

**TOWN OF SUDBURY
EMPLOYEE HANDBOOK**

TABLE OF CONTENTS

1. WELCOME TO SUDBURY.....	1
1.1. Introductory Letter	1
1.2. NOTICE TO EMPLOYEES	2
1.3. Some Basic Definitions	2
2. BENEFITS OVERVIEW.....	3
2.1. General Introduction.....	3
2.2. Health and Dental Insurance.....	4
2.2.1. The Right to Retain Group Health Insurance Coverage Under Certain Circumstances	4
2.2.2. Policy & Procedures for Health Insurance Under the Federal Affordable Care Act	4
2.3. Short Term Disability and Accident Indemnity Insurance	6
2.4. Life Insurance	6
2.5. Flexible Spending Account.....	6
3. TIME OFF	7
3.1. Vacation	7
3.1.1. Vacation Scheduling.....	8
3.1.1.1. General Information.....	8
3.1.1.2. Part-Time Employees	8
3.1A Personal Days	8
3.2. Holidays	9
3.2.1. General Information.....	9
3.2.2. Regular Part-Time Employees	9
3.3. Sick Days.....	9
3.3.1. General Information.....	9
3.3.2. Part-Time Employees	10
3.3.3. Unused Sick Time; Annual Sick Days Buy Back.....	10
3.3.4. Retirement Sick Days Buy Back.....	10
3.3.5. Sick Leave Bank.....	10
3.4. Leaves of Absence.....	11
3.4.1. General Information.....	11
3.4.2. Jury Duty.....	11
3.4.3. Military Leave.....	11
3.4.4. Bereavement Leave	12
3.4.5. Compassion Leave	12
3.4.6. Family Leave; FMLA.....	12
3.4.7. Maternity Leave.....	13
3.4.7.1 Massachusetts Pregnant Workers Fairness Act.....	13
3.4.8. Parental Leave for Male Employees for Birth or Adoption of a Child.....	14
3.4.9. Disability Leave/Worker's Compensation	15
3.4.9.1. Medical Expenses	15
3.4.9.2. Weekly Compensation Benefits	15
3.4.10. Domestic Violence Leave Policy	15
3.4.11. Small Necessities Leave	19
3.4.12. Religious Holidays	20
3.5. Credit Union.....	20
3.6. Education and Training Opportunities	20
3.7. Employee Assistance Program	20
3.8. Retirement Benefits	21
3.8.1. Employees Working a Minimum of 20 Hours a Week.....	21

3.8.2. Employees Working Fewer Than 20 Hours A Week	22
3.9. Longevity Benefit	23
4. EMPLOYMENT POLICIES AND PRACTICES.....	23
4.1. General Introduction.....	23
4.2. Equal Employment Opportunity/Affirmative Action Policy.....	23
4.3. Disability Discrimination Prohibited	23
4.4. Discriminatory Harassment Policy and Procedures	24
4.5. Medical Records Privacy Policy; HIPAA	28
4.6. Personnel File.....	28
4.7. Emergency Procedures	29
5. EMPLOYEE RESPONSIBILITIES AND CONDUCT	29
5.1. General Code of Conduct	29
5.2. Responsibilities.....	30
5.2.1. Attendance	30
5.2.2. Dress Guideline.....	30
5.2.3. Smoking Policy.....	30
5.2.4. Drug-Free Workplace.....	32
5.2.4.1 Drug Testing	32
5.2.5. Workplace Violence.....	32
5.2.6. Employee Training	35
5.2.7. Employee Assistance Program	35
5.2.8. Weapons.....	35
5.2.9. Workplace Safety.....	36
5.2.10. Conflict of Interest.....	37
5.2.11. Privileged Information	38
5.2.12. Outside Employment.....	38
5.2.13. Town Property	38
5.2.14. Telephone, Fax, Mail and Computer Systems	39
5.2.15. Use of Cell Phones at Work	39
5.2.16 Social Media Policy.....	34
5.3. Disciplinary Policy	40
5.4. Grievance Procedure	47
6. COMPENSATION	47
6.1. Position Classification and Pay Scales	47
6.2. Performance Reviews and Salary Increases	48
6.3. Payroll.....	48
6.4. Deferred Compensation.....	49
6.5. Overtime Compensation	49
6.6.1. General Introduction.....	49
6.6.2. Unused Vacation Time Upon Retirement	50
6.6.3. Unused Sick Time Upon Retirement.....	50
6.6.4. Health Insurance and Other Insurance Benefits Upon Retirement.....	50

1. WELCOME TO SUDBURY

1.1 Introductory Letter

Welcome to the Town of Sudbury (the “Town”). The Town looks forward to providing you with a challenging, satisfying employment experience with room to grow and advance. You will have the opportunity to make a significant contribution to the community. We strive to provide the residents of Sudbury with the highest level of service possible. Every employee plays a critical role in delivering that exceptional service. We want to ensure that you are a satisfied employee and that we provide you with the support necessary to achieve the objectives of your position.

In appreciation for your service to its citizens, the Town offers you a full range of benefits. These include health and life insurance coverage, retirement benefits, paid time off, tax-deferred savings plan options, and an employee-run credit union. The Town pays a significant portion of the benefits you receive.

The purpose of this handbook is to provide you with a broad outline of the Town’s policies and procedures. The policies and procedures in this handbook are only a summary and may change without advance notice. This handbook should not be taken as a contract of employment and is provided for informational purposes only. It is always superseded by the terms and conditions contained in any applicable collective bargaining agreement. Insurance and other benefits may be controlled by applicable statutes and plan carrier.

For more information regarding any of these policies or procedures, please contact the Human Resources Office at (978) 639-3348.

Again, on behalf of the entire Town, welcome! We look forward to working with you.

Sincerely,

Andrew J. Sheehan
Town Manager

1.2. NOTICE TO EMPLOYEES

YOU ARE AN EMPLOYEE-AT-WILL

While we desire your employment with the Town to be long-term and mutually beneficial, you are, and will always remain, an employee-at-will. This means that you have the right to terminate your employment at any time, for any reason, with or without notice. Similarly, the Town has the right to terminate your employment at any time, for any reason, with or without notice. Nothing in this handbook, or in any other document, or in any oral statement made by a representative of the Town, is intended to provide any guarantee of employment with the Town for any particular period of time.

THIS HANDBOOK IS NOT A CONTRACT

To avoid any possible misunderstanding, we want to make sure that you understand that this handbook is not an agreement or contract of employment, expressed or implied, nor is it a promise of treatment in any particular manner in any particular situation. This handbook is intended as a guide to some of the Town's policies and procedures which are currently in effect. Employment policies and procedures, by their nature, are continually under review and subject to change. The Town therefore always has the right to change policies or procedures described in this handbook at any time, with or without notice, and to decide whether and to what extent a particular policy or procedure applies in any particular circumstances. The Town as employer reserves the right to handle any situation as it deems appropriate, based on the particular circumstances of each case.

1.3. Some Basic Definitions

As an employee of the Town of Sudbury, you should be familiar with the following terms that are mentioned in this Handbook and the effect they may have on your employment.

- **EMPLOYEE** - Any person working in the service of any Town department or whose services are divided between two or more departments, who receives compensation for such services, unless such person is elected.
- **FULL-TIME EMPLOYEE** - Any employee who works 35 hours or more during the regularly scheduled work week.
- **PART-TIME EMPLOYEE** - Any employee who works less than 35 hours during the regularly scheduled work week. (Employees hired after June 30, 2012 must work 20 or more hours each week in order to be eligible for benefits, i.e. paid sick, vacation, and holidays.)
- **TEMPORARY EMPLOYEE** - Any employee who has been hired for any position, whether full or part-time, which is seasonal and/or limited to include a known or approximate termination date. Such employees are, in most cases, ineligible for the benefits described in Sections 2 and 3 of this Handbook.

- REGULAR EMPLOYEE - Any employee, full or part-time, who has been appointed to an authorized position and who has regularly scheduled working hours, except for temporary employees.
- RETIREE - Any former employee who qualifies for retirement under the Middlesex retirement system.
- DEPARTMENT - Any department of the Town of Sudbury.
- DEPARTMENT HEAD - The person having immediate supervision and control of a department.
- CLASSIFICATION PLAN - The Classification, by Grade, of the various employee positions in the Town.
- SALARY PLAN - The schedule of salaries for the employee positions in the Classification Plan.
- ACCOUNTING OFFICE - Located at the Flynn Building or call (978) 639-3309 for inquiries about payroll.
- BENEFITS COORDINATOR - Located at the Flynn Building or call (978) 639-3348 for inquiries about health or life insurance and retirement.
- HUMAN RESOURCES OFFICE - Located at the Flynn Building or call (978) 639-3348 for inquiries about personnel files, classification plans, various Town policies, questions concerning employment, and updates to this handbook.
- TOWN MANAGER – The person having authority over all Town departments. The Town Manager is located in the Flynn Building or call (978) 639-3381.

2. BENEFITS OVERVIEW

2.1. General Introduction

Brief overviews of the Town's existing benefit programs are contained in this handbook. The Benefits Coordinator/Human Resources Assistant will schedule an orientation session to acquaint new employees with details of the Town's policies and procedures and the benefits available as outlined in this handbook. A copy of the handbook will be provided to all new employees. This orientation session will usually take place during your first week of employment.

The Town reserves the right to alter, modify, amend or eliminate its benefit plans at any time, as well as to administer and interpret all aspects of such plans to the fullest extent of its discretion permitted by applicable state or federal law.

For more information on any of the benefits described in this section, please contact the Human Resources Office or look on the Human Resources web page.

2.2. Health and Dental Insurance

The Town of Sudbury offers group health insurance and a group dental plan to regular employees who work 20 hours or more per week.

The Town contributes the major share of the health and dental insurance premium for all plans. Your portion of the premium will be deducted from your paycheck on a pre-tax basis if you select that option. This results in savings on Federal and State taxes.

For detailed information about each plan and its cost, please contact the Benefits Coordinator.

2.2.1. The Right to Retain Group Health Insurance Coverage Under Certain Circumstances

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and in some circumstances certain provisions of Chapter 32B of the Massachusetts General Laws gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some qualifying events include:

- resignation
- death of the employed family member, or of a retired spouse
- termination of that family member's employment for reasons other than gross misconduct
- divorce or legal separation
- reduction in employee's hours
- the employed family member becomes entitled to Medicare
- a dependent ceases to be a "dependent child" under the plan

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rate plus an administrative fee. When you become eligible for coverage under COBRA, the Town and/or its health insurance consultant will provide you with important information about your rights and obligations. It is your responsibility to notify the Town when a qualifying event occurs.

2.2.2 Policy and Procedures for Health Insurance Under the Federal Affordable Care Act (ACA)

The Town of Sudbury has implemented this Policy and the following procedures in order to meet its obligations under the Patient Protection and Affordable Care Act (ACA). The Town is committed to being in full compliance with the ACA. The Town of Sudbury is categorized as a large employer under the ACA and may be subject to an Employer Shared Responsibility Payment (ESRP) if one of its full-time employees purchases health insurance through the Massachusetts Health Connector and receives a tax credit for that purchase. The following procedures are designed to ensure that the Town will avoid, or at least minimize, any liability for ESRPs.

Look-Back Measurement Method: Measurement, Administrative, and Stability Periods

Pursuant to the ACA, ongoing (current) Town of Sudbury employees who are employed for at least 130 hours of service per month must be offered Town-sponsored health insurance for themselves, their spouses, and dependents up to age 26, or the Town will be subject, potentially, to an ESRP. The Town of Sudbury shall employ a 12-month look-back measurement method to determine eligibility for all employees. This standard measurement period shall begin on January 1, 2015. After twelve months, Town of Sudbury shall have up to 3 months (the administrative period) to determine if any full-time employees (total hours divided by 12 must equal at least 130 hours) have not been offered Town-sponsored health insurance and to enroll (or disenroll) them if necessary. If there are any such employees, Town of Sudbury shall offer them Town-sponsored health insurance for the 12 months following the measurement period, or potentially be subject to an ESRP. This 12-month coverage is called the stability period. The number of hours an employee works during the stability period is relevant only in determining whether he/she will be eligible for Town-sponsored health insurance coverage in the next stability period. The measurement, administrative, and stability periods shall then repeat themselves on an ongoing basis.

The administrative period will be the same length for all employees and it will not serve to reduce or lengthen either the measurement or stability periods. To prevent gaps in health insurance coverage, the administrative period will overlap with the prior stability period during which time an employee's classification (full-time or part-time) will remain unchanged. When we hire a new employee who is expected to work on a full-time basis, we shall offer Town-sponsored health insurance upon initial employment. Once the employee has been employed by the Town of Sudbury for a full standard measurement period (the same period that applies to ongoing employees), he/she shall become an ongoing employee and be included in the normal look-back measurement cycle for determining eligibility.

For new employees expected to be variable hour, seasonal, and part-time employees, the Town of Sudbury shall track their hours of service using an initial measurement period of 12 months. The initial measurement period shall begin on the first day of the first calendar month following the employee's start date (or on the first day of the first payroll period starting on or after the employee's start date, if later). As with ongoing employees, an administrative period of up to 3 months shall be employed, along with a 12-month stability period. Once a new variable hour, seasonal, or part-time employee has been employed by Town of Sudbury for a full standard measurement period (the same period that applies to ongoing employees), he/she shall become an ongoing employee and be included in the normal look-back measurement cycle for determining eligibility.

Hours of Service and Periods of Time Not Included in 12-Month Calculation.

As mentioned previously, an employee must average at least 130 hours of service over a 12-month period to be entitled to Town-sponsored health insurance. The following categories of service count toward the 130-hour average: each hour worked for which an employee is paid;

unpaid short scheduled breaks (not including unpaid lunch breaks of at least 30 minutes), paid time off due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence. Generally, unpaid time off will not count toward the 130 hours of service. Certain periods of unpaid time off will not be included when calculating the 12-month standard measurement period. These include: summer months for teachers and other school employees,

FMLA Leave, Military Leave, Jury Duty

For these special periods of unpaid time off, Town of Sudbury will determine the average hours during the measurement period, excluding the special unpaid leave period, and will use that average as the average for the entire measurement period.

Guidance

Questions regarding this policy should be directed to the Human Resources Department.

2.3. Short Term Disability and Accident Indemnity Insurance

The Town sponsors a voluntary short-term disability policy and a personal accident indemnity plan, which may be purchased through payroll deduction from a private carrier. The Town does not contribute toward the premium for coverage under these plans.

2.4. Life Insurance

All full-time and part-time employees working 20 or more hours per week qualify for basic life insurance coverage. The Town contributes 75% of the premium cost for basic life insurance. This coverage consists of \$2,000 double indemnity coverage. Further, eligible employees can elect to purchase additional optional life insurance coverage, either at a flat rate of coverage or up to their annual salary and rounded to the next lower thousand, to be paid entirely by the employee. For optional life insurance coverage, employees may elect to purchase additional guaranteed life issue without a medical examination. Please see the Benefits Coordinator for information and amounts. A conversion option is available upon termination of employment.

2.5. Flexible Spending Account

All full-time and part-time employees working 20 or more hours per week are eligible to enroll in a so-called Chapter 125 Cafeteria Plan as authorized under rules of the Internal Revenue Service. Under this plan, you can allocate pre-tax dollars to a Flexible Spending Account (FSA). FSA's can be established for two specific purposes: out of pocket medical expenses and/or dependent care expenses.

3. TIME OFF

3.1. Vacation

After working at least five (5) months of continuous service, all regular full-time and part-time employees working 20 hours or more per week qualify for paid vacation during the first fiscal year of employment, according to the following schedule:

1 st year of employment	Full-time paid vacation	Full-time paid vacation	Part-time paid vacation multiplier*
<u>Date of Hire</u>	<u>Non-Department Head</u>	<u>Department Head</u>	<u>Non-Department Head</u>
July or August	10 days	12 days	2.0
September thru January	5 days	6 days	1.0
February thru June	0 days	0 days	0.0

* To use vacation multiplier, please turn to section 3.1.1.2, "Part-Time Employees" (working 20 hours or more per week)

After the first fiscal year of employment, vacation entitlement is based on the years of continuous Town service which you will be completing during that fiscal year as follows:

<u>Years of Continuous Service</u>	<u>Full-Time Paid Vacation Entitlement Non-Department Head</u>	<u>Full-Time Paid Vacation Entitlement Department Head</u>	<u>Part-Time Vacation Multiplier Non-Department Head</u>
1 & 2	10 days	16 days	2.0
3 & 4	12 days	16 days	2.4
5 thru 7	15 days	18 days	3.0
8 & 9	17 days	21 days	3.4
10 & 11	20 days	23 days	4.0
12 thru 14	20 days	23 days	4.0
15 thru 19	20 days	26 days	4.0
20+	25 days	27 days	5.0

This vacation schedule is intended to compensate department heads for additional work burdens outside the normal work schedule.

Eligibility is determined by the anniversary date of hire. For example, if you will have 10 years of service during the current fiscal year, you qualify for 20 days of paid vacation during the year, regardless of when the anniversary occurs.

Please note the vacation period is for each fiscal year: July 1 through June 30th. If you voluntarily terminate employment with the Town, the Town will reimburse you for any unused vacation entitlement on a pro-rated basis. Employees who terminate employment after taking vacation in excess of their entitlement will be responsible for reimbursing the Town that excess amount.

Benefits do not accrue while an employee is on unpaid status.

3.1.1. Vacation Scheduling

3.1.1.1. General Information

All vacation time must be taken in the fiscal year in which it is credited. Unused vacation time cannot be carried forward into the next fiscal year except in very unusual circumstances, and requires prior approval of the Town Manager.

Prior written approval must be obtained from your supervisor before taking vacation time. In rare instances, depending on workload and/or the needs of the department, the supervisor may need to alter the dates of the vacation request.

3.1.1.2. Part-Time Employees

For a regular part-time employee working 20 hours or more per week, vacation time is prorated based on the average number of hours worked per week. If the employee works a different number of hours from week to week, use the number of hours per week shown in the current year's budget.

For example, an employee works 4 hours per day, 5 days per week. This will be their sixth year with the Town. The budgeted weekly hours are 20. The chart on the previous page shows that for 6 years of service, the vacation multiplier for non-department heads is 3. They qualify for 60 hours of vacation (3 X 20), or 3 weeks at 20 hours per week.

3.1A Personal Days

As of 7/1/16, Non-union employees are eligible for two (2) personal days per fiscal year to conduct their own personal business. (Non-union Department Heads are eligible for three (3) personal days.)

- These days cannot be carried over as a personal day from one fiscal year to the next;
- These days cannot be bought back as a personal day;
- These days will not be paid upon termination of employment.

3.2. Holidays

3.2.1. General Information

Regular full-time Town employees are allowed the following twelve (12) holidays with pay:

- New Year's Day
- Martin Luther King Day
- President's Day
- Patriot's Day
- Memorial Day
- Juneteenth Independence Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving
- Day after Thanksgiving
- Christmas

When a holiday falls on a Sunday, you are entitled to time off with pay on the following Monday. If a holiday falls on a Saturday, you are entitled to time off with pay on the preceding Friday. If a holiday falls during your vacation, you are entitled to equal time off with pay, as approved by your department head. Payment for work performed on paid holidays will be at time and one-half (1 1/2) for hours worked, provided you have not taken sick time that week. If you are required to work on a holiday, you are entitled to equal time off with pay, as approved by your department head.

3.2.2. Regular Part-Time Employees

A regular part-time employee working 20 hours or more per week with regularly scheduled working hours will be eligible for salary payment for each paid holiday listed above when the observance of the holiday falls on his/her normally scheduled workday. The pay will be for the number of hours the employee would normally have been scheduled to work on such a day.

3.3. Sick Days

3.3.1. General Information

Sick days are granted to employees when they are unable to perform their duties due to personal* sickness or injury. Regular Town employees are eligible for sick leave upon completing one full month of employment. Each regular full-time employee is entitled to one (1) day of sick leave per calendar month. The one (1) day of sick leave is credited to the employee at the end of each month. Unused sick days may be accumulated from fiscal year to fiscal year up to a maximum of 120 days.

* As of 7/1/18 Non-union employees may use six (6) days of their annual twelve (12) sick days per fiscal year to care for a sick family member of their household.

If you are absent due to personal illness or injury you must submit satisfactory medical evidence of the personal illness or injury upon request.

If you are granted sick leave of five (5) consecutive days or more, you must submit to your department head satisfactory medical evidence of good health prior to returning to work. In addition, you must complete FMLA paperwork if the absence qualifies.

3.3.2. Part-Time Employees

Each regular part-time employee working 20 hours or more per week qualifies for annual sick leave on a prorated basis where seven hours is considered equal to one day. The number of sick time hours earned annually is 12 hours times the number of hours that the employee is normally scheduled to work per week and divided by five (5). The applicable amount of sick leave will be credited at the end of each month. Payment for time taken as sick leave is the payment that the employee would have normally received for that day up to the amount of sick leave hours available to the employee.

$$\frac{\text{Average Weekly Hours} \times 12}{5} = \text{Annual Sick Leave Entitlement (in hours)}$$

Example: An employee working 20 hours per week:

$$\frac{20 \text{ Hours} \times 12}{5} = 48 \text{ Hours Sick Leave earned per year}$$

3.3.3. Unused Sick Time; Annual Sick Days Buy Back

Unused sick time may be accumulated from fiscal year to fiscal year up to a maximum of ten (10) times the employee's annual rate of accrual. Regular full-time employees with more than 120 days of accumulated sick leave at the end of the fiscal year can sell back to the Town the days in excess of 120, up to a maximum of 12 days, at fifty percent (50%) of the applicable rate, on July 1 of each year.

3.3.4. Retirement Sick Days Buy Back

Regular full-time employees and regular part-time employees who have worked for a minimum of 10 years at a minimum of 20 hours per week who retire into the State or Middlesex retirement systems, will receive from the Town a payment equal to 50% of the daily pay at the then current rate of pay times the number of unused accumulated sick days. At the employee's option, such funds may be deposited into their deferred compensation account.

Effective January 1, 2005, regular full-time and regular part-time employees who have worked for a minimum of 7 years but less than 10 years for the Town at a minimum of 20 hours per week who retire into the State or Middlesex retirement systems, will receive from the Town a retirement sick leave buy back payment calculated as follows: based upon the payment a retiring employee who has worked for the Town for a minimum of 10 years would receive as described above, a proportionate share of such payment based upon the actual years of service to the Town of Sudbury will be paid. For example: a retiring employee having worked a minimum of 7 years for the Town would receive 70% of this amount, for 7½ years 75%, for 8 years 80% and so on in direct proportion to the actual number of years of service to the Town. This retirement sick leave buy back will only be granted for actual creditable years of service to the Town of Sudbury, regardless of the amount of creditable service to which the retiring employee may be entitled as a result of work performed for any other employing unit(s) covered by the State or Middlesex retirement systems.

3.3.5. Sick Leave Bank

The Sick Leave Bank was created for all regular employees with regularly scheduled working hours. A Sick Leave Bank Committee oversees the administration of this plan. In order to be eligible to use the bank, you must contribute three days of sick leave each year for at least the

first five years of employment. You must exhaust your own accumulated sick days before using the bank.

The maximum number of bank days you may be granted in a fiscal year is 12 times the number of years you have been continuously employed by the Town. The contribution of, and grant to, regular part-time employees working 20 hours or more per week is appropriately prorated. For further information concerning eligibility and the rules and regulations governing use of the sick bank, please contact the Benefits Coordinator.

3.4. Leaves of Absence

3.4.1. General Information

There may be extenuating situations in which leave for special or unusual reasons may be granted. Some of these are outlined below. For other situations, authorization for any other type of leave is at the sole discretion of the Town Manager. Benefits do not accrue while an employee is on unpaid status.

3.4.2. Jury Duty

If you are called for jury duty and/or required to serve as a juror in a court case on a day or days falling on your usual work schedule, you will be granted leave for this purpose as required by law. You must notify your supervisor immediately upon receipt of your selection notice. Upon completion of your service, you must furnish your supervisor with a written statement from an appropriate court official indicating the dates and time of your appearance or service and the amount of remuneration received. You will be paid the difference between the usual compensation and the amount received for jury duty (exclusive of travel allowance) for up to 3 days of jury duty. You are expected to report to work for all or part of the day that is not occupied by jury duty, not to exceed your normal workday.

3.4.3. Military Leave

If you leave employment to enter military service, or if as a reservist you are placed on active duty, you may be granted a military leave of absence. This leave entitles you to be away from the Town for active service and to return without a break in your seniority or other benefits in accordance with Massachusetts law and with the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees who learn that they are required to attend reserve military training must notify their supervisor in writing, in advance of their training, of the expected duration of the training and their anticipated date of return. If you participate in annual military training, you will receive the difference between the compensation you would have received from the Town and your military pay and allowances, for up to 17 days in a calendar year. It is your responsibility to submit documentary proof of this military training and to present a statement from your branch of service indicating the rate and total amount of wages paid for the training period.

Employees called to active duty must notify their supervisor in writing before they leave for active duty of their expected dates of leave from and return to the Town. In accordance with state and/or federal law, an employee may be eligible for reemployment to the position that the employee held prior to entering the armed forces or being called to active duty to a position of similar seniority, status and pay, provided that certain conditions are met. Please see the Human Resources Office for more detailed information.

3.4.4. Bereavement Leave

You may be granted, by your department head, up to five days excused absence with pay to handle personal matters related to the death of a close family member such as your spouse, child, parent, brother, sister, grandparent, or grandchild.

Such leave shall be taken on the day of the funeral/memorial services and the four additional scheduled work days immediately before and/or after the day of the funeral service, unless an alternate period is approved by the Town Manager/their designee.

Employees will be granted up to 3 days excused absence with pay to handle personal matters related to the death of an extended family member, such as mother/father-in-law; sister/brother-in-law; spouse's grandparent; spouse's sibling, daughter-in-law, or son-in-law.

Such leave shall be taken on the day of the funeral/memorial services and the two additional scheduled work days immediately before and/or after the day of the funeral service, unless an alternate period is approved by the Town Manager/their designee.

3.4.5. Compassion Leave

You may be granted, by the Town Manager in his/her sole discretion, up to two days excused absence with pay in a calendar year to handle personal matters in cases of unique loss in which the use of sick leave or bereavement leave is not permitted. Application for such leave may be made in writing directly to the Town Manager by the employee or by a department head on behalf of an employee.

3.4.6. Family Leave; FMLA

In accordance with the federal Family and Medical Leave Act (FMLA), employees who have worked for the Town for at least twelve months and have worked at least 1,250 hours during the preceding twelve months are eligible to take up to twelve weeks of unpaid family leave in a twelve-month period for the following reasons:

- the birth of a child, and to care for the newborn child;
- the adoption or acceptance into foster care of a child, and to care for the newly placed child;
- to care for an immediate family member with a "serious health condition" as defined in the Act;
- if you are unable to work because of your own "serious health condition" as defined in the Act.

The twelve-month eligibility period has been determined to be the twelve-month period measured forward from the date an employee's first FMLA leave begins.

The Town as employer determines whether an employee's absence from work, or a requested leave, qualifies and/or may be designated as FMLA leave. An employee may request family medical leave on an intermittent, or reduced work, schedule if medically necessary or if necessary to provide care for an immediate family member. In such cases, every effort will be made to meet the employee's needs without unduly disrupting the Town's operations.

An employee should provide thirty days' advance notice to the Town of the need for such leave if the need is foreseeable, or must request such leave as soon as practicable after you become aware of the need to take it if it is unforeseen. For leave to be designated as FMLA leave, you must provide appropriate medical certification within fifteen (15) days of being asked to do so. The Town reserves and may elect to exercise the right provided for under the Act to require a second opinion from a health care provider designated by the Town at its expense. While on FMLA leave, you may be required to provide medical recertification, and your affirmative commitment to return to work with an anticipated date of return, after each thirty-day period of medical leave, or if the Town has legitimate reason to question the continued validity of the certification.

While on FMLA leave, your group health insurance coverage will be maintained on the same terms as if you had continued to work. Although by law FMLA leave is unpaid leave, if it is necessary for you to take FMLA leave for your own serious health condition, any paid sick leave you have accrued will run concurrently with your FMLA leave until exhausted. This will enable you to continue to receive your salary without interruption. You may be required to use other accumulated paid leave at the discretion of the Town Manager or his/her designee.

Prior to resuming work, a return to work certification must be provided from your health care provider confirming your ability to perform the essential functions of your position. The law stipulates that employees returning from FMLA leave be restored to their original position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

3.4.7. Maternity Leave

In accordance with state law, female employees who have worked full-time for at least three consecutive months will be granted maternity leave without pay for a period not exceeding eight weeks. You should give at least two weeks' notice to your department head of your anticipated date of departure and return. If you take maternity leave, you will be restored to your previous or a similar position with the same status, pay, and length of service credit and seniority as of the date of leave, except for certain rare instances proscribed by law. A return to work certificate from your health care provider must be submitted to your department head before returning to work.

3.4.7.1 Massachusetts Pregnant Workers Fairness Act

On July 27, 2017, Governor Charlie Baker signed the Massachusetts Pregnant Workers Fairness Act ("PWFA"). Historically, courts have struggled with the issue of whether pregnancy is a "disability" that must be accommodated under the Americans with Disabilities Act (the "ADA") as well as under Massachusetts law. The PWFA resolves that issue and conclusively establishes that pregnancy, and any related conditions, must be accommodated and that discrimination against pregnant workers is prohibited.

The PWFA goes into effect April 1, 2018 and amends Chapter 151B to:

- Add "pregnancy or a condition related to said pregnancy, including, but not limited to, lactation, or the need to express breast milk for a nursing child" as a protected classification;

- Require employers to provide a reasonable accommodation (see below) for an employee's pregnancy, or any condition related to the pregnancy, unless the employer can demonstrate that the accommodation would impose an undue hardship;
- Prohibit employers from retaliating against an employee for requesting an accommodation;
- Provide that employers must reinstate the employee to her original employment status or equivalent position with equivalent pay and accumulated seniority when the need for reasonable accommodations ceases; and
- Prohibit employers from imposing accommodations, including leaves of absence, upon pregnant employees.

With respect to the requirement that employers provide reasonable accommodations to pregnant employees, the PWFA specifically enumerates several reasonable accommodations, including: (1) more frequent or longer paid or unpaid breaks; (2) paid or unpaid time off to recover from childbirth; (3) acquisition or modification of equipment or providing seating; (4) temporary transfer to a less strenuous or hazardous position; (5) job restructuring; (6) light duty; (7) private non-bathroom space for expressing milk; (8) assistance with manual labor; and (9) modified work schedules. Under the ADA, employers can require employees to submit documentation to support their need for a reasonable accommodation. The PWFA, however, prohibits employers from requiring documentation to support three reasonable accommodations: more frequent restroom, food, and water breaks; seating; and limits on lifting over 20 pounds.

3.4.8. Parental Leave for Male Employees for Birth or Adoption of a Child

I. Introduction

This is an amendment for extending statutory parental leave benefits, which had previously only been available to full-time female employees, to full-time male employees.

II. Covered Individuals

Massachusetts General Laws Chapter 149, Section 105D provides 8 weeks of leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. Employees are eligible for such leave after completing a probationary period of up to 3 months or, if no such probationary period exists, after completing 3 consecutive months of full-time employment. An employee must provide two weeks' notice of the anticipated date of departure and his intention to return. Employers must also reinstate employees taking leave under Section 105D to their position or a similar position upon return from leave. Leave under Section 105D may be paid or unpaid at the employer's discretion.

In addition to expanding the coverage of Section 105D to male employees, the amendment also expands the circumstances under which leave is available. As amended, Section 105D will entitle an employee to parental leave for the placement of a child with the employee pursuant to a court order.

III. Responsibility of Employers - Notification

In the event an employee is allowed to take more than 8 weeks of leave, the employer must provide the employee written notice if the employee will not be reinstated or afforded other rights under Section 105D because the employee took more than 8 weeks of leave.

The amendment also clarifies that any two employees of the same employer are limited to a total of 8 weeks of leave for the birth or adoption of the same child.

The amendments to Section 105D go into effect on April 7, 2015.

For questions or more information, please contact the Benefits Coordinator.

3.4.9. Disability Leave/Worker's Compensation

Worker's Compensation is a type of disability insurance that covers you for injuries you may incur while on the job or while performing a job-related function required by the Town. An employee injured in the course of employment must report an injury to his/her supervisor immediately, unless physically unable to do so. In the event an employee is not physically able to report the injury immediately, he/she must make this report as soon as possible. There are two types of work-related injury benefits for which employees are eligible under the Massachusetts Worker's Compensation Act:

- (1) Medical Expenses;
- (2) Weekly Compensation Benefits

3.4.9.1. Medical Expenses

In order to have medical bills paid, you must furnish to the Town copies of all medical records, medical bills, and records of treatment. You may also be required to submit to a medical examination by a physician selected by the Town for the purpose of determining the validity and extent of your injury claim.

3.4.9.2. Weekly Compensation Benefits

If you are out of work due to injury for more than five calendar days, you qualify for Worker's Compensation Benefits. If you are incapacitated for at least five, but less than twenty-one days, benefits are paid from the sixth day onward. If you are incapacitated for twenty-one days or more, benefits are paid from the first day of incapacity. No benefits are payable if the incapacity does not last more than five days. These benefits are sixty percent of your remuneration and are not taxed.

To receive Worker's Compensation Benefits you must report the injury immediately to your supervisor. The supervisor is responsible for filling out the necessary forms. These forms are always available from the Benefits Coordinator. It is the supervisor's responsibility to ensure that the forms are filed in a timely manner. You may also be required to submit to a medical examination by a physician selected by the Town for the purpose of determining the validity and severity of the injury claim. You must also inform the supervisor when you will be returning to work so that the payroll can be adjusted again to reflect your normal rate of pay on the upcoming payroll. Otherwise, your paycheck may be delayed or incorrect. If a workers' compensation claim is rejected, any lost time will be charged to your accrued sick leave.

In the event that you are out of work and disabled as a result of a work-related injury for more than thirty (30) days, you must submit to the Town a letter from the treating physician attesting to the nature of the injury and the degree of disability.

You are responsible for the payment of your usual portion of the premiums for Town benefits while out on Workers' Compensation leave.

3.4.10. Domestic Violence Leave Policy

I. Introduction

Mass General Law Chapter 149, Section 52E, provides several criminal justice and service reforms in the area of domestic violence and creates new employment protections for an employee who is, or whose family member is, a victim of abusive behavior, including domestic violence, or have family members that are victims. The Law requires an employer to provide up to 15 days of paid or unpaid leave for a qualifying employee to seek or obtain medical attention, counseling, victim services or legal assistance; 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; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

I. Covered Individuals

This Law applies to public and private employers who employ 50 or more employees in Massachusetts. An employee is defined as an individual “who performs services for and under the control and direction of an employer for wages or other remuneration.” A “family member” is defined in the statute as: (i) a parent, step-parent, child, step-child, sibling, grandparent or grandchild; (ii) a married spouse; (iii) persons in a substantive dating or engagement relationship and who reside together; (iv) persons having a child in common regardless of whether they have ever married or resided together; or (v) persons in a guardianship relationship.

I. Responsibility of Employers

Notification

Employers must notify each employee of his or her rights and responsibilities under the Law. There is no specified manner by which notification must take place, but examples may include: inclusion in a new employee manual, an addendum to existing employee manuals, memos to employees, or letters or e-mails to employees. Posting notice may also be in a manner consistent with the requirements of G.L. c.151, §16 and in a conspicuous place.

Leave

An employer must permit an employee to take up to 15 days of paid or unpaid leave from work in any 12-month period if all the following criteria are met:

- i. the employee, or a family member of the employee, is a victim of abusive behavior as defined in the Law;

- ii. the employee is using the leave from work to: seek or obtain medical attention counseling, victim services or legal assistance; 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; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- iii. the employee is not the perpetrator of the abusive behavior.

The employer has sole discretion to determine whether any leave taken under the Law is paid or unpaid.

Confidentiality of Documents

An employer can request that an employee provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior, and that the leave is or has been taken consistent with the Law. The types of documents an employee can provide are described in the Advisory, below.

An employer is required to keep confidential all information related to the employee's leave under the Law. This information shall not be disclosed by the employer, except to the extent that disclosure is:

- i. requested or consented to, in writing, by the employee;
- ii. ordered to be released by a court;
- iii. otherwise required by applicable federal or state law;
- iv. required in the course of an investigation authorized by law enforcement; or
- v. necessary to protect the safety of anyone employed at the workplace.

Any documentation provided to an employer under the Law may be maintained by the employer in the employee's employment record but only for as long as required for the employer to make a determination as to whether the employee is eligible for leave.

II. Responsibility of Employees

Notice

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section must provide appropriate advance notice of the leave to the employer as required by the employer's leave policy.

In cases of threat of imminent danger to the health or safety of an employee or the employee's family member, the employee is not required to provide advance notice of leave, but must notify the employer within 3 workdays that the leave was taken or is being taken under the Law. Such notification may be communicated to the employer by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

The employee or individual authorized to communicate to the employer that leave was taken or is being taken under this Law, may do so by telephone, in person, in writing or by any other reasonable means to communicate notice.

Required Documentation

An employer can request that an employee provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave is taken under the Law. An employee must provide such documentation to the employer within a reasonable period after the employer requests documentation relative to the employee's absence. However, an employer cannot require the employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. An employee can satisfy the request for required documentation by providing any one of the following documents to the employer:

- (1) A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
- (2) A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
- (3) A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
- (4) Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
- (5) Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
- (6) A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
- (7) A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

III. Leave

Duration

An employer must permit an employee to take up to 15-days of paid or unpaid leave from work during any 12-month period measured forward from the date an employee's first leave begins. However, the employee must first exhaust all of vacation leave, personal leave and sick leave (if applicable) already available to the employee prior to requesting or taking leave under the Law, unless the employer waives this requirement. The employer shall have sole discretion to determine whether any leave taken under the Law is paid or unpaid.

Employment Protections

An employer cannot discharge or in any other manner discriminate against an employee for exercising the employee's rights under the Law. Upon the employee's return from such leave, the employee is entitled to restoration to the employee's original job or to an equivalent position.

If an unscheduled absence occurs, an employer cannot take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation required under the Law.

For questions or more information please contact the Benefits Coordinator.

3.4.11. Small Necessities Leave

The Small Necessities Leave Act (SNLA) permits eligible employees to take up to a total of 24 hours of unpaid leave within a 12-month period to attend a child's school activity or accompany a child or elderly relative to a doctor's appointment. The 24 hours of leave available under this benefit is in addition to the 12 weeks of leave provided by the Family Medical Leave Act (FMLA), as described above. The SNLA permits you leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter, such as parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative to routine medical or dental appointments or appointments for other professional services relating to the elders' care, such as interviewing at nursing or group homes.

The 24 hours may be taken on an intermittent schedule (e.g. 2 hours on one day to attend a parent-teacher conference) or all at once. When foreseeable, you are required to provide your department head with seven days' notice of the need for leave. Although the SNLA provides only for unpaid leave, you may elect to use any available accrued vacation time for this purpose. For more information concerning eligibility and other details, please contact the Benefits Coordinator.

3.4.12. Religious Holidays

If you request time off for religious observance for a day not included in the basic holiday schedule, the Town will make every attempt to grant this request. You should notify your department head at least seven days in advance of the date you are requesting to be absent. Vacation time may be used for this purpose.

3.5. Credit Union

As an employee of the Town, you and your family may enjoy membership in the Lincoln-Sudbury Town Employees Federal Credit Union. The Credit Union operates as a bank offering plans for checking, saving and borrowing money, and including other financial services such as certificates of deposit, money market accounts, I.R.A. accounts, personal loans, automobile loans, and home equity loans. All savings are federally insured.

The Credit Union is located in the Flynn Building and is open Monday through Friday from 10:00 AM to 4:00 PM. (Summer hours may vary.) The telephone number is (978) 443-6973.

3.6. Education and Training Opportunities

The Town believes that its employees are its most valuable asset. To support this philosophy, regular full-time employees are encouraged to participate in educational activities that may enhance job skills, knowledge, and abilities related to Town employment. The Town will reimburse you, subject to available appropriation and if you are in good standing, for 80% of tuition expenses for courses in a degree program at an accredited college or other professional institution, at the sole discretion of the Town Manager or his/her designee, within the following guidelines stated below:

- 1) Employees are eligible to apply after satisfying a 12-month probationary period.
- 2) The course of study must have a functional relationship to your job, as determined by your department supervisor and approved by the Town Manager;
- 3) Prior approval must be obtained;
- 4) The course(s) should not interfere with your job responsibilities during normal working hours; and
- 5) Proof of tuition payment and a notice of successful completion (B- or better) of the course must be submitted for reimbursement. A pass-fail grade will not be reimbursed unless numerical or letter grades are not offered.

The above reimbursement benefits will be limited to one course per semester or three courses within a 12-month period, whichever is less.

When you are directed by your supervisor to attend a course as part of your job, the Town will reimburse you for all costs associated with attendance, including mileage at the rate established by the Town Manager. Courses must be related to job performance, not an attempt to make one better qualified or educated for the future.

3.7. Employee Assistance Program

To help enable all employees to do their best work, the Town annually contracts with an Employee Assistance Program (EAP) provider, currently AllOne Health which provides professional counseling to you and your household members. You may call an EAP counselor, free of charge, at 1-800-451-1834, to discuss work stress, workplace issues, family problems,

drug involvement, alcohol misuse, or other concerns. You may also call to speak with an attorney, financial planner or an accountant. All contact with the EAP is strictly confidential; the EAP staff cannot reveal your name to anyone. The Town believes this program is important for both individuals and the organization as a whole, and encourages you to use this free and confidential service.

3.8. Retirement Benefits

3.8.1. Employees Working a Minimum of 20 Hours a Week

If you have been working at least 20 hours per week and began working for the Town before age 65, you are automatically a member of the Middlesex Retirement System. This includes temporary workers of over six month’s duration. If you have been working less than 20 hours per week or began working for the Town at 65 years of age or older, you are not eligible to join the Middlesex Retirement System.

Employees contribute a percentage of their regular compensation to the retirement system. A member’s contribution rate is set by statute and determined by his or her most recent membership date.*

Membership Date	Contribution Rate
Prior to January 1, 1975	5%
January 1, 1975 to December 31, 1978	7%
January 1, 1979 to December 31, 1983	7% plus an additional 2% of compensation in excess of \$30,000
January 1, 1984 to June 30, 1996	8% plus an additional 2% of compensation in excess of \$30,000
As of July 1, 1996	9% plus an additional 2% of compensation in excess of \$30,000
As of April 2, 2012	9% plus an additional 2% of compensation in excess of \$30,000. Members in Group 1 with 30 years of creditable service will have their contribution rate decreased to 6% plus an additional 2% of compensation in excess of \$30,000

Members hired prior to April 2, 2012 the following guidelines apply.

- **Eligibility**

Groups 1, 2 and 4

Members in Groups 1, 2 and 4 who established membership in a Massachusetts contributory retirement system prior to January 1, 1978 are eligible to retire upon attaining age 55. There is no minimum service requirement.

If membership was established on or after January 1, 1978, and the employee is a member of Group 1 or 2, he or she must have at least ten (10) years of creditable service and be at least age 55 to be eligible to receive a retirement allowance. There is no minimum service requirement for members in Group 4. However, they must be at least 55 years old in order to retire and have performed the duties of a Group 4 member for at least 12 months prior to retirement.

Members with at least twenty years of creditable service are eligible to retire at any age.

Members hired on April 2, 2012 or after the following guidelines apply:

Group 1

If membership was established on or after April 2, 2012, and the position held by the member is classified in Group 1, the member must have at least ten (10) years of creditable service and be at least age 60 to be eligible to receive a retirement allowance.

Group 2

If the position held by the member is classified in Group 2, the member must have at least ten (10) years of creditable service and be at least age 55 to be eligible to receive a retirement allowance. However, they must have performed the duties of a Group 2 member for at least 12 months prior to retirement.

Group 4

There is no minimum service requirement for members in Group 4. However, they must be at least 55 years old in order to retire and have performed the duties of a Group 4 member for at least 12 months prior to retirement.

The amount of your retirement allowance depends on your age, length of creditable service, your salary level, occupation, and veteran's status. For more information, please request a copy of the booklet "Massachusetts Public Employee's Retirement Guide" from the Middlesex Retirement System, which also has a very informative website.

Social Security Benefits: If you or your spouse have worked in the private sector, you may be eligible for Social Security retirement benefits. However, those benefits may be significantly reduced if you are also eligible to receive retirement benefits from the Middlesex Retirement system. You should carefully review fact sheets published by the Social Security Administration available in the Benefits Coordinator's Office.

3.8.2. Employees Working Fewer Than 20 Hours A Week

If you work less than 20 hours per week, you must contribute a portion of your gross compensation to the Massachusetts Deferred Compensation retirement plan as required by federal law. This requirement is mandated by the provisions of the federal Omnibus Budget Reconciliation Act (OBRA) as an alternative to social security coverage. If you were hired on or after April 1, 1986, you must also contribute a portion of your gross compensation (1.45% as of 01/01/92) to FICA/Medicare. When you leave employment with the Town, you may withdraw your Massachusetts Deferred Compensation OBRA contribution but not your FICA/Medicare contribution. To withdraw your OBRA contribution you must obtain a signature from the Town Treasurer or other designated Town official. Under certain circumstances there may be a waiting period of one year before these funds may be withdrawn. For further information please contact the Benefits Coordinator.

3.9. Longevity Benefit

Longevity is an additional payment given on an annual basis to regular full-time and regular part-time employees working 20 hours or more per week who have served the Town for a specified number of years. Lump sum longevity payments are granted as follows:

- After 7 years of service to the Town, you receive \$200.00;
- After 10 years of service to the Town, you receive \$350.00; and
- After 15 years of service to the Town, you receive \$500.00.

EMPLOYMENT POLICIES AND PRACTICES

4.1. General Introduction

To provide a productive, safe, healthful work environment for each and every employee, and in compliance with state and federal laws, the Town has issued the policies below. The Town is wholly committed to these policies. Any violation of the policies will be taken very seriously, and may result in disciplinary action, up to and including termination.

4.2. Equal Employment Opportunity/Affirmative Action Policy

Equal employment practices have been and will continue to be a fundamental principle for the Town. As stated in the Town's EEO policy, contained in the Town By-Laws, employment decisions and personnel actions for the Town are based upon personal capabilities, merit and qualifications, and are made without regard to age, race, color, religion, national origin, ancestry, sex, sexual orientation, disability, genetic information, membership in or application for uniformed military service or any other status protected by law. This policy and principle extends to all employment decisions and personnel actions, including, but not limited to, recruiting, hiring, compensation, benefits, training, transfers, promotions, layoffs, and education and social programs.

In addition to upholding state and federal laws prohibiting discrimination, the Town has made a commitment to recruiting from as wide and diverse a labor market as practicable. Responsibility for overseeing the Affirmative Action Program (AAP) rests with the Affirmative Action Officer and the Town Manager.

We encourage you to bring any perceived violation of this policy to our attention immediately. To view the Town's AAP, or to speak with the Town about a perceived violation of this policy, please contact the Town's Assistant Town Manager/HR Director.

4.3. Disability Discrimination Prohibited

Consistent with state and federal disability laws, the Town does not discriminate against qualified applicants or employees with a sensory, physical or mental disability. The Town is committed to compliance with reasonable accommodation requirements in the performance of essential functions of the job.

If you are in need of a reasonable accommodation, you should contact your department head or the Assistant Town Manager/HR Director.

4.4. Discriminatory Harassment Policy and Procedures

I. Introduction

It is the goal of the Town of Sudbury to promote a workplace that is free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as sex, race, color, national origin, religion, age, disability, sexual orientation, genetic information, marital status, military service, arrest record or gender identity. The Town of Sudbury will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or work-sponsored events will not be tolerated. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because the Town of Sudbury takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that 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 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 harassment.

II. Definitions

“Harassment” means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written materials or pictures that shows hostility or aversion to a person’s sex, race, color, national origin, religion, age, disability, sexual orientation, genetic information, marital status, military service, arrest record or gender identity.
2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.
3. Denying employment opportunities because of such characteristics or because of association with someone of a particular sex, race, color, national origin, religion, age, disability, sexual orientation, genetic information, marital status, military service, arrest record or gender identity.
4. Putting down or mocking a culture or language.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working 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 definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either 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:

- Unwelcome sexual advances – whether they involve physical touching or not;
- 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;
- Displaying sexually suggestive objects, pictures, cartoons; Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
 - Inquiries into one’s sexual experiences; and,
 - 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.

III. Complaint Procedures

All employees, managers, and supervisors of the Town of Sudbury share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment.

If any of our employees believe that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally and addressed to Maryanne Bilodeau, Assistant Town Manager/Human Resources Director; Andrew Sheehan, Town Manager; or in their absence your Department Head. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with our organization using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of our organization and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. The Asst. Town Manager/HR Director is located in the Flynn Building at 278 Old Sudbury Road and can be reached by phone at (978) 639-3386. The Town Manager is also located in the Flynn Building at 278 Old Sudbury Road and can be reached by phone at (978) 639-3385. Department Heads who receive a complaint should immediately notify the Asst. Town Manager/Human Resources Director or Town Manager. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

IV. Complaint Investigation

When the Town receives the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include private interviews with the person filing the complaint and with witnesses. The Town will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. 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. Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

A complaint may be determined to be founded (the incident occurred as charged), unfounded (the incident is not harassment), or inconclusive (there is insufficient evidence to make a ruling either way). 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.

V. Disciplinary Action

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. If an employee believes that the investigation and/or the outcome of the investigation have not satisfactorily resolved the complaint, he or she may file a written appeal with the Town Manager. The Town Manager will review the case and will make a determination as to whether the resolution of the case was fair, equitable, and appropriate.

VI. Applicability

All employees and all elected and appointed officials are subject to the provisions of this policy.

VII. State and Federal Remedies

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

All employees and all elected and appointed officials are subject to the provisions of this policy.

The United States Equal Employment Opportunity Commission (“EEOC”)
JFK Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place, Room 601

Boston, MA 02108

(617) 994-6000

Springfield Office:

424 Dwight Street, Room 220

Springfield, MA 01103

(413) 739-2145

Worcester Office:

484 Main St. Room 320

Worcester, MA 01608

(508) 453-9630

4.5. Medical Records Privacy Policy; HIPAA

In compliance with the federal Health Insurance Portability and Accountability Act (HIPAA), and in support of your desire for medical privacy both in and out of the workplace, the Town has formally adopted its own medical records privacy policy. This policy is intended to limit, as much as possible, the Town’s disclosure of your Protected Health Information (PHI) to outside entities. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are an integral part of this policy, established as part of daily operating procedures to be maintained by all responsible staff and representatives of lawful agents and business associates of the Town of Sudbury.

The policy defines specifically how confidential medical information about you may be used and disclosed to carry out treatment, authorize payment for health care services and for other purposes that are required by law. The policy also describes your rights to access and control your medical information. If you have questions, or wish to review the Town’s HIPAA Privacy policy in detail, please contact the Human Resources Office.

4.6. Personnel File

A personnel file for each employee is kept in the Human Resources Office. Your personnel file contains your name, title and/or position held, job description, department to which you are assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting you, including discipline, and other pertinent information. Personnel files are kept confidential to the maximum extent permitted by law.

As an employee of the Town, you have the right to examine your own file, upon request.

4.7. Emergency Procedures

At times, emergencies such as severe weather or power failures can disrupt Town operations. In extreme cases these circumstances may require the closing of a work facility. Please check the Town's website for notification of a closing or delay. You can sign up for "Emergency Notification" alerts to your home or cell phone from the town website at: www.sudbury.ma.us

For weather-related emergencies, please refer to the Town's Inclement Weather Policy.

Moreover, emergencies may occur during a work day already in progress. Please make sure you are familiar with your building's fire and safety egresses. For more information, talk to your department head.

Certain employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, those employees who work will receive regular pay (including overtime, where appropriate).

5. EMPLOYEE RESPONSIBILITIES AND CONDUCT

5.1 General Code of Conduct

The Town of Sudbury is committed to upholding the highest ethical standards in the conduct of the public's business. This commitment requires that employees treat citizens, the general public, and their fellow employees with respect and courtesy at all times. The commitment to ethical government also requires that employees:

- Uphold and inspire public confidence and respect
- Uphold all relevant Town, State, and federal laws and regulations
- Conduct themselves at all times according to the principles of honesty, integrity, impartiality and courtesy
- Ensure that they behave appropriately in their positions, never using their positions or giving the appearance of using their positions to secure advantage or favor for themselves, their family, or friends.

It is expected that all employees shall be familiar with and comply with this policy and with the ethical code it supports. Employees are reminded that compiling an all-inclusive list of ethical and behavioral standards is impossible. The following gives employees a general sense of the behavior expected of them and is not intended as a complete set of guidelines. Employees are encouraged to seek guidance and/or clarification via their department head whenever any question arises as to appropriate behavior. Depending upon the issue, the question may require forwarding to the Human Resources Office or to the Town Manager's Office.

The Town has also developed a formal disciplinary policy for situations in which a Town employee fails to adhere to the Code of Conduct as described in this handbook. Please refer to section 5.3 of this handbook for more detailed information concerning the Disciplinary Policy.

The existence of a Code of Conduct does not change your at-will employment status, wherein you or the Town may terminate the employment relationship at any time, with or without notice, for any reason or no reason at all.

5.2. Responsibilities

5.2.1. Attendance

To maintain a safe and productive work environment, the Town expects you to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and the Town. When you are unable to report to work because of illness, injury or other reason, you are expected to notify your supervisor promptly.

Poor attendance and excessive tardiness are disruptive and will not be permitted. When you have been absent without authorization for any length of time, and where the department head determines there is not satisfactory excuse or legitimate explanation, you will be subject to disciplinary action, up to and including termination.

5.2.2. Dress Guideline

Many of the Town departments and positions require uniforms or work clothes. In offices where uniforms are not required, the Town maintains a business casual working environment. As a representative of the Town, you are expected to report to work properly groomed and dressed neatly, professionally, and appropriately to your work assignment, as determined by your position and department head. Dress that is considered inappropriate even for business casual, includes, but is not limited to: sweat pants, sweat shirts, blue jeans, short shorts, novelty T-shirts or undershirts, halter tops or abbreviated shirts, and flip-flops. In the discretion of the department head, an employee may be directed to change attire, and the time lost will either have to be made up or will be unpaid. Further instances of inappropriate attire may result in disciplinary action.

5.2.3. Smoking Policy

It is recognized that smoking is dangerous to the health of the smoker and that second-hand smoke is a cause of disease, including lung cancer, in healthy nonsmokers. The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke. This applies to **ALL** smoking products, i.e. cigarettes, e-cigarettes, cigars and pipes. This policy has been developed to protect all persons from the exposure to environmental tobacco smoke and to ensure a safe working environment.

This policy applies to all employees, citizens, clients, consultants, contractors and visitors.

- A. Compliance with the smoke-free policy is mandatory for all employees and persons visiting the Town of Sudbury municipal buildings.
- B. Any disputes involving employee smoking will be referred to their immediate supervisor. Department Heads are responsible for enforcing this policy.
- C. Employees who violate this policy are subject to disciplinary action up to and including termination.

- D. Smoking is prohibited in all indoor public places within the Town of Sudbury. Smoking is also prohibited in all sports arenas, both indoor and outdoor, and on all public school property.
 - E. It shall be unlawful for any owner, operator, manager, or person in charge of any public place covered by these regulations to permit, or for his or her agent or designee, to permit a violation of this regulation.
 - F. The use of e-cigarettes is prohibited wherever smoking is prohibited per Massachusetts law and this Section of this regulation.
 - G. The owner, operator, manager, or person in charge of any public place covered by this regulation shall prevent smoking in non-smoking areas by:
 - 1. Conspicuously posting a notice or sign of a minimum of one-half (1/2) inch bold type at each entrance to the public, which indicates that smoking is prohibited.
 - 2. Requiring patrons or others who may be smoking in a non-smoking area to refrain from smoking or to leave the premises.
 - 3. Using any other legal means, which may be appropriate to enforce this regulation.
- A. Smoking is prohibited in all workplaces (*including municipal buildings*) within the Town of Sudbury, as defined in the definitions, except as otherwise specifically permitted under this regulation.
- Municipal Building means a building owned, leased or rented by the Town of Sudbury.*
- B. Smoking is prohibited in all municipal vehicles, as defined in the definitions.
- Municipal Vehicle means any vehicle owned, leased or rented by the Town of Sudbury.*
- C. The owner, operator, manager, or person in charge of any workplace shall conspicuously post a notice or sign at each entrance to the workplace, which indicates that smoking is prohibited.
 - D. It shall be unlawful for any owner, operator, manager, or person in charge of any workplace to permit, or for his or her agent or designee to permit a violation of this regulation.
 - E. The use of e-cigarettes is prohibited wherever smoking is prohibited per Massachusetts law and this Section of this regulation.

5.2.4. Drug-Free Workplace

The Town believes that the use of illegal or controlled substances or the use of alcohol is a threat to the Town's goal of maintaining a productive, healthful, and safe work environment. As such, and in compliance with the federal Drug Free Workplace Act, the Town strictly prohibits the possession, sale, distribution, and use of such substances by its employees in the workplace or during the work day.

Moreover, the legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform a job effectively and in a safe manner that does not endanger other individuals in the workplace. Therefore, you must notify your supervisor if you are taking any prescription medication which carries any warning that the medication should not be used while operating machinery or equipment, so that a determination may be made as to whether you can be allowed to work in such capacity.

If you have any questions or concerns about substance dependency or abuse, you are encouraged to discuss these matters with your department head to receive assistance or referral to an appropriate community resource. As a Town employee, you are also encouraged to utilize the Town's Employee Assistance Program (EAP) provider, AllOne Health, regarding any emotional, substance abuse, legal, financial or other related matter. For more information concerning the Employee Assistance Program, see section 3.7.

Under the Drug Free Workplace Act, you must notify the Town within five (5) days of any criminal conviction for a drug violation in the workplace. Failure to comply with any of the above provisions will result in disciplinary action, up to and including termination.

5.2.4.1 Drug Testing

Employees are subject to testing when they cause or contribute to accidents that damage a Town of Sudbury vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention in which there is a reasonable basis for concluding that drug use could have contributed to the accident. A circumstance that constitutes A REASONABLE BASIS is any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle MAY BE IN WHOLE OR IN PART responsible for the accident. In any of these instances, the subsequent testing must take place within two hours following the accident, if not sooner. *Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.*

5.2.5. Workplace Violence

It is the intent of the Town of Sudbury to provide a workplace that is conducive to personal safety and security and is free from intimidation, threats, or violent acts. Accordingly, the Town maintains a zero-tolerance policy toward workplace violence, or the threat of violence, by any of its employees, former employees, elected officials, customers, the general public, and/or anyone who conducts business with the Town.

Definitions

Workplace violence is any behavior which is intended (or which a reasonable person may perceive is intended) to abuse or injure a person or damage or destroy property in the workplace including, but not limited to bullying, threats, physical, verbal, written, or visual attack, or property damage. The following definitions are incorporated to assist employees to more fully understand the nature of the behavior prohibited by this policy; however, violent behavior is not limited to the descriptions below.

A. Workplace bullying is repeated unreasonable or offensive actions in the workplace that impact or create a risk to the psychological or physical health, safety, or economic security of an employee. Workplace bullying is behavior that can intimidate, offend, degrade or humiliate an employee.

B. A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional or future.

C. Physical attack is intentional hostile physical contact with another person or an object such as hitting, fighting, pushing, shoving, or throwing.

D. Verbal attack is intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene or threatening language.

E. Written attack is the use of printed or electronic media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people or to threaten property.

F. Visual attack is the use of bodily gestures that are threatening, obscene, or abusive.

G. Property damage is intentional damage (as a reasonable person may presume by the nature of the damage) to property which includes property owned by the Town, employees, or others.

Prevention of Workplace Violence

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Procedure for Reporting Threats

Employees are required to immediately, or as soon as practically possible, report each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, to department management, Human Resources (HR), or the Town Manager's Office. In addition, employees are required to warn of any suspicious workplace activity, situations, or incidents of which they are aware that may lead to workplace violence. Department management will inform HR in writing and verbally of all reported incidents of workplace violence and will work with HR to assess and investigate the incident and determine the appropriate action to be taken, including notifying the Police Department where appropriate. For incidents involving violent behavior by non-employees, HR will maintain – at a minimum - a written log of all reported incidents including the name of the individual, time and date of the incident, nature of the incident, and outcome. In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or

Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Manager may assemble a Management Response Team that consists of staff from the affected department, HR, public safety, the employee assistance program and others as deemed necessary. Under such critical circumstances, the Management Response Team shall be responsible for establishing the response protocol that may include but is not limited to:

- evaluating the potential for violence
- assessing an employee's fitness for duty (through mental health professionals)
- establishing a plan for the protection of co-workers and other potential targets
- coordinating with affected parties such as victims, families, other employees or law enforcement personnel
- referring victims to appropriate assistance and community service programs

Each step of this process will be carried out in as expeditious a manner as possible, recognizing the need to address any threat in a timely, yet thorough and appropriate manner. Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation (including, but not limited to unwarranted discipline, demotion, reduction in pay or position and/or termination) or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

Prohibited Actions & Sanctions

It is a violation of this policy to engage in any act of workplace violence or retaliation for reporting such behavior. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action including but not limited to warning, reprimand, suspension or termination, according to the findings of the complaint investigation and, depending upon the violent act, may be subject to criminal sanctions.

Departmental Security Audits

Whenever the physical layout of the work space is significantly altered, the department/division manager will work with the Police Department to examine the escape routes of the work area and communicate any changes to all department employees. On an as needed basis, the department manager may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

Safety-Related Searches

Lockers, desks, storage drawers, work areas, work-provided phones, PDA's and computers, and vehicles assigned to employees are Town property and are subject to unannounced inspections. Private items should not be stored in such property. The Town may exercise its right to search Town property for weapons and any other items not permitted on Town premises. For legitimate safety purposes when there is a credible threat of workplace violence, the Town reserves the right to search the possessions of employees, vendors, contractors, and subcontractors upon entering and leaving Town property, and at any time while on Town property without prior announcement. At such times, all briefcases, purses, portfolios, lunch boxes, toolboxes, and other articles and containers may be subject to inspection. Employees refusing to submit or interfering with such searches may be subject to disciplinary action, up to and including termination.

5.2.6 Employee Training

The department manager, or his/her designee, will orient all new employees to departmental procedures regarding reporting incidents of violence or retaliation, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence or retaliation.

5.2.7 Employee Assistance Program

Should an employee become the victim of an incident of workplace violence, the department manager should make sure the employee is aware of services available through the Employee Assistance Program (EAP) and may offer additional referral services to assist the employee and/or affected work group in coping with any effects of the incident. Should it be determined in the investigation of a reported incident that an employee did commit a violent act, the employee shall at a minimum be referred to the EAP by the department/division manager. In these cases, failure by the employee to keep an initial appointment with the EAP shall result in disciplinary action.

5.2.8 Weapons

The Town of Sudbury is committed to providing a safe work environment for its employees. This policy is being implemented, effective immediately, in furtherance of that commitment. This policy shall therefore prohibit Town employees from carrying, possession, or use of firearms and other dangerous weapons during working hours, or while in the course of employment, except as expressly permitted by this policy.

Definitions

1. For the purposes of this policy, a **“firearm”** shall mean any handgun, rifle, shotgun, smoothbore, or other similar device, including, BB and/or pellet handguns or rifles, whether loaded or unloaded, from which a shot, bullet, pellet, or other projectile can be discharged by any means.
2. The term **“dangerous weapons”** (as outlined by Massachusetts General Law) shall mean:
 - any instrument or weapon commonly known as a dirk knife or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, or a device or case which enables a knife with a locking blade to be drawn in a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism;
 - a slungshot, slingshot, beanblower, sword cane, pistol cane, bludgeon, blackjack, nunchaku, zoobow, “clackers” or “kung fu” sticks, or any similar weapon, Ø a shuriken, or any similar pointed object intended to injure a person when thrown;
 - or a manrikigusari, or similar length of chain having weighted ends;
 - or metallic knuckles or knuckles of any substance which could be put to the same use and with the same similar effect as metallic knuckles;
 - any electrical weapon;
 - or any other device not mentioned herein when its intended function or design is clearly that of a weapon.

3. "Possession" shall include possession, carrying, storage or use of firearms or other dangerous weapons, as herein defined, upon Town property or in a Town vehicle, or a private vehicle if parked upon Town property or used in the course of employment duties.

Prohibited Conduct

1. No Town employee shall carry, possess, or use during working hours or while in the course of employment, a firearm or other dangerous weapon as herein defined, except as specifically outlined below under "Exemptions".

2. The prohibitions of this policy apply notwithstanding any licenses to carry firearms, firearm identification cards, or similar permits or licenses that employees may possess.

Exemptions

1. Even when a non-police officer employee is duly licensed in Massachusetts to carry firearms, only the Town Manager, with concurrence of the Police Chief, may specifically authorize said employee to carry, possess, or use during working hours or while in the course of employment, a firearm or other dangerous weapon as herein defined.

The Town Manager will only authorize an employee to carry, possess, or use during working hours or while in the course of employment, a firearm or dangerous weapon, as herein defined if, in the Town Manager's sole discretion, he or she believes that doing so is necessary for the employee to perform the functions of the employee's position with the Town.

2. All police officers, with the appropriate training and authorization of the Police Chief, are permitted to carry any weapons that the Police Chief determines are necessary to perform the functions of their position with the Town.

Procedure for Reporting Violations

1. All employees share in the responsibility and reap the benefits of fostering a safe workplace. Therefore, any employee who believes that this policy may have been violated must report that belief to their department head or the department head's designee immediately.

2. Managers who receive a report of, or personally observe a possible policy violation must immediately contact the Human Resources Director or Deputy Town Manager.

3. Human Resources will assess and investigate the incident and recommend appropriate action to the Town Manager.

Employees are reminded that lockers at work, even locked with a personal lock, remain Town property and may be searched without notice.

An employee who violates this policy may be subject to discipline, up to and including termination.

5.2.9. Workplace Safety

The personal safety and welfare of the Town's employees, as well as of the general public, is a primary and continuing concern of the Town as an employer. As such, care is taken to make the Town a safe and healthy place in which to work. Federal and state occupational safety regulations detail the Town's responsibilities for maintaining a hazard-free working environment. In keeping with these regulations, all employees who are furnished safety equipment and/or clothing by the Town will be required to wear such safety equipment at all times while doing the work for which the equipment has been furnished. Safety gloves, aprons,

hard-hats, goggles, face shields, vests, ear protection, and other safety gear, provided by the Town that are designated for the protection of all employees, must be used.

5.2.10. Conflict of Interest

The Massachusetts Conflict of Interest Law

All new employees are given a summary of the Massachusetts Conflict of Interest Law (Massachusetts General Laws, Chapter 268A) when hired. In addition, employees may refer to their department head for contents of the law. The law covers all municipal employees to ensure that their private interests do not conflict with their public obligations. The law is broadly written to prevent employees from becoming involved in situations which could result in a conflict -- or even give the appearance of a conflict.

EMPLOYEES MUST FAMILIARIZE THEMSELVES WITH AND ABIDE BY THE MASSACHUSETTS CONFLICT OF INTEREST LAW AT ALL TIMES. THE CONFLICT OF INTEREST LAW REQUIRES ALL MUNICIPAL EMPLOYEES, AS WELL AS ELECTED PUBLIC OFFICIALS AND BOARD AND COMMITTEE MEMBERS TO COMPLETE THE STATE ETHICS COMMISSION'S ONLINE TRAINING. THIS TRAINING MUST BE COMPLETED AGAIN EVERY TWO YEARS.

Employees have a responsibility to ensure that other Town employees also comply with the law and this policy, and they must report any violations of ethical conduct to the department head or Town Manager's Office.

An employee with any questions regarding a violation, an appearance of a violation or a potential violation of the Conflict of Interest Law should seek guidance from his or her supervisor, the department head, Human Resources, or the Town Manager's Office immediately. Final determination of any such conflict, prohibition or any other conflict of interest referenced by state law will rest with the Town Manager, who may, at his/her discretion, refer the matter to the State Ethics Commission.

Acceptance of Gifts

Employees shall not under any circumstances seek, solicit, or accept any gift, gratuity, loan, reward or fee where there is any direct or indirect connection or the appearance thereof between the solicitation or acceptance and their employment, except as may be specifically authorized by their department head. Any other gift, gratuity, fee or reward that is not specifically authorized, which comes into the possession of any employee, shall be forwarded to the department head, along with a written account of the related circumstances.

Honesty and Impartiality

Employees must act with honesty, integrity and impartiality in the performance of their duties. Employees must make decisions and recommendations without discrimination and provide accurate, balanced input, information, analyses and recommendations in a timely manner. Employees must not knowingly give any false or misleading reports, whether oral or written. Employees are prohibited from publicly endorsing products as a representative of the Town. When asked for their opinions on services available in the community, employees will be fair and impartial in providing information.

5.2.11. Privileged Information

Many Town employees deal with plans and programs of significant public interest. As a Town employee, you must not use this privileged information to your own financial advantage, or to provide family, friends and acquaintances with financial advantages or with information which could be used for financial advantage. If you find that you have an outside financial interest which could be affected by Town plans or activities you must immediately report the situation to your superior. You are charged with the responsibility of insuring that you release only information that should be made available to the general public. Violation of privileged information or use for private gain may result in termination as determined by the Town Manager.

5.2.12. Outside Employment

Upon proper written notification to and at the discretion of the Town Manager, you may engage in outside employment. However, you may not engage in additional employment which in any manner interferes with the proper and effective performance of the duties of your position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. If the Town Manager determines that such outside employment is disadvantageous to the Town, upon notification in writing by the Town Manager, you will be given the option to resign from Town employment or your second job.

If you engage in employment outside of your regular working hours, you will be subject to being called to perform your regular Town duties first.

The Town will in no respect be liable nor grant sick leave or disability leave in case of injury to you while engaged in outside employment, nor in the case of occupational illness attributable to the outside employment.

5.2.13. Town Property

It is of fundamental importance that all public employees understand their legal and ethical responsibility to uphold the public's trust with respect to the use of public property. According to the **Massachusetts Conflict of Interest Law**, publicly owned or supported property, equipment, labor or services shall be used for public purposes only. Employees shall not use, while on-duty or off-duty, Town property for personal use or gain, nor shall an employee allow such use by any other individual, company or organization.

If you have been provided Town equipment including, but not limited to, vehicles, materials, supplies, tools, and uniforms, you are expected to exercise reasonable care in the use and preservation of such equipment and to observe all safety precautions while carrying out your assigned work.

Violations may result in termination, prosecution, or both, or other disciplinary action. Employees authorized to drive Town vehicles must read and sign the policies and procedures as adopted by the Town Manager and as may be amended from time to time.

All operators of Town vehicles and equipment must hold a valid and appropriate Massachusetts operator's license. You are required to inform your supervisor of any change of status in your license. Suspension or revocation of your operator's license may necessitate your demotion or discharge if you are assigned to the operation of Town vehicles or equipment.

5.2.14. Telephone, Fax, Mail and Computer Systems

The Town telephone, fax, mail and computer systems are reserved for Town business purposes only. You should refrain from utilizing these systems for personal reasons other than in cases of emergency.

Town telephone facilities may not be used for personal calls when the placing of such calls would interfere with the employee's duties, would incur additional financial liability by the Town, or would interfere with the use of the facilities for official business. In the event you need to utilize the telephone for urgent personal use for long distance or toll calls, you are required to reimburse the Town for any charges resulting from this use. Any such use should be urgent, infrequent and of short duration.

You should refrain from sending or receiving personal mail at the workplace. Personal use of Town stationary or postage is not permitted.

The email system, the Internet, and other computer technology are also intended to be used strictly for work purposes. These systems are provided by the Town to assist you and fellow employees in delivering quality public services. The Town expects and requires that these tools will be used in an appropriate and responsible manner at all times, conforming with network etiquette, customs and courtesies and in compliance with the Town's information technology resources protocols. You should also be aware that your email and internet use may be monitored by the Town, as it is Town property. Accordingly, you should not use email or the Internet for non-work purposes or private matters.

5.2.15. Use of Cell Phones at Work

Purpose

The use of cell phones while at work has become an important aspect of both office and non-office activities. At the same time, it must be recognized that the use of both Town issued and personal cell phones while at work may present a hazard or distraction to the user, fellow employees or others present. This policy is meant to ensure that cell phone use while at work is safe, is appropriate and does not disrupt business operations.

Use of Cell Phones While at Work

Unless otherwise authorized, employees shall only use personal cell phones for urgent matters or when they are on an authorized break. Only Town-issued, work-related cell phones are authorized to be in the "on" mode while operating vehicles or hazardous equipment at work.

Unless otherwise authorized, personal cell phones shall be shut off completely and shall not be used for either outgoing or incoming calls while operating such vehicles or equipment. Further, at no time shall any employee use any cell phone or any handheld device capable of accessing the internet to manually compose, send or read an electronic message while operating such vehicles or equipment. At all other times while at work, personal cell phones should be set in an appropriate ring mode so that they are not disruptive to the workplace.

While operating a motor vehicle or other potentially hazardous equipment, employees' first and foremost responsibility is attending to their own safety and the safety of others, as well as to the

care of the equipment. Therefore, if an employee places or receives a cell phone call while operating such vehicle or equipment, that employee must continue to direct their primary attention toward safety. The employee must remain duly attentive to the vehicle or equipment they are operating. If safety dictates that the employee's full attention must remain with the equipment they are operating, then the employee must not answer the call until they are sure that it is safe to do so. Under such circumstances, the employee should continue operation of the motor vehicle or other equipment until circumstances allow for the vehicle or equipment to be safely stopped and properly secured. Only then shall the employee proceed to respond to the delayed or missed call.

An employee who violates any provision of this policy will be subject to disciplinary action up to and including termination.

5.2.16 Social Media Policy

I. INTRODUCTION

The Town of Sudbury permits departments to utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications with its residents and various stakeholders in support of Town of Sudbury goals and objectives. Town of Sudbury officials and Town of Sudbury departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct *official* Town of Sudbury business. Social media sites facilitate further discussion of Town of Sudbury *government business*, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town of Sudbury purposes. Questions regarding this Policy should be directed to the Human Resources Department. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Sudbury.

II. DEFINITIONS

1. "Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Del.icio.us.
2. A "social media identity" is a specific user identity or account that has been registered on a third-party social media site.
3. A "blog" (an abridgement of the term web log) is a Town of Sudbury website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

4. A “moderator” is an authorized Town of Sudbury official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by the Town of Sudbury officials, employees and public commentators to be posted to a Town of Sudbury social media site or sites.

III. POLICY

1. All Town of Sudbury social media sites shall be:
 - a. approved by the Town Manager; and
 - b. published using social media platform and tools approved by the Information Technology Department (“IT”).
2. The official posting for the Town of Sudbury will be done by the Town Manager or their designee.
3. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.
4. The sharing of social media credentials is not allowed. Any user accounts created should be assigned to an individual, not a group.
5. All Town of Sudbury social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town of Sudbury policies.
6. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in paragraph Numbers 10 or 11, or it is changed to fix spelling or grammar errors.
7. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.
8. Each Town of Sudbury social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Sudbury of Internet site for forms, documents and other information.
9. Each Town of Sudbury social media site shall indicate to users that the site is subject to a third party’s website Terms of Service. Furthermore, each Town of Sudbury social media site shall indicate that: the social media site provider could collect personal information through user’s use of the social media site; and that this personal

information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town of Sudbury.

10. All social media sites shall clearly indicate they are maintained by the Town of Sudbury and shall have the Town of Sudbury contact information prominently displayed.
11. The Town of Sudbury reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
12. Town of Sudbury social media content and comments containing any of the following forms of content shall not be allowed for posting:
 - a) *Comments or content* not topically related to the particular site or blog article being commented upon;
 - b) Profane, obscene, or vulgar language or content;
 - c) *Comments or content* that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;
 - d) *Comments or content that is threatening or harassing;*
 - e) *Sexual comments, content, or links to sexual content;*
 - f) Conduct or encouragement of illegal activity;
 - g) Information that may tend to compromise the safety or security of the public or public systems;
 - h) Content that violates a legal ownership interest of any other party;
 - i) *Protected health information;*
 - j) *Personnel information; or*
 - k) *Other information that is not public record or is otherwise privileged from public disclosure.*
13. All Town of Sudbury social media moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
14. Where appropriate, Town of Sudbury IT security ***and/or computer use*** policies shall apply to all social media sites and articles.
15. Officials (elected or appointed) and employees representing the Town of Sudbury via social media sites must conduct themselves at all times as a representative of the Town of Sudbury and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town of Sudbury. See Section IV, Employee Guidelines for Use of Social Media Sites.

16. No Town of Sudbury or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders.
17. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

1. **Electronic Communications and Computer Usage Policy.** All employees are responsible for understanding and following the Town of Sudbury's Electronic Communications and Computer Usage Policy, in addition to this Policy.
2. **First Amendment Protected Speech.** Although the Town of Sudbury can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town of Sudbury merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.
3. **Copyright Law.** Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote *an* excerpt of someone else's work *without acknowledging the source*, and, if possible, provide a link to the original.
4. **Conflict of Interest.** *Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.*
5. **Protect Confidential Information.** Never post legally protected personal information that you have obtained from the Town of Sudbury (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Town of Sudbury. Never post information about policies or plans that have not been finalized by the Town of Sudbury, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.
6. **Consider Your Content.** As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Town of Sudbury

and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.

7. Handling Negative Comments. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include:

- a) Providing accurate information in the spirit of being helpful;
- b) Respectfully disagreeing; and
- c) Acknowledging that it is possible to hold different points of view.

8. Respect Your Audience and Your Co-workers. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory— such as party politics and religion. Do not use your department's social media presence to communicate among fellow Town of Sudbury employees. Do not air your differences with your fellow Town of Sudbury employees on your department's social media's sites.

9. Use the Social Media Site or Identity Only to Contribute to your Department's Mission. When you contribute to your department's social media site or identity, provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town of Sudbury. Social media sites and identities should be used in a way that contributes to the Town of Sudbury's mission by:

- a) Helping you and your co-workers perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making the operations of your department transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

10. Mistakes. The Town of Sudbury policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so—do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town of Sudbury cannot change content that has already been published without making the changes clearly evident to users.

11. **Media Inquiries.** Town of Sudbury or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to the Town Manager.

12. **Personal Comments.** Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the Town of Sudbury. If you publish content on any website of the Town of Sudbury and it has something to do with the work you do or subjects associated with the Town of Sudbury, use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the Town of Sudbury positions or opinions.”

13. **Employee or Official Profile.** If you identify yourself as a Town of Sudbury employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.

14. **Defamation.** Be aware that employees acting in their individual capacity (not on behalf of the Town of Sudbury) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.

15. **Records Retention.** Social media sites will contain communications sent to or received by Town of Sudbury officials and employees, and are therefore Public Records. Ensure that the Town of Sudbury or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third-party social media service provider’s terms of service for its record retention practices. Note that while third party social media providers will most likely save your content for some period of time, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town of Sudbury or department should retain copies of social media posts such as by printing or otherwise storing periodic “snapshots” of the social media sites.

16. **Open Meeting Law.** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

5.3. Disciplinary Policy

The Town believes that employees want to be successful and will attempt to correct any problems with job performance to the greatest extent possible. The Town's corrective action and

discipline process is intended to be positive and not punitive. This process is designed to inform employees of observed problems and to provide an opportunity to correct the problems and promote acceptable job performance so that termination of employment does not become necessary.

The existence of the disciplinary policy does not alter the fact that you are an employee-at-will, and can be terminated at any time, with or without notice, for any reason or no reason at all. Moreover, the existence of the outlined step by step policy below in no way gives rise to a contractual right to a linear application of the progressive discipline policy. Instead, the steps below are recommended guidelines and not required procedures. Ultimately, the type of discipline selected is at the sole discretion of the Town. If you are dissatisfied with the discipline imposed, you are free to present your complaint through the Town Grievance Procedure, found in section 5.4 of this handbook.

Problem Solving Session: A supervisor meets with the employee to identify and discuss problem areas and actions that must be taken to avoid additional corrective action. The primary purpose is to better delineate work responsibilities, jointly establish job standards, objectives and expectations, review progress toward achieving objectives, and provide a basis for recognizing acceptable performance in the future.

Verbal Warning: If a problem continues, the supervisor may verbally warn the employee that the stated problem(s) must be corrected, and that further disciplinary action will be taken if performance does not improve. This is a formal discussion with an employee where the supervisor specifically identifies the problem(s) and discusses with the employee a course of improvement. A written memorandum documenting the discussion and the course of action must be placed in the employee's personnel file.

Written Warning: If performance does not improve, a written warning may be given to the employee. The warning memo should clearly identify the problem and indicate that failure to correct it will result in further disciplinary action up to and including termination of employment with the Town. The warning memo should be placed in the employee's personnel file after it is signed by the employee to acknowledge receipt. If the employee shows improvement and progress over time the supervisor should note this in the employee's file.

Suspension or Termination: If performance does not improve, further disciplinary action, up to and including termination will follow.

Certain employee conduct may be so serious as to justify immediate termination. Defining all such instances which result in termination is impossible. However, the following are some of the more common examples: behavior that endangers other employees, gross negligence which results in damage to Town property, theft, fraud, falsification of records or dishonesty, falsification of Town records, accepting gratuities from external sources doing business with the Town, harassment, fighting, insubordination, the possession, inappropriate use or sale of alcohol or controlled substances, or use of Town computer equipment for viewing or storing pornographic materials or gambling.

5.4. Grievance Procedure

The Town has developed an informal grievance procedure, which is intended to provide you with a forum in which to resolve employment disputes.

Any employee, who has a complaint, dispute, or controversy with his/her supervisor or with the Town as the employer, may file a grievance in writing within 21 days of the occurrence of this complaint, dispute, or controversy.

The employee's grievance will proceed along a 3-step process: first to his/her department head; then if necessary to the Assistant Town Manager; finally, if necessary, to the Town Manager.

Step 1 - The employee will immediately submit the grievance in writing to the department head. The department head will then meet with the employee within ten (10) work days and will decide the grievance within seven (7) work days after said meeting. If the meeting is not held or a decision not rendered within the time provided, the grievance will be deemed to have been denied as of the last day for the decision.

Step 2 - If the employee is aggrieved by the department head's decision, the employee may appeal that decision to the Assistant Town Manager in writing within seven (7) work days. The Assistant Town Manager will have thirty (30) work days to pass on this grievance. Within seven (7) work days of the employee's appeal, the department head will submit a justification, in writing, as deemed appropriate.

Step 3 - If either or both parties are aggrieved by the Assistant Town Manager's decision and ruling, the aggrieved party or parties may, within seven (7) work days, appeal to the Town Manager in writing. Both parties may then submit written justification to the Town Manager within seven (7) work days. The Town Manager will typically have thirty (30) work days to hear and rule on the grievance. The Town Manager's ruling and decision are final.

Any time limits noted are advisory in nature, and may be waived where the Town finds it to be appropriate to do so.

Retaliation will not be permitted against an employee who has made a good faith complaint or report of a workplace problem (including a complaint of possible discrimination or harassment), or has made a good faith request for an investigation into whether discrimination or harassment has occurred.

6. COMPENSATION

6.1. Position Classification and Pay Scales

The Personnel Administration Plan is written and administered by the Town Manager. It includes a classification plan for all Town positions. Each position in the classification plan has an established salary range. An employee normally begins at the minimum step of the range and, with satisfactory performance, moves periodically through the steps.

When a position is classified or reclassified, a standardized rating procedure is used. Points are allotted for the requirements of the position, such as experience, education, supervisory responsibility, accountability, judgment, physical environment and occupational risk. The more points that are allotted, the higher the grade level of the position. A standardized rating

procedure with identical rating criteria is designed to insure to the greatest extent possible internal equity, i.e. that all positions of employment within the classification plan are grade-appropriate in comparison to all other positions. The compensation grid which specifies the pay scales for each position is designed to promote external equity, i.e. that Town positions of employment are compensated fairly and equitably in comparison to similar positions in comparable communities.

When an employee is temporarily assigned via personnel action to a position in a class with a higher minimum rate of pay for a period of thirty (30) consecutive days or more, he or she will receive the first step in the temporary classification which constitutes an increase over his or her salary in his or her permanent classification. At no time will the employee receive more than the maximum rate in the temporary classification.

If you have any additional questions concerning position classification and pay scales, please contact the Human Resources Office.

6.2. Performance Reviews and Salary Increases

Each supervisor strives to provide a performance evaluation for each employee at least once per year. This assessment of your job performance should include your strengths, needs for improvement, and goals for the coming year. It should also include your supervisor's expectations and performance standards for your job performance. You should take this opportunity to candidly discuss your performance with your supervisor. You may also initiate performance discussions whenever appropriate or when the need arises.

There are two types of salary increases that can affect your salary over the course of the fiscal year:

1. Following the performance review, and upon satisfactory job performance, you may receive a step increase under the Salary Plan. For example, you would move from Step 1 to Step 2. The effective date for a step increase generally falls on the anniversary of the date you began work in this position. You will then be eligible for your next step rate increase one year from that date. This process will continue until you have reached the maximum step. If you feel that you have been unjustly denied such an increase, you may appeal to the Assistant Town Manager, who will confer with you and the appropriate department head.
2. There may be an across-the-board general salary/wage adjustment annually as recommended by the Town Manager, subject to appropriation by Town Meeting.

6.2. Payroll

Employees are paid bi-weekly with the pay week currently running from Friday through Thursday. Paychecks are delivered to each department. Direct deposit of paychecks to the employee's bank account is required. All new employees and current employees, who have changes in their direct deposit bank account number, must complete the appropriate form which is available in the Human Resources Office. You may request to have your paycheck mailed by notifying the Treasurer's Office.

Paychecks will contain deductions for Federal and State taxes, FICA-Medicare (1.45% if hired on or after April 1986), Middlesex County Retirement System (if working at least 20 hours per

week), Massachusetts Deferred Compensation OBRA contribution (if working fewer than 20 hours per week) and any optional deductions selected. Optional deductions may include Section 457 Deferred Compensation plan, flexible spending plan, credit union, life insurance, health insurance and disability insurance. You may choose to have health insurance deducted on a pre-tax basis. If you earn over \$30,000 annually, you will have an additional deduction (2% of the amount over \$30,000) for the Middlesex Retirement System.

For further information concerning payroll and payroll deductions, please contact the Accounting Office.

6.4. Deferred Compensation

As a Town employee, you are eligible to participate in a Section 457 Deferred Compensation plan. Participation is entirely optional. The advantages of the program include building a nest egg for retirement, automatic payroll deductions, reduced Federal and State taxes, optional life insurance, disability, and loan programs. The primary disadvantage is that withdrawals are restricted to retirement or resignation, unless you pay a penalty.

The optional Section 457 Deferred Compensation plans available are entirely distinct from the mandatory Massachusetts Deferred Compensation OBRA contribution for employees who work less than 20 hours per week. The mandatory OBRA contribution is an alternative to social security coverage.

For more information, please contact the Human Resources Office.

6.5. Overtime Compensation

In accordance with state and federal law and pursuant to the provisions of the Fair Labor Standards Act (FLSA), overtime at the rate of time and one half will be paid to non-exempt employees for the number of hours worked in excess of forty (40) in any work week. Exempt employees (as designated under the provisions of the FLSA) do not receive overtime pay.

6.6. TERMINATING EMPLOYMENT

6.6.1. General Introduction

As explained throughout this handbook, you are an employee-at-will, where either you or the Town can terminate the employment relationship at any time, for any reason or no reason at all, with or without notice. Common reasons for ending employment are:

RESIGNATION: voluntary employment termination initiated by the employee.

LAY-OFF: involuntary employment termination initiated by the Town for lack of work, budgetary considerations, staff reductions and the like.

TERMINATION: involuntary termination occurs if the Town initiates an employee's termination. This can occur without advance notice, for any reason or no reason. Reasons for involuntary termination include, but are not limited to, insubordination, falsification of employment records, unsatisfactory job performance, unacceptable workplace conduct, absenteeism, theft, dishonesty, mistreatment or disrespect toward other employees, visitors, or other members of the public, and/or violation of any Town policies or rules. This category also

includes non-disciplinary terminations, such as where an employee cannot return to work from leave, or when it is determined that the employee is simply not suited to the job and the interests of neither party are served.

RETIREMENT: voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement. If you are retiring and are eligible to receive retirement benefits under the Middlesex Retirement System, you should meet in person with the Benefits Coordinator in order to obtain information about retirement options and procedures, fill out the necessary and appropriate documents, and learn about health insurance options as a retiree. To learn more about eligibility for retirement and to learn more about the Middlesex Retirement System, you can obtain the booklet “Massachusetts Public Employee Retirement Guide” from the Middlesex Retirement Website.

6.6.2. Unused Vacation Time Upon Retirement

If you leave the Town at any time during the fiscal year, you will be compensated for any unused vacation time on a pro-rated basis. For example, if you qualify for 4 weeks of vacation per year, and your last work day is December 31, and one week of vacation was taken in August, you will receive 1 additional week's pay in your last paycheck. But if you took 2 1/2 weeks vacation in August, you will have 1/2 week's pay deducted from your last paycheck.

6.6.3. Unused Sick Time Upon Retirement

Upon retirement, you may be eligible to be compensated for unused sick days. Please refer to Section 3.3.4 of this handbook for further details.

6.6.4. Health Insurance and Other Insurance Benefits Upon Retirement

If you were enrolled in the Town's group health and life insurance program and/or the Town's group dental coverage plan as an active employee, you retain the option of continuing your membership in these plans after your retirement. Please contact the Benefits Coordinator for further details concerning eligibility, cost, and rules and regulations for these plans.