

PERSONNEL/HANDBOOK POLICY

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1.0 General Provisions

1.1 Scope and Authority

Personnel policies contained in this manual apply to all full and part-time employees of the Town of Wales, **excluding** employees under the direction of the Union 61/Tantasqua Regional School System (“U61/TRSS” and Local 404). Policies involving financial benefits must be approved by Town Meeting before the policy is initially initiated or subsequently amended.

This Personnel Policy shall be administered by the Board of Selectmen who may establish procedures as necessary to fulfill this charge. The Board of Selectmen may from time to time make and issue interpretations and regulations and may make exceptions consistent with the provision of the Personnel Policy and necessary for its administration.

Each provision of this policy shall be construed as separate to the extent that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

1.2 Definitions

Town - Town of Wales, Massachusetts.

Appointing Authority - The Board of Selectmen is the appointing authority for all Town positions unless statute requires otherwise.

Benefits Eligibility – Regular employees are eligible for benefits according to terms of policies approved by the Board of Selectmen and/or by Town Meeting for those benefits by law.

Continuous Employment – Employment uninterrupted except for required military service and for authorized vacation, sick leave and other approved leaves.

Employee – Persons hired to work for the Town, excluding Appointed Officials and employees under separate contract and/or employees under the direction of Union 61/Tantasqua Regional School System and Local 404. Employees shall be full-time, benefitted part-time, part-time, or temporary/seasonal. See “Work Status.”

Elected Official – An elected person chosen for a position in a Town election or appointed to such a position to fill a vacancy.

Appointed Official – An appointed person chosen when an elected official leaves a position other than at the customary time of election. The replacement will be appointed in accordance with state statutes. The compensation for appointed officials, if any, shall be handled similarly to Elected Officials.

Town Appointee – The customary time for the Selectmen to appoint Town Appointees is July 1 of the fiscal year following the Annual Town Meeting. There may be turnover in positions of Town Appointees such as the Town Accountant, Police Chief and Fire Chief that require training by the incumbent. In such cases every effort will be made to appoint the replacement prior to the incumbent leaving in order to allow for training time. It is the responsibility for the **Board of Selectmen** to consider payment for training time as appropriate.

Work Status Definitions

Full Time Employee – An employee who regularly works 40 or more hours per week throughout the year. Unless otherwise provided, an employee in this category is entitled to all benefits as defined in this document.

Benefitted Part-Time Employee – An employee who regularly works at least 20 hours or more per week and up to 39 hours a week throughout the year. Unless otherwise provided, an employee in this capacity is entitled to all benefits on a pro-rated basis in relation to the regular number of hours worked in the appointed position and as defined in this document. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining the employee’s status. Hours to be determined and set by the Board of Selectmen.

Part Time Employee-An employee who works 19 hours or less shall not be eligible for any benefits up to and including insurance, sick time, holiday pay, or personal time as determined by the Board of Selectmen.

Volunteer – A person who performs services to the Town without promise, expectation, or receipt of compensation for the services rendered. A volunteer performing such services receives either no compensation. A volunteer must also offer their services fairly and without coercion from the Town, and they must not be otherwise be employed by the Town to perform the same services for which they propose to volunteer. A volunteer is exempt from the receipt of the Federal Minimum Wage. A volunteer shall not receive Town benefits.

Exempt/Non-Exempt Employee – Pursuant to the Fair Labor Standards Act (FLSA), 29 USC, Section 201-216 (as amended), employees holding certain positions are deemed to be exempt from the overtime requirements of the FLSA (“exempt employees”), while employees holding other types of positions are entitled to overtime under the FLSA. The determination of whether a particular position is exempt from the overtime requirements of the FLSA is often determined on a case-by-case basis, but the following general criteria apply.

Seasonal Employee – A position requiring the services of an incumbent on either a full-time or less than full-time basis, beginning no earlier than May 1 and ending no later than September 30 or beginning no earlier than November 1 and ending no later than April 1 in any twelve-month period. Seasonal employees are not entitled to benefits under the terms of this policy.

Temporary Employee – A person who is employed in a position for a specified period of time or for the duration of a temporary vacancy. A temporary employee is not entitled to benefits under the terms of this policy.

Immediate Family – The immediate family shall include the employee’s spouse, child, parent, and siblings.

Extended Family – The extended family shall include the employee’s brother-in-law, sister-in-law, grandfather, grandmother, grandchild, mother-in-law and father-in-law.

1.3 Amendments

These policies can only be amended by a majority vote at Annual Town Meeting, unless otherwise required by state law or local bylaw.

2.0 Recruitment

2.1 Posting and Advertising

For all positions, the Town shall make every effort to attract and employ qualified persons. The Board of Selectmen and appropriate department heads shall be responsible for the recruitment and selection of personnel. The qualifications and compensation shall be in accordance with this policy.

The Board of Selectmen, upon the identification of a vacancy or on the authorization of a new position, shall prepare a job vacancy notice that includes the job title, major duties of the position, qualifications, salary, closing date for applications and any pertinent instructions to applicants. Advertising shall be adequate to ensure a sufficient number of qualified applicants. However, in all circumstances, the Board of Selectmen shall ensure that notices of vacant positions are posted at the Town Hall for at least two weeks prior to closing applications for the position.

For elected positions, the Board of Selectmen and the Board or Committee with the vacancy, shall make available a description of the major duties of the position, qualifications and the citation of any laws governing the duties and responsibilities of the

elected position. Vacancies shall be filled in accordance with G.L. c. 41, sec. 11, when applicable.

The Board of Selectmen will periodically review and update job descriptions in order to accurately reflect the duties being performed by employees.

2.2 Equal Employment Opportunity/Affirmative Action

It is the policy of the Town of Wales to promote a productive workplace and one which is professional and treats all employees with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetics (results of genetic testing), active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated.

As a result, unlawful discrimination of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment will not be tolerated by the Town. Further, any retaliation against an individual who has formally or informally complained about discrimination, or has cooperated with an investigation of a discrimination complaint, is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct.

This policy applies to all employment practices and employment programs sponsored by the Town. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

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

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination and 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 legal definitions of discrimination or harassment.

3.0 Hiring

3.2 Employment

All individuals applying for employment or volunteering service in the Town shall complete an official employment application form and return the form to the Appointing Authority by the closing date for applications.

3.3 Offer of Employment

All offers of employment shall be made by the appropriate appointing authority and shall be in writing. The salary or hourly wage, starting date and any appropriate information shall be included in the written letter. An applicant who accepts an appointment and fails to report to work on the starting date as set by the Board of Selectmen shall be deemed to have declined the appointment and the offer of employment may be withdrawn.

The Town Clerk or its designee shall inform new employees of their rights, responsibilities, duties and obligations. All benefits and options shall be explained to the employee and the employee shall be assisted with the completion of appropriate forms as may be required by the Town Treasurer. The employee shall be provided with a copy of the Personnel Policy and any applicable departmental rules, regulations, policies and procedures.

4.0 General Administration

4.1 Elected and Appointed Officials

Compensation payments to such elected and appointed officials shall commence at the next pay period after their term begins. The term ends June 30th and the new term begins July 1st. Monies to such officials shall be pro-rated for the month of swearing-in as appropriate and shall be calculated as a percentage of the number of days of entitlement divided by 30 days. A month's salary shall be the basis used times the percentage due. If training is necessary, the Selectmen may approve the payment for such overlapping periods of time as appropriate and determine where funds for such payment shall be taken (if needed) after consultation with the Finance Committee. Elected and Appointed officials are responsible for their payroll submissions to the Town Accountant and shall be paid bi-weekly with the exception of stipends.

4.2 Voluntary Termination of Service

If an employee should resign his/her position with the Town of Wales, the employee should give as much advance notice as possible so that arrangements can be made for a replacement. Normally, a two week notice is sufficient except if the employee is in an exempt status in which case the employee should give at least one month notice. If an employee resigns, he/she will be paid for accrued but unused vacation time. An employee will not be paid for any unused accrued sick or personal leave.

5 Standards of Conduct

5.1 General Conduct and Standards

Town employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person or losing impartiality in conducting town business. Employees are expected to conduct themselves in a manner that in no way discredits the town, public officials or fellow employees. Employees must abide by federal, state and local laws and regulations including, but not limited to, Massachusetts General Laws Chapter 268A.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee.

5.1 Disciplinary Policy

All employees are responsible for observing all applicable laws, bylaws, regulations, and policies and procedures necessary for proper operation of town departments. Disciplinary action shall be the responsibility of Department Heads and the Board of Selectmen.

The following are intended to serve as guidelines only in the determination as to when disciplinary action is appropriate and what form it should take. The Town of Wales will determine in each individual case whether the circumstances warrant a more or less severe form of discipline than indicated in these general guidelines. In making the decision as to what form of disciplinary action to take, the Town of Wales will consider all relevant factors, including but not limited to, the circumstances of the particular infraction; the seriousness of the incident; the employee's overall employment record; and, the detriment to the Town, its employees, residents or visitors as a result of the infraction. This disciplinary policy does not constitute a contract or grant contractual rights to any employee. Causes for disciplinary action may include:

1. Incompetence or inefficiency in performing assigned duties;
2. Refusal to perform a reasonable amount of work or violation of any reasonable, lawful directions or orders made by a Department Head;

3. Habitual tardiness or absence from duty;
4. Abuse of sick leave or absence without leave;
5. Falsification of time sheets, reports or records;
6. Possession and/or use of illegal substances or alcohol while on duty;
7. Misuse or unauthorized use of town property;
8. Fraud or falsification of information;
9. Disclosure of confidential information;
10. Violation of safety rules, practices or policies;
11. Conviction of a felony;
12. Engaging in acts of harassment;
13. Failure to comply with Town policies;
14. Any situation or instance of seriousness that disciplinary action is warranted.

Disciplinary action may include an oral reprimand, written reprimand, suspension and/or discharge. Whenever possible, disciplinary action should be progressive in nature. However, should the nature of the offense(s) warrant such, discipline may start at any stage.

Oral Reprimand: A Department Head upon observing an action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard to avoiding embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.

Written Reprimand: If an oral warning fails to correct an action warranting disciplinary action, the Department Head shall issue a written warning. This shall include the reason(s) for the warning. A copy of the written warning signed by the Department Head and the employee will be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved. The employee may include a written response to the reprimand in their file. A written reprimand may also be issued without an oral reprimand if the seriousness of the action warrants it.

Suspension: At the discretion of the Board of Selectmen, an employee may be suspended without pay for cause. Within 48 hours of the effective date of the suspension, the employee will be provided with a written notice stating the reason(s) for and the length of the suspension. Suspensions may be in lieu of oral or written reprimands and may be effective immediately.

Discharge: An employee may be discharged in the sole discretion of the Board of Selectmen. The Board of Selectmen shall provide the employee with a written notice that states the reason(s) for the discharge and the effective date of the discharge.

The provisions of this section do not apply to any appointed employee who is a party to a written contract with the Town of Wales wherein the terms of discipline and discharge are already covered by said contract, or, to other appointed employees whose positions are governed under Massachusetts General Laws and the terms of discipline and

discharge are provided for under such statute; or, to employees under the direction of U61/TRSS and Local 404.

5.2 Sexual Harassment Policy

5.2.1 Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or,

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

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

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

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

- 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.

5.2.2 Complaints of Sexual Harassment

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Sexual Harassment Officer. You will find the name and contact information in your employee packet. If you prefer, you may file your complaint with the Chairman of the Board of Selectmen. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

5.2.3 Sexual Harassment Investigation

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

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

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as Department Heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. All employees are reminded of the provisions of G.L. c. 268A, §23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/officials personal interest. Violations of the prohibitions of Section 23 may lead to disciplinary action, up to and including termination.

5.2.4 Complaints Concerning Other Forms of Discrimination and/or Harassment

Complaints alleging other forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Sections III and IV, above.

5.2.5 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 actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

5.2.6 State and Federal Remedies

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

1. **The United States Equal Employment Opportunity Commission:**

One Congress Street
Tenth Floor
Boston, MA 02114
(617) 565-3200

2. **The Massachusetts Commission Against Discrimination:**

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

5.2.7 Reasonable Accommodation

Qualified handicapped employees seeking reasonable accommodations may submit their request in writing to the Chairman of the Board of Selectmen. Thereafter, the Board and the employee shall engage in an interactive conversation with respect to the accommodation.

- 5.2.8** This policy shall be distributed annually to employees who shall signify their receipt of the policy in writing.

Conflict of Interest/Financial Disclosure

The purpose of this policy is to ensure that Town employees comply with the requirements of Chapter 268A of the Massachusetts General Laws which govern conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, which includes but is not limited to actions as outlined below.

Town employees may not:

1. Ask for or accept anything (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
2. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
3. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse’s immediate family.

Note: Due to the small town status of Wales, it may be necessary for the Selectmen to determine it is necessary to be flexible with this particular rule. When in doubt, consult with the Board of Selectmen.

4. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediately family, For instance, you may not participate in licensing or inspection processes involving a family member's business.
5. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance, you may not take any official action regarding an 'after hours' employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact the organization or its competitors.
6. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.
7. Have a financial interest in a contract with your public employer except under special circumstances. For instance, if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
8. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
9. Ever disclose confidential information, data or material which you gained or learned as a public employee.
10. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure including all relevant facts.
11. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors, whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.

12. Use public resources for political or private use. Examples of “public resources” include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
13. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

All employees are required regardless of status to complete training in regards to Massachusetts General Law 268A. Further all employees are required to complete an online test at www.mass.gov (search engine ethics commission). Employees are also required to provide a copy of the test results and acknowledgement of receipt of Ethics laws to the Town Clerk. New employees are required to complete the test thirty days (30) from date of hire. And after initial testing all employees are required to complete the test every 2 years.

5.9 Workplace Violence/Possession of Weapons

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

Weapons are prohibited from the workplace, with the exception of weapons assigned to Police Officers or other authorized licensed personnel.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. 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. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the Town, employees, or others.

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 or reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the department head. The Department Head will assess and investigate the incident and determine the appropriate action to be taken. Department Head will inform

the Board of Selectmen of all reported incidents of workplace violence and will inform the employee of his/her right to have the Police Department notified.

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 Board of Selectmen may assemble a Response Team that consists of staff from the affected Department, Board of Selectmen, Town Counsel and may include the Employee Assistance Program, Emergency Response, Police Department and other as deemed necessary.

The Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- evaluating the potential violence problems,
- 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, employees, media, or law enforcement personnel,
- referring victims to appropriate assistance and community service programs,
- assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individual.

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

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the Department Board/Committee, Department Head, or Police to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Should an employee become the victim of an incident of workplace violence, the Department Head may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did in fact, commit the violent act, s/he may be referred to the EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action

Leave Policies

6.1 Civic Duty Leave

A full-time or part-time benefitted employee whose service as a juror makes it impossible or impractical to work the hours necessary to earn his or her normal week's pay may make application to the department head for the difference between jury duty pay and the employee's normal weekly earnings. The Town agrees to pay this difference upon presentation of proof of the amount of jury pay received by the employee.

6.2 Military Leave

Full time or part-time benefitted employees who are called for temporary military duty shall receive the difference between their military pay (excluding travel allowance) and their regular pay for up to seventeen days of such duty annually upon receipt of a copy of the employee's military orders and a written request for such pay differential. The employee's vacation allowance shall not be affected by such duty.

6.3 Unpaid Leave of Absence

While maintaining awareness of the operational needs of the Town, the Town acknowledges there may be occasions when an employee is unable to work for a period of time. The Board of Selectmen may grant leave of absence to full time and part-time benefitted employees for medical or personal reasons. Requests for such leave shall be presented to the Board of Selectmen in writing stating the reason(s) for requesting leave and the time period of such leave. Selectmen may grant up to three months of leave which may be renewed for up to another three months provided the employee requests such extension at least ten days in advance of the expiration of the leave. A second renewal of up to three (3) months may be granted. The maximum leave of absence shall not exceed nine (9) months.

Leave(s) of absence shall be granted without pay. Should the employee be enrolled in the health and life insurance plans, the employee must pay 100% of the premiums in order to maintain coverage. No accumulation of sick or vacation leave shall occur during the leave of absence.

6.4 Maternity Leave

The Town will provide maternity leave in accord with the provisions of M.G.L. c. 149, s105D. As written, the proposed policy is not in accordance with Massachusetts law.

6.5 Small Necessities Leave

In accordance with G.L. c.149, §52D, an employee who is eligible to receive leave under the FMLA is also entitled to a total of 24 hours of leave during a twelve (12) month period, in addition to other leave under this section, to participate in school activities directly related to the education advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative as defined in section 52D to routine medical or dental appointments or other professional services related to the elder's care. Leave under this provision is in addition to the twelve (12) week leave provision and may be taken on an intermittent or reduced leave schedule.

6.6 Family and Medical Leave

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible for Family and Medical Leave.

Eligible employees will be granted a leave for up to twelve (12) weeks during any 12-month period for:

1. family leave due to the birth, adoption or placement of a child (foster care),
2. medical leave due to an employee's serious health condition,
3. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition

At least thirty (30) days in advance, the employee shall submit to the Appointing Authority a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days notice is not possible, the employee shall give notice as soon as practical. The requesting employee shall submit with the request, proof of birth, illness, etc. such as a note from a Health Care Provider.

Employees may request medical leave on an intermittent leave, or reduced work, schedule if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

Leave under this section shall be unpaid unless an employee applies other paid leave benefits that may be available, such as vacation leave or sick leave.

Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays 100% premium while on leave.

At the expiration of family and medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

6.7 Holidays and Holiday Pay

Full time and part-time benefitted employees scheduled to work on a continuing basis for 20 or more hours per week are eligible for holiday pay. The following are paid holidays:

New Year's Day	Martin Luther King, Jr. Birthday
President's Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veterans Day	Thanksgiving
Christmas Day	

6.8 Bereavement Leave

Any full time or part-time benefitted employee shall be entitled to bereavement leave, without loss of pay and without having any part of sick leave benefits charged against their accumulated sick time, of up to five (5) working days, for the purpose of arranging for and attending the funeral of a member of the employee's immediate family, and up to three (3) working days shall be granted by the employee's Supervisor for the purpose of arranging for and attending the funeral of a member of the employee's extended family, as defined above.

6.9 Vacation Leave

6.9.1 Vacation days are to be used in the year awarded, July 1 – June 30. In the rare event that an employee cannot use vacation days in the year awarded, up to five (5) days may be carried over into the next fiscal year and must be used prior to September 1 of the current calendar year. Any other unused vacation time is forfeited. The Town will not pay an employee in lieu of vacation time.

6.9.2 Employees are eligible for vacation based upon completed service as of June 30th each year. Vacation is credited to the employee as of July 1. Vacation days may be taken after 3 months of employment.

6.9.3 Employees should request the use of vacation days by contacting their immediate supervisor. Requests will be reviewed based upon staffing requirements and other factors.

6.9.4 Full Time + Part-Time Benefitted Employees Vacation Schedule:

<u>Completed Service as of June 30:</u>	<u>Vacation:</u>
Less than 5 years	2 weeks
6 years but less than 10 years	3 weeks
11 years but less than 20 years	4 weeks
20 years or more	5 weeks

6.9.5 Employees hired during the year will receive vacation as follows:

<u>If Hired In:</u>	<u>Vacation:</u>
July or August	8 days
September or October	6 days
November or December	4 days
January to March	2 days
April to June	0 days

6.9.6 Vacation time is paid at the employee’s base pay rate at the time of vacation. It does not include overtime or any special other form(s) of compensation.

6.10 Personal Leave

6.10.1 Regular full time and part-time benefitted employees shall be granted up to four (4) days leave with pay in each fiscal year for conducting personal business. Employees must contact their

immediate supervisor to request use of personal time in advance of the required date of personal leave. .

6.11 Sick Leave

6.11.1 Sick leave is established for the purpose of sustaining income when an employee is ill. Employees shall be granted (5) sick days per Fiscal Year. Full and Part-Time Benefitted employees who work more than 20 hours on a continuous basis are eligible for this benefit. For the protection of the Town, the supervisor may require documentation of illness if an illness requires more than four (4) sick days in succession. Sick time cannot be accrued or carried over.

6.11.2 Sick leave compensation shall be at the employee's rate of pay in effect at the time the leave is used. Sick leave may be used in hourly increments.

6.12 Professional Development

If an employee is required by his/her Department Head to attend scheduled workshops or conferences due to work related duties specified in the employee's job description, employees will receive their hourly rate of pay while in attendance. Travel to and from workshops or conferences will count towards the hourly pay. Out-of-town overnight arrangements must be submitted and approved by the department head and forwarded to the Board of Selectmen for approval. Arrangements can only be made upon approval of both the Department Head and the Board of Selectmen. Once approvals are made and arrangements are made the expenditure will be submitted for reimbursement.

6.13 Mileage Policy and Reimbursement

Any full time employee may request mileage reimbursement when the employee is using their personal vehicle for town business outside of their normal work duties. The mileage reimbursement rate will be at the current rate as approved by the Board of Selectmen.

Incidental mileage accrual is not a matter for reimbursement. All mileage reimbursements must be pre-approved by the Board of Selectmen.

What is needed to substantiate the mileage reimbursement request:

The employee must document: the date of travel; the beginning mileage; the beginning location; the ending mileage; the ending location; and the purpose of the trip. Travel from home to work and from work to home, even if the employee is called to come to work on a non-scheduled work day, is not eligible for mileage reimbursement. The Board of Selectmen must confirm that the trip was for town business by initialing and coding the reimbursement request.

When may a reimbursement request be reviewed:

Reimbursement requests may be reviewed by the Accountant prior to issuance of check, during internal audit, and/or by the town auditors for compliance with this policy. Reimbursement request may be reviewed by IRS auditors for compliance with IRS regulations. These reviews may involve review of documentation, and review of trip miles for reasonableness, advance travel authorization, the business purpose, and may involve obtaining further clarification from the department head and/or the employee.

How this policy relates to an individual department policy:

This policy constitutes the maximum amount any employee will receive as reimbursement for mileage. Individual departments may institute departmental policies that are more restrictive, but individual department policies cannot be less restrictive.

Attachment A: Acknowledgement of Receipt of Personnel Policies

The undersigned hereby acknowledges that he/she has reviewed and read the Personnel Policies and Procedures of the Town of Wales, and agrees to abide by all policies and procedures contained herein.

Signature

Date

Print Name

Witness Signature

Date

Print Name of Witness

Title of Witness

Cc: Personnel File

Attachment B: Acknowledgement of Receipt of Sexual Harassment Policy

The undersigned hereby acknowledges that he/she has reviewed and read the Personnel Policies and Procedures of the Town of Wales in regards to the Sexual Harassment Policy, and agrees to abide by all policies and procedures contained herein.

Signature

Date

Print Name

Witness Signature

Date

Print Name of Witness

Title of Witness

Cc: Personnel File

