goods or services are subject to Massachusetts procurement laws, and must be approved as to form and procedure by the Chief Procurement Officer.

Section F-19: Use of Town Counsel

All employees and members of Town Boards/Committees are required to obtain authorization from the Select Board for approval before contacting Town Counsel.

Section F-20: Technology and Computer Use

Due to constant advances in technology it is not possible to exhaustively list all types of technologies currently covered in all computer, communication, and information technology systems that are the property of the Town or are used in the regular conduct of Town business or that are reimbursed to the employee by the Town. Any employee abusing the privileges and authorized uses of this technology will be subject to disciplinary action deemed appropriate by the Town's disciplinary policy up to and including termination.

It is the intent of this section to ensure proper use of the Town's telecommunication systems which includes, but is not limited to, telephones, facsimile machines, computers, printers and other peripherals, programs, electronic mail, networks, web sites, Internet, cellular phones, radios and pagers.

Town telecommunications are to be used solely for town business. Employees using town telecommunications systems should have no expectation of privacy, as all activities using these devices are subject to review and record keeping requirements. All transmissions to and from town devices are matters of public record and so are the property of the town and subject to all applicable open records laws of the Commonwealth.

Further details, may be found in the Town's E-mail and Social Media policies.

Section F-22: Use of Town Property

Vehicles owned by the Town are issued to personnel employed in positions designated by the Town for the benefit and convenience of the Town in order to provide timely and appropriate service to its citizens. The vehicle is assigned, therefore to the position and not to the employee.

An employee shall not use Town property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, including family members, either on or off-duty except as otherwise approved by the Select Board or designee, Department Head or as specified in a collective bargaining or employment agreement. Town vehicles shall be assigned to Departments, individual position, or to a general car pool on the basis of work responsibility as determined by the Select Board or designee or Appointing Authority. No Town-owned vehicle shall be driven outside the limits of the State of Massachusetts without the permission of a Department Head who shall obtain approval from the Select Board or designee or Appointing Authority for a vehicle to be driven out of State. No full-time employee shall operate any motor vehicle owned or leased by the Town at any time after the employee has been on duty continuously for twelve (12) hours and before he/she shall have had at least eight (8) consecutive hours off duty, or at any time after the employee has been on duty sixteen (16) hours in the aggregate in any twenty-four (24) hour period and before the employee shall have had ten (10) consecutive hours off duty. No period off duty shall be deemed to break the continuity of duty unless it be for at least three (3) consecutive hours at a place where there is opportunity for rest.

Notwithstanding the foregoing time limitations, in case of a natural or man-made disaster, the Select Board or their delegate may authorize a full-time employee to complete his or her task or tour of duty beyond the limitations as described in the foregoing paragraph if (a) the full-time employee consents, (b) no reasonable alternative to extending hours exists, and (c) the provision of the full-time employee's service is deemed by the Select Board or their delegate to be essential to the well-being of the Town. For purposes of this section, the Chairperson or Clerk of the Select Board shall be deemed "their delegate" unless the Select Board publishes a written notice to appoint another delegate.

Employees are responsible for items such as equipment, vehicles, supplies, credit cards, and keys etc., issued to them by the Town and which are in their possession or control. Employees must return all property belonging to the Town on or before their last day of work. The Town at its discretion may request a security deposit for use of Town property to be refunded to the employee upon when either the

employee no longer works for the Town or the equipment is no longer used. The Town may take any and all action deemed necessary to recover town property.

Section F-23: Whistle Blower

The Town encourages all employees to report information – without fear of actual or threatened discrimination, retaliation or reprisal – that they in good faith reasonably believe is evidence of gross misconduct; gross mismanagement; gross misuse or waste of public resources or funds; fraud; violations of law; abuse of authority in connection with the conduct of municipal operations or contracts; or a specific danger to health, security or safety.

The Town shall not recommend, take or threaten to take any disciplinary action having a negative or adverse impact on an employee or independent contractor because he or she:

1. Made or is perceived to have made a report
2. Sought remedy under applicable law after making a report
3. Participated in or cooperated with an inquiry or review by an authorized official of the Town or any other governmental entity with jurisdiction over the Town, regarding a matter that would constitute a report or a violation of this whistleblower provision, or with an enforcement or judicial proceeding arising from such an inquiry or review
4. Refused to obey an order that would violate law
5. Refused to work or authorize work when a hazardous safety or security condition presents an imminent danger of death or serious injury, and there was no reasonable alternative to refusal, there was not sufficient time to eliminate the danger in absence of refusal or the individual where possible, notified the Town of the condition and of the intent not to perform or authorize work.

Section F-24: Workplace Privacy

Each employee must understand that personal items and personal communications received or stored on Town premises or Town equipment are not entitled to a guarantee of privacy. Management reserves the right to search Town property and documents in employee desks, lockers, file cabinets, etc.

Section F-25: Workplace Safety

Safety is everyone's full-time job. The Town is concerned about the safety and welfare of all employees. No job is so important and no job effort is so urgent that the time cannot be taken to perform work safely. Being alert will help prevent accidents. Accident hazards or potential hazards should be reported immediately to a Department Head or to the Select Board or designee.

Employees are expected to cooperate with management on all safety and health procedures and to properly use all equipment and devices provided for such purposes. The Town may provide additional safety training as needed or may post rules and regulations on the bulletin board. The Town will be as safe as employees make it.

The Town's general safety rules and regulations are as follows:

- Comply with Occupational Safety and Health Act standards and all rules, regulations and orders that apply to his or her own action and conduct.
- Report all unsafe conditions to a Department Head at once.
- Report all injuries, however slight, to a Department Head immediately.
- Good housekeeping throughout the facility is essential to safety, efficiency and satisfactory working conditions. Employees are expected to participate in helping to keep the facilities clean and neat.
- Employees shall not operate any equipment until they (1) have obtained the required operator's license where applicable; or (2) have been properly instructed by their Department Head and the Department Head has certified in writing that the employee may operate the equipment.
- Loose-fitting clothing (flowing ties, long sleeves, shawls, coats) or dangling jewelry shall not be worn around moving equipment or machinery.
- When making deliveries or on service calls, employees may not pick up hitchhikers, and with the exception of public safety employees (police, Fire, DPW), they may not enter private homes unless or until they confirm that an adult (over 18 years old) is present.

Section F-26: Workplace Violence

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

If an employee has been threatened by anyone, has sworn out a protection-from-abuse order against anyone, or has reason to fear assault or bodily harm from someone, the Department Head, Appointing Authority, or the Select Board or designee must be alerted. They should be provided with a description of the individual, and any other pertinent information (license plate number; color, make and year of vehicle; etc.) that would allow them to identify the individual. Employees who feel under imminent personal danger should dial 911 for immediate assistance.

Workplace violence includes but is not limited to harassment, threats, intimidation, coercion, physical attack, and/or property damage. A threat is the explicit or implicit expression of intent to cause physical or mental harm.

Prevention efforts include, but are not limited to informing employees of this practice, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this practice and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen must be reported immediately to the Department Head, the Select Board, or Appointing Authority who will assess and investigate the incident. Anyone witnessing an act of violence must inform the Select Board or designee, Department Head, and Appointing Authority of all reported incidents of workplace violence. If an employee of the Town is alleged to have committed an act of violence, he/she may be placed immediately on leave of absence with pay pending the outcome of an investigation by the Town, at the Town's sole discretion.

In critical incidents in which a serious threat or injury occurs, emergency responders such as Police, Fire or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Select Board may assemble a Management Response Team that consists of staff from the affected Department and may include the Town's Substance Abuse Coordinator, Police Department and others as deemed necessary.

The Department Head or designee will orient all new employees to Departmental procedures regarding reporting incidents of violence, what to do if the employee is threatened or if an incident of violence actually takes place and dealing with the after effects of an act of violence.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff, and, when warranted, law enforcement, for investigation and decision regarding proper action.