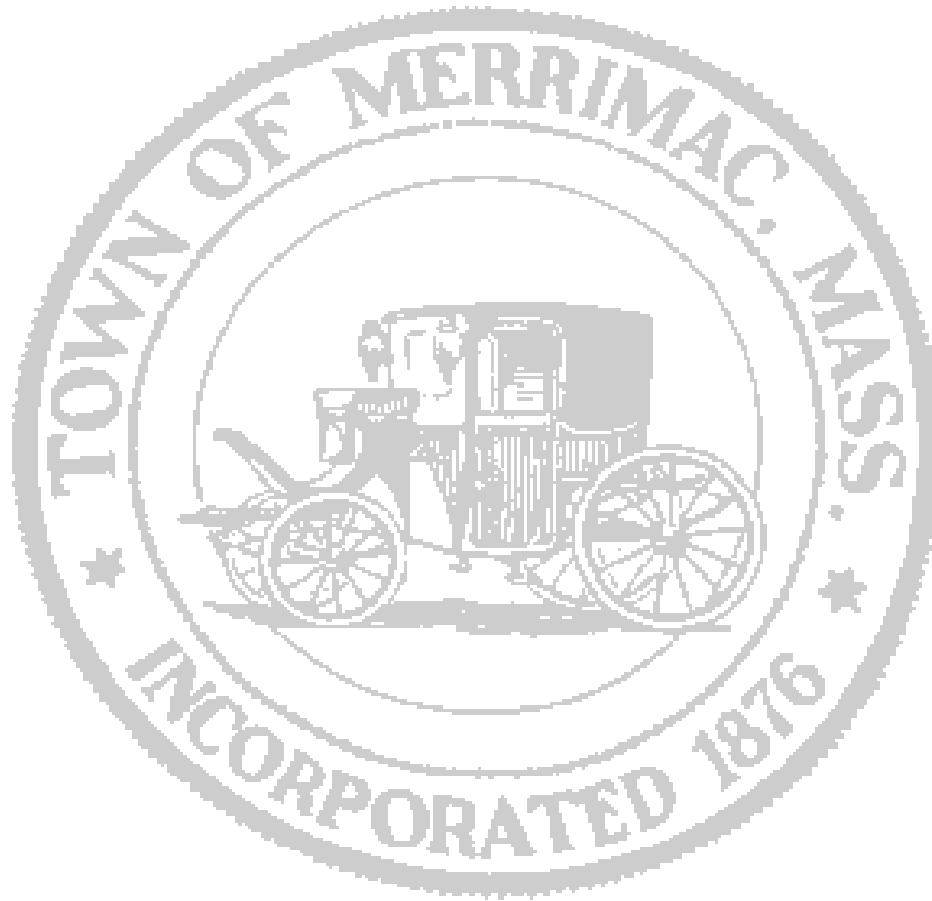
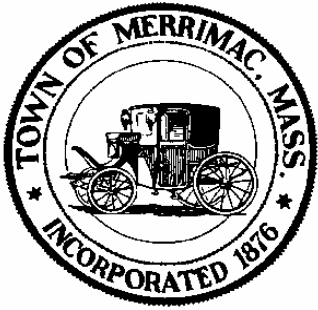


# TOWN OF MERRIMAC



## **Personnel Policies & Procedures**

BOARD OF SELECTMEN  
2-8 SCHOOL STREET  
MERRIMAC, MA 01860



**Board of Selectmen  
Town of Merrimac  
2-8 School Street  
Merrimac, Mass. 01860  
(978) 346-8862  
FAX (978) 346-7832**

## **WELCOME TO THE TOWN OF MERRIMAC**

We are happy that you are one of our loyal, dedicated, talented and supportive employees providing excellent service to the Town of Merrimac.

As an employee of the Town of Merrimac you play an important part in our town government. Our employees portray an image in the eyes of the community, which can make them feel confident and secure in our abilities to provide services to the community.

This Handbook is intended to provide you with some general information about our policies and practices pertaining to your employment. It should serve as a guide to let you know what you may expect from the Town of Merrimac, as well as some common sense principals of business conduct which all of us must observe to continue to make the Town of Merrimac a dynamic place to work and live.

If you have questions about the Town and its policies or your position during the time of your employment, or if you want additional details and specific information not found in this handbook, please feel free to inquire of your supervisor or the Finance Director.

Please remember that none of the material contained in this Handbook – nor any benefits, policies, or procedures – are contractual obligations. The contents of this Handbook and the benefits described on subsequent pages may be modified or changed by the Board of Selectmen and/or Town Meeting as deemed necessary and appropriate to suit the needs of employees or to respond to changing business conditions. It is the intent of the Board of Selectmen and other elected officials of the Town of Merrimac to act in the best interest of the Town at all times.

You will note that reference is made to insurance and OBRA retirement plans. In the event there is any conflict between the summaries in this Handbook and group insurance contracts or retirement plan documents, the contracts or plan documents will govern.

We ask that you keep your Employee Handbook in your work area for convenient reference.

Again, we welcome you as an employee of the Town of Merrimac.

### **MERRIMAC BOARD OF SELECTMEN**

W. Earl Baumgardner, Chairman  
Carol A. Traynor  
Rick Pinciario

## TABLE OF CONTENTS

DEFINITIONS	5
EMPLOYEE BENEFITS	6
SICK LEAVE POLICY	7
PERSONAL LEAVE POLICY	8
VACATION POLICY	9
HOLIDAY POLICY	10
OVERTIME POLICY	10
LONGEVITY POLICY	10
JURY LEAVE POLICY	10
RELIGIOUS HOLIDAYS	11
BEREAVEMENT LEAVE POLICY	11
WEATHER RELATED CLOSURE POLICY	11
EMPLOYEE ATTENDANCE POLICY GUIDELINE	12
DISCIPLINARY POLICY	16
HARASSMENT POLICY	18
DRUG FREE WORKPLACE POLICY	21
DRUG TESTING POLICY – CDL LICENSED	24
DRUG TESTING POLICY – NON-CDL LICENSED	25
SMOKING IN THE WORKPLACE POLICY	26
CELLULAR USE POLICY	27
COMPUTER USE POLICY	29
EMPLOYEE ASSISTANCE POLICY	32
FAMILY AND MEDICAL LEAVE	34
TRAVEL EXPENSES AND MEAL REIMBURSEMENT	37
ACCESS TO PERSONNEL FILES	41

## PERSONNEL POLICIES AND PROCEDURES

ORIGINAL MANUAL 01/06/99

### AMENDMENTS:

Longevity Policy	(01/27/00)
Sick Leave Policy	(05/01/00)
Sick Leave Policy	(05/07/01)
Vacation Policy	(05/07/01)
Holiday Policy	(05/07/01)
Bereavement Leave	(05/07/01)
Vacation Policy	(06/03/02)
Longevity Policy	(06/03/02)
Overtime Policy	(06/03/02)
Personal Leave Policy	(06/10/03)
Harassment Policy	(09/25/06)
Drug Free Workplace Policy	(09/25/06)
Drug Testing Policy – CDL Licensed Employees	(09/25/06)
Drug Testing Policy – Non-CDL Licensed Employees	(04/30/07)
Weather Related Closure Policy	(04/28/08)
Cellular Phone Use Policy	(07/01/09)
Computer Use Policy	(07/01/09)

## **DEFINITIONS**

### **Employee**

Any person engaged to perform services by the Town of Merrimac and who shall receive compensation for said services and who shall be under the direct supervision of other Town of Merrimac employees or elected officials. All individuals subject to tax withholding provisions of the Internal Revenue Code (I.R.C.) regardless of whether they may be otherwise exempt from withholding pursuant to said I.R.C., shall be deemed employees.

### **Full Time Employee**

For the purposes of determining full eligibility for all Town benefits, a full time employee shall be any employee who shall average at least 30 hours per week, on an annual basis, in the employ of the Town of Merrimac. All elected officials and public safety department heads shall be deemed full time employees under this policy.

### **Permanent Part Time Employee**

For the purposes of determining pro-rated eligibility for all Town benefits, a permanent part time employee shall be any employee who shall average at least 20 hours per week, on an annual basis, in the employ of the Town of Merrimac.

### **Temporary Employee**

Any full time or part time employee whose salary is funded in part by any state or federal grant or whose position is funded for a finite period of time of less than one year.

### **Part Time Employee**

Any employee of the Town of Merrimac who is not a full time employee, permanent part time employee or a temporary employee of the Town of Merrimac is a part time employee. Any employee who is strictly “on call” or designated a reserve, regardless of the average weekly hours worked by said employee in any given year, is a part time employee.

### **Pro-Rated Benefits**

Permanent Part Time Employees (PTE) shall be eligible for certain Town benefits on a pro-rated basis. A PTE’s pro-rated benefits shall be based upon the PTE’s average weekly hours as they relate to 35 hours per week. For example, a PTE who works 20 hours per week would be entitled to 60% of full time benefits.

## EMPLOYEE BENEFITS

The Town of Merrimac offers its eligible employees the following benefits in addition to regular compensation.

- **Vacation Leave** - In accordance with the provisions of this policy.
- **Holidays** - In accordance with the provisions of this policy
- **Sick Leave** - In accordance with the provisions of this policy.
- **Personal Leave** - In accordance with the provisions of this policy.
- **Bereavement Leave** - In accordance with the provisions of this policy.
- **Family and Medical Leave** - In accordance with the provisions of this policy.
- **Essex County Retirement Plan** – This program is a defined benefit program administered under the provisions of G.L. c. 32B. Eligibility and participation is determined by the Essex County Retirement Board.
- **Deferred Compensation Plan** - All employees are eligible to participate in this supplemental retirement program.
- **Cafeteria Plan** - Allows employees to pay for certain benefits out of pre-tax earnings
- **Health Insurance** - The Town offers three separate health plans to full time and permanent part time employees, HMO Blue, Blue Care Elect and BC/BS VIP 2000. The Town contributes 50% of the cost of the premium on behalf of full time employees and a prorated share of the premium on behalf of permanent part time employees. Details and coverage options are available at the office of the Finance Director.
- **Dental Insurance** - The Town offers Dental Blue to its full time and permanent part time employees. The Town contributes 50% of the cost of the premiums on behalf of full time employees and a prorated share of the premium on behalf of permanent part time employees. Details and coverage options are available at the office of the Finance Director.
- **Life Insurance** - The Town offers Term Life Insurance in amounts up to \$10,000 t@ its full time and permanent part time employees. The Town contributes 50% of the cost of the premiums on behalf of full time employees and a prorated share of the premium on behalf of permanent part time employees.
- **OBRA** - The Town offers and requires all part time employees to contribute to an individual retirement account under the provisions of the Federal OBRA laws as an alternative to Social Security.

## **SICK LEAVE POLICY**

Sick leave is a benefit limited to absences caused by illness, injury, exposure to contagious disease, or illness or disability arising out of, or caused by, pregnancy or childbirth.

Eligible employees will accrue one and one-quarter (1 1/4) sick days per month of service (prorated for those who commence employment after July). Employees commencing work after the fifteenth day of a month shall not receive credit for that month. The maximum accumulation of sick leave shall be two hundred (200) days.

Employees shall be entitled to sick leave without loss of pay if they have notified their supervisor, or designee, of the absence and cause thereof at least one hour before the start of their shift, or as soon thereafter as practicable.

If employees have been warned that their use of sick leave has been excessive and/or has established a pattern of abuse, the Town, in its exclusive discretion, may require a written certificate from a Town approved physician establishing incapacity, illness, or injury as a condition of payment of sick leave benefits. Excessive and/or patterned abuse shall be cause for the Town to initiate progressive disciplinary action. If an employee uses sick leave for purposes other than legitimate illness or non-work incurred injury, the employee shall be subject to discipline up to and including discharge.

The Town may require an employee who seeks to return to work after being absent, whether paid or unpaid, for three (3) or more consecutive work days, to be examined by a Town-selected physician to determine the employee's fitness for work.

Effective July 1, 2000 and thereafter, any eligible employee, upon written notice of intent to retire under the provisions of the Essex County Retirement Board by December 1<sup>st</sup> of the calendar year preceding the fiscal year in which said retirement will be effective, will be paid a lump sum of twenty five percent (25%) of all accumulated sick leave. Any employee not giving the December 1<sup>st</sup> notice as defined above, but who does give sixty (60) day notice of their intent to retire under the provisions listed above, shall also be paid a lump sum payment of twenty five percent (25%) of all accumulated sick leave. If the Board of Selectmen, because of the 60 day notice, is unable to fund the provisions of the sick leave buy back that fiscal year, the Board shall fund it as soon as possible in the following fiscal year.

## **PERSONAL LEAVE POLICY**

Full Time Employees shall be granted three (3) days of personal leave on July 1 of each year. Application for such leave must be made to supervisors as early as possible and, except in an emergency, not less than one (1) working day in advance. Except in emergency situations, personal leave shall not be granted the scheduled work day before or after a holiday, vacation period, or other leave of absence.

Personal leave shall be used only for non-work related personal business or family matters that can only be done during normal working hours. Personal leave shall not be considered additional vacation leave.

Personal days shall not be accrued from year to year and shall be lost if not used during the fiscal period in which they are available.

All salaried Compensated Personnel shall receive one (1) additional day of personal leave in those fiscal years in which February contains 29 days and adds a workday in the fiscal year.

## VACATION POLICY

Full-time employees shall be granted a vacation with pay in each fiscal year in accordance with the following schedule:

<b>Length of Service</b>	<b>Vacation Period</b>
New employees to five (5) years, as of anniversary date of hire	Two (2) weeks
Six (6) years to fifteen (15) years, as of anniversary date of hire	Three (3) weeks
Sixteen (16) years to twenty five (25) years, as of anniversary date of hire	Four (4) weeks
Over twenty five (25) years	Five (5) weeks

Vacation shall accrue on an annual basis in accordance with the above schedule and shall be credited to employees on July 1 of each fiscal year. Permanent Part Time employees shall accrue vacation leave on a pro-rated basis.

Every employee who is in their first year of employment with the Town and who has actually worked for six (6) months in the aggregate prior to July 1<sup>st</sup> shall be allowed to take one (1) week of vacation leave.

Vacation periods shall be granted at times to be approved by immediate supervisors or their designees. For vacation leave exceeding 2 days, the employee shall give at least one (1) week advance notice to their supervisor or designee. For leave of less than two days, the employee shall notify their supervisor no later than the morning of said leave unless said leave shall be taken the day before or the day after a holiday period in which case (1) week advance notice shall be required. Employee shall be allowed to carry forward (5) days of accrued vacation in any given fiscal year.

Employees who terminate service without having been granted the vacation to which they are entitled, shall be paid an amount in lieu of vacation, in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 111 E.

## **HOLIDAY POLICY**

Full-time employees shall be granted leave with pay on the days designated by law for observance of the following holidays:

New Year's Day  
Martin Luther King Day  
Washington's Birthday  
Patriot's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans' Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Day

Permanent Part Time Employees shall be granted leave with pay on a pro-rated basis for all holidays that fall on a day that said employee would have otherwise worked but for the holiday.

## **OVERTIME POLICY**

All hours worked in excess of forty (40) hours in a work week shall be paid for at one and one-half (1 ½) times the employees hourly earnings. This policy shall not apply to salary compensated employees.

## **LONGEVITY POLICY**

The Town will pay longevity pay to full time employees in the amount of \$200.00 per year after the fifth full of employment, \$250.00 per year after the tenth full year of employment, \$300.00 per year after the fifteenth full year of employment, \$350.00 per year after the twentieth full year of employment, \$400 per year after the twenty fifth full year of employment and \$450 per year after the thirtieth full year of employment.

## **JURY LEAVE POLICY**

Full and Permanent Part Time Employees required to serve on a jury shall promptly notify their immediate supervisor. The difference between fees received (excluding reimbursement for meals or travel) and regular compensation will be paid by the Town. Employees dismissed from jury duty before 12: 00 PM shall return to work for the balance of that workday.

## **RELIGIOUS HOLIDAYS**

The Town of Merrimac does not discriminate against employees because of their religious beliefs. The Town will make reasonable accommodation for the religious practices of employees, including modifying an employee's work schedule to enable the employee to have certain days off. Employees who give five (5) days notice of an intended absence from work to observe a religious holiday or Sabbath will not be required to work that day, unless granting the holiday will cause the Town undue hardship. The Town will not compensate the employee for time lost due to religious holidays. Employees may use personal or vacation days, or take unpaid leave, in order to observe religious holidays.

## **BEREAVEMENT LEAVE POLICY**

Employees shall be granted leave of absence with pay in the event of death in the immediate family. Such leave shall extend from the time the employee receives notification of the death to the first work day following the day of the funeral, or memorial service, not exceeding a period of three (3) days. *Immediate family shall* consist of father, mother, brother, sister, spouse or significant other, child, step-child, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, grandchildren or other relative living in the household.

Employees shall be granted a one (1) day leave of absence with pay in the event of the death of an aunt, uncle, nephew or niece. Employee's granted one (1) day leave of absence may be granted an additional day leave of absence with the permission of the Selectmen for travel to a memorial location outside the region.

## **WEATHER RELATED CLOSURE POLICY**

In extreme cases, the Finance Director may order the closing, late opening or early closing of non-essential buildings. Every effort will be made to contact employees directly. In such instances, employees will not be charged for the time off, but neither will employees who had already arranged for paid time off be credited with that time.

In cases of severe weather and driving conditions, the Town will exercise flexibility in arrival and leaving times, so long as the time is made up or charged to vacation or floating holiday leave.

In cases where an employee feels personally at risk due to extreme weather conditions, or other extreme emergency, and an office closing has not been ordered, the employee may make up the time or take accrued vacation or floating holiday leave for that day or part of a day that he/she chooses not to come to work or chooses to leave early.

It is the responsibility of the Department Head to ensure that there is adequate office coverage at all times when Town buildings are open for business.

## **EMPLOYEE ATTENDANCE POLICY GUIDELINE**

This Policy Guideline is designed to improve attendance and to ensure the efficient and economic delivery of municipal services. Abuse of time-off privileges cannot be tolerated, since such abuse undermines effective public services and creates unwarranted costs to the Town. The Town provides sick leave benefits in accordance with personnel policies and collective bargaining agreements. Sick leave is a benefit limited to absences caused by illness, injury, exposure to contagious disease, or illness or disability arising out of, or caused by, pregnancy or childbirth. All absences must be documented on the departmental payroll.

The attendance policy is established to ensure proper use of sick leave. This guideline is not intended to infringe on legitimate use of sick leave benefits; rather, it is designed to improve attendance and to eliminate the abuse of those sick leave benefits. Application of this policy will be helpful in initiating preventive health measures, identifying potential abusers, and correcting unacceptable behavior.

Responsibilities in combating high absenteeism are delegated to the following participants:

*Department Head* - to effectively administer the attendance policy and a progressive disciplinary process, to monitor attendance records, and to counsel employees concerning unacceptable and costly attendance practices.

*Employee* - to maintain good attendance practices and to comply with departmental work rules and regulations.

*Finance Director* - to ensure efficient and effective implementation of attendance policies and procedures, to provide orientation and advice to all participants in the effective application of the policies, and to maintain a comprehensive information and record-keeping system as the basis for the implementation of the Town's program to manage attendance.

Of major importance to the Town of Merrimac's attendance policy is its consistent application. This aspect of the policy will ensure that unacceptable patterns of absence will be recognized, enabling management to implement corrective action in a fair and equitable manner.

The department head has primary responsibility for effectively implementing the attendance policy. Department head performance is affected by an employee's poor attendance. Absenteeism impacts departmental performance, causing missed deadlines, low quality of work due to inexperienced replacements, scheduling and coverage problems, excessive overtime costs, and low morale of employees who must assume the absentee's workload.

Departmental performance is affected by the productivity and morale of employees. Employee motivation and attendance are key factors affecting the productivity of the department. Therefore, department heads should appreciate that it is in their own best interest to develop and to maintain good attendance practices. Their effectiveness is

measured by the accomplishments of their department. A good attendance practice within a department is indicative of a well-motivated and supervised work force.

Department heads should inform employees that good attendance records, along with other criteria, will be beneficial to employees if they request a transfer, reclassification, promotion or other personnel action.

*Supervisory Judgment* - The intention of this policy is to improve attendance, not to restrict or eliminate the legitimate use of sick leave benefits. The policy will enable department heads to monitor and to evaluate employee attendance records. Department heads will be trained to implement this policy, to counsel employees, and to take remedial action when patterned abuse and/or excessive absenteeism occurs. Each department head will learn to analyze and to evaluate each situation based on its merits, considering such factors as the length of service, total sick leave accumulation, the number of instances, the severity rate, the employee's medical history and other indicators.

*Supervisory Intervention* - Department heads and employees in their agencies are the ones affected by poor attendance. Department heads must review the attendance records of their departments on at least a quarterly basis to monitor attendance practices. If abuse is detected, the department head must discuss the reasons for the absences in order to prevent them from becoming worse. A written record should be kept concerning the nature of any supervisory discussion or interview.

The implementation of a mandatory supervisory review process will provide for early detection of employee illness, or potential psychological or substance abuse problems, and will demonstrate a genuine concern for employee health-related matters. When the department head believes that the reason for the pattern of absenteeism may be related to emotional and/or substance abuse related matters, the employee should be referred to the *Employee Assistance Program*.

If, in the course of an interview, the department head learns that an employee has a chronic or disabling condition which may qualify that person for consideration as a disabled individual, or needs advice concerning the supervision of a disabled individual, he/she should contact the Finance Director. A disabled individual is defined as a person who has a physical or mental impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, seeing, hearing, speaking, breathing or learning.

If the counseling session or department head intervention fails to produce an improvement in the employee attendance pattern, the department head must implement a corrective action plan, including written warnings, imposition of suspensions, and termination proceedings; all closely coordinated with the Finance Director.

## **MANDATORY PROCEDURAL REQUIREMENTS**

The following procedures must be adhered to by employees and department heads to ensure the effective implementation of the Town's attendance policy:

*Employee's Responsibility* - Employees shall be entitled to sick leave without loss of pay they notify their department head or designee of the absence and cause thereof within one hour after the start of their shift, or as soon thereafter as practicable. If at the expiration of the anticipated period of absence the employee is not recovered, the employee must again notify the department head or designee of the reason for the additional period of anticipated absence. Employees who fail to provide proper notice shall be considered absent without authority and subject to progressive disciplinary action.

*Department Head's Responsibility* - The department head is authorized to complete the departmental payroll. As in the past, the payroll is completed each week and forwarded to the Treasurer's Office for processing. Department heads should ensure that the payroll documents all scheduled and unscheduled absences.

If an employee arrives after the scheduled beginning of a work shift, or leaves before the scheduled end of a work shift, this should be recorded on the payroll. *A record of tardiness shall be cause for the implementation of progressive disciplinary action.*

*Falsification of payrolls shall be a basis for immediate termination.*

When an employee becomes ill during regular working hours, the employee must notify the department head. The department head shall make note on the payroll. An employee who fails to notify the department head shall be deemed absent without authority and be subject to disciplinary action.

If the duration of an absence is three (3) consecutive working days or more, a physician's certificate may be required upon return to work. This certificate shall be obtained, at the Town's option, from a physician chosen by the Town. All physicians' certificates should include the following:

a diagnosis and a non-medical statement of the employee's condition;  
a statement that the employee is incapable (or capable) of performing the duties and responsibilities of his/her position;  
a statement which indicates that the physician understands the nature of the employee's duties and responsibilities; and  
a statement of the anticipated duration of the absence, or the expected date of return to work.

If the employee's physician's certificate does not include these statements, the department head must notify the employee to obtain the omitted information. The original physician's certificate must be forwarded to the Finance Director.

*All medical information shall be maintained confidentially.*

All department heads are central in managing attendance, the Finance Director is prepared to provide the following technical support:

- to advise department heads in their efforts to change unacceptable absence patterns;
- to interpret policy and procedures and assist in the resolution of operating problems;
- do training in supportive skills and to facilitate communication;
- to provide problem-solving relative to attendance problems;
- to provide an early referral system for health, emotional, alcoholic, or drug related matters; and
- to provide advice concerning the implementation of progressive disciplinary action.

## DISCIPLINARY POLICY

Open communication between management and employees, and the establishment of a friendly, cooperative work atmosphere will help eliminate serious disciplinary problems. If, however, disciplinary problems do arise, managers should make every effort to ensure that employees have a thorough understanding of Town policies, and an awareness of what is expected in the area of job performance.

The purpose of this policy is to provide a guideline for disciplinary action. Application of this guideline must be consistent and equitable, so that all employees receive like treatment for similar offenses.

The procedures described below are meant to assist supervisors in determining a proper course of action when discipline is needed. *They are guidelines, not a substitute for common sense.* Documentation of verbal and written warnings is important to avoid the situation of an employee being discharged for cause with no written proof of earlier warnings. In most cases, it is advisable to give an employee at least one documented verbal warning, and one written warning before a suspension or discharge is imposed.

*Warnings* - Supervisors should use their judgment in determining the length of time between warnings. A minimum of three days and a maximum of sixty days is suggested as a guideline. The warning should be specific in describing what improvement is needed. Copies of the warning should be forwarded to the Finance Director.

*A. Verbal Warning* - Before a written warning is issued, a verbal warning may be given to the employee. This verbal warning should be recorded in the manager's diary.

*B. Written Warning* - If improvement is not made within the period granted in earlier warnings, it will be necessary to issue a written warning. Written warnings should include: (1) the specific violation; (2) the policy that has been violated; (3) the dates of the verbal warning(s); (4) the corrective action necessary; (5) the time frame given to improve in the problem area; and (6) a statement that puts the employee on notice that failure to improve will result in more severe discipline. Written warnings must be reviewed by the Finance Director before they are given to employees. Copies of written warnings must be forwarded to the Finance Director. If the warning is mailed to the employee, it should be sent by *Certified Mail*.

*Consultation* - Following the issuance of a written warning, there should be consultations with the employee to check on progress and improvement in the problem area. Consultations held must be documented accurately as to the dates and outcomes of the meetings.

*Suspensions and Terminations* - Both these actions are severe. In all cases, they must be coordinated with the Finance Director and the Board of Selectmen, and approved by the appointing authority. Before recommending that an employee be suspended or

terminated, the manager will review the employee's personnel file as a whole and ask these questions:

Has all critical information been reduced to writing and placed in the departmental personnel file?

Is the nature of the employee's misconduct or performance clearly described in a specific, factual manner?

Was the employee clearly informed of required standards of behavior and performance?

Does the record progress from mild, early warnings to more serious, comprehensive documents?

Was the employee given adequate assistance and direction by management?

Has the employee had reasonable time and a fair opportunity to improve?

Is the performance or misconduct sufficiently persistent and serious to warrant the proposed disciplinary action?

Have all statutory and procedural requirements been met?

Has the employee been given fair warning of the consequences of their continued poor performance or misbehavior?

Records of verbal and written warnings may be removed from an employee's file and destroyed after two years if, after a meeting between the Employee, the Department Head and the Finance Director, it is determined that improved behavior in the problem area has been exhibited. Employees should not be penalized unduly in future years for past difficulties.

If there is one guideline that cannot be over-emphasized, it is *consistency and equality* of treatment of employees.

## **HARASSMENT POLICY**

This defines the harassment policy of the **Town of Merrimac**.

The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, and undermines the integrity of employment relationships and cause serious harm to the productivity, efficiency and stability of our organization.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over), disability, sex, arrest or conviction record, marital status, sexual orientation, membership in the military reserve or use or nonuse of lawful products away from work is expressly prohibited under this policy.

This policy will be issued to all current employees and during orientation of new employees.

### **Definitions**

In general, harassment means persistent and unwelcome conduct or actions on any of the bases underlined above. Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature.

#### **Unwelcome verbal or physical conduct of a sexual nature, but is not limited to**

- The repeated making of unsolicited, inappropriate gestures or comments;
- The display of offensive sexually graphic materials not necessary for our work;

#### **Harassment on any basis (race, sex, age, disability, etc.) exists whenever**

- Submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual.
- The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

## **Recognizing Harassment**

Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. All forms of gender harassment are covered. Men can be sexually harassed; men can harass men;

Women can harass other women. Offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors.

### **Some examples:**

#### **Verbal:**

Jokes, insults and innuendoes (based on ace, sex, age, disability, etc.), degrading sexual remarks, referring to someone as a stud, hunk or babe; whistling; cat calls; comments on a persons body or sex life, or pressures for sexual favors.

#### **Non-Verbal:**

Gestures, staring, touching, hugging, patting, blocking a person's movement, standing too close, brushing against a person's body, or display of sexually suggestive or degrading pictures, racist or other derogatory cartoons or drawings.

## **Grievance Procedure**

Any employee who believes he or she is being harassed, or any employee, who becomes aware of harassment, should promptly notify his or her supervisor. If the employee believes that the supervisor is the harasser, the supervisor's supervisor should be notified. If an employee is uncomfortable discussing harassment with his or her supervisor, the employee should contact the Finance Director.

Upon notification of a harassment complaint, a confidential and impartial investigation will be promptly commenced and will include interviews with involved parties and where necessary with employees who may be witnesses or have knowledge of matters relating to the complaint. The parties of the complaint will be notified of the findings and their options.

### **Non-retaliation**

This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment.

## **Disciplinary Action**

The company views harassment and retaliation to be among the most serious breaches of work place behavior. Consequently, appropriate disciplinary action, ranging from a warning to termination, can be expected.

## **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

### **The United States Equal Employment Opportunity Commission (“EEOC”)**

One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114,  
(617) 565-3200

### **The Massachusetts Commission Against Discrimination (“MCAD”)**

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990

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

Worcester Office:  
22 Front Street, 5<sup>th</sup> Floor  
P.O. Box 8038  
Worcester, MA 01641  
(508) 799-6379

## **DRUG FREE WORKPLACE POLICY**

### **Purpose and Goal**

**The Town of Merrimac** is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- This organization has no intention of interfering with the private lives of its employees unless involvement with alcohol and other drugs off the job affects job performance or public safety.
- As a condition of employment, this organization requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol.
- This organization encourages employees to voluntarily seek help with drug and alcohol problems.

### **Covered Workers**

Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers and applicants.

### **Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on call, paid standby, while on organization property and at company-sponsored events.

### **Prohibited Behavior**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

### **Notification of Convictions**

Any employee who is convicted of a criminal drug violation in the workplace must notify the organization in writing within five calendar days of the conviction. The organization will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

## **Consequences**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

## **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

## **Assistance**

**The Town of Merrimac** recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Offers all employees and their family member's assistance with alcohol and drug problems through the MIIA Employee Assistance Program (EAP) 1-800-451-1834.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

## **Confidentiality**

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

## **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

### **Communication**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- All employees will receive an update of the policy annually with their paychecks.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

## **DRUG TESTING POLICY – CDL LICENSED EMPLOYEES**

### **Drug Testing**

To ensure the accuracy and fairness of our testing program, all CDL testing will be conducted according to DOT rule, 49CFR Part 40 which describes the required procedures for drug and alcohol testing for the Federally regulated transportation industry. The testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All non-federally regulated employees of the Town of Merrimac will undergo pre-employment testing using a 9 panel testing kit.

All drug-testing information will be maintained in separate confidential records.

Each employee who has a CDL license as part of his/her employment will, as a condition of employment, be required to participate in pre-employment, periodic, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

The DOT drug testing tests for amphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP). As part of the random selection certain drivers will be chosen for both drug and alcohol testing.

The non-federally regulated employees will be tested for Amphetamines, Methamphetamines, Cocaine, Marijuana, opiates, Benzodiazepines, PCP, Methadone and Barbiturates.

Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Any employee who tests positive will be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

## **DRUG TESTING POLICY – NON-CDL LICENSED EMPLOYEES**

### **Drug Testing**

Each employee of the Town of Merrimac who does not use a CDL license as part of his/her employment will, as a condition of employment, be required to participate in pre-employment, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

The testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All non-federally regulated employees of the Town of Merrimac will undergo pre-employment testing using a 9 panel testing kit.

All drug-testing information will be maintained in separate confidential records.

The drug testing tests for amphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP).

The non-federally regulated employees will be tested for Amphetamines, Methamphetamines, Cocaine, Marijuana, opiates, Benzodiazepines, PCP, Methadone and Barbiturates.

Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Any employee who tests positive will be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

## **SMOKING IN THE WORKPLACE POLICY**

In accordance with the provisions of Massachusetts General Laws, Chapter 270, Section 22, no smoking shall be permitted in any public building in the Town of Merrimac.

This policy is not only promulgated to comply with the law, but also for the purpose of promoting a safe and healthy environment in work areas of the Town of Merrimac. It is intended to reduce the health risks associated with exposure to tobacco smoke.

All employees are encouraged to exercise understanding of the views of others and to cooperate in the effective application of this policy. Problems or disputes arising from the implementation of this policy shall be referred to the Finance Director for resolution.

## **CELLULAR PHONE USE POLICY**

**Effective Date:** July 1, 2009

### Purpose:

The purpose of this policy and its procedures is to provide guidelines to employees regarding the use of Town-issued cellular phones required for the purpose of conducting Town business and to provide for procurement processes and reimbursement procedures.

### Policy:

The Town is committed to providing tools and equipment that enhance the employee's ability to perform all job functions effectively. Cellular phones provide those employees with the ability to perform the functions of their duties in a much more efficient manner. Therefore, Town management requires certain employees and department heads to be equipped with cellular phones as a condition of employment. Town business is any use in the course of performing specific job-related duties on behalf and for the benefit of the Town of Merrimac.

### Use of Cellular Phones:

Cellular phones are issued for the purpose of conducting Town business in an efficient manner, and unless otherwise authorized, Town-issued phones must be used only for business purposes. Whenever practical, employees should use alternative means of communication that would otherwise save the resources of the cellular phone service contracts. Prudent use of the Town's resources is an integral part of our duties as employees. Cellular transmissions may not be secure, and employees should use discretion when relaying confidential information.

Any misuse or negligent acts to Town owned property may result in disciplinary action or termination.

### Issuance:

The Department Head with approval by the Board of Selectmen will approve cellular phone maximum monthly minutes required for each individual phone or employee. All employees will be required to sign the Cellular Phone Use Acknowledgement Form and agree to abide by its requirements and this policy.

### Invoice Review and Payment:

Cellular phone invoices should be reviewed for accuracy by the Accountant for payment. Any discrepancies, errors or fraudulent use should be documented and dealt with appropriately and effectively with the employee and Department Head.

The Town recognizes that occasional personal use of cellular phones may be necessary. Employees that are issued cellular phones will reimburse for occasional personal use as follows: The Town will pay the maximum monthly minutes. The employee will pay for any minutes and charges over the contracted monthly amount (minutes or dollars). Additionally, other direct costs associated with personal calls (i.e., directory assistance, long distances, etc.) will be the direct responsibility of the employee.

#### Safety Guidelines:

Employees must adhere to all federal, state or local rules and regulations regarding the use of cellular phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance. If cell phone usage is not prohibited in a particular area, employees are encouraged to exercise caution if required to use the phone while driving. If possible, employees should seek a safe alternative and complete their call. Employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or to facilitate note taking during a conversation. Telephone calls that are made or received while driving should be kept brief. If it appears the conversation will be prolonged, the employee should either pull to the side of the road, or inform the caller that the call will need to be completed when the employee is no longer driving. If possible, the employee should have a passenger dial the telephone number for them, or wait to place the call until he or she is no longer driving.

Special care should be taken in adverse driving conditions. Cell phone usage is discouraged when the employee is driving on an unfamiliar road, if the traffic or weather conditions are poor, or if the employee knows the telephone conversation is likely to become heated, emotional or intense.

At all times, the employee's first responsibility is to the safety of other drivers, pedestrians and the passengers in their own car. Employees who are charged with traffic violation resulting from the use of their cellular phones while driving will be solely responsible for all liabilities that result from such actions.

When an employee stops to make a call they should take extra precaution as parked callers may become victims of accidents or theft. Cellular phones are easy targets for theft. Take precautions to protect yourself, your vehicle and all belongings from theft and vandalism. All Town issued cellular phones are the property of the Town of Merrimac. Employees may be financially responsible for the loss, damage, or failure to return assigned property.

#### Discipline:

Violation of this policy will subject an employee to disciplinary action up to and including termination.

#### Authority:

Any changes or variations to this policy must be approved in writing by the Board of Selectmen.

## COMPUTER USE POLICY

**Effective Date:** July 1, 2009

### Purpose:

This guideline sets forth the policy of the Town of Merrimac, with regard to the use of, access to, and disclosure of electronic communications. For purposes of this policy statement, "Electronic Communications" includes, but is not limited to, electronic mail, Internet services, Internet logs, Intranet services, archived files, operating system logs, voice mail, audio and video conferencing, and facsimile messages that are created, sent, received or retrieved by employees and other authorized users of Town Resources. For the purposes of this policy statement, "Town Resources" includes, but is not limited to, Town owned, leased or rented computer systems, telephone systems, facsimile machines, related peripherals and other technical resources as well as access provided to the Town by vendors, suppliers or customers.

### Policy:

Electronic Communication and the vast amount of information available through the Internet is a tremendous resource to the Town, and important to many employees in their jobs. However, the Internet is also a source of certain information and materials entirely unrelated to our work. Additionally, some information on the Internet may be protected by copyright, and downloading it to the Town's computers could be copyright infringement.

Therefore, the following policies are being established.

- 1) Town Resources are intended for legitimate Town business. Unauthorized use of Town Resources for Electronic Communications can threaten the ability of the Town's computer system to operate properly and potentially subject the user and the Town to certain liabilities. Therefore, the use of Town Resources for Electronic Communications should be reasonably related to Town business.
- 2) Town Resources are not intended to be used for personal use or commercial purposes, but some incidental and occasional personal use of Town Resources is allowable (especially on the employees' personal time) where such use is of limited and reasonable duration and frequency, and does not consume significant amounts of Town Resources. The Town retains the right to limit such personal usage at its sole discretion in the event such usage is excessive or otherwise impacts efficient operation of Town Resources. However, in no event are Town resources to be used in any way to send, receive, access or download material where:
  - a. the content of the message or material is in violation of federal or state law; or
  - b. the content of the message or material is in violation of any Town of Merrimac's policy, guideline, or standard of business ethics or conduct; or

- c. the content of the message or material may be reasonably considered offensive or disruptive to any employee. Offensive content includes, but is not limited to, pornography, sexual comments, jokes or images, racial slurs; gender-specific comments; or any other comments or images that would offend someone on the basis of his or her age, disability, gender, race, religion, national origin, physical attributes, sexual preference, or any other classification protected by federal, state, or local law; or

**Note:** This policy relates to the Town's clear policy against sexual harassment. Use of Town Resources in any way which is sexually offensive or harassing is expressly prohibited

- d. the content of the message or material could be considered defamatory; or
- e. the content of the message or material is in violation of the property or copyright interests of another; or

**Note:** All employees are cautioned that downloading material from an Internet source might be an infringement under copyright laws

- f. use of Electronic Communications is for personal pursuit of profit activities or business.

- 3) Employees who use Town resources that are owned or provided by any branch of Government or other customer must at all times comply with the rules, policies and procedures governing customer or Government furnished equipment and resources. Notwithstanding the limited personal use of Town-provided resources set forth in Paragraph 2 above, Customer or Government furnished resources may not be used at any time for activities that are personal in nature or otherwise unrelated to an employee's performance of job requirements. Any use of Customer or Government furnished resources that are unrelated to an employee's job performance of a contract or agreement shall be subject to the disciplinary actions set forth in paragraph 6 below.
- 4) Town Resources and data stored on Town Resources are, and remain at all times, the property of the Town. Employees have no right to privacy as to any information or files transmitted or stored through the Town's computer systems, voicemail, electronic mail, or other technical resources. The Town reserves the right to retrieve and read any Electronic Communications. Furthermore, all Electronic Communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.
- 5) The Town reserves the right to monitor, on a real-time basis, any and all traffic on the Town's network on a proactive basis to ensure appropriate content access as well as reasonable resource utilization. Employees should be aware that, even when a message is erased or a visit to a Web site is closed; it is still possible to recreate the message or locate the Web site. Additionally, Town management may direct a real-time monitoring of an individual account or machine due to suspicion

of inappropriate usage. Any known or consistent usage will be documented and forwarded to the appropriate management personnel for review.

- 6) Management personnel and others acting at the direction of management of the Town have the authority to investigate suspected violations of this policy statement. The Town reserves the right to search the employee's work area and seize all relevant materials pursuant to an investigation of possible criminal activity of noncompliance with the Town policy, and to limit, in its sole discretion, access to certain Internet sites it feels are not consistent with legitimate Town business. Violations of any of the provisions of this policy statement may result in appropriate disciplinary action depending upon the severity and frequency of the violations, including without limitation, written warnings, termination and criminal and civil action. In addition, the Town may be required to advise appropriate customer, governmental, or legal officials of any improper use of Electronic Communications.

## **EMPLOYEE ASSISTANCE PROGRAM**

The Town of Merrimac offers an *Employee Assistance Program* (EAP) designed to offer help to those who have personal problems that impair their work attendance or performance. As an employer whose purpose is to provide public services, the Town realizes that unsatisfactory job performance often results from problems not directly related to an employee's job function. In such cases, the job performance problem will not be solved unless the basic cause is properly diagnosed and treated.

The Town of Merrimac recognizes that many influences may detract from a person's effectiveness, particularly personal problems that affect them and their families. In order to serve the needs of employees, the EAP will acquaint them with appropriate community resources and agencies. The EAP is remedial. Its purpose is to help individuals overcome problems and restore them to full job efficiency. Guidance and counseling are also available to immediate family members.

Under the *Employee Assistance Program*, employees are encouraged to voluntarily use the resources which the Town has provided. Hopefully, such voluntary referrals will come prior to job performance problems. In instances where job performance or attendance problems have already developed, the procedure will be as follows:

The employee will be advised that the problem must be resolved. The supervisor will attempt to assist the employee in improving work performance and attendance problems without diagnosing the cause or interfering in the employee's personal affairs. If it becomes apparent to the supervisor that the employee is either unable or unwilling to solve the problem, and normal supervisory assistance is of no avail, it is the responsibility of the supervisor to refer the employee to a professionally trained Diagnostic and Referral Resource. (*MIIA EAP* is the resource to be used.)

The Diagnostic and Referral Resource will discuss the problem with the employee on a confidential basis, determine the cause of the problem, and provide a recommendation to the employee as to where assistance can be secured in the community. A comprehensive evaluation report with these recommendations is forwarded to the designated employer supervisor.

It is the employee's responsibility to accept the recommendation and follow through to receive assistance. If the employee accepts the offer of help, and the job performance or attendance problems are resolved to the supervisor's satisfaction, no further action will be taken.

If the employee refuses the offer of assistance, or refuses to follow the recommendations of a designated resource person and others to whom they refer the employee, and job performance or attendance continues to be unsatisfactory, then normal disciplinary measures will be taken.

Participation in the *Employee Assistance Program* does not give employees a guarantee that they will avoid further disciplinary action in the case of unimproved job performance. However, it does offer employees an option for corrective behavior. The

entire matter will be conducted on a confidential basis. The supervisor will need to be informed of attendance in the program, and any changes in planning.

The Employee Assistance Program is offered through:

MIIA Employee Assistance Program  
1-800-451-1834

## **FAMILY AND MEDICAL LEAVE**

### **Applicability**

This policy shall be administered in accordance with regulations issued by the U.S. Department of Labor under the authority of the Family and Medical Leave Act of 1991, and applicable state law.

### **Family Leave**

An Appointing Authority shall grant to a full or permanent part-time employee who has been employed for at least twelve consecutive months, a leave of absence for up to 12 weeks in conjunction with the birth, adoption or placement of a child as long as the leave concludes within 12 months following the date of the birth, adoption or placement.

If both spouses are employees of the Town covered by these rules, they are jointly entitled to a combined total of 12 weeks of family leave for the above purposes (birth, adoption or placement). The female employee is entitled to up to 8 of those 12 combined weeks under state law for either maternity or adoption purposes (M.G.L., Chapter 149, §1 05D).

### **Notice Requirements for Family Leave**

At least 30 days in advance, the employee shall submit to the Director of Budget, Finance & Personnel a written notice of his/her intent to take family leave and the dates and expected duration of the leave. If 30 days notice is not possible, the employee shall give notice as soon as practicable. The employee shall provide upon request by the Finance Director proof of the birth, adoption or placement.

### **Continuation of Benefits During Family Leave**

Employees taking an unpaid leave of absence under this provision will accumulate sick and vacation leave benefits only for the first 8 weeks of such unpaid leave. The period of family leave granted under these rules shall not affect the employee's right to receive any benefits for which the employee was eligible at the start of his/her leave.

### **Medical Leave**

An Appointing Authority shall grant to a full or regular part-time employee who has been employed for at least twelve consecutive months, an unpaid leave of absence for up to 12 weeks for:

- An employee's serious health condition which prevents him/her from performing the essential functions of his/her position.
- Caring for a spouse, child or parent who has a serious health condition.

## **Notice Requirements for Medical Leave**

At least 30 days in advance, the employee shall submit to the Director of Budget, Finance & Personnel a written notice of his/her intent to take medical leave and the dates and expected duration of the leave. If 30 days notice is not possible, the employee shall give notice as soon as practicable. The Director of Budget, Finance & Personnel will inform the Department Head of the request for leave but not the underlying reasons for said leave.

## **Satisfactory Medical Evidence for Medical Leave**

The employee shall provide upon request by the Appointing Authority, satisfactory medical evidence, which is defined as:

- In the case of the employee's illness, a signed statement by a licensed physician, physician's assistant, nurse practitioner, chiropractor or dentist stating that he/she has personally examined the employee, explaining the nature of the illness or injury (unless identified as being of a confidential nature), and stating that the employee was unable to perform his/her duties due to the specific illness or injury on the days in question.
- In the case of illness of spouse, child or parent, a signed statement by a medical provider as defined above indicating that the person in question has been determined to be seriously ill and needing care on the days in question.
- The statement shall be on the letterhead of the attending physician or medical provider, and shall list an address and phone number.

If the Director of Budget, Finance & Personnel has reason to doubt the validity of the medical evidence, the Director may obtain a second opinion at the Town's expense.

If there is a conflict between the second opinion and the original medical statement, the Director and the employee may resolve the conflict by obtaining the opinion of a third medical provider, who is approved jointly by the Finance Director and the employee, at the Town's expense.

## **Use of Paid Leave to Offset Unpaid Non-FMLA Family Leave**

If an employee has accumulated sick, personal, or vacation credits at the commencement of his/her family or medical leave, the employee may use such credits for which he/she may be eligible under the applicable rules.

## **Limit of Total Family and Medical Leave During a 12-month Period**

An employee is not entitled to more than 12 weeks of family and medical leave combined (including non-FMLA leave) in a 12-month period. For this purpose, a rolling 12 month period will be used, measured backward from the date of commencement of the leave.

### **Additional Family Leave**

In accordance with the provisions of G.L. c. 149 sec. 52D employees may take up to an additional 24 hours of annual family obligation leave during any 12 month period in addition to the 12 weeks allowed under the Family and Medical Leave Act.

## **TRAVEL EXPENSES AND MEAL REIMBURSEMENT**

### **Out of State Travel**

No expenses for out-of-state travel shall be reimbursed unless prior approval is given by the Department Head and the Board of Selectmen.

### **Travel Between Home and Work Assignment**

Transportation of any kind between an employee's home and permanently assigned office (official headquarters) is not reimbursable.

- If employees travel from home to temporary assignments rather than to their permanently assigned offices, transportation expenses shall be allowed either for the distance from their homes to places of temporary assignment, or from their permanently assigned offices to places of temporary assignment, whichever is nearer.

### **Full Travel Status**

This is defined as temporary absence from home on assignment to duty for more than 24 hours. The following items shall be reimbursable while on full travel status:

- Reasonable charges for hotel rooms, based upon submission of receipted hotel bill.
- Telephone and telegraph charges over 25 cents, if itemized and listing the exchange called or place to which telegram was sent.

### **Unallowable Travel Expenses**

Reimbursement shall not be made for expenses incurred for the sole benefit of the traveler, such as valet service, entertainment, laundry service, etc.

### **Use of Town-owned Vehicles**

- Town-owned vehicles shall be used on official business only. They shall not be operated outside the necessary working hours (working hours to include time required to travel to and from place of authorized garaging).
- No Town-owned vehicle shall leave the Town without authorization by the employee's department head except emergency vehicles engaged in the performance of a documented emergency.
- Pleasure riding or use for private purposes is absolutely forbidden.
- No operator of a Town-owned motor vehicle shall transport a passenger or passengers other than those traveling on official business except with the approval of the Department Head.

### **Liability When Using Town-owned Automobiles**

Operators are personally responsible for damage liabilities arising from accidents occurring during non-work related travel or involving passengers not traveling on official business. Any accident in which a Town-owned vehicle is involved shall be reported immediately to the Finance Director. Any such accident involving death or personal injury shall be reported immediately in writing to the Registrar of Motor Vehicles.

### **Reimbursement of Expenses of Town-owned Automobiles**

Reimbursement shall be allowed for expenses incurred in the operation of Town-owned cars, including charges for gas, oil and reasonable charges for minor repairs, public garage and parking fees, toll charges and reasonable charges for car washing.

### **Privately-owned Automobiles and Mileage Rate**

- When use of a person's private car is necessary and has been authorized by the Department Head, the approved mileage rate will be allowed.
- Effective Jan. 8, 2001, the mileage rate shall be \$.385 per mile. Effective on July 1 of each following fiscal year, the Board of Selectmen may increase the mileage rate to be equal to the highest rate allowed by the IRS for business travel.
- For each trip, the city or town visited must be reported. If several addresses are visited within a city or town, state the number visited and total mileage covered. The purpose of each visit must also be reported.
- Mileage reported shall be based upon actual odometer readings.
- Private automobile mileage reimbursement shall be payable only to one of two or more employees traveling together in the same vehicle.

### **Unallowable Expenses for Automobiles**

No reimbursement shall be allowed or obligation incurred for the private garaging of a Town-owned automobile operated by an employee as transportation from the place of employment to the vicinity of residence.

## **Meal Reimbursement**

Reimbursement shall be allowed for meals while on full travel status.

### **Amount of Meal Reimbursement**

Reimbursement shall be allowed for actual meal expenses incurred, including tips, not to exceed the following:

- Breakfast \$ 5.00
- Lunch (midday meal) \$ 6.50
- Supper (evening meal) \$13.00

The rates for lunch and supper may be reversed at the option of the person when entitled to both meals in one day. The rates above shall apply only when meals are not included in the rate charged for lodging or otherwise included in registration or conference fees.

### **When Meals May be Reimbursed**

For travel status of 24 hours or more, the following are the allowances on the first day:

- When travel status begins before 6:00 A.M., the person will be entitled to breakfast, midday and evening meals.
- When travel status begins between 6:00 A.M. and noon, the person will be entitled to midday and evening meals.
- When travel status begins between noon and evening, the person will be entitled to the evening meal.

For travel status of 24 hours or more, the following are the allowances on the final day:

- When travel status ends between 6:00 A.M., and noon, the person will be entitled to breakfast.
- When travel status ends between noon and 6:00 P.M., breakfast and midday meals will be allowed.
- When travel status ends after 6:00 P.M., breakfast, midday and evening meals will be allowed.
- Breakfast at beginning and evening meal at end of travel status will not be allowed unless the charge is accompanied by a statement of necessity for early departure or late return.

### **Meal Reimbursement for Travel Less Than 24 Hours in Duration**

- For travel of one day's duration starting two hours or more before compensated time, the person will be entitled to the breakfast allowance. Voucher must state time of departure and time compensation commenced.
- For travel of one day's duration ending two hours or more after compensated time, the person will be entitled to the evening meal allowance. Voucher must state the time compensation ceases and time of arrival home.
- In no event will the midday meal be allowed for travel of less than 24 hours' Duration unless associated with a formal meeting or conference.
- Voucher must state necessity for early departure or late return as well as a statement giving the regularly scheduled work hours.

## **ACCESS TO PERSONNEL FILES**

In accordance with the provisions of Massachusetts General Laws, Chapter 149, section 52C, current and former employees have the right to review their personnel files. A personnel record is any information which has been, or could be, used relative to an employee's qualification for employment, promotion, transfer, additional compensation, or disciplinary action, as well as information kept separately from the central files, such as memos and notes maintained by supervisors. A personnel record does not include personal information about someone other than the employee, if disclosure of such information would constitute a clearly unwarranted invasion of privacy. Medical and/or psychological information about employees is maintained separately from the personnel record.

Employees must make a written request to review and/or receive a copy of their personnel file. If there is disagreement with any information in the personnel record, the Town and the employee may mutually agree to remove or correct it. If agreement is not reached, the employee may submit a written statement explaining the disagreement. The statement will be retained in the personnel record. If the statement upon which there was original disagreement is transmitted to a third person, the employee's written response will also be transmitted.