

2016

Personnel Policy Guide



Town of Winchester



Town of Winchester Personnel Policy Guide

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I. INTRODUCTION

A Personnel Policy Guide (“Guide”) was first adopted at the 1962 Annual Town Meeting. The Guide is designed to facilitate the efficient administration of Winchester’s Town government. This revision is an update of the Guide and reflects accumulated recommendations from the Town Manager, department heads, and other Town officials.

This Guide is intended to provide employees, managers and supervisors of the Town with information about employment with the Town. It is the responsibility of each employee to read the Personnel Policy Guide and to seek clarification, if necessary, of any information contained in the Guide. Each employee shall execute and return to the Town a Statement of Receipt within 14 days of receiving this Guide. By executing the Statement of Receipt, the employee acknowledges that he/she has received, read and understands the policies set forth in the Guide. The Statement of Receipt shall be maintained in the employee’s personnel file.

To the extent that any Personnel Guide policy is inconsistent with or not applicable to a collective bargaining agreement, statute, or insurance plan document, the agreement, statute, or plan document will prevail.

The Personnel Board will periodically, but not less frequently than every three years, review the policies contained in this Guide in an effort to maintain policies that are clear, consistent, and competitive with those of similar employers. Any changes to the policies contained in this Guide will become applicable upon approval by Town Meeting. Suggestions for modifications are encouraged. Written recommendations should be made to the Human Resources Director for further evaluation by the Personnel Board.

A. Employment-At-Will

Except as otherwise provided by a collective bargaining agreement, the Town’s relationship with all employees is an “employment-at-will” relationship in which either the Town or the employee may terminate the employment relationship at any time, with or without cause or notice.

Contract Disclaimer

This manual is not a contract between the Town and its employees. This manual does not constitute a promise or contract between the Town and any employee to provide for any specified duration of employment or any procedures that the Town must in each case follow prior to discharging any employee. No supervisor or manager has the authority to enter into any agreement which modifies the at-will employment relationship between the Town and its employees, unless the agreement is in writing and signed by the Town Manager.

B. Personnel Board (Code of By-Laws, Chapter 2, Section 4.2)

The Personnel Board consists of seven voters, who hold no other Town office. The Moderator and the chairs of the Board of Selectmen and the School Committee appoint the members for three-year terms. The Personnel Board serves in an advisory capacity to town agencies, the Director of Human Resources and the Town Manager, assists in the coordination of collective bargaining activities with all organized groups, except the professional school staff, and recommends action on personnel matters to Town Meeting. The Personnel Board may also propose revisions or changes to this Guide, subject to the approval of Town Meeting, and, on an interim basis, approve revisions or changes to this Guide until the next Town Meeting session.

The Board makes recommendations to the Town Manager on the Compensation Plan and the Personnel Policy Guide, and annually reports on its activities to Town Meeting.

C. Definitions

The following terms will have the meanings indicated, unless a different construction is clearly required by the context or the laws of the Commonwealth.

1. Class and/or Classification – a group of positions in the Town’s service sufficiently similar in qualifications, compensation, duties and responsibilities.
2. Classification Plan – the classes of positions, with appropriate titles, as set forth in the Salary and Wage Schedules. (Specifications with position titles are on file with the Personnel Board.)
3. Compensation Plan – the Salary and Wage Schedules with compensation grades, classifications, class-position titles, rates, and ranges that have been either adopted by the Town Meeting or negotiated with employee organizations.
4. Full-time Employment - employment in accordance with established regular schedules of at least 35 hours per week.
5. Part-time Employment – employment for less than full-time employment.
6. Job Sharing – a full-time position split into two schedules of any combination of hours not exceeding 35 hours per week. Only an individual working 20 hours or more per week is entitled to insurance and retirement benefits. All other benefits shall be prorated. All job sharing situations

require a letter of understanding between the employees and the Appointing Authority(ies).

7. Continuous Employment – employment uninterrupted except for authorized vacation or leaves of absence.
8. Position – an office or post of employment in the Town’s service with duties and responsibilities calling for full-time or part-time employment.
9. Regular Position – a position in the Town’s service which has required or is likely to require continuous employment either on a full-time or part-time basis.
10. Regular Employee –an employee retained on a continuing basis in a regular part-time or full-time position; an employee holding a permanent position or appointment under Civil Service law to a position deemed permanent within the meaning of said law (Those appointed as such will be defined as permanent regular employees for the purpose of all benefits except retirement.)

Unless otherwise stated, regular employees are eligible for benefits outlined in this guide. Part-time regular employees are eligible for benefits pro-rated to their part-time schedules.

11. Temporary or Seasonal Position – a position in the Town’s service which requires or is likely to require employment for a limited period of time or for a special project either on a full-time or part-time basis.
12. Temporary Employee
 - a. an employee retained in a temporary or seasonal position as defined above.
 - b. an employee filling a regular position on a temporary basis.
 - c. an employee holding a temporary appointment under Civil Service law who does not have permanent status thereunder.
 - d. an eligible temporary employee is one who has worked 15 or more hours per week for at least 30 weeks during the 12 months preceding July 1 (excluding Library Junior Pages and Senior Pages.)
13. Appropriate Appointing Authority – includes those individuals, boards, committees, and trustees that have appointing authority in the Winchester Charter: Town Manager, Board of Selectmen, School Committee, Library Trustees, Board of Health, Board of Assessors, and Planning Board.
14. Organized Group - any group of Town employees that has been certified as a collective bargaining unit by the State Department of Labor Relations or

recognized by the Town for purposes of negotiating collective bargaining agreements or memoranda of understanding.

15. This Personnel Policy Guide will apply to all employees of the Town of Winchester, except employees of the School Department.
16. The School Committee maintains separate personnel practices and records for School Department employees. Civil Service employees in the fire and police departments may be subject to alternate or additional statutory requirements.

II. EQUAL OPPORTUNITY EMPLOYMENT POLICY

It is the policy of the Town of Winchester to afford equal opportunity to all candidates and employees by prohibiting discrimination and harassment in all aspects of employment (such as recruitment, hiring, training, compensation and promotions) on the basis of race, gender, gender identity or expression, ethnicity, national origin, religion, health, sexual orientation, age, military or veteran status, disability or membership in any other category protected by applicable federal, state or local law. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities, the Town also will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless undue hardship would result. A qualified individual with a disability is someone who is able to perform the essential functions of a position with or without reasonable accommodations.

Whenever the words “he”, “him”, “she”, or “her” are used in this manual, reference is made to both genders.

III. ANTI-HARASSMENT POLICY

The Town of Winchester is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the Town maintains a strict policy prohibiting harassment, including but not limited to harassment based on race, gender, gender identity or expression, ethnicity, religion, health, sexual orientation, age, military or veteran status, disability or any other protected classification.

A. Forms

Harassment can take many forms: words, signs, jokes, pranks, intimidation and threats, physical contact or violence. Harassment is not necessarily sexual in nature. For example, the following may constitute harassment under this policy:

- comments or innuendo, which are continued or repeated, concerning a person's race, age, gender, religion, national origin, ancestry, disability, sexual orientation, veteran's status, or other legally-protected status;
- an open display of objects or pictures that are offensive to persons of a particular religion, race, national origin, or other legally-protected status;
- jokes, comments, use of derogatory words or innuendo regarding an individual's race, age, gender, national origin, ancestry, religion, disability, sexual orientation, or other legally-protected status.

B. Responsibilities

Each Town employee is responsible for helping to keep the work environment free of harassment. Any employee who believes he or she has been harassed by a co-worker, supervisor, agent or vendor of the Town should promptly report the facts of the incident or incidents and the names of the individuals involved to his or her supervisor. In a case where the complaint may involve the supervisor, the employee should contact either the supervisor's supervisor or the Human Resources Director. Supervisors must immediately report any alleged incidents of harassment to the Human Resources Director. The Human Resources Director, or his/her designee, will promptly investigate all such claims and take appropriate corrective action. There will be no retaliation against any employee for filing a complaint or for participating in an investigation.

C. Sexual Harassment

1. Sexual harassment is a specific form of harassment which is prohibited by the Town's Anti-Harassment Policy, as well as by various federal and state laws. Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute sexual harassment when:
 - submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment, or a basis for employment decisions affecting the individual; or
 - such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance, or participation in work activities and events, by creating an intimidating, hostile, humiliating or sexually offensive environment.

Under these definitions, direct or implied requests by a supervisor to a subordinate in exchange for an actual or promised employment benefit, such as favorable reviews, recommendations, salary increases, promotions, increased benefits or continued employment, constitute sexual harassment.

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

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which may constitute sexual harassment, depending on the totality of the circumstances:

- unwanted, prolonged and apparent staring or leering at a person;
- unwanted whistling or brushing against the body;
- obscene gestures or suggestive or insulting sounds made toward people;
- displaying sexually suggestive objects, pictures, cartoons;
- inquiries into one's sexual experiences or discussion of one's sexual activities;
- indecent exposure; or
- romantic involvement between supervisors and subordinates which is known to others in the workplace and which impacts the workplace in areas such as assignments, advancements or benefits.

2. Employee Responsibilities

Each employee of the Town is responsible for ensuring that his or her conduct does not harass or discriminate against anyone in the workplace environment. Each employee is responsible for cooperating in any investigation of alleged discrimination or sexual harassment if asked to do so.

3. No Retaliation for Filing a Complaint of Sexual Harassment or Discrimination

Retaliation against any individual for making a complaint of sexual harassment or discrimination or for participating in or assisting in the investigation of such a complaint is illegal and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as (but not limited to) reprimand, change in work assignment, suspension or immediate termination.

4. Written Acknowledgement

All employees are required to review the Town's Anti- Harassment Policy and will be required to sign a written acknowledgement of their receipt and understanding of this policy.

If you need further information or have any questions concerning this policy or the Town's Anti-Harassment Policy, please contact the Human Resources Department.

IV. TECHNOLOGY RESOURCES

A. Introduction

The Town of Winchester provides various Technology Resources to authorized employees to assist them in performing their job duties for the Town. Each employee has a responsibility to use the Town's Technology Resources in a manner that increases productivity, enhances the Town's public image, and is respectful of other employees. Failure to follow the Town's policies regarding its Technology Resources may lead to disciplinary measures, up to and including termination of employment.

Workplace technology changes rapidly. Therefore the Town reserves the right to amend this Policy or to apply this Policy to technology resources not currently in use at the time the Policy is adopted.

B. Technology Resources Definition

Technology Resources consist of all electronic devices, software, and means of electronic communication, whether provided or supported by the Town, including, but not limited to, the following: personal computers and workstations; laptop computers; mini and mainframe computers; computer hardware such as disk drives and tape drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cellular phones; pagers; and voicemail systems.

C. Authorization

Access to the Town's Technology Resources is within the sole discretion of the Town. Generally, employees are given access to various technologies based on their job functions. Only employees whose job performance will benefit from the use of Technology Resources will be given access to the necessary technology.

D. Use

The Town's Technology Resources are to be used by employees only for the purpose of conducting Town business. Employees may, however, use the Town's Technology Resources for the following incidental personal uses as long as such use does not interfere with the employee's duties, is not done for pecuniary gain, does not conflict with Town business, and does not violate any Town policy: to send and receive necessary and occasional personal communications; to prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner; and to access the Internet for brief personal searches and inquiries during meal times or other breaks, or outside of work hours, provided that employees adhere to all other usage policies. The Town acknowledges that employees may, at other times, engage in incidental personal use of the Internet, as long as such use does not interfere with the performance of job duties. The Town assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on its Technology Resources. The Town of Winchester accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any Town property. The Town strongly discourages employees from storing any personal data on any of the Town's Technology Resources.

E. Improper Uses

1. Prohibition Against Harassing, Discriminatory and Defamatory Use

Electronic mail correspondence is often less formal than written correspondence. Employees must take care, however, not to let informality degenerate into improper use. As set forth more fully in the Town's Anti-Harassment Policy, the Town does not tolerate discrimination or harassment based on gender, pregnancy, race, color, religion, national origin, ancestry, age, disability, medical condition, marital status, sexual orientation, gender identity or expression, family care or medical leave status, veteran or military status, or any other status protected by state and federal laws. Under no circumstances may employees use the Town's Technology Resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually-explicit or racial messages, jokes, cartoons).

2. Prohibition Against Violating Copyright Laws

Employees who copy, retrieve, forward or send copyrighted materials are responsible for complying with all applicable copyright laws.

3. Other Prohibited Uses

Employees may not use any of the Town's Technology Resources for any illegal purpose, violation of any Town policy, in a manner contrary to the best interests

of the Town, in any way that discloses confidential or proprietary information of the Town or third parties, or for personal or pecuniary gain.

F. Access to Technology Resources

1. Introduction

All messages sent and received, including personal messages, and all data and information stored on the Town's electronic-mail system, voicemail system or other computer systems/ resources are the Town's property regardless of the content. As such, the Town reserves the right to access all of its Technology Resources including its computers, voicemail and electronic-mail systems, at any time, in its sole discretion.

2. Lack of Privacy

Although the Town does not routinely review personal information of its employees, on occasion the Town may need to access any and all information in its Technology Resources, including computer files, electronic-mail messages, and voicemail messages. Further, information on Town Technology Resources may be deemed "public records" under Massachusetts law. Employees should understand, therefore, that they have no right of privacy with respect to any information or messages – including personal information or messages – created, received or maintained on the Town's Technology Resources. The Town may, at its discretion, inspect all files, messages or communications on its Technology Resources at any time for any reason. The Town may also monitor its Technology Resources at any time to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other purpose it deems reasonable.

3. Passwords

Certain parts of the Town's Technology Resources can be accessed only by entering a password. Passwords are intended to prevent unauthorized access to information. Passwords do not confer any right of privacy upon any employee of the Town. Thus, even though employees may maintain passwords for accessing Technology Resources, employees must not expect that any information maintained on Technology Resources, including electronic-mail and voicemail messages, is private. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

4. Data Collection

The best way to guarantee the privacy of personal information is not to access, store or transmit it on the Town's Technology Resources. To ensure that employees understand the extent to which information is collected and stored, below are examples of information currently maintained by the Town. The Town

may, however, in its sole discretion, and at any time, alter the amount and type of information that it retains.

- Telephone Use and Voicemail: Records are kept of all calls made from and to a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.
- Electronic Mail: Electronic mail is backed-up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.
- Desktop Facsimile Use: Copies of all facsimile transmissions sent and received are maintained in the facsimile server.
- Document Use: Each document stored in the Town's computers has a history, which shows which users have accessed the document for any purpose.
- Internet Use: Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.

5. Deleted Information

Deleting or erasing information, documents, or messages maintained on the Town's Technology Resources is, in most cases, ineffective. All employees should understand that any information kept on the Town's Technology Resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because the Town periodically backs-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

G. Internet and Electronic Mail Policy

1. Use

The Town provides employees with access to the Internet and electronic mail to assist them in conducting Town business. The Town expects that when employees use the Internet or electronic mail during work hours, while on Town premises, or remotely through the use of the Town's computer equipment, they will do so in a responsible manner, and for work-related purposes only. The Town acknowledges that employees may, at other times, engage in incidental personal use of the Internet, as long as such use does not interfere with the performance of job duties. The Town expects employees to exercise discretion and good judgment when accessing the Internet, or when sending or receiving

electronic mail and attachments thereto. Improper use of the Internet and electronic mail includes, but is not limited to, the following:

- Use which is illegal, which is contrary to the Town's best interests, or which violates or conflicts with Town policies, including, but not limited to, Town policies against discrimination or harassment.
- Use which discloses or leads to the disclosure of confidential or proprietary information.
- Use of electronic mail, chat rooms or other Internet devices that is defamatory or offensive in any way, including, but not limited to, racially or sexually charged messages, jokes or cartoons.
- Use of Internet sites, which may damage or interfere with the Town's computer network, including use that generates the delivery of "junk" electronic mail.
- Use that violates copyright laws.
- Personal use, and/or use which is not work-related.

2. Confidentiality

Some of the information to which the Town has access is confidential. Employees should avoid sending confidential information over the Internet, except when absolutely necessary. Employees should also verify electronic mail addresses before transmitting any messages.

3. Monitoring

The Town monitors both the amount of time spent using on-line services and the sites visited by individual employees. The Town reserves the right to limit such access by any means available to it, including revoking access altogether.

H. Software Use

1. License Restrictions

All software in use on the Town's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may install any software on Town computers, by any means of transmission, unless authorized in writing in advance by the IT Director.

Authorization for loading software onto the Town's computers will not be given until the software to be loaded has been thoroughly scanned for viruses.

2. Confidential Information

The Town is very sensitive to the issue of protection of trade secrets and other confidential and proprietary information of both the Town and third parties (“Confidential Information”). Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential Information using the Town’s Technology Resources. Confidential Information should not be accessed through the Town’s Technology Resources in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended.

I. Written Acknowledgement

All employees are required to review the Town’s Technology Resources Policy and will be required to sign a written acknowledgement of their receipt and understanding of this policy. The acknowledgement of receipt shall be maintained in the employee’s personnel file.

If further information is needed or if there are questions concerning the Town’s Technology Resources Policy, employees should contact their direct supervisor or the IT Director for further information and/or clarification.

V. CELLULAR PHONES

The purpose of this policy is to provide guidelines as to the use of cell phones at work. This policy also addresses special issues related to camera phones, the personal use of Town-issued cell phones and the safe use of cell phones by employees while driving.

A. Personal Cellular Phones

While the Town does not prohibit possession of personal cell phones or other handheld electronic devices while at work, the Town will not be liable for the theft, loss or damage to such devices brought into the workplace. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and can be distracting to others. A reasonable standard is to limit personal calls during work time to no more than one or two per day as needed. Employees are therefore asked to make any other personal calls on non-work time and to ensure that friends and family members are aware of the Town’s policy. Flexibility will be provided in circumstances demanding immediate attention. The Town reserves the right to implement further restrictions or prohibitions in the event that productivity and/or safety are significantly impacted by personal cell phone use.

B. Camera Phones

For purposes of privacy and confidentiality, the Town prohibits employee use of phone cameras and video recorders in the workplace unless authorized for legitimate Town business assignments or job duties.

C. Personal Use of Town Cellular Phones

Where job or business needs demand immediate access to an employee, the Town may issue a Town-owned cell phone to an employee for work-related communications. To avoid the employee incurring a tax liability for the personal use of this equipment, such phones are to be used for Town business. Phone logs may be reviewed to ensure no unauthorized use has occurred.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return, inspection, or replacement. Employees unable to present the phone in good working condition within the time period requested may be required to bear the cost of a replacement.

Use of Town-issued cell phones is subject to the Town's Technology Resources Policy.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

D. Safety and Cellular Phone Use

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using handheld cell phones or handheld devices while driving. This prohibition includes the receiving (accepting) or placing calls; retrieving, sending, or responding to text and image messaging, Internet browsing; reading, drafting, or sending emails; checking voice messages, and operating any application installed on cellular phones or handheld devices.

Safety must come first, and employees must minimize distractions while driving. Regardless of the circumstances, including slow or stopped traffic, 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 otherwise using any handheld device. In exigent circumstances, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or difficult matters, and remain focused on the road and driving conditions. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

The above principles also apply if the employee is operating other equipment or machinery for which distracted operation might raise safety issues.

E. Discipline

Employees in violation of this policy will be subject to corrective action, up to and including termination, in accordance with Town policies.

Any employee charged with traffic violation(s) resulting from the use of a cellular phone or other handheld device will be solely responsible for all liabilities that result from such actions.

VI. DRUG AND ALCOHOL POLICY

The Town of Winchester wants to ensure a safe, healthy and efficient work environment for our employees, their co-workers and the public we serve. The unlawful or unauthorized presence or use of controlled substances or alcohol in the workplace conflicts with these interests and presents a danger to everyone. For these reasons, we have established as a condition of employment and continued employment with the Town the following drug and alcohol free policy.

A. Prohibited Conduct

Employees are prohibited from reporting to work, or working when the employee uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner. Additionally, employees are prohibited from reporting to work or working while having an alcohol concentration of 0.02 or greater. Employees are prohibited from consuming alcoholic beverages during working hours, including meal and break periods. In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, solicitation, transfer, sale or possession of controlled substances and/or alcoholic beverages while on Town paid time, in Town vehicles, or while engaged in activities on behalf of the Town.

B. Compliance with Policy as a Condition of Employment

Employment or continued employment with the Town is conditioned upon full compliance with this drug and alcohol policy. Any violation of this policy will result in discipline, up to and including termination. Furthermore, any employee who violates this policy or who voluntarily seeks assistance may be required, in connection with or in lieu of disciplinary actions, to participate in and successfully complete a drug and/or alcohol counseling, assistance or rehabilitation program as a condition of continued employment. Any information concerning an individual's drug and/or alcohol use will remain confidential.

Consistent with its equal employment policy, the Town will endeavor to make reasonable accommodations to assist recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their drug abuse and/or alcohol misuse renders them unable to perform their job functions, or jeopardizes the health and safety of themselves or others. The Town will attempt to assist its employees through referrals to counseling assistance or rehabilitation programs, appropriate leaves of absence, and other measures, to the extent that these measures do not impose an undue hardship upon the Town, and/or jeopardize the health and safety of the employee, co-workers or the public. While the Town encourages employees to voluntarily seek assistance for their substance abuse problems, such assistance does not excuse the employee from any violation of this policy.

The Town further reserves the right to take any and all appropriate and lawful actions necessary to enforce this substance abuse policy including, but not limited to requiring an employee to submit to a drug and/or alcohol test when the Town has reasonable suspicion to believe that the employee has violated the drug and/or alcohol prohibitions contained in this policy. The Town also reserves the right to inspect Town property including lockers, desks, or other suspected areas of concealment, as well as an employee's personal property when the Town has reasonable suspicion to believe that the employee has violated this substance abuse policy. Failure to comply with required testing or inspection may result in disciplinary action, up to and including discharge.

VII. HIRING

The department head initiates recruiting for open positions after discussion with the requesting supervisor regarding appropriate skills, qualifications, and experience.

- 1.** All open positions, except those administered by the state Human Resources Division, must be sent to the Town's Human Resources Department for posting. All positions shall be posted in Town Hall through the Town Clerk's Office for at least 15 calendar days.
- 2.** At the same time that the position is posted internally, an outside search may be initiated. Should an outside search be initiated, the department head is required to follow the hiring procedures outlined in the Town of Winchester's Affirmative Action Plan recruitment advertising guidelines.
 - a.** All applicants must complete and sign the Town's standard application form.
 - b.** The Immigration Reform and Control Act of 1986 limits the availability of employment to U.S. citizens and authorized non-citizens. In

accordance with the Act, the Town of Winchester requires that the appropriate immigration documentation be presented for review within three days of the date of hire.

- c. If the position is a Town Manager appointment, the department head shall submit a request for appointment to the Town Manager. This request shall indicate the name of the chosen candidate and shall be accompanied by the original application form. The Town Manager shall notify the Board of Selectmen if required. Under the provisions of the Town Charter, the Board of Selectmen has 15 calendar days to veto the selection.
- d. The Town requires a pre-employment medical examination for all candidates for regular employment. The examination is conducted by a licensed physician or medical practitioner chosen by and at the Town's expense. A conditional offer of employment is required prior to any physical examination.

The examination is arranged by the Human Resources Department. Examination results for employees will be submitted to Human Resources. Human Resources shall inform the department head of the applicant's eligibility for employment based on the physician's, or other practitioner's recommendation.

- e. Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or licensing purposes. CORI checks shall be required for any employees, contractors or volunteers who may enter private residences while on municipal business and/or have the opportunity for direct contact with children, disabled persons, or the elderly. CORI access shall be a final step in screening current and otherwise prospective applicants. CORI checks will be obtained at least every three years on current employees.

VIII. NEPOTISM

The Town of Winchester is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, the Town of Winchester will hire or consider other employment actions concerning relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.

This policy applies to all current employees and candidates for employment.

“Family member” is defined as one of the following: relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage – spouse, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and co-habiting couples or significant others.

The hiring supervisor is responsible for ensuring policy compliance. Department heads are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor.

If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the Town Manager. If a decision cannot be made by the affected employees within 14 days of reporting, reassignment will be made on direction of the department head and the Town Manager.

No exception to this policy will be made without the written consent of the Town Manager.

IX. INTRODUCTORY PERIOD

The first ninety days of employment with the Town are considered to be an introductory period. This allows the Town to determine the new employee’s qualifications and ability to perform the work and provides an opportunity for the new employee to experience the position and to determine whether it meets his/her expectations.

At the end of the ninety day introductory period a performance evaluation will be conducted by the department head.

The timing of eligibility for certain benefits during this introductory period is discussed in the relevant portions of this manual.

X. NEW EMPLOYEE COMPENSATION

All new or rehired employees will be paid in accordance with the current rates of compensation as shown in the Compensation Plan. Except as otherwise provided in this Guide, new or rehired employees will be paid the minimum rate for the appropriate job classification.

A compensation rate above the minimum and not exceeding the mid-point of the pay range may be paid with the approval of the appropriate appointing authority.

Such actions will be justified in writing by the department head to the appropriate appointing authority.

A compensation rate exceeding the mid-point may be paid with the approval of the appropriate appointing authority, provided the appointing authority first consults with the Personnel Board and receives the Board's advice and recommendation. In granting or withholding its approval of the requested rate, the appointing authority will consider such factors as the experience and abilities of the employee, the Town's need for the particular employee in question, and the advice and recommendation of the Personnel Board. If the appointing authority does not accept the recommendation of the Personnel Board, it shall submit a report to the Board, in writing, within fourteen days of receipt of the Board's recommendation, specifying the reasons for its decision.

XI. TRANSFER/PROMOTION/RECLASSIFICATION

A. Posting of Vacancies

To encourage a policy of promoting from within and providing opportunities to existing Town employees, vacancies will be posted on Town Hall bulletin boards for 15 calendar days. The final decision as to selection rests with the appointing authority where the vacancy occurs.

B. Promotions

When an employee is promoted from a lower job classification to a higher job classification, an increase in rate (subject to the following guidelines) may be appropriate:

- 1.** Employees will be paid a rate not less than the minimum in the new rate range nor less than their rate in the lower classification, whichever is higher.
- 2.** A rate above the minimum and not exceeding the mid-point of the new range may be recommended by the department head to the appropriate appointing authority for approval.
- 3.** A rate exceeding the mid-point of the new range may be approved by the appropriate appointing authority, providing the appointing authority first consults with the Personnel Board and receives the Board's advice and recommendation concerning a suitable rate. In granting or withholding its approval of the requested rate, the appointing authority will consider such factors as the experience and abilities of the employee and the advice and recommendation of the Personnel Board. If the appointing authority does not accept the recommendation of the Personnel Board, it will submit a

report to the Board, in writing, within fourteen days of receipt of the Board's recommendation, specifying the reasons for its decision.

4. If the employee's current rate in the lower position is already at or above mid-point in the new position's rate range, the recommended rate shall not require approval by the Personnel Board.

C. Transfer to Lower Classification

1. If an employee is transferred to a lower job classification, the employee will receive the maximum rate of the new job classification to which the employee is transferred or his present rate, whichever is lower. This applies to all transfers, both regular and temporary except that temporary employees applying for regular positions are to be considered new employees for purposes of setting pay rates.
2. Future step rate increases (to the maximum of the range) will be given as follows:
 - a. Employees on W Schedule– On April 1 of each year to those employees who are employed in a regular position on October 1 of the previous year.
 - b. All other employees – On the anniversary of regular employment with the Town (not the anniversary date of the lower job classification.)

D. Temporary Transfer to Higher Classification

1. A person filling a higher job classification temporarily while the incumbent is absent, on vacation or sick leave will not be paid at the higher rate. Pay for longer-term temporary transfers or promotions will be considered on an individual basis upon recommendation of the department head and approval of the Town Manager or appointing authority. Special duty assignments are excluded.
2. In the case of regular employees with position titles in the Clerical schedule (CS grades) and the Professional/Technical schedule, full-time employees assigned to work at a higher classification will be paid at the higher rate after 15 consecutive calendar days. Only time worked and holidays occurring at the higher grade will be compensated at the higher pay level.

E. New Position Classification and Reclassification of Existing Positions

1. To establish a new regular position, the department head (with the consent of the appropriate appointing authority) will send to the Personnel Board a description of the duties and responsibilities of the position, a recommendation for classification of the new position, the proposed job description, suggested title, salary range, and other necessary information for review and recommendation. Once the Personnel Board has reviewed

and approved the new position, the position will be referred to the next Town Meeting.

2. The same procedure will be followed if an existing position's responsibilities change substantially enough to require reclassification in compensation grade and/or new job title.
3. If a position is changed to a higher classification, an increase in rate may be appropriate as set forth in Section B above.
4. If a position is changed to a lower classification, the incumbent employee will be paid in accordance with Section C above.

XII. WAGE AND SALARY ADMINISTRATION

A. Performance Evaluation (except positions in Managerial/Supervisory Schedule)

1. The Town will review each employee's job performance on a regular basis. The first shall be a performance evaluation which will take place at the end of the ninety (90) day introductory period. On the one year anniversary of employment, a wage and performance review shall take place.
2. The Town will conduct the employee's subsequent Performance Evaluations on or around the employee's anniversary date. The purpose of the evaluation is to allow the supervisor and the employee to discuss the employee's work performance and to develop goals for improving the employee's job performance and increasing his/her job satisfaction. In conducting a Performance Evaluation the following should occur:
 - a. The supervisor should complete a Performance Evaluation form. The supervisor should focus on the employee's overall performance, areas for improvement, and areas where the employee has done well or excelled.
 - b. Once the Performance Evaluation form is completed the supervisor will meet with the employee to review the completed form. A salary increase should not be discussed at this time unless it is in conjunction with the anniversary date Wage Review.
 - c. An employee who disagrees with his/her performance evaluation may, within 30 days of the meeting, submit a written response and/or request in writing for a reevaluation from the department head. Should one or both of these steps be undertaken, the written documents would be placed in the employee's personnel file.

- d. After the meeting, the performance evaluation form must be signed by both the employee and the supervisor. It is then submitted to the department head for review.
- e. The department head, within 5 days, shall review the form and wage recommendation and submit them to the appropriate appointing authority for final approval.
- f. Upon approval by the appropriate appointing authority a copy of the wage recommendation shall be forwarded to the Town Manager for review, and then to the Comptroller so that the change, if any, can be made in the payroll.

B. Salary Plan

- 1. The Salary Plan established for the Town is a Step Rate Increase Plan and is applicable to all Town employees except those on the Managerial/Supervisory Schedule. The Step Rate Increase Plan is based on a system of establishing a set of salary/wage schedules for each employment area of the Town. The schedules consist of lists of grades which have been assigned to the various job classifications for that area. Within each grade there is a range of rates from minimum to maximum; each increment designates a Step.
- 2. Individual advancement within a grade and promotions from grade to grade are based on an employee's job performance and not on his/her length of service. Any employee who is not performing at a satisfactory level should not be increased to the next step within the grade. In any situation where an employee is not receiving a step increase during a regular performance review, the department head shall notify the employee of the reason(s) they are not receiving a step rate increase.
- 3. If an employee's performance is satisfactory a step rate increase will be granted on the anniversary of his/her employment with the Town or the anniversary of his/her last promotion, whichever is the most recent. Employees under the W schedule of the Compensation Plan will qualify for a step rate increase on April 1 of each year, provided they were employed on October 1 of the previous year.
- 4. An Accelerated (Merit) Step Increase may be granted to an employee at an earlier or later date than the anniversary of employment or last promotion in accordance with the following provisions:
 - a. If the proposed accelerated step increase does not exceed the midpoint, the appropriate appointing authority may approve the increase if, in such authority's judgment, the increase is warranted because of such factors as an exceptional job performance, the need for promptly correcting a significant inequity, or the advantage of the Town in enabling it to retain

a valued employee. If the appointing authority approves the increase, it will submit a report to the Personnel Board, in writing, within fourteen days, specifying the reasons for its approval.

- b. If the proposed accelerated step increase exceeds the midpoint, the appointing authority will first consult with the Personnel Board and receive the Board's advice and recommendation concerning a suitable rate. In granting or withholding its approval of the requested rate, the appointing authority will consider such factors as an exceptional job performance, the need for promptly correcting a significant inequity, the advantage to the Town in enabling it to retain a valued employee, and the advice and recommendation of the Personnel Board. If the appointing authority approves the rate, it will submit a report to the Personnel Board, in writing, within fourteen days, specifying the reasons for its decision.
- c. The supervisor will then meet with the employee and inform him/her of the decision. The Comptroller is notified in writing so that the change can be made in the payroll.
- d. An employee who receives an accelerated step increase between anniversary dates is eligible for another step increase at the time of his/her next anniversary.

C. Managerial/Supervisory Performance Evaluation and Merit Salary Plan

- 1. Advancement through the steps for all employees in the Managerial/Supervisory schedule of the Town Compensation Plan shall be on the basis of merit.
- 2. The merit salary plan procedure is based on an overall annual progress review. The rating of each manager is based on his/her ability to accomplish predetermined performance objectives, the ability to deal effectively with unexpected situations, and how well management functions are performed. The Town of Winchester Management System Plan, as accepted by the Personnel Board, will be followed to determine salary increases. The Town Manager is responsible for the administration of the plan and will determine all merit salary level adjustments for employees appointed by him/her. For all employees appointed by other appointing authorities the Town Manager will review merit increases to ensure that they have been made in compliance with the requirements of the Town of Winchester Management System Plan.
- 3. Each supervisor shall conduct an annual progress review for each individual under his/her jurisdiction, which shall be completed within one month of the employee's anniversary of employment with the Town or the anniversary of his/her last promotion, whichever is most recent. Increases will be effective on the employee's anniversary date, except to the extent that such increase

causes the salary to exceed the maximum amount of the manager's salary range. Any amount exceeding the maximum amount of the manager's salary will be paid on his/her anniversary date.

D. Overtime

- 1. Non-Exempt Employees:** Non-exempt employees become eligible for overtime pay, at the rate of one and one-half times their regular rate, if one or more of the following occurs:
 - a.** The employee has worked more than 8 hours in one day or more than 40 hours in any one week (Employees who are normally scheduled for 35 hours in any week will be paid at their regular pay rate for the first five hours of overtime). These hours must be working hours only and do not include hours taken in the week for sick, personal, vacation time, or paid holidays.
 - b.** The employee works on Sunday or on any of the designated holidays (as outlined in Holidays section) which falls within the workweek.
 - c.** When a non-exempt employee works on Saturday he/she will become eligible for overtime pay only after the employee has actually completed 40 hours of work in the same week, or credit for 40 hours work has been approved for the same week.
 - d.** Overtime will not be paid to those non-exempt employees working on established special work schedules.
 - e.** All overtime must be authorized in advance by the appropriate supervisor.

- 2. Exempt Employees**
 - a.** Exempt employees are expected to work the number of hours necessary to accomplish assigned duties and responsibilities. With regard to timesheet recordkeeping and this policy, additional hours are defined as hours spent outside of the "work schedule" as a result of an emergency or extraordinary situation as determined by the appropriate department head or the Town Manager. The recording of additional hours worked is for informational purposes only and in no way should be construed that the exempt employee will be paid overtime.
 - b.** If an exempt employee works beyond his/her scheduled hours, he/she may be entitled to compensatory time, which is the equivalent of time off without loss of pay. Compensatory time is granted by the supervisor and to the degree possible is taken within a ninety-day period. Unused compensatory time is not paid upon separation from employment.

be entitled to an annual stipend in the amount of \$400 for maintaining Emergency Medical Dispatch certification.

9. The provisions of this section shall be interpreted consistently with the Fair Labor Standards Act.

XIII. ATTENDANCE AND PAID TIME OFF

Employees are responsible for reporting to work as scheduled, and remaining on duty during the workday as assigned. Absence from work is authorized under the following leave provisions with supervisor approval. Unauthorized absences are a serious matter and may lead to disciplinary actions, up to and including dismissal.

A. Vacation Benefits

1. Eligible Employees

- a. permanent full-time employees
- b. permanent part-time employees who regularly work over 15 hours per week
- c. temporary employees who work 15 or more hours per week for at least 30 weeks during the 12 months preceding July 1.

2. Length of Service and Applicable Vacation Benefits:

- a. All permanent full-time employees shall be entitled to two weeks of vacation time annually. Part-time eligible employees shall receive appropriately pro-rated time.
- b. Employees whose date of hire is July 1, 2016 or after shall accrue vacation time on a month to month basis. Vacation time shall be posted to the employee's vacation bank on January 1 of each year and the employee shall have immediate access to all vacation time. If, however, the employee terminates his/her service with the Town prior to earning used vacation time he/she shall be required to reimburse the Town for time used but not yet earned.
- c. Effective July 1, 2016, all new employees shall be allocated proportional vacation time based on their date of hire. This time shall be added to their vacation bank on their first day of employment with the Town. The new employee's annual allotment shall be added on January 1 of the next calendar year and each year thereafter.
- d. New employees who complete 90 calendar days of employment with the Town shall be entitled to use up to the equivalent of one week's vacation time. Upon completing 180 calendar days of employment, the

vacation time. Other exceptions may be made upon the recommendation of the department head and the approval of the appointing authority.

8. If a paid holiday (as specified in the Holiday section) falls within the period of the employee's vacation, the employee shall receive holiday pay for that day and vacation leave shall not be used.
9. An employee will not lose his/her earned vacation time if incapacitated because of a work-related injury or illness. In such cases, unused vacation time shall be carried over to the following year.
10. Whenever employment is terminated during the year the employee or his/her estate will be paid, at the regular rate of compensation payable at the termination of employment, an amount in lieu of unused earned vacation leave.
11. Notwithstanding the provisions of this section, it is recognized that new employees with a career in municipal government or other relevant field may have that service considered as part of the initial grant of vacation accrual. In that event, after the establishment of the original vacation time granted, the employee will be granted one additional week of vacation after 5 years of service to the Town, one additional week of vacation after 10 years of service, and one additional week of vacation after 15 years of service. In no event will the vacation benefit exceed 5 weeks per year.

B. Holidays

1. Eligible employees will be paid at their regular rate of pay for the following holidays:

New Year's Day	January 1
Martin Luther King's Birthday	January – third Monday
Presidents' Day	February – third Monday
Patriots' Day	April – third Monday
Memorial Day	May – last Monday
Independence Day	July 4
Labor Day	September – first Monday
Columbus Day	October – second Monday
Veterans' Day	November 11
Thanksgiving	November – fourth Thursday
Christmas	December 25
2. In addition to the holidays specified in Section 1, eligible employees in the Managerial/Supervisory, Professional/Technical and CS Schedules shall be

granted one other day at their regular rate of pay. The day taken shall be with the approval of the department head.

3. Eligible employees include permanent full-time, permanent part-time and eligible temporary employees. Eligible temporary employees will receive holiday pay in accordance with the above list after working 30 weeks. Part-time employees will receive holiday pay on a pro rata basis.
4. If an employee is required to work on the holiday he/she will receive, in addition to regular holiday pay, one and one half times that pay for hours actually worked. In lieu thereof and at the discretion of the department head, he/she may be given equivalent time off.
5. If New Year's Day, Independence Day, Veterans' Day, or Christmas falls on a Saturday it will be observed the preceding Friday, or if on a Sunday it will be observed the following Monday.
6. If an eligible employee's work schedule is other than Monday through Friday, and if any holiday falls on his/her day off (other than Sunday), s/he will receive a paid day off to be taken within 30 days from the date accrued. Part-time and temporary employees will receive prorated credit.
7. In order to qualify for holiday credit an eligible permanent employee must work on the last regularly-scheduled workday prior to and the next regularly scheduled workday following the holiday, unless absence is due to vacation, illness or authorized leave.

C. Sick Leave

1. Non-Occupational Sick Leave

- a. Sick leave which is accrued during employment with the Town must be taken during the employee's active employment. Sick leave may be used for cases of employee illness as well as for medical/dental appointments. When using sick leave for medical/dental appointments, the employee is expected to give as much notice as possible to their supervisor so that the supervisor is able to plan accordingly for department coverage. In situations of excessive use, the Department Head may, after consulting with the appropriate appointing authority, request written proof of such appointments.
- b. An employee who is absent on sick leave for five or more days will be required to submit a written statement from his personal physician indicating the nature of the illness or injury and expected date of return. If the employee does not provide a statement from his personal physician he will be required to obtain a written statement from the Town physician. In addition, the department head may, after consulting

with the appropriate appointing authority, request a physician’s written statement for absences of fewer than five days.

c. The Town also recognizes that on occasion a family member’s illness or injury requires the employee’s time and care. For that reason, the Town allows employees to use up to five days of sick time for the care of an eligible family member. If the time off is for the care of a family member with a serious health condition, such absence may be covered under the provisions of the Family Medical Leave Act (FMLA). For the purposes of this policy, eligible family members are defined as: spouse, parent, grandparent, sibling, biological child, stepchild, adopted child, and foster child. Sick time may be used for those family members in the following circumstances:

- To care for an eligible family member who is ill or injured
- To accompany an eligible family member to a scheduled medical or dental appointment
- To attend to an eligible family member who is hospitalized.

Employees may not use sick time for absences related to the care of family members not listed above; however, employees may request time off as vacation or personal leave for this purpose.

d. Non-Occupational Sick Leave Accumulation:

	Per calendar month of service	Maximum per year	Maximum Accumulation
Permanent Full-time	1 ¼ days	15 days	90 days
Library Professional	1 ¼ days	15 days	90 days
Temporary Full-time	1 ¼ days for 4 full, consecutive weeks of service	15 days	90 days
Permanent Part-time	1 ¼ days (pro-rata)	15 days	90 days
Temporary Part-time	1 ¼ days for 4 full, consecutive weeks of service after 30 weeks of service (pro-rata)	15 days	90 days

- e. New employees must complete a ninety day introductory period before qualifying for the use of sick leave. At the end of ninety calendar days of service $3\frac{3}{4}$ days sick leave will be credited. In extenuating circumstances, sick leave may be used during the introductory period if a doctor's note explaining the absence is presented.
- f. When an employee whose position title is in the Clerical Schedule (CS) or the Professional/Technical Schedule (PT) works two or more hours from starting time and leaves work due to illness, $\frac{1}{2}$ day sick leave will be deducted. Any employee who works to within two hours of the end of the workday will not have sick leave deducted from that day. This benefit applies only to full (seven hour) work days, does not apply to consecutive days or for medical/dental appointments, and is not intended to supplement a regular reduction in schedule for medical reasons.
- g. Earned sick leave in excess of 90 days will be accumulated in a "bank" account, and its use may be granted upon the recommendation of the department head and the approval of the appropriate appointing authority. In determining whether "banked" sick leave extension will be granted, prior attendance, use of sick leave benefits, and employee performance will be considered.
- h. All regular employees who have completed one year of service shall be credited with sick leave on January 1 of each subsequent year, provided he/she has worked or been on authorized leave on or after the first workday of that year.
- i. In exceptional circumstances additional unearned paid sick leave may be granted to an employee by the appropriate appointing authority, provided the appointing authority first consults with the Personnel Board and receives the Board's advice and recommendation concerning the suitability of the proposed extension. In granting or withholding its approval of the requested additional time, the appointing authority will consider such factors as the length of the employee's service to the Town, the nature of the illness, the prospects for recovery, the effect upon the operations of the department in question and the advice and recommendation of the Personnel Board. If the appointing authority does not accept the recommendation of the Personnel Board, it will submit a report to the Board, in writing, within fourteen days after the authority's consultation with the Personnel Board, specifying the reasons for its decision.
- j. Any employee whose workweek varies will accumulate sick leave on a pro rata basis, to be determined on his/her basic workweek. It will be the responsibility of the department head to establish the basic workweek for each job.

- k.** Department heads will be responsible for maintaining appropriate records of sick leave absences, accumulated sick leave credits, and the current balance of sick leave credits per the formula prescribed in this section. Department heads will report to the Comptroller all absences from duty and the Comptroller's Office will be responsible for the maintenance of complete records reflecting such absences as reported.
- l.** Employees whose services are terminated for any reason will not be entitled to compensation for any sick leave not taken.
- m.** No sick leave credit for prior employment will be given to any employee rehired or reinstated after termination of service.
- n.** The Town may require a medical examination to determine the need for continuance of non-occupational sick leave.

2. Occupational Sick Leave – Workers' Compensation

- a.** Injuries sustained by employees at work are most often within the scope of the Massachusetts Workers' Compensation Act. An employee covered by the Act will receive compensation according to the Act. All accidents or injuries, no matter how slight, must be reported immediately to the department head, and a detailed accident report must be completed. All accident reports must be submitted to the Comptroller as soon as they are completed.
- b.** Employees who are receiving Workers' Compensation may, upon their request, be granted sick leave pay (provided they have non-occupational sick leave credit available) in an amount that, when added to the amount of Workers' Compensation payment, will result in payment of their full salary. Sick leave pay may continue until the dollar amount of the non-occupational sick leave credits are used up.
- c.** Sick leave payments will be calculated at the employee's regular rate of pay in effect at the beginning of the disability. It will be paid for the standard workweek assigned, excluding overtime.
- d.** The Town may require a medical examination to determine the need for continuance of occupational sick leave.

D. Personal Days

- 1.** Permanent full-time employees whose job titles are listed in the Clerical Schedule (CS grades), Professional/Technical Schedule, and Managerial/Supervisory Schedule of the Town's Compensation Plan will be

granted up to three personal days per calendar year at their normal rate of pay to conduct personal business.

2. Permanent part-time employees who work at least 20 hours per week shall be entitled to personal time on a pro-rated basis.
3. The scheduling of personal leave will be at the discretion of the department head. Personal days are not eligible for carryover to a successive year, or payment upon termination or retirement.
4. Any employee who is hired after January 1 of a calendar year will have the three personal days prorated for the time actually worked during the first year of employment.

XIV. LEAVES OF ABSENCE

A. Family and Medical Leave (FMLA)

1. An employee is eligible to take up to 12 weeks of qualifying unpaid family medical leave within any 12 month period and be restored to the same or an equivalent position upon return from leave provided they have worked for the Town for at least 12 months, and for at least 1,250 hours in the last 12 months. The 12 month period in which an employee may take 12 weeks of leave will be measured as a “rolling” 12 month period commencing on the first day of family/medical leave.
2. Reasons For Leave -- Twelve weeks of family/medical leave may be taken for any of the following reasons: (1) the birth of a child and in order to care for such child; (2) the placement of a child for adoption or foster care and in order to care for the newly placed child; (3) to care for a spouse, child, or parent ("covered relation") with a serious health condition; or (4) because of the employee's own serious health condition which renders him/her unable to perform the essential functions of his/her position; or (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on “covered active duty;” or (6) Twenty-six workweeks of leave may be taken during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Leave because of reasons (1) or (2) must be completed within the twelve month period beginning on the date of birth or placement.

3. Notice Of Leave -- If the need for family/medical leave is foreseeable, at least 30 days prior written notice must be given to the Town. Where the need for leave is not foreseeable, the employee is expected to notify the

Town within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances. Failure to provide such notice may be grounds for delay of leave. Additionally, the employee must attempt to schedule intermittent leave so as not to disrupt the employer's operation. The Town has "Request for Family/Medical Leave" forms available in the Human Resources Department. These forms should be used when requesting leave.

4. Medical Certification -- If the employee is requesting leave because of his/her own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Medical Certification forms may be obtained from the Human Resources Department. When leave is requested, the Town will notify the employee of the requirement for medical certification and when it is due (at least 15 days after leave is requested). If the employee provides at least 30 days' notice of medical leave, he/she should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in delay or denial of leave.
5. The Town, at its expense, may require an examination by a second healthcare provider designated by the Town. If the second healthcare provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third healthcare provider, acceptable to both the employee's and the Town's healthcare provider, to conduct an examination and provide a final and binding opinion.
6. The Town may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.
7. Reporting While On Leave -- If leave is taken because of the serious health condition of the employee or a covered relation, the employee may be required to contact the Human Resources Department at certain intervals to provide a status report. In addition, the employee must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change or are extended or initially were unknown.
8. Leave Is Unpaid -- Family/Medical leave is unpaid leave. Any accrued paid leave (e.g., vacation, personal days, sick/medical, comp time) must be used concurrently with FMLA leave. Any accrued leave will be used in the following order: sick, personal and vacation. The use of paid leave time does not extend the 12-week FMLA leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary.
9. Medical And Other Benefits -- The Town will maintain health benefits, during an approved Family/Medical leave. If paid leave is substituted for unpaid Family/Medical leave, the Town will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is

unpaid, the employee must pay his/her portion of the premium by a method determined by the Comptroller. Healthcare coverage may cease if the premium payment is more than 30 days late. A letter will be sent to the employee if payment is more than 30 days late. If the Town does not receive the payment within 15 days after receipt of the letter, coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, he/she will be required to reimburse the Town for the cost of the health benefit premiums paid by the Town for maintaining coverage during unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond his/her control.

10. Intermittent And Reduced Schedule Leave -- Leave because of a serious health condition, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the Town will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave, the Town may temporarily transfer him/her to an available alternative position which better accommodates the recurring leave and which has equivalent pay and benefits.
11. Returning From Leave -- If leave is taken because of the employee's own serious health condition, the employee may be required to provide medical certification that he/she is fit to resume work. A Return to Work Medical Certification Form may be obtained from the Human Resources Department. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.
12. No Work While On Leave - The taking of another job while on Family/Medical leave or any other authorized leave of absence is grounds for immediate termination.

B. Parental Leave

1. Employees who have completed three months of full-time employment shall be granted parental leave of eight weeks upon the birth or adoption of a child under the age of eighteen or the adoption of a child under the age of twenty-three if the child is cognitively or physically disabled. Accrued sick

leave and/or vacation benefits may be used concurrently with parental leave at the discretion of the employee.

2. The employee is required to give at least two weeks' written notice in advance of his/her expected departure date and state that he/she intends to return to her position.
3. In many situations, parental leave runs concurrently with Family and Medical Leave.

C. Domestic Violence Leave

1. The Town is committed to protecting employees who are, or whose family members are, the victim of domestic violence by providing them with the necessary tools to deal with such issues. This policy, along with our Employee Assistance Program, can be utilized if the employee needs to handle a domestic violence issue.
2. Definitions. For purposes of this policy:
 - a. Family Member includes spouses; persons in a substantive dating or engagement relationship and who reside together; persons having a child together; parents, step-parents, children, step-children, siblings, grandparents, grandchildren; and persons in guardian relationships.
 - b. Domestic Violence is broadly defined as abuse against an employee or an employee's family member by:
 - a current or former spouse of the employee or employee's family member;
 - a person with whom the employee or employee's family member shares a child in common;
 - a person who is cohabitating with or who has cohabitated with the employee or employee's family member;
 - a person who is related by blood or marriage to the employee;
 - a person with whom the employee or employee's family member has or had a dating or engagement relationship.
 - c. Abuse – attempting to cause or causing physical harm; fear of imminent serious physical harm by another; engaging involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; engaging in mental abuse, including threats, intimidation, or acts designed to induce fear; depriving

another of medical care, housing, food or other necessities of life; or restraining the liberty of another.

- d. Abusive Behavior – domestic violence, stalking, sexual assault and kidnapping.

3. Policy

- a. An eligible employee may take up to 15 days of leave from work in any 12 month period (measured on a rolling basis from the first day of leave), if the employee or eligible family member of the employee is a victim of domestic violence or abusive behavior and the employee is using leave from work to:

- obtain medical attention, counseling, victim services or legal services;
- secure housing;
- obtain a protective order from a court;
- appear in court or before a grand jury;
- meet with a district attorney or other law enforcement official;
- attend child custody proceedings; or
- address other issues related to the abusive behavior.

- b. Before an employee may request unpaid Domestic Violence Leave, s/he must first utilize all accumulated personal leave, vacation leave and sick leave available to him/her. Domestic Violence Leave is unpaid leave.

D. Small Necessities Leave Act (SNLA)

1. In addition to leave set forth under the Town's FMLA policy, employees eligible for FMLA leave are entitled to a total of twenty-four hours of unpaid leave in a twelve month period, as defined in the FMLA policy. SNLA leave is for meeting certain family obligations. Those obligations must be one of the following:
 - Participation in school activities directly related to the educational advancement of an employee's child, such as parent-teacher conferences or interviewing for a new school;
 - Accompanying an employee's child to routine medical or dental appointments; or
 - Accompanying an employee's elderly relative to routine medical or dental appointments or appointments for other professional services related to that elder's care.

- 2. Definitions:**
 - a.** Elderly Relative - An individual at least 60 years of age who is related by blood or marriage to the employee.
 - b.** School -A private or public elementary or secondary school; a Head Start program; and a licensed children's day care facility.
 - c.** Child - A son or daughter, whether biological, adopted, foster or legal ward, or a child of an employee standing in loco parentis, who is under the age of eighteen or incapable of self-care because of a mental or physical disability.

- 3. Procedure:**
 - a.** Initiating the Leave -When the need for the leave time is foreseeable, an employee must tell his/her supervisor at least seven (7) days before the day the leave is to begin. Otherwise, an employee must notify his/her supervisor as soon as he/she is aware of the need for the leave.
 - b.** Leave Time - If an employee is entitled to any paid leave (e.g., vacation, personal days, sick/medical, comp time) under the Town's employment policies, that leave must be used before any unpaid leave under this policy will be granted.
 - c.** Intermittent Leave - An employee must take the leave in minimum increments of no less than one (1) hour.

E. Bereavement Leave

- 1.** Regular full-time, regular part-time, and eligible temporary employees may be excused for periods not to exceed five days with full pay for reason of death in the immediate family, defined as a spouse or domestic partner, child, mother, father, brother, sister, (in fact or in law), step-child, step-mother, step-father, step-brother or step-sister, grandparent, grandchild, and any other relative who resides in the same household as the employee.
- 2.** If additional leave is necessary it may be granted by the Town Manager or by the appointing authority.
- 3.** An employee who is a veteran may, with the approval of the Selectmen, attend, without loss of pay, the funeral or memorial service of another veteran or of any person dying under other than dishonorable circumstances

while serving in the Armed Forces in time of war or insurrection. (G.L. Chapter 41, Section 111C).

F. Jury Duty/Court Leave

- a.** An employee will be granted time off for jury duty or court leave upon presentation of written evidence of a call to jury duty or a summons to appear in court as a witness. The employee is expected to be at work for any day or part thereof which is not required for court appearance.
- b.** As required by M.G.L. Chapter 234A, Section 48, an employee shall be paid his/her regular wages by the Town for the first three days of jury service. If jury service extends beyond three days, the employee is entitled to either his/her regular rate of compensation from the Town for the time served in court or the compensation awarded by the court, but not both. If the employee wishes to receive his/her regular rate of pay, then the payment issued to him/her by the court must be surrendered to the Town. The employee must present a statement of days, hours, and pay from the court to the department head at the completion of each week of jury duty.

G. Military Leave and Re-employment Rights

- 1.** The Town will comply with all applicable requirements of the federal law, the Uniformed Services Employment and Re-employment Rights Act of 1994, and applicable state laws pertaining to military leave.
- 2.** An employee who serves in the Armed Forces of the Commonwealth or as a member of a reserve unit of the armed forces of the United States under orders will be allowed the difference between the base pay they receive for such service and their regular rate of compensation from the Town for a period of not more than 17 calendar days of military leave attributable to their tour of military duty.
- 3.** Any employee who is called for military duty should make an appointment with Human Resources to discuss their specific situation.

H. Other Paid/Unpaid Leave of Absence

- 1.** Regular full-time or regular part-time employees may request a discretionary leave of absence. No benefits are earned during any unpaid discretionary leave, but continuation of insurance may be available upon the employee's assumption of the full cost of the insurance and the approval of the appropriate appointing authority.
- 2.** An employee requesting a discretionary leave of absence must submit a written request to his/her department head or supervisor. After approval by

the department head or supervisor, the request must be submitted to the appropriate appointing authority for approval.

3. In the case of a request for a discretionary leave of absence in excess of two weeks, the appropriate appointing authority, prior to its decision, will consult with the Personnel Board and receive the Board's advice and recommendation concerning the suitability of the request. In granting or withholding approval of the requested extension, the appointing authority will consider such factors as whether there is a demonstrated need for a leave in excess of two weeks, and the advice and recommendation of the Personnel Board. If the appointing authority does not accept the recommendation of the Personnel Board, it will submit a report to the Board, in writing, within fourteen days after the authority's consultation with the Personnel Board, specifying the reasons for its decision.
4. Request for a leave of absence for discretionary personal health reasons that are not covered by the FMLA will be accompanied by a physician's statement documenting the need for leave and the anticipated date of return.

XV. WORK BREAKS

Each employee is entitled to one 15-minute work break for each four consecutive hours worked. Scheduling of breaks is at the direction of the supervisor or manager. Each employee is also entitled to a one-hour unpaid lunch break. To maintain proper coverage in all departments, supervisors or managers will designate individual meal times.

XVI. STORM AND EMERGENCY

- A. Responsibility for closing Town offices due to storm and emergency remains with the Town Manager. The closing of the library will be at the discretion of the Library Board of Trustees.
- B. Except in the case of an official Town closing, an employee who is absent due to weather, public transportation stoppage, or other similar cause will not be paid for such time absent, unless the employee uses such time as a personal day or a vacation day. In the event the decision to close Town offices is made during the early morning hours, an email will be sent to all employees on the Town's email system and, when possible, posted on the Town's website.
- C. If Town offices are closed during a storm or community emergency, any employee who was scheduled to work will not be required to work that day and will be paid. If a storm or emergency develops during the course of a workday the Town Manager shall notify all departments. Employees shall then be sent home and shall be paid for the remainder of the workday.

XVII. VEHICLE USE

A. Applicability

This policy applies to all Town employees and board/committee members. If this policy violates or is or becomes inconsistent with any governing law or regulation, the governing law or regulation shall control.

B. Definitions:

- 1. Vehicle Stipend** – the amount approved by the Board of Selectmen or Town Manager to compensate an employee for regular and routine use of a Personal Vehicle for work-related travel. Vehicle Stipends are considered a salary item and are subject to taxation.
- 2. Expense Reimbursement** – payment for approved expenses relating to Personal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered a salary item.
- 3. Municipal Vehicle** – automobiles, truck, vans, or other self-propelled equipment owned, rented, or leased by the Town and licensed for travel on a public way.
- 4. Personal Vehicle** – vehicle owned or available for private use by the employee.
- 5. Commuting** – the use of a Municipal Vehicle for travel between the employee's residence and his or her principal work location(s). Under Internal Revenue Service (IRS) regulations, the benefit of using a Municipal Vehicle for commuting is taxable income to an employee and the value of the personal use of the Municipal Vehicle will be included in his or her compensation.

C. VEHICLE USES

1. Municipal Vehicles

Certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles belong to the citizens and are assigned solely for purposes consistent with providing services to those citizens.

2. Personal Vehicles

The Town will reimburse employees for reasonable expenses which they incur as a result of Personal Vehicle use on behalf of the Town.

D. ADMINISTRATIVE REQUIREMENTS

1. Registering and Insuring a Municipal Vehicle

When a new vehicle is purchased, the Department Head shall submit the appropriate paperwork (including copies of the title and registration) to the Comptroller's Office so that the vehicle may be added to the Town's insurance policy.

2. Personal Vehicle Insurance Requirements

Employees who receive a stipend or who are authorized to use Personal Vehicles *on a regular basis* for work related travel are required to show proof on an annual basis, of the following minimum levels of insurance coverage:

- Bodily Injury: \$100,000/\$300,000
- Property Damage: \$50,000

3. Vehicle Stipend

If an employee is required to use his or her Personal Vehicle on a year round basis, and that employee has not been assigned a Municipal Vehicle, the Board of Selectmen or Town Manager may authorize the payment of a Vehicle Stipend. Such stipend may be rescinded with ten (10) calendar day written notice.

Employees receiving a Vehicle Stipend will not be reimbursed for tolls or mileage, but may be reimbursed for reasonable parking expenses. Employees will not be reimbursed for tolls that are paid by the employee during his or her normal commute to work.

4. Reimbursement for Work-Related Travel Expenses

When an employee uses a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend.

In addition to the mileage rate, the Town will reimburse employees authorized to travel outside of the Town, driving a Personal or Municipal Vehicle, within the scope of employment, for tolls and reasonable parking expenses, when receipts are provided.

Employees will not be reimbursed for commuting between their homes and regular work locations.

In order to be reimbursed for Personal Vehicle use, employees must complete a Reimbursement Form and submit it along with appropriate supporting

documentation in a timely manner. Appropriate supporting documentation includes, but is not limited to: a mileage report from a mapping website and dated receipts or other proof of payment.

E. Employee Motor Vehicle Driver's License and Driving Records

1. Driver's License

Employees are required to have a valid motor vehicle license for the class of vehicle to be operated and must show proof of such valid license to his/her Supervisor or Department Head prior to being assigned a Municipal Vehicle.

2. Driving Records

Employees who operate Town Vehicles on a regular basis shall be subject to a driving record check on an annual basis. Employees using their Personal Vehicle for Town business on a regular basis may be subject to driving record checks.

If the employee has an out of state license, then the employee shall provide, upon request, a copy of their current state driving record. Any out of pocket expense incurred in order to obtain a copy of the driving record will be reimbursed by the Town upon submission of a receipt.

Driving records shall be reviewed and those driving records determined to be a safety concern by the Town Manager, may result in the disapproval of an employee's vehicle use in the course of employment.

F. Assignment and Use of Municipal Vehicles

1. Assignment

The assignment of Municipal Vehicles for 24-hour use will be made by the Town Manager, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved job description. The following criteria will be considered when determining eligibility for 24-hour vehicle use:

- Officially designated on-call status;
- Requirement of emergency availability during non-working hours;
- Issuance of a pager or other communication device; and/or,
- Emergency or other equipment contained in the vehicle.

Municipal Vehicle assignments may be rescinded by the Town Manager.

2. Imputed Income Taxation

Employees assigned a Municipal Vehicle for 24-hour use involving a commute of more than 25 miles one way, shall reimburse the Town for the additional fuel cost. Employees who have been assigned a Municipal Vehicle and have established commuting patterns of more than 25 miles one way prior to July 2006 shall be exempt from this provision, as long as there is no break in assignment of a Municipal Vehicle greater than 6 months, after which the exemption will no longer apply.

Employees authorized to commute in a Municipal Vehicle may be subject to imputed income tax regulations as set forth by the IRS, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation.

Employees who are assigned marked and unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment.

G. Rules and Responsibilities

Employees who drive a Municipal Vehicle or a Personal Vehicle for work related purposes are responsible for, but not limited to, the following:

- 1.** Municipal Vehicles may only be used for legitimate municipal business.
- 2.** Employees should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse. The misuse of an assigned Municipal Vehicle may violate the Massachusetts Ethics statute.
- 3.** Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town business (committee members, consultants, contractors, etc.). Family members shall not be transported in Municipal Vehicles. Police Officers or other emergency personnel transporting individuals in the performance of their normal job duties are exempt from this provision.
- 4.** The use of Personal Vehicles for transporting individuals unrelated to municipal business shall not occur on Town work time.
- 5.** Individuals assigned a Municipal Vehicle with commuting privileges are allowed “incidental personal uses” such as stopping at a grocery store or

going to the bank, on his/her way home, but only if the stop does not add mileage to the trip.

6. The Town shall not be liable for the loss of or damage to any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.
7. Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisor immediately.
8. Employees assigned Municipal Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Employees should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
9. Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times, if the Municipal Vehicle is so equipped.
10. All operators of vehicles that require a CDL license must be tested for drugs and alcohol as provided by US DOT regulations and the Town's Drug and Alcohol Policy.
11. Employees may not operate Municipal Vehicles, or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.
12. Employees are prohibited from possessing illegal drugs, controlled substances or open containers of alcohol in a Municipal Vehicle or in a Personal Vehicle being used for work related travel. Transporting unopened containers of alcohol is limited to "incidental personal use" as described in this policy.
13. Police officers, firefighters and the Board of Health Nurse who required to carry prohibited items while performing their normal job duties are exempt from applicable provisions of this policy.
14. Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
15. Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such

finer/citations, unless reimbursement for such fine/citation is approved by the Town Manager.

16. Employees issued citations for any offense while operating or using a Municipal Vehicle must notify their supervisor immediately when practicable, but in any case no later than 24 hours after the issuance of a citation.
17. An employee assigned a Municipal Vehicle who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of a motor vehicle license, whether in their Personal Vehicle or in a Municipal Vehicle, must notify their supervisor immediately when practicable, but in any case no later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.
18. No employee may use a Municipal Vehicle for out of state travel without advance approval by the Town Manager.
19. When utilizing a Municipal Vehicle, employees are required to obtain fuel from designated Municipal fueling facilities, unless fueling is required in the course of out of town travel.
20. Smoking is not permitted in any Municipal Vehicle in accordance with M.G.L. C270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that do not smoke.

H. Cellular Phones and Handheld Electronic Devices

The use of handheld cellular phones and handheld electronic devices is prohibited while operating a Municipal Vehicle, or a Personal Vehicle for work related travel. This prohibition includes the receiving (accepting) or placing calls; retrieving, sending, or responding to text and image messaging, internet browsing; reading, drafting, or sending emails; checking voice messages, and operating any application installed on any cellular phone or other handheld device. In the event of exigent circumstances, employees are expected to keep the call short, use hands-free options if available, refrain from the discussion of complicated or emotional matters, and remain focused on the road and driving conditions. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

I. Vehicle Accidents

When an employee using a Municipal Vehicle or Personal Vehicle on work related travel is involved in a motor vehicle accident, the operator must:

1. Stop the vehicle
2. Obtain the following information:
 - Name(s) and address(es) of the other driver(s);
 - Driver's license number(s) of the other driver(s);
 - Name(s) and address(es) of the owner(s) of the other vehicle(s) involved;
 - Registration number(s) of the other vehicle(s) involved;
 - Name(s) and address(es) of other driver(s) insurance company(ies); and,
 - Name(s) and address(es) of any witness(es) to the accident.
3. Do not admit liability or apologize for the accident, even if the employee believes it was their fault.
4. Immediately report details to the employee's immediate supervisor.
5. When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene, and the vehicle should not be moved until authorized by the police.
6. Unless an injury prevents the employee from doing so, he/she must fill out a Vehicle Accident Report (VAR) within 48 hours of the accident. A blank copy of the form may be obtained from the Human Resources Department. The completed VAR shall be filed with the employee's direct supervisor.
7. The supervisor shall ensure all information is in the report and file a copy with the Town Manager and the Town Comptroller.

J. Special Circumstances and Exemptions

This policy is intended to provide a basic framework governing the use of Personal and Municipal Vehicles in the Town and therefore cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact the Human Resources Director. Exemptions from certain provisions of this policy may be authorized by the Town Manager. Such exemptions must be documented and signed off by the employee, approved by the Town Manager, and placed in the employee's personnel file.

Exemptions to the Vehicle Use Policy are strictly limited. Exemptions that will increase the Town's liability are not allowed. Issues related to insurance coverage, transportation of individuals unrelated to Town business, and operating a vehicle without a valid motor vehicle license are examples of what may not be exempted.

K. Discipline

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or termination of Municipal Vehicle privileges and/or suspension or termination of employment.

XVIII. BENEFITS

A. Group Insurance

1. All regular employees who work 20 or more hours per week are eligible for participation in the Town's health and life insurance programs (established under M.G.L. Chapter 32B). Temporary employees who meet required work hours are also eligible for health insurance. Medicare extension coverage is also offered.
2. Employees are offered an opportunity to join the health and life insurance programs when they are first eligible. If an employee declines benefits, a waiver, acknowledging declination, is signed and the employee must wait until either the next open enrollment period or a designated change in circumstances as designated by the plan documents before he/she will have another opportunity to elect coverage. Employees already covered by a plan may also change plans on the date specified in the plan documents.

B. Flexible Benefits Program

1. The Town offers a flexible benefits program, whereby any eligible employee may elect to have insurance premiums excluded from salary for the purpose of determining federal, state, and Social Security taxes.
2. An employee may also participate in the Dependent Care Assistance and Medical Expense Reimbursement programs, whereby expenses for eligible dependent care and medical expenses, up to an amount set by the Town within the limits of the Internal Revenue Service, can similarly be excluded from salary. Participation in the Town's Dependent Care Assistance and Medical Expense Reimbursement Plans are governed by the Town's Section 125 Plan Document.

C. Retirement Plan

1. The Town's Contributory Retirement system operates under the authority of M.G.L. Chapter 32, which provides uniform benefits, uniform contribution requirements and a uniform accounting and funds structure for all systems.

2. Membership is mandatory for all regular employees who work 20 or more hours per week. Informational booklets are available from the Retirement Office in Town Hall.
3. Employees scheduled for less than twenty hours each week are required to enroll in the Town's 457 Plan (currently ICMA).

D. Optional 457 Plan

In addition to the mandatory contributory retirement plan, the Town also offers an optional deferred compensation plan for all employees. This plan allows employees to set aside additional pretax monies for retirement. Additional information can be obtained in the Human Resources Department.

E. Longevity Pay

1. Full-time employees with permanent job titles in the Managerial/Supervisory Schedule, Professional/Technical Schedule, and the Clerical Schedule (CS grades) and full-time positions in the Miscellaneous Schedule will be paid a service increment on their anniversary date as follows:

After 5 years of service	\$950 per year
After 10 years of service	\$1,250 per year
After 15 years of service	\$1,500 per year
After 20 years of service	\$1,850 per year
After 25 years of service	\$2,000 per year

2. Part-time permanent employees in the above schedules will be paid such service increments on a pro rata basis.
3. Employees with previous temporary service to the Town will receive credit for temporary employment on a pro rata basis, provided that previous service is not interrupted by a period of not more than 12 months.

F. Wellness Incentive Program

1. The Town offers a Wellness Incentive Program to those employees who regularly work at least fifteen (15) hours per week under the Managerial/Supervisory, Professional/Technical or Clerical (CS) Schedules and who have accumulated 90 days or more of unused sick leave as of January 1st of each year.
2. If an employee on the Professional/Technical Schedule or the Clerical (CS) Schedule elects the incentive by January 1, he/she will receive either a) payment of \$75 per day for the sick leave not used during the year or b) payment at retirement for the unused leave at a rate of \$25 per day (over 105

days). The employee's leave balance will be reduced by the number of days compensated.

3. If an employee on the Managerial/Supervisory Schedule elects the incentive by January 1, he/she will receive either a) payment of \$50 per day for the sick leave not used during the year or b) payment at retirement for the unused leave at a rate of \$25 per day (over 105 days). The employee's leave balance will be reduced by the number of days compensated.

G. Unemployment Compensation Insurance

The Town provides unemployment compensation benefits program pursuant to M.G.L. Chapter 151A.

H. COBRA

1. Any employee who is covered by any of the Town's group health plans, has the right to choose COBRA coverage if the employee loses group health coverage because of a reduction in hours of employment or the termination of employment, for reasons other than gross misconduct on the part of the employee, or for certain other qualifying events.
2. The following chart is a summary of the qualifying events that trigger COBRA coverage:
 - a. Qualifying Event / Qualified Beneficiary / Length of COBRA
 - Death of an Employee / Spouse and Dependent(s) / 36 months
 - Termination of Employee / Employee & Family / 18 months
 - Reduction in Hours (Less than 20) / Employee & Family / 18 months
 - Loss of Dependent Status / Dependent / 36 months
3. The employee or a family member has the responsibility to inform the Human Resources Department of a divorce, legal separation, or a child losing dependent status. Once notified, the Human Resources Department will in turn notify the employee of their right to choose COBRA coverage. An employee has 60 days from the date he/she would lose coverage to inform the Human Resources Department that they want COBRA. If an employee does not choose COBRA, their group health insurance coverage will terminate on the date of the COBRA qualifying event.
4. If an employee chooses COBRA, the Town will offer coverage identical to the coverage provided under the plan for similarly situated employees or family members. COBRA allows the Town to discontinue coverage under certain circumstances, such as if the employee fails to pay the premium for

coverage; the employee enters the employ of another employer who offers group health coverage; or the employee becomes eligible for Medicare.

For further information about COBRA, please see Human Resources.

I. Workers' Compensation Insurance

The Town provides workers' compensation insurance under M.G.L. Chapter 152.

J. Training & Development Assistance Program

1. Training and development is the Town's primary vehicle for enhancing employees' performance and productivity through increased skills and more effective use of technologies and work processes.
2. To assure that the Town gets full benefit from training and development opportunities, department heads and other managers will encourage employees to enhance skills on their own initiative, with reimbursement available for job related courses when approved in advance.
3. In addition, department heads will annually identify training needs of their employees, develop plans and allocate resources to meet needs they deem to be most important. Plans may include on-the-job training as well as in-house and external classroom and/or other training as appropriate.
4. Training plans and budgets must be approved by the Town Manager before training is conducted. For academic courses at accredited institutions, a grade of B or better will be required for reimbursement.

XIX. DISCIPLINARY ACTION/WARNING NOTICE

A. Like most employers, the Town expects and hopes that its employees maintain high standards of performance and conduct. However there may be situations in which these standards are not met and discipline of employees is appropriate. There can be no exhaustive list of reasons that an employee may be subject to discipline, up to and including termination of employment. However the following is a non-exclusive list of conduct that may lead to such discipline:

1. Falsifying Town documents such as employment, medical or time records
2. Knowingly accepting compensation for work not performed
3. Theft of Town property or that of other employees

4. Destruction of or defacing Town property or the property of others
 5. Violation of the Town's policies including but not limited to Internet/E-Mail, HIPAA or Drug and Alcohol Policy, Discrimination or Anti-Harassment policies
 6. Bringing or being in possession of firearms or dangerous weapons in the workplace
 7. Offensive conduct in public toward another employee; deliberate injury to another employee
 8. Insubordination
 9. Excessive absences or tardiness
- B.** The Town reserves the right to consider and impose the level of discipline it deems appropriate. The Town may choose to use, but is not required to use, progressive discipline prior to termination of employment. The existence of a progressive discipline policy is not a guarantee or promise that it will be used in all or any specific case. Generally, progressive discipline will not be used in cases of intentional or serious misconduct, or where, in the Town's sole judgment, it is unnecessary or not advisable. Specifically, an employee may be suspended or terminated at any time without regard to the above steps if he/she commits an offense for which immediate discharge is specified as a penalty, or if, in the Town's judgment, the employee's continued presence would be contrary to the well-being of the department, the Town, or any of its employees.
- C.** If progressive discipline is utilized, it may follow (at the Town's discretion) some or all of the following steps:
- 1. First Warning**
 - a. The department head may issue a written warning, usually within five working days of knowledge of the infraction. This warning will outline the nature of the infraction, and the supervisor will offer remedial help or suggestions to correct the problem.
 - b. A copy of the warning will be placed in the employee's personnel file and will be removed at the request of the employee, provided that no other disciplinary process is initiated within six months of the warning.
 - 2. Second Warning**
 - a. The department head may issue a second written warning, usually within five working days of knowledge of the infraction. The warning will outline the nature of the infraction and, if appropriate, may offer remedial help or suggestions to correct the problem.

- b. A copy of the warning will be placed in the employee's personnel file and will be removed, at the request of the employee, provided that no other disciplinary process is initiated within one year of the warning.

3. Suspension

- a. The department head will recommend to the appropriate appointing authority that the employee be suspended, with or without pay. The recommendation will be made in writing, with a copy forwarded to the employee and to the employee's personnel file, within five working days of knowledge of the infraction.
- b. The appropriate appointing authority will meet with the employee and the department head within ten working days of receipt of the recommendation and will render a decision within five working days of the meeting.
- c. Upon the employee's request, documentation regarding the suspension will be expunged from the employee's personnel file provided that no other disciplinary process is initiated within two years of the suspension.

4. Termination

- a. The department head will recommend to the appropriate appointing authority that the employee be terminated. The recommendation will be made in writing, with a copy forwarded to the employee and to the employee's personnel file within five working days of knowledge of the infraction.
- b. Upon investigation, the appropriate appointing authority will render a decision within five days of receipt of the recommendation. Such recommendation may include, at the discretion of the appropriate appointing authority, a meeting with the employee.
- c. The timeframes associated with suspension and termination may be unilaterally extended by the Town, in its sole discretion, in cases where additional time is necessary to adequately investigate the alleged infraction or render a decision as a result of such investigation.
- d. Each discharge must be reviewed by the Town Manager.

XX. GRIEVANCE POLICY & PROCEDURE

The following procedure will be used when an employee has a question/complaint concerning his/her job classification, rate of pay, or any working condition which comes within the scope of the Personnel Policy Guide:

1. The employee shall discuss the question/complaint with his/her department head and shall receive an answer within two weeks after meeting with the department head.
2. If the department head and employee are unable to resolve the question/complaint the matter shall be referred to the appropriate appointing authority for review and recommendations.
3. If the employee feels that the question/complaint has not been resolved and wishes to pursue it further he/she may request a conference with the appropriate appointing authority.

XXI. TERMINATION

Employees who elect to terminate their employment with the Town are expected to give the supervisor or department head two weeks' written notice prior to the expected termination date.

In the event an employee is terminated for cause, no advance notice or salary in lieu of notice need be given by the Town. In all other cases, the Town will endeavor to give the employee two weeks written notice of the intent to terminate employment or will pay an equivalent salary in lieu thereof.

XXII. RECORDS

1. Personnel files for all municipal employees, except employees of the Library, will be maintained in the Human Resources Department. Library employee files will be maintained by the Library Director. It is the responsibility of the Town Manager, department heads, supervisors, appointing authorities, and other employees to provide the Human Resources Department with required documents. Personnel records for municipal employees should ordinarily include:
 - a. employment applications
 - b. reference checks
 - c. performance evaluations
 - d. salary change forms
 - e. transfer and/or promotion notices
 - f. letters of commendation
 - g. educational/professional designations
 - h. disciplinary notices

- i.** critical incident reports
- 2.** The following records will be maintained in separate files in the Town Comptroller's office and not retained in active personnel files:
 - a.** time cards/attendance records
 - b.** benefit enrollment forms
- 3.** The following records shall be maintained in separate files in the Town Treasurer's office:
 - a.** tax withholding/exemption forms
- 4.** Personnel files shall not contain the following:
 - a.** credit reports
 - b.** military discharge papers
 - c.** pre-employment physicals
 - d.** skills/aptitude tests
 - e.** medical records
 - f.** I-9 Forms
- 5.** Attendance records will be submitted to the Comptroller's Office by each department head by Wednesday of each week for the current workweek. The records must specify individual employee absences due to vacation, occupational or non-occupational sick leave, emergency leave, leave of absence, jury duty, military, or other types of absences not specifically mentioned.

PERSONNEL POLICY GUIDE ACKNOWLEDGEMENT

I understand and acknowledge that there is no specified length to my employment with the Town and that unless I am a member of a collective bargaining unit, my employment is at will. I understand and acknowledged that “at will” means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that the Town of Winchester may terminate my employment at any time, with or without cause or advance notice.

I understand that there may be changes to the information, policies and benefits in this Guide. The only exception is that the Town will not change or cancel its employment-at-will policy. I understand that the Town may add new policies to the Guide as well as replace, change, or cancel existing policies.

I understand and acknowledge that this Guide is not a contract of employment or a legal document. I have received the guide and I understand that it is my responsibility to read and follow the policies contained in it and any changes made to it. I understand that I should consult Human Resources if I have any questions that are not answered in this Guide.

Employee Signature

Print Employee Name