

TOWN OF SHIRLEY

PERSONNEL

POLICY & PROCEDURES

MANUAL

TOWN OF SHIRLEY

*This policy can be amended at any point in time
by a majority vote of the Personnel Board.*

*Adopted by the Shirley Board of Selectmen on
January 27, 2014*

INTRODUCTION

The contents of this handbook have been prepared to provide both new and present Town employees with current and useful information regarding their employment. It is hoped that this publication will be a useful reference regarding the rights, privileges, and responsibilities of a career in Town service.

As employees of the Town of Shirley, we are constantly being challenged to provide the citizens with the highest quality of services possible. Each one of us has an important role in the efficient operation of Town government. Whether an employee of four days or forty years, we must renew our pledge every working day to serve as well as we can.

If you have any questions please feel free to contact the Shirley Personnel Board. We are here to assist you with any matter relating to your employment.

PURPOSE:

The Board of Selectmen of the Town of Shirley, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, and the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating policies/procedures for the Town Of Shirley.

NATURE OF POLICIES & PROCEDURES:

These policies and procedures contain items relating to topics that cannot be addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation are not addressed in this format.

PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES:

- Draft policies and procedures will be placed on the agenda for any regularly scheduled meeting of the Personnel Board.
- Drafts will be in writing, and may be introduced only by a member of the Board or the Town Administrator.
- Upon receipt of a draft, the Personnel Board may choose to discuss the policy immediately or schedule the discussion for a future meeting.
- The Personnel Board may schedule any hearings or meetings it deems necessary for discussion.
- The Board may distribute a draft for comment to appropriate officials as it deems necessary.
- The Board will not vote on a policy at the same meeting that it is first introduced.
- This rule may be waived if the Board unanimously votes that prompt action is necessary.
- A majority vote of the board is necessary for adoption.
- The Town will be responsible for implementation of all policies and procedures.

**CHAPTER 1
PURPOSE AND POLICIES**

1-1 AUTHORIZATION/PURPOSE

The purpose of this manual is to establish fair and equitable policies and to establish a system of personnel administration based on merit principals to ensure a uniform, fair and efficient application of personnel policies. This Manual is adopted pursuant to the authority granted by the personnel by-law of the Town of Shirley.

1-2 APPLICATION/APPLICABILITY

All Town departments and positions shall be subject to the provisions of this manual except employees covered by collective bargaining agreements and employees who are elected officials. In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

These policies and procedures apply to all appointed and elected full time, part-time and/or fractional employees of the Town of Shirley and shall serve as a guide to the administration of a personnel system of the Town of Shirley in keeping with basic merit principles. These policies are not all inclusive; final discretion as to interpretation and as to the appropriate course of action concerning a particular personnel matter shall be that of the Personnel Board.

1-3 AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY

The Town of Shirley is an equal opportunity employer. This means that it pledges that all candidates for positions and all officials and employees in Town will be equally treated in all actions affecting them. It also means that the Town has a policy of non-discrimination which guarantees that all applicants for employment and all employees are not to be discriminated against because of their race, color, religion, sex, creed, national origin, age, veteran status, disability, sexual orientation, or any other characteristics protected by law.

1-4 SEXUAL HARASSMENT POLICY (Exhibit A)

1-5 WHISTLE BLOWER POLICY (Exhibit B)

1-6 DRUGS AND ALCOHOL IN THE WORKPLACE POLICY (Exhibit C)

**CHAPTER 2
RESPONSIBILITY FOR ADMINISTRATION**

2-1 PERSONNEL BOARD

The Personnel Board shall:

- The Personnel Board shall have the following duties and responsibilities with respect to all employees of the Town who are not covered by a union contract:
- To prepare and administer a Wage and Salary Classification Plan, subject to approval at Town Meeting;
- To establish Personnel Administration Policies and Procedures to assist covered employees and Town officials, governing all other questions relating to wages, hours, and conditions of employment not covered by the Wage and Salary Classification Plan;
- To issue, amend, or revoke administrative rules and regulations for the purpose of giving effect to the provisions of all By-laws and votes of the Town pertaining to personnel administration. Each such rule or regulation shall be numbered in sequence, and the Board shall maintain in the Selectmen's Office a file for all such rules and regulations issued, said file to be open to public inspection;
- To publish and maintain a Manual of Personnel Policies & Procedures for the benefit of Town employees and officials;
- To establish its own rules of procedure and to draw up such other rules and regulations consistent with statute, By-law, or vote of the Town as will enable the Board fully and effectively to perform its duties;
- To perform such other duties as may become desirable or necessary from time to time, in order to assure just and effective personnel administration in the conduct of the Town's business, provided such other duties are permitted by law to be undertaken by a personnel board.

2-2 DEPARTMENT HEADS

A department head shall be designated by the overseeing elected town board or/elected official(s). Under circumstances when a department head is not designated, the elected board or official assumes the role of the department head. Department heads:

- a. Shall have the responsibility subject to the approval and authority of the appointing Town Board or Official to discipline, supervise their employees and report to the Personnel Board of changes in duties of the employees in order that the Classification Plan will be maintained, and to recommend salary increases.
- b. Work with the Town Administrator to develop an annual budget for their departments.

2-3 EMPLOYEES

It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in these personnel policies and any subsequent revisions. Employees are also encouraged to submit suggestions for changes and improvement in personnel policies and procedures for improvement of the personnel administration in the Town of Shirley.

**CHAPTER 3
CLASSIFICATION SYSTEMS**

3-1 PURPOSE

The purpose of the classification plan shall be to:

- a. Provide equal pay for equal work
- b. Establish qualification standards for recruiting and examining purposes.
- c. Provide a means of analyzing work distribution, area of responsibility, lines of authority, and other relationships between positions.
- d. Indicate training needs.
- e. Establish lines of promotion.
- f. Provide uniform titles for positions.
- g. Provide a basis for developing standards of work performance.
- h. Assist in determining budget requirements.

3-2 ADMINISTRATION OF CLASSIFICATION PLAN

- a. Each classified position is assigned to a grade. The Personnel Board is responsible for the classification of all positions that is voted on at Town meeting annually.
- b. Any changes to the classification of an employee requested by the Department Head at the annual evaluation will be reviewed by the Personnel Board. The reclassification will be considered as a change in position, and rules and pay policies applicable to position change will apply. If the reclassification is not within budgetary limits, the reclassification will be noted and will be effected as soon as funding is approved by Town Meeting. If the Personnel Board determines that a reclassification is not justifiable, no similar request may be submitted within twelve (12) months.

**CHAPTER 4
COMPENSATION SYSTEM**

4-1 PAY POLICY

4-2 DIRECT DEPOSIT

Direct deposit of paychecks to the employee's bank account is available upon request to the Treasurer's Office. In order to enroll in the Direct Deposit program you need to complete the **Authorization for Direct Deposit** that is included in your enrollment packet and attach a cancelled or voided check to this form.

4-3 MAINTENANCE OF THE PLAN

Factors relevant to the maintenance of sound compensation practices will include ranges of pay in other classes; prevailing rates of pay for similar employment in both public and private organizations; cost of living factors; other benefits received by employees; the financial policy and economic considerations of the town; and the ability of the town to recruit and retain qualified personnel; and subject to the availability of funds.

4-4 PAY ADMINISTRATION

APPOINTMENT RATES – An employee appointed to a position should normally be compensated at a minimum rate of pay assigned to the class to which the position is allocated. However, subject to the approval of the Personnel Board, original employment at a salary above the minimum step may be made upon written certification by the appointing board that such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate.

STEP INCREASES – Step increases within an established range are not automatic, but require certification by the Department Head that the employee is performing at an acceptable level of competence. Step increases will start on the July 1 of each fiscal year. The appointment board must approve all such pay raises. Step increases should be considered at the end of each year of satisfactory service in the same classification until maximum for that salary range is reached. All time spent in leave without pay category which is in excess of thirty (30) days will not count toward service for the increases.

The following factors shall not affect eligibility for a merit pay increase:

- a. Pay adjustment resulting from an annual pay survey.
- b. Transfer within class or within range.
- c. A period of paid leave.
- d. Reclassification to a class of the same pay range or lower.
- e. And such others as may be provided by law.

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The denial of a step increase may not always connote less than satisfactory service of an employee. If funding is not available, a Department Head may deny step increases. If the employee's annual performance evaluation indicates less than satisfactory service, the pay raise shall be withheld until the employee has, in the judgment of the supervisor, corrected the deficiencies. Written notice of the denial of a pay raise and the reasons, therefore, shall be submitted to the employee at least thirty (30) calendar days prior to the due date for the step increase. The employee's eligibility date for future increases shall remain unchanged.

REAPPOINTMENT RATE – Persons receiving re-employment or reinstatement appointments may be paid at any step within the pay range not to exceed the step attained at the time of the separation, at the discretion of the Department Head, with written approval from the Personnel Board.

PROMOTION – Upon promotion, the employee's salary shall be set at the rate of the higher classification which at least provides an increase equal to the next higher pay step in the employee's previous classification level, except that the new salary shall not be more than the maximum rate of the higher classification level.

TRANSFER – When an employee is transferred from a position in one class to a position in another class at the same pay rate, or is transferred with no change in class, (s) he shall continue to be paid at the same rate.

DEMOTION – When an employee is demoted to a lower grade, his/her salary shall be set at:

- a. The rate in the lower grade which provides the smallest decrease in pay, if the action is not for cause, or
- b. Any appropriate rate, as determined by the Personnel Board, in the lower grade that is less than the existing salary if the action is for cause.

REALLOCATION OF POSITION TO A CLASS OF A LOWER PAY RANGE - When a position of allocation to a class of a lower pay range, the salary of the incumbent shall be set as follows:

- a. If the employee's salary in the higher range is above the top step of the lower range, his/her pay shall remain unchanged. The employee shall not receive any increase in pay until the maximum of the pay range exceeds the employee's rate of pay.
- b. If the employee's salary in the higher range falls within the lower range, his/her pay shall remain unchanged.

OUTSTANDING SERVICE PROMOTION – Department Heads may recommend employees for a double step increase in pay, but not to exceed the maximum pay range for the classification, for truly sustained outstanding performance of duties. The Department Head will submit to the Personnel Board a written, signed justification outlining in specific details as to why such increase is recommended. The Personnel Board will review the recommendation and shall be the final authority in the approval or disapproval of such increase. Any approval would be subject to the availability of funds.

**CHAPTER 5
HOURS OF WORK**

5-1 HOURS OF WORK

The work schedule will be established by the Department Head subject to the direction of the Board of Selectmen where applicable. The minimum work week for full-time employees is thirty-seven and one-half (37-1/2) hours per week. All employees will be given a thirty (30) minute unpaid lunch break at a time agreeable to the employee and their department head. The Town Administrator will have on file all employees regularly scheduled work week.

5-2 WAGE REQUIREMENTS

MINIMUM WAGE REQUIREMENTS – The minimum wage rate for employees of the town shall be the rate established by law for employee working in the Commonwealth of Massachusetts.

ACTUAL HOURS WORKED – The actual hours worked include all time an employee is required to be on duty on the employee’s premises or at a prescribed work place, and at all times during which the employee is to work. The actual hours worked does not include:

- a. Vacation, holiday, sick leave, injury leave, travel time, bereavement leave, jury duty and personal leave.

5-3 CHILD LABOR

Persons under the age of 18 years shall only be employed by the Town to the extent permitted by the Massachusetts General Laws, Chapter 149.

**CHAPTER 6
LEAVE**

6-1 GENERAL POLICY

Leave is an authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with these rules on the basis of the work requirements of the departments.

6-2 PROCEDURE FOR REQUESTING LEAVE (Exhibit E)

Employees may request leave using the form attached in this manual or as otherwise provided by law. No employee will be paid for any time spent on an unapproved leave of absence and an employee who is absent from work on an unapproved leave may be subject to disciplinary action. Leave requested are to be directed to the Town Administrator for review. Employees are not to use accrued time on a weekly basis. If an employee uses said time on a weekly basis for more than 4 consecutive weeks special permission must be granted on a temporary basis by the Town Administrator, in conjunction with the employees Elected Board.

6-3 SICK LEAVE

All full-time employees shall earn sick leave, one day per month, to a maximum of twelve days per year. Said employee may accumulate up to a maximum of 130 days sick leave. Part-time employees (less than 37.5 hrs) shall earn sick leave in accordance with the above on a pro-rated basis and in accordance with their regularly scheduled weekly hours. Fractional employees (less than 20 hrs) are not entitled to sick leave.

When an employee finds it necessary to be absent because of sickness or illness, the employee shall verbally notify the immediate supervisor as soon as possible. For the protection of the Town, the Department Head or Town Administrator may require the presentation of a doctor's certificate from the attending physician in connection with a claim for sick leave. A doctor's certificate shall be required by the Department Head of sickness of three or more consecutive days. Use of sick leave for illness other than that of the employee will be granted only when required by the Family and Medical Leave Act.

Sick time shall only be used for health related issues of employee's or their family members, such as illness, doctors appointments.

6-4 BEREAVEMENT LEAVE

Bereavement is normally a verbal request. The purpose of bereavement leave is to enable an employee to take care of personal arrangements and problems caused by death of an immediate member of his/her family and to relieve him/her of the concern over the loss of earnings on the regularly schedule work days immediately following the death. All employees shall be eligible for up to three (3) days paid leave in the event of death in the immediate family including step family, grandparents, and relatives living in

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the home when such bereavement period occurs during a regularly scheduled work period.

VACATION LEAVE

An employee may elect to take their vacation a day at a time, subject to approval of the Department Head. Employees are encouraged to submit a written vacation leave request in blocks of time sufficient to ensure vacation periods to best serve the public interest. Written leave requests will be submitted to Department Heads and will be established by seniority.

An employee shall be paid for unused and accrued vacation on separation from employment from the Town of Shirley in accordance with state law. Upon the death of an employee who is eligible for a vacation under the provisions herein, payment shall be made to the estate in an amount equal to the unused vacation allowance earned in the vacation year during which the employee died. An employee who retires will be paid for any unused vacation pay earned. An employee may only accrue vacation leave up to a maximum accrual equivalent to one full year’s accrual plus 5 days at any time.

Full-Time Employees shall be granted a vacation, to be accrued on a monthly basis, without loss of pay in accordance with the following schedule. Employees who have satisfactorily completed six months of employment shall have their service computed from the day on which they started with the department:

<u>Years of Service</u>	<u>Monthly Accrual</u>	<u>Annual Accrual</u>
0 – 4 years	0.8334 days	10 days
5 – 9 years	1.2500 days	15 days
10 – 19 years	1.6667 days	20 days
Over 20 years	2.0834 days	25 days

Part-Time Employees are entitled to paid vacation in accordance with the above on a pro-rated basis and in accordance with their regularly scheduled weekly work hours.

Temporary or Fractional (less than 20 hours per week) employees are not entitled to vacation leave.

6-6 MILITARY LEAVE

A written request is required. An employee entering regular military service or military reserves will be provided a leave of absence as required by Federal Law. It is the employee’s responsibility to notify his/her Department Head of the date(s) he is leaving for military service and to provide written proof from military or selective service officials to the department head indicating the date of departure and the anticipated length of service required.

RETURN TO WORK – If an employee requests reinstatement within ninety (90) days after honorable discharge from military service or hospitalization resulting from military service, he/she will be rehired with full rights of his/her former job or its equivalent.

SENIORITY AND BENEFITS – Employees in the military service will continue to receive credit for seniority accrual. When military leave exceeds thirty (30) calendar days, vacation and sick leave shall not accrue.

MILITARY RESERVE DUTY – An employee on military reserve leave shall be paid the difference between the compensation rates paid the employee by the department and by the military if his military reserve pay is less than his base compensation rate, up to a period of 17 days per fiscal year.

6-7 MATERNITY LEAVE

A female employee who has completed the initial training and orientation period set by the terms of her employment as a full-time employee, and who shall have given at least two week's notice to the Town of her anticipated date of departure and intention to return, shall be entitled to maternity leave that follows FMLA (**See Exhibit C**) for the purpose of giving birth, and shall be restored to her previous, or a similar, position with the same status, pay, length of service credit, and seniority, wherever applicable as of the date of her leave. Maternity leave shall be without pay, except to the extent that the employee is entitled to use sick leave to cover period of actual disability due to pregnancy and/or child birth.

An employee on maternity leave shall not be required to be restored to her previous or a similar position if other employees of equal length of service credit and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such maternity leave; provided however, that such employee on maternity leave shall retain any preferential consideration for another position to which she may be entitled as of the date of her leave.

Such maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave and any other advantages or rights of her employment incident to her employment position; provided, however, that such maternity leave shall not be included, when applicable, in the computation of such benefits, rights and advantages; and provided further that the Town need not provide for the cost of any benefits, plans or programs during the period of maternity leave unless the Town so provides for all employees on an unpaid leave of absence.

A physician's certificate must be submitted to the employee's department head before returning to work.

6-8 PERSONAL DAYS

Scheduling of personal leave shall be subject to the operating need of the department, as determined by the Department Head. When requested, the Department Head shall grant personal leave days in accordance with the following conditions:

- a. Personal Leave shall not exceed four (4) days per fiscal year.
- b. Personal Leave shall not be added to an eligible employee's vacation allowance.
- c. Temporary and Fractional (less than 20 hours per week) employees are not entitled to Personal Leave.
- d. Personal Leave not used during the fiscal year shall be lost and shall not be accumulated.

6-9 ADMINISTRATIVE LEAVE

Administrative leave is an absence granted by a Department Head without loss of pay for the purpose of attending schools, seminars, or other duties which would not only improve employee capability, but also assist in improving Town operations.

6-10 HOLIDAY LEAVE

Full time and part time benefited employees (part time employees will receive the holiday at a prorated rate) are entitled to the following paid holidays:

- New Years Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

6-11 JURY DUTY LEAVE

An employee called for jury duty will be paid for the first three days of jury duty in accordance with the law and subsequently will be paid an amount to bring the employee's compensation up to the usual rate of pay. Notice of service must be filed with the department head upon receipt of a summons. Notice from court confirming completion of jury service must be submitted to department head once received.

6-12 FAMILY MEDICAL LEAVE ACT (See Exhibit C)

CHAPTER 8 TRAINING

8-1 TRAINING POLICY

It is the policy of the Town of Shirley to foster and promote employee training programs for the purpose of improving the quality of personnel services tendered to citizens and aiding employees to equip themselves for advancement in the service.

8-2 ADMINISTRATION OF THE EMPLOYEE TRAINING PROGRAM

The Town Administrator shall be responsible for establishing standards for training programs and to:

- a. Providing assistance to Department Heads and/or Supervisors in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.
- b. Developing supervisory and management training and other types of training and employee development programs common to all departments.
- c. Providing assistance to Department Heads and/or Supervisors in establishing standards of performance and procedures for evaluating employee performances, potential for growth and identifying training needs.
- d. Keeping records of all approved training courses and programs and a record of employees who successfully complete such courses and programs.
- e. Evaluating the effectiveness of training programs.

8-3 IDENTIFYING TRAINING NEEDS

At any time the supervisor and employee should discuss areas where training is needed or desirable for performance in the employee's present job, or would be helpful in developing additional skills for growth into other positions in the Town of Shirley. Department Heads should keep themselves apprised of training programs that may be of help or interest both to themselves and to their employees, and should nominate employees for appropriate training courses.

CHAPTER 9 CONDUCT OF EMPLOYEES

STANDARDS OF CONDUCT

The Town of Shirley strives to create and maintain a positive work environment. The Town stresses courteous and respectful behavior towards your fellow employees and customers. An employee should have a responsible attitude. The following standards will assist in clarifying differences in judgment. These standards simply outline general principles on which employees are expected to base their behavior. The examples are not meant to be all-inclusive. In general, employees can anticipate that actions harmful to another employee or to the Town are cause for disciplinary procedures or possible dismissal. Employees are expected to respect the individual rights and privacy of others.

9.1 EMPLOYEE STANDARDS

- You are expected to perform all duties assigned by your department head or designee regardless of your title, unless deemed to be illegal or unethical.
- If anyone is injured, notify the department head or designee at once.
- If you plan to resign, common courtesy dictates that you notify your department head at least two weeks in advance.
- You are expected to be courteous at all times to all employees, residents and other individuals.
- Where appropriate, employees must be properly attired in supplied clothing and required safety clothing/equipment.
- Proper attire, professional attire should be worn by all employees
- Tools, equipment and supplies must be used in a safe and prescribed way tools, equipment and supplies must not be abused.
- Property belonging to the Town, its customers, vendors or employees shall not be defaced or damaged, nor shall Town equipment or property be used without written authorization.
- Employees should not use or allow the use of Shirley property of any kind for other than official activities. Excessive use of Town telephone facilities for personal calls by employees is prohibited and may be monitored.

9.2 GROSS VIOLATIONS

The following are considered gross violations of town policy for which disciplinary action, such as immediate suspension and possible termination may occur:

- Deletion of emails subject to MGL.

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- Reporting to work under the influence of drugs or alcohol, possession or use of alcohol or illegal drugs during working hours.
- Fighting or any behavior or misconduct that endangers the life or property of others.
- Any security violation involving a willful intent to defraud (such as theft).
- Possession of dangerous weapons.
- Flagrant insubordination, including, but not limited to, leaving a work location contrary to direct instructions, refusal to do assigned tasks.
- No employee shall engage in any business other than his/her regular duties during working hours.
- Falsification of records, including among others, time cards and employment applications; deliberate misrepresentation.

9.3 SUPERVISORS CODE

Supervisors shall:

- Manage the work of your department in serving the Town according to your best professional judgment, the plans of the Town, and your supervisors, and cooperate with other departments as appropriate.
- Manage employees fairly and equitably, communicating expectations of performance, recognizing and rewarding acceptable work and discussing actions needed to improve performance when needed.
- Take part in regular two way communication between yourself and employees for whom you are responsible, and act on their behalf with your supervisors when appropriate.
- Manage your department's finances and the Town's funds economically.
- Provide a comfortable, non-threatening work environment; respect individual diversity among employees.
- Serve the public and fellow employees with cooperation and respect, personally and under the law.
- In addition to the above, supervisors must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates and no supervisor shall borrow money or accept favors from any subordinate.

9-4 GIFTS AND CONTRIBUTIONS

Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who is seeking to obtain business with the Town, or from any person within or outside the Town employment whose interest may be affected by the employee's performance or non-performance of official duties. Massachusetts General Laws Chapter 268A addresses this issue in detail. The State and the Town take this issue seriously. Violators face potential prosecution under the law. If you have any questions, please contact the Town Administrator.

9-5 OUTSIDE EMPLOYMENT

No employee may engage in outside employment which in any manner interferes with proper and effective job performance, results in a conflict of interest, or may subject the Town of Shirley to public criticism or embarrassment. Employees who engage in employment outside of regular working hours shall be subject to call to perform regular Shirley duties first.

9-6 PRIVILEGED INFORMATION

Employees must not use privileged information for their own financial advantage or to provide friends and acquaintances with financial advantage (See Chapter 268A, General Laws).

9.7 CONFIDENTIALITY

The Town of Shirley has contact with many organizations including state, county and federal governments, private businesses and citizens. In many cases the Town is dealing with issues that are of a confidential and sensitive nature. Employees must be cautious not to disclose confidential information, which could lead to legal and financial repercussions for the Town, poor public relations and/or bad employee morale. If you have any questions, in regard to confidential matters, see your supervisor before discussing or releasing information. Improper disclosure of confidential matters could be subject to disciplinary action.

9-8 POLITICAL ACTIVITY

The Massachusetts conflict of interest law, Chapter 268A of the General Laws, prohibits public employees from soliciting or accepting gratuities for or because of, their official duties. This law prohibits certain activities, which could result in a conflict of interest or create the appearance of a conflict of interest. If you have any questions, please contact the Town Administrator.

All employees are entitled to exercise their rights as citizens to express their opinions and to cast their votes. Employees may not:

- Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office

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- Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend or contribute anything of value to anyone or organization for political purposes
- Advocate for a political candidate, cause or party in the workplace. Use of town resources (i.e. copy machines, computers, etc.) to advocate for a political cause or party.

**CHAPTER 10
EMPLOYEE RECORDS AND BENEFITS**

10-1 EMPLOYEE BENEFITS

The policies and/or information concerning employee benefits listed below are located in the Town Administrator's office may be seen by contacting the office during office hours.

Health, Dental, STD, LTD, ADD&D, Life, HIPAA

10-2 PERSONNEL RECORDS

The Town Administrator shall be responsible for the maintenance of personnel record for each employee, subject to state and federal law. This record shall include but is not limited to: the original application for employment, the results of any tests and examinations, record of disciplinary actions, training records, and other records pertinent to the employee's service, position classification, annual salary, date of last increment, salary deductions, workers Compensation or injury claims or payments, and any other financial records that are needed. All personnel actions will be documented in this file to insure accuracy relative to leave, employment, and personal status changes.

Requests for personnel actions such as changes in classification (i.e. reallocation of a position, abolishment of a position or class, revision of a class, or creation of a new class), step increases, appointment, completion of training and orientation period, dismissal, suspension or transfer (temporary or permanent) should be initiated by the supervisor or other authorized official generally at least two (2) weeks prior to the effective date of such action and forwarded to the Town Administrator.

Notices of personnel actions such as resignations or changes in address, name, telephone number, should be initiated by the employee and submitted to the supervisor as soon as possible. Department Heads should forward the notice to the Town Administrator. Department Heads should advise employees to report such changes, as well as adjustments in education and skills, whenever such changes occur, to assure proper maintenance of records and personnel files.

Notices of use of leave or requests for leave should be initiated by the employee and submitted to the supervisor prior to the commencement of the leave, whenever possible. Department Heads should forward the approved notices to the Town Administrator.

10-3 RETENTION OF RECORDS

Such records shall be maintained on a current basis for each employee. Records of former employees shall be maintained for seven (7) years following separation from the service, also in accordance with state guidelines and regulations (Public Records Law).

10-4 EMPLOYEES RIGHT TO SEE RECORDS

Any employee may arrange to see his/her personnel and financial records during business hours upon request to the Town Administrator.

**CHAPTER 11
TRAVEL RULES AND REGULATIONS**

11-1 INTRODUCTION

The provisions of this Chapter shall prescribe the policies and procedures for reimbursement of officials and employees in connection with any official travel undertaken by said official or employee for the Town of Shirley.

11-2 GENERAL CONDITIONS

Reimbursement shall be approved only if there is strict compliance with the following conditions:

- a. The expenditure shall have been made by an official or employee of the Town of Shirley in the performance of official duties, the benefit from which accrues to the Town of Shirley.
- b. The request for reimbursement shall be submitted to the employee's Department Head on a form provided for this purpose, properly executed.
- c. Travel expenses shall be approved by the employee's Department Head.
- d. Reimbursement shall be subject to Accounting Policies and Procedures furnished to each Department Head.

11-4 USE OF PRIVATELY-OWNED AUTOMOBILES

Reimbursement for the use of privately-owned automobiles shall be approved, subject to the general conditions set forth above, and subject to the following:

The rate of reimbursement shall be the rate published by the Internal Revenue Service to be used by taxpayers in calculating their business mileage allowance. Mileage shall not be approved for between an employee's place of abode and his assigned place of employment. Reimbursement shall be subject to the conditions set for and in accordance with Accounting policies and procedures.

11-6. HOTEL ACCOMODATIONS

Reasonable reimbursement shall be approved, subject to the general conditions, provided that the Department Head shall have approved the rate of accommodations prior to the incurring of the expense.

11-7 MEALS

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Reimbursement shall be approved, subject to approval by the Department Head, for reasonable meal expenses when incurred as part of a business expense. According to MGL alcohol is not a reimbursable expense.

**CHAPTER 12
HIRING POLICY**

The purpose of this policy is to establish consistent procedures for the selection of candidates for positions in Town service.

This policy applied to all paid, appointive positions in Town Government excluding those positions under the supervision and control of elected boards. However, in such case the Elected Board will work with the Town Administrator to hire the most qualified candidate available. Employees whose positions are governed by collective bargaining agreement are subject only to those positions of this policy which are not specifically regulated by law or agreement.

The primary goal of the Town in the employment process is to fill vacancies with the most qualified candidates available. In this pursuit, the Town will adhere to the Equal Employment Opportunity principles, as referenced in Section 1-3.

POSTING & ADVERTISING

1. Once a position is vacated the Elected Board or Department Head will notify the Town Administrator.
2. The job description presently on file in the Town Administrators office is the official description of the duties of the position.
3. The appointing authority/department head assist the Town Administrator to prepare a job posting based on the official job description, grade, and current salary information.
4. Job postings will be posted on all Town bulletin boards for ten calendar days.
5. Internal applicants will be considered prior to external candidates if they meet the minimum entrance requirements.
6. All advertisements for external candidates will be reviewed by the Town Administrator and all resumes with cover letters will be forwarded to same.

**CHAPTER 13
GRIEVANCE PROCEDURE**

A. A "grievance/complaint" is defined as a request by an individual or group of individuals for personal relief in any matter of concern or dissatisfaction which is subject to the control of Town management. The grievance/complaint procedure is subject to the provisions of this manual or federal and state statutes. This section shall not apply to grievances or complaints that are otherwise governed by any applicable collective bargaining agreement. Procedure for seeking redress is as follows:

(1) Step 1: Any grievance will first be presented to the immediate supervisor or Board member, within the time frame set forth in Subsection B below. That supervisor will make whatever investigation he/she deems necessary to clarify the matter in question and to resolve the problem or misunderstanding if possible. The immediate supervisor or board member should notify the Town Administrator of the grievance and the steps the immediate supervisor is taking to address the grievance. The Town Administrator shall advise the immediate supervisor or board on how best to resolve the grievance. The immediate supervisor's/board member's decision will be made as soon as practicable after full discussion by the parties concerned but not later than five business days from the date of the presentation of the grievance. Every attempt should be made by both parties to resolve the grievance at this step. If the grievance cannot be resolved at this Step 1, the grievant may proceed to Step 2A (if the grievant's immediate supervisor is not the Town Administrator) or to Step 2B (if the grievant's immediate supervisor is the Town Administrator).

(2) Step 2A: Formal Procedure. (if the Grievant's immediate supervisor is not the Town Administrator) If the grievant is dissatisfied with the decision at Step 1, he/she may take up the matter in writing with the Town Administrator within five business days of the decision. Within 14 business days after receipt of the written grievance, the Town Administrator will meet with the grievant and/or grievant's immediate supervisor. An investigation or inquiry into the grievance by the Town Administrator, including discussion with principal parties concerned, may take place. The Town Administrator will render a decision in writing within 30 calendar days from the date of the meeting with the grievant and/or grievant's immediate supervisor, a copy of which will be provided to the grievant. The Town Administrator shall keep a separate record of his/her proceedings which shall not be open to public inspection, except as may otherwise be required by law.

(2B) Step 2B: Formal Procedure (if the Grievant's immediate supervisor is the Town Administrator): The Town Administrator will render a decision in writing within 30 calendar days from the date of the meeting with the grievant and/or grievant's immediate supervisor, a copy of which will be provided to the grievant. The Town Administrator shall keep a separate record of his/her proceedings which shall not be open to public inspection, except as may otherwise be required by law.

(3) If the grievant is dissatisfied with the decision at Step 2, he/she may, prior to bringing the grievance to Step 3, request an opinion from the Personnel Board on the validity of the grievance and request that the Personnel Board file said opinion with the Board of Selectmen at Step 3. The Board of Selectmen may, at their discretion, utilize said opinion when ruling on the grievance at Step 3. Said request to the Personnel Board for an advisory opinion shall be made within five business days of the Town Administrator's decision. The Personnel Board's opinion will be rendered in writing and filed

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with the Board of Selectmen within 30 calendar days from receipt of the request. The Personnel Board shall keep a separate record of its proceedings which shall not be open to public inspection, except as may otherwise be required by law.

(4) Step 3: If a grievant is dissatisfied with the Town Administrator's Decision at Step 2, the grievant may appeal that decision their Elected Board, or to the Board of Selectmen. The appeal shall be in writing and submitted within five business days after the date on which the grievant received the Step 2 decision, or within 35 business days of the request to the Personnel Board of an opinion. A decision will be issued to the grievant in writing by the Elected Board or Board of Selectmen within 20 business days from the receipt of the appeal.

B. Any grievance which is not taken up by the grievant with their immediate supervisor at Step 1 within 15 calendar days after the last occurrence of the action or event out of which the grievance arose shall not be presented or considered at a later date.

C. All time limits provided for herein may be extended by mutual agreement between the grievant and the Town Administrator or the Board of Selectmen. Failure of the Town to observe the time limits with respect to any step in the grievance procedure shall entitle the grievant to advance the grievance to the next step. Failure of the grievant to observe the time limits provided shall constitute withdrawal of the grievance.

D. Any grievance that has not been processed through the informal step (Step 1) may not be processed through the formal step(s). Any grievance not processed through Step 2 may not be processed to the Board of Selectmen.

E. Unless mutually agreed otherwise, identical grievances to which this order applies will be processed under the procedures of the order by having one grievance processed, the result of which will be binding on the other grievance(s). Identical grievances herein referred to are those where the dissatisfaction expressed and relief requested are the same.

Notice:

This handbook and its contents do not constitute an employment contract and are provided for informational purposes only. All information contained herein is subject to change without notice. References to state and Federal laws are merely summaries and some provisions of the information as they affect conditions of employment are subject to change as interpreted by the courts. In addition, specific cases may require a different approach. Applicable collective bargaining agreements supersede provisions of this handbook.

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Acknowledgement of Receipt

As the hiring authority, I certify that I have provided a copy of the current Personnel Policies and Procedures manual to the employee for review.

Signed Print name

Department Date

As the employee, I certify that I have received a copy of the current Personnel Policies and Procedures manual. By signing this acknowledgement, I verify that I have been given a copy for my files and that I have read the manual.

Signed Print name

Department Date

Please return this page to the Town Administrator for inclusion in the employee's personnel file. A copy may be kept by the employee and/or the hiring authority for reference.

DEFINITIONS

AFFIRMATIVE ACTION – the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.

ALLOCATION - The assignment of an individual position to an appropriate class on the basis of kind of work, duties, and the responsibilities of the position.

APPOINTING BOARD OR OFFICIAL – The elected board or official who appointed an employee into the position they currently hold.

APPOINTMENT – The placement of a person in a position on a temporary, part-time, provisional, permanent or emergency basis.

BYLAW – the Personnel Bylaw adopted by the Town

CLASS – A position or group of positions which are sufficiently similar with respect to duties, responsibilities, and authority that may properly be designated by the same title and equitably compensated from the same pay range under substantially the same employment conditions.

CLASSIFICATION PLAN – Classification and Compensation is a plan for all employees, subject to Town Meeting adoption and annual appropriations established to insure that:

- a. Fully qualified and performing employees are compensated at a rate comparable to similar work rates in the surrounding area.
- b. As employees master their work, they are rewarded for skill developments and performance.
- c. Employees are rewarded for behavior and performance that exceeds the normal requirements of the job.

CLASS SPECIFICATION – The written description of a class, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the minimum qualification requirements that are necessary for the satisfactory performance of the duties of the class.

CLASS TITLE – The title assigned to any particular class and used for reference to that class.

COMPENSATION – The salary or wages and other form of remuneration earned by any employee by reason of service in the position, but do not include allowances or expenses authorized and incurred as incidents to employment.

DEMOTION – The movement of an employee from a position in one class to a position in another class with lower maximum pay rate.

DEPARTMENT HEADS – The Departmental Organization of the Town of Shirley is attached hereto as Exhibit

DISCRIMINATION – unequal treatment or categorization of individuals on a basis other than individual merit such as race, sex, age, color, religion, marital status, national origin, sexual orientation, or disability.

DISCHARGE OR DISMISSAL – Involuntary termination of employment for reasons other than layoff.

DISCIPLINARY ACTIONS – An oral warning, written reprimand, suspension, demotion, or dismissal taken for cause by the appropriate authority.

EFFECTIVE DATE – The date at the beginning of a payroll period following the eligibility date for a change in pay to be implemented.

ELECTED OFFICIALS – Officials of the Town of Shirley who hold their positions as a result of having been elected by popular vote.

ELIGIBLE – A person who has met the minimum requirements established for a position.

EMERGENCY APPOINTMENT – An appointment made temporarily during an emergency for a period of up to six months to prevent stoppage of public business, hazard or serious inconvenience to the public when a regular appointment is not possible.

EMPLOYEE – A person occupying a position, or a person who is on authorized leave of absence.

EMPLOYEE AT WILL – All employees covered by this by-law are employees at will who may terminate their employment with the Town at any time after their initial employment by giving a two week written notice of their intent to do so, and whose employment may be similarly terminated by the Board or official who appointed them for any reason with two weeks notice and/or two weeks pay in lieu of notice at the option of the appointment board or official.

EMPLOYMENT DATE – The date on which an employee commences performance of duties and is placed on the payroll.

FRACTIONAL EMPLOYEE – An employee who is scheduled to work less than 20 hours per week; or is not scheduled to work for 10 months or more, but who works at least 90 days per year. This category is not eligible for benefits except those required by law.

FULL-TIME EMPLOYEE – An employee who works a minimum of 37.5 hours per week, and is scheduled to work 52 weeks per year, including leave time. This category is entitled to full benefits.

GENERAL LAWS – the General Laws of the Commonwealth of Massachusetts

INCUMBENT - The current occupant of a position.

LAYOFF – The separation of a permanent employee because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part the employee.

LEAVE – An authorized absence from regularly scheduled work hours which has been approved by proper authority.

MERIT INCREASE – An increase in pay from one step to a higher step in the pay range for an employee who meets the eligibility conditions specified in these policies.

PAY PLAN - A schedule of compensation for all classes in the classification plan, including any successive pay rate steps established for each class. All positions allocated to one class will be paid according to the salary range established for that class.

PART-TIME EMPLOYEE - An employee who is schedule to work less than 37.5 hours, but at least 20 hours per week for at least ten months of the year. This category is entitled to less than full benefits except as required by law.

PERSONNEL ACTION – All activities affecting any aspect of an employee’s status which includes appointments and changes in appointments, original hiring, re-employment, transfer, promotion, demotion, changes in hours, re-allocation, resignation, suspension, discharge, placement on leave, step increases, etc.

PERSONNEL POLICIES – A series of personnel policies, including rules and regulations, which establishes the rights and benefits to which personnel employed by the Town are entitled and the obligations of said employees of the Town.

PERSONNEL COORDINATOR – The person designated by the Personnel Board to administer this policy as hereinafter described.

PERSONNEL RECORDS – a centralized record keeping system which maintains essential personnel records pursuant to the provisions of G.L. c. 149 s. 52C.

PROBATIONARY PERIOD: All new employees appointed to regular positions will be on probation for a period of six months: twelve months for police officers and firefighters.

PROMOTION - The movement of an employee from a position of one class to a position of another class with a higher maximum pay rate.

RECRUITMENT – A recruitment, employment, promotion and transfer policy which ensure that reasonable effort is made to attract qualified persons and that selection criterion are job related.

REALLOCATION OR RECLASSIFICATION - The assignment of a position to a class different from the one to which it was previously assigned.

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SUSPENSION – An involuntary absence without pay imposed on an employee for disciplinary action or pending final outcome of appeal.

TEMPORARY EMPLOYEE/POSITION – An employee hired for a period not to exceed six (6) months. This category is not entitled to benefits except those required by law.

TRANSFER – The movement of an employee from one position to another position of the same class or of another class having the same maximum pay rate involving the performance of similar duties and requiring essentially the same basic qualifications.

**EXHIBIT A
SEXUAL HARASSMENT POLICY**

Introduction

It is the goal of Town of Shirley to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. As the policy provides, actions, words, jokes, e-mails, or comments based on an individual's sex, color, race, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity, or other legally protected characteristic will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

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

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

Definition of Sexual Harassment

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

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

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

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

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- I. Unwelcome sexual advances -- whether they involve physical touching or not;
- II. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- III. Displaying sexually suggestive objects, pictures, cartoons;
- IV. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- V. Inquiries into one's sexual experiences; and,
- VI. Discussion of one's sexual activities.

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

Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting

Karen Luddington, P. O. Box 774, Shirley, MA 01464, kluddington@childrensfriend.org
Paul Przybyla, P. O. Box 1413, Shirley, MA 01464, paul.przybyla3@verizon.net

These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Sexual Harassment Investigation

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

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

Disciplinary Action

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

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

The United States Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

The Massachusetts Commission against Discrimination ("MCAD")

<u>Boston Office</u> One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 617-994-6000	<u>Springfield Office</u> 436 Dwight Street Room 220 Springfield, MA 0110 413-739-2145	<u>Worcester Office</u> Worcester City Hall Room 100 455 Main Street Worcester, MA 01608 508-799-8010	<u>New Bedford Office</u> 800 Purchase Street Room 501 New Bedford, MA 508-990-2390
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Name: _____
(Please Print)..... (Last) (First)

I have received a copy of the Town of Shirley's Sexual Harassment Policy.

Signature: _____ Date: _____

**EXHIBIT B
WHISTLE BLOWER POLICY**

Employees of the Town of Shirley are hereby advised of their rights in accordance with Chapter 149, Section 185, and “The Massachusetts Whistler Blower Statute”.

The Town of Shirley as employer shall not take retaliatory action against an employee because the employee does any of the following:

- I. Discloses or threatens to disclose an activity, policy or practice which the employee reasonably believes is a violation of the law, or which the employee believes poses a risk to public health, safety or the environment;
- II. Provides information or testifies before a public body conducting an investigation into any violation of the law or risk to public health, safety or environment;
- III. Objects to or refuses to participate in activity which the employee reasonably believes is a violation of a law or which the employee reasonable believes poses a risk to public health, safety or the environment.

The employee must, by written notice, bring the activity, policy or practice in question to the attention of the persons designated by the Town to receive such notice unless (A) the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors and the situation is emergency in nature, or (B) the employee fears physical harm as a result. Employees aggrieved by a violation of this law may institute civil action in the Superior Court in accordance with M.G.L. Chapter 149, Section 185 (d).

In accordance with this law, the Town of Shirley has designated the following persons to receive written notification pursuant to this law:

Town Hall, 7 Keady Way
Shirley, MA 01464

Town Hall, 7 Keady Way
Shirley, MA 01464

For further information: <http://fas.org/sgp/crs/natsec/RL33918.pdf>

EXHIBIT C
DRUGS AND ALCOHOL IN THE WORKPLACE POLICY

The Town of Shirley has a strong commitment to its employees to provide a safe work place, and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment the town has established this policy regarding drug and alcohol use or abuse. Our goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug use. Employees of the town are visible and active members of the community. They are inescapably identified with the town, and are expected to represent it in a responsible and credible fashion. While the town has no intention of intruding into the private lives of its employees, the town does expect employees to report to work in condition to perform their duties. The town recognizes that employee involvement with drugs and alcohol, off-the-job and on-the-job, can have an impact on the work place and on the town's ability to accomplish our goal of an alcohol and drug-free work environment.

The illegal use, sale, or possession of narcotics, drugs, controlled substances or alcohol, while on the job, or on town property, is an offense warranting disciplinary action up to and including separation for cause and will be turned over to the appropriate law enforcement agency. Employees who are under the influence of alcohol, either on the job, or when reporting to work, or who possess or consume alcohol during work hours, have the potential for interfering with their own, as well as their co-workers', safe and efficient job performance. Consistent with existing town practices, such conditions will be proper cause for administrative action, up to and including termination of employment.

Employees are expected to follow the directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening about any drugs or medicine being taken.

Any employee, while on town property or during that employee's work shift including, without limitation, all breaks and meal periods, who consumes or uses, or is found to have in their personal possession, an open container, in their locker or desk, or other repository, alcohol or drugs, which are not medically authorized, or is found to have used, or to be using, such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including discharge, will be imposed.

The town will take prompt action to any alcohol or drug-related situation that has, or could have, an impact on operations. It does not alter the policy of assisting employees in securing proper treatment or extending the coverage of the health benefits plan as provided for substance abuse.

**EXHIBIT D
FAMILY AND MEDICAL LEAVE**

INTRODUCTION

The Town provides all eligible employees with benefits in accordance with the Family and Medical Leave Act of 1993, which is called the “FMLA”.

Eligibility

To be eligible for FMLA benefits, an employee must have worked for the Town for at least a total of 12 months (52 weeks) as of the date the FMLA leave would start. A partial week, or a week when the employee is on leave, counts toward the 52-week requirement.

An Employee must also have actually worked at least 1,250 hours in the previous twelve (12) months, counting back from the date the FMLA leave would start. Hours spent on leave, whether paid or unpaid, do not count toward the minimum of 1,250 hours.

What Are FMLA Benefits?

Leave: An eligible employee is entitled to up to twelve (12) weeks of unpaid leave for FMLA purposes in any twelve-month period. The twelve (12) months are counted on a rolling basis, so the amount of FMLA leave an employee has left is calculated on any day by counting how much FMLA leave the employee has taken in the immediately preceding twelve (12) months. If a husband and wife both work for the Town, their total leave may be limited to twelve (12) weeks in some circumstances. FMLA leave can be taken in large time blocks, up to the total amount of leave available to the employee for that twelve-month period, or, under some circumstances, it can be taken intermittently (in multiple blocks of time), or on a “reduced leave” basis, in which the employee’s regular work schedule is temporarily reduced, and the FMLA leave is taken in place of these reduced hours. Please see the section below on “Reasons for FMLA Leave” to learn if you might qualify for intermittent leave or leave on a “reduced leave” basis.

Return: To The Job. An employee who takes FMLA is entitled to return to his or her position or an equivalent position which has the same pay, benefits, and other employment terms as the position the employee held at the time the leave started. The only exception is the circumstance, for example, a layoff in which the employee would have lost the position even if he or she had not been on FMLA leave.

Health Insurance Benefits: If the employee participates in a Town group health insurance plan, the Town will continue to pay its portion of the premium during the FMLA leave. The employee is responsible for his or her share of the premium. If the employee does not return to work after the leave, for a reason other than a serious health condition of the employee or an immediate family member, the employee will owe the Town the amount the Town contributed to the health insurance premium during the leave period.

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Paid Leave: If an employee is eligible for any paid leave, such as sick leave or vacation leave, that paid leave will run concurrently with the FMLA leave, as described below in “Reasons for FMLA Leave”.

An eligible employee may take FMLA leave for any of several reasons:

1. Birth of a child of the employee, or the placement of a child with an employee for foster care or adoption, and in order to care for the child. This right expires twelve (12) months after the birth or placement. An employee must use any accrued Vacation Leave and Personal Leave during FMLA leaves for birth, adoption, or foster care.
2. Care for an immediate family member (spouse, son, daughter, or parent of the employee) who has a serious health condition. An employee must use an accrued Vacation Leave and Sick Leave during this type of FACA leave. A son or daughter must be under the age of 18 or unable to care for him or herself because of a physical or mental disability.
3. Health condition makes the employee unable to perform his or her regular daily activities. An employee must use any accrued Vacation Leave and Sick Leave during this type of FMLA leave.
4. Intermittent FMLA leave or “reduced leave” basis leave may be taken for birth, adoption, or foster care situations only with the specific, written permission of the Town Administrator.

Health Care Provider Certification: Employees are required to provide written certifications from appropriate health care providers of the need for FMLA leave for their own serious health conditions or when they request leave to care for immediate family members with serious health conditions. The Town may request recertification during a leave. When an employee wishes to return to work after FMLA leave due to his or her own serious health condition, the Town may require confirmation from the employee’s health care provider that the employee is able to resume work.

Notice by Employee: An employee who intends to use FMLA must provide 30 days advance notice to the Town when the need for the leave is foreseeable. If the need is not foreseeable 30 days in advance, the employee must provide as much notice as possible.

Information if you have any questions about your FMLA leave rights, please contact the Town Treasurer.

EXHIBIT E
Technology Acceptable Use Policy

Mission Statement

The Town of Shirley is committed to the use of electronic resources and technology to enhance the ability for Town employees to accomplish their jobs. Therefore, all employees are encouraged to utilize these resources within the guidelines set forth in the Acceptable Use Policy.

The Acceptable Use Policy addresses the ethical and appropriate use of technology resources, the security of the network, and the safety of employees, students and the public. Although there is a belief in intellectual freedom and access to information, reasonable precautions will be taken to limit access to controversial and/or offensive materials by:

- Using software and/or hardware that may block the materials; and
- Training users to appropriately use technology and access information.

The ultimate responsibility for a user's actions rests with the user.

This policy applies to all town employees acting in the performance of Town of Shirley municipal business.

Responsibilities of Town

- Learn and follow the guidelines set forth in this Acceptable Use Policy.
- Return an application form signed by the user stating the user has read, understands, agrees and will adhere to all guidelines and assume responsibility for their own actions.
- Use the Internet, telephone system, computers, and e-mail for work-related or educational functions only.

Guidelines for Use of Technology Resources

Acceptable Use

Computers, telephones and networks are to be used in a responsible, efficient, ethical and legal manner and must be in support of the performance of Town of Shirley business. Incidental personal use of technology such as E-mail is permitted but subject to monitoring. Transmission of any material in violation of any federal or state regulation is prohibited.

Unacceptable Use

This includes, but is not limited to, the following:

- Giving out personal information about another person, including financial, credit or other confidential information is strictly prohibited.
- Any use of the network for commercial or for-profit purposes is prohibited.
- Any use of the network for product advertisement or political lobbying is prohibited.

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- Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
- No use of the network shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed, modified, or abused in any way.
- Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
- Hate mail, chain letters, harassment, discriminatory remarks, and other antisocial behaviors are prohibited on the network.
- The unauthorized installation of any software, including shareware and freeware, for use on Town of Shirley computers is prohibited. The only exception to this rule is Active X controls used by Microsoft Internet Explorer version 7 or later.
- Use of the network to access or process pornographic material, inappropriate text files (as determined by the System Administrator or Town Administrator/Board of Selectmen, or files dangerous to the integrity of the local area network is prohibited. Note: The Shirley Police Department may need to access inappropriate websites or materials during the course of investigation. This is not considered a violation of this rule since it is done in the performance of their job.
- The Town of Shirley network may not be used for downloading entertainment software or other files not related to the mission and objectives of the Town of Shirley for transfer to a user's home computer, personal computer, or other media. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the Town of Shirley business.
- Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC).
- Use of the network for any unlawful purpose is prohibited.
- Use of profanity, obscenity, racist terms, or other language that may be offensive to another user is prohibited.
- Establishing network or Internet connections to live communications, including voice and/or video (relay chat) for recreational use is prohibited.
- Playing online recreational computer games is prohibited.

Content Filtering

The Town of Shirley will initiate content filtering at firewall level. Content filtering is not 100%; please report any problems with this service to the System Administrator.

E-mail

E-mail accounts are provided to Town of Shirley employees after signing the Acceptable Use Policy. Those currently holding e-mail ID will have same withdrawn for failure to sign the Acceptable Use Policy.

Unacceptable use of e-mail includes, but is not limited to:

- Messages relating to or in support of illegal activities.
- SPAM/Mass e-mails.
- Chain letters.
- Mail for solicitation purpose.
- Mail involving commercial, political or religious content.

Electronic mail is not private; system operators, hiring authorities and authorized supervisors have access to all e-mail, which may be considered a public record under Massachusetts state law.

Network Etiquette Rules

These rules include, but are not limited to, the following:

- Be polite.
- Use appropriate language—swearing, using vulgarities or any other abusive language is inappropriate.
- Caution should be used when revealing your personal address or telephone number or those of anyone else.
- Caution should be used when revealing credit or checking account information or social security numbers across the Internet.
- Do not disrupt network functions.
- Do not attempt to gain unauthorized access to system programs or computer equipment.

Network Security

After signing the Acceptable Use Policy, users will be assigned a username and password to access Town of Shirley network components. Internet access will be assigned. Passwords should be kept private and should be changed regularly. Attempts to access information on any Town of Shirley network components as any other user or to share a password may result in cancellation of user privileges. If a security problem is identified, notify the System Administrator; do not demonstrate the problem to other users.

Privacy

Users should not assume files stored on servers and hard drives of individual computers will always be private. Network administrators may review files and communications to maintain system integrity and insure that users are accessing the system responsibly.

Remote Access

Remote access defines the standards for connecting to the Town of Shirley network. It does not include use of the web-based mail client, Outlook Web Access (OWA). All employees have the ability to use OWA to access their mail from home or other locations.

Any remote access must use VPN or an encrypted remote access connection such as WebEx. Employee remote access to the network must be reviewed and approved by the Town Administrator. All employees by default will have account settings set to deny remote access.

Only upon written (email) approval by the Town Administrator will the employee account settings be changed to allow remote access.

The only exceptions to this policy are:

- Access may be given to outside technical support vendors and volunteers to provide support of town technology. Accounts will be approved on a case by case basis by the System Administrator.
- Remote access to the Accounting System is only allowed under the following conditions.
 1. Employees must use a Town issued laptop computer. Only Town owned computers may access the Accounting system.
 2. Employees may be allowed Administrative rights on the laptop on a case by case basis as approved by the System Administrator. Logon rights must be limited to User or Power User levels.
 3. Laptops must require a User ID and password to logon and resume from a sleep state or hibernation.
 4. Laptops must have a screen saver timeout set and require a password to resume.

Safeguarding Information

All employees are required to help safeguard information located on Town of Shirley computer systems. Employee obligations include, but are not limited to:

- Keeping usernames and passwords private.
- Storing files in home directories, on disks, or in shared folders on the network servers.
- Logging off the computer when away from the computer.

Social Networking

Recreational access and use of social networking sites such as Face book and MySpace on the town network is prohibited. Only business related social networking sites are permitted.

Software Security

Only members of the Technology Department (or persons designated by the System Administrator) are permitted to install software. All software purchased for use within the Town of Shirley computer network will be reviewed by the Technology Department to ensure network security and compatibility. The Technology Department will maintain a list of software and licenses.

Streaming Media

Recreational use of streaming media on the town network is prohibited.

Vandalism

Vandalism will result in cancellation of user privileges and disciplinary/legal action. Vandalism is defined as any malicious attempt to harm or destroy equipment, programs, and/or data of anyone connected to the network and/or Internet. This includes, but is not limited to, uploading, creating or transmitting computer viruses, hacking, theft and unauthorized intrusion.

Disclaimer

The Town of Shirley cannot be held accountable for the information that is retrieved via the network. Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators have access to all mail and will monitor messages. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

The Town of Shirley will not be responsible for any damages individuals may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by negligence or errors or omissions. Use of any information obtained is at employees own risk.

The Town of Shirley makes no warranties (expressed or implied) with respect to: the content of any advice or information received by a user, or any costs or charges incurred as a result of seeing or accepting any information; and any costs, liability, or damages caused by the way the user chooses to use his or her access to the network.

The Town of Shirley reserves the right to change its policies and rules at any time in writing.

Consequences

The use of technology resources in the Town of Shirley is a privilege. Inappropriate or unethical use or failure to adhere to the guidelines may include, but is not restricted to, limitation or cancellation of user privileges, possible disciplinary action and/or appropriate legal action.

Acceptable Use Policy Application

Policy & Procedure Manual

User's Name: _____
(Please Print)..... (last) (first(middle))

I have read, understand and will abide by the Town of Shirley Acceptable Use Policy. I understand certain violations of this policy may be unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked and disciplinary action and/or legal action may be taken. I understand that these guidelines apply whether I am using a town computer on the Town network or off-site.

User's Signature: _____

Date: _____