

ARTICLE 27. PERSONNEL REGULATIONS

Section 27.1 - Application And Purpose

27.1.1 - Application

All town departments and all positions in the town service, except elected officials and employees of the Sutton Public Schools shall be subject to the provisions of this Article in pursuance of the provisions of MGL c. 41, Sections 108-A and 108-C.

27.1.2 – Other Agreements/Policies

To the extent that any provision of an approved collective-bargaining agreement conflicts with any provisions of this Article, with respect to employees covered by such labor agreement, the provision of the approved collective-bargaining agreement shall prevail.

27.1.3 – Policy Purpose

The principal purpose of this Article is to establish a system of public personnel management for the Town of Sutton to support the program needs of town government. It is the intent of this Article to provide means to recruit, develop and maintain a responsive work force. All personnel actions in the town service shall be made without regard to sex, race, religion, color, age, handicap, political affiliations or other non job-related factor and shall be based on merit and fitness.

Section 27.2 - Personnel Director

The Town Administrator shall carry-out the duties of Personnel Director. The Personnel Director shall be responsible for the daily administration of the personnel system of town government, including the maintenance of personnel records and the enforcement of rules and regulations. The Town Administrator shall have the right to delegate any portion of these duties to the Personnel Director but shall retain responsibility for all such delegated functions and the performance of same.

Section 27.3 - Personnel Department; Duties of Director

27.3.1 – Personnel Director Described

The personnel director shall head up the Personnel Department and shall direct the administrative and technical activities of the town's personnel management system.

27.3.2 – Personnel Director Duties

The Personnel Director shall:

- (1) Encourage and exercise leadership in the development of effective personnel management within the several departments of town government and make the services of his/her office available to officers and employees.

- (2) Keep department heads apprised of the need for effective manpower planning and utilization.
- (3) Administer the total personnel management system of the town.
- (4) Establish and maintain records of all officers and employees in town service.
- (5) Carry out the provisions of this Article and perform all lawful acts which may be necessary or appropriate.
- (6) Provide information and services to the Town Administrator & Board of Selectmen in all matters relating to personnel management to the extent of available resources.
- (7) Render an annual report on the status of personnel management in town government to the Board of Selectmen.

Section 27.4 - Personnel Article Principles

27.4.1 - General

Consistent with the provisions of this Article, the Town Administrator is responsible for the daily administration of the town's personnel management system, including the maintenance of personnel records and enforcement of personnel rules and regulations. These rules and regulations shall be incorporated into this Personnel Code and shall be consistent with the principles outlined in Section 6 of this Article.

27.4.2 – Review & Changes

This Personnel Code may be reviewed from time to time. The Town Administrator shall obtain approval from Town Meeting of all changes to this Code (Article).

Section 27.5 - Periodic Review Of Personnel Management System

The Town Administrator shall initiate periodic reviews and evaluations of the town's personnel management system for conformance with this Article and shall undertake those actions necessary to bring about conformance. The Town Administrator may, from time to time, make recommendations for changes in this Article as may be necessary or advisable, consistent with progress in the art and science of public personnel management.

Section 27.6 - Purpose And Policies

27.6.1 - Purpose

It is the purpose of this Article to provide to department heads, supervisory personnel and employees the policies and procedures for assuring maintenance of an equitable personnel management system in the town. The policies and procedures for personnel administration set forth herein have as their purpose to promote the efficiency and economy of government, to promote the morale and well being of town employees and to promote equal employment opportunity for all candidates for employment by the town and for all its employees.

27.6.2 - Policy

(1) These personnel policies are based on the following principles:

- (a) Recruiting, selecting, and advancing employees on the basis of their relative abilities, knowledge and skills.
- (b) Providing equitable and adequate compensation.
- (c) Training employees as needed to assure high-quality performance and to promote career development.
- (d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and terminating employees whose inadequate performance cannot be corrected.
- (e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color national origin, age, sex, creed, handicap or any other non-merit factor, except where such factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens; prohibiting discrimination against any person on the basis of such non-merit factors.
- (f) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

27.6.3 - Equal Employment Opportunity

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, handicap or other non-merit factor will be prohibited except where such factor is a bona fide occupational requirement. Any employee who believes that he/she is aggrieved may process an appeal in accordance with the discrimination complaint procedure in Section 18 of this Article.

27.6.4 - Applicability Of These Policies

The rules and regulations contained in this code shall apply to all officers and employees, except elected officials. The policies reflected in these rules and regulations are not intended to be all-inclusive. Final discretion as to interpretation and as to the appropriate course of action concerning a personnel matter shall be that of the Town Administrator or his/her designee.

27.6.5 - Other State Statutes

(1) Nothing contained in these rules and regulations shall be construed to conflict with any special law enacted for the Town of Sutton nor any provision of the State Constitution, or other state and federal statutes. To the extent that any apparent conflict exists, it shall be determined in favor of the higher state statute

or provision of the State Constitution, and/or the Town of Sutton Home Rule Charter.

(2) In the event that a specific provision of this personnel Code should conflict with a provision of a collective-bargaining agreement adopted in conformance with Article 150E of the Massachusetts General Laws, the provision of the collective-bargaining agreement shall prevail. However, in the event that a collective -bargaining agreement does not address an issue covered in these rules and regulations, this Personnel Code shall prevail.

27.6.6 - Affirmative Action Policy Statement

The Town of Sutton will make every effort to recruit and hire qualified minority and female employees proportionate to the minority population of the town.

27.6.7 - Sexual Harassment & Gender Bias Policy Statement

(1) General Statement of Policy: The Town of Sutton does not discriminate on the basis of sex in employment opportunities, wages, hours, benefits, job advancement or any other terms or conditions of employment. It is the policy of the Town of Sutton that all employees shall have the same opportunities for professional development and experience regardless of gender.

(2) Policy on Sexual Harassment: Sexual harassment constitutes unlawful sex discrimination in violation of Title VII of the Civil Rights Act of 1964 and Massachusetts General Law. Sexual Harassment is defined by the Equal Employment Opportunity Commission as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

[a] Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, and/or

[b] Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual; and/or,

[c] Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment includes threats or insinuations, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment. It also includes offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, the display in the work place of sexually suggestive objects, pictures or drawings, and any unwelcome touching or physical contact.

The department head and employee each have an affirmative duty to maintain his or her work place free of sexual harassment and intimidation. Therefore, it is the responsibility of the department head to report to the Town Administrator any

complaints received from any employee concerning sexual harassment including any observations of behavior that may be construed to be sexual harassment. Complaints concerning a department head shall be reported by the aggrieved employee directly to the Town Administrator. Complaints concerning the Town Administrator shall be reported directly to the Board of Selectmen. Complaints from the Town Administrator shall be reported to the Board of Selectmen.

Any employee who is the victim of sexual harassment in the work place, whether from supervisors or co-workers, or who observes behavior that could be construed as sexual harassment shall immediately report the matter to the department head or the Town Administrator. All investigations into any complaints will be conducted in such a way as to maintain confidentiality to the extent practical under the circumstances. All complaints will be investigated in a timely manner, and corrective action taken if warranted. Both the aggrieved and offending party shall be notified of the results of such investigation. Any retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

(3) Disciplinary Action: This policy sets forth our goals of promoting a work place that is free of sexual harassment but does not limit the Town of Sutton to discipline or take remedial action for work place conduct which is deemed unacceptable, regardless of whether that conduct satisfied the definition of sexual harassment. If it is determined that inappropriate conduct has been committed by an employee, the Town will take appropriate action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as is deemed appropriate under the circumstances.

(4) State & Federal Remedies: In addition to those steps outlined above in this policy, if an employee believes he or she has been subjected to sexual harassment or gender bias, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC-180 Days; MCAD - 6 Months). The following identifies these agencies, with all information correct at the time of adoption of this policy:

[a] The United States Equal Employment Opportunity Commission (EEOC), 1 Congress Street, 10th Floor, Boston, MA 02114, Telephone (617) 565-3200.

[b] The Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108, Telephone (617) 727-3990, or the Springfield Office at: 424 Dwight Street, Room 220, Springfield, MA 01103, Telephone (413) 739-2145.

Section 27.7 - Responsibility For Administration

27.7.1 - Personnel Director

Subject to the provisions of Section 27.2 of this Article, the Town Administrator shall serve as Personnel Director for the Town of Sutton, and shall impartially and equitably oversee all personnel activities of town government in administering this Article.

27.7.2 - The Personnel Director Shall:

- (1) Oversee position classification and pay plans and direct the continuous administration of these plans, including periodic review of said plans by independent outside consultants, subject to the approval of the Town Administrator, and adequate funding.
- (2) Review, for budgetary purposes, annual salary costs.
- (3) Direct the recruitment, testing, selection and hiring process of employees.
- (4) Participate in employee contract negotiations and promote & enforce policies and procedures for personnel administration.
- (5) Supervise, develop and maintain personnel systems, forms, procedures and methods of record keeping.
- (6) Maintain a roster of all persons in the town service.
- (7) Direct employee orientation, training counseling and career development in conjunction with the department heads.
- (8) Administer these personnel policies, including the employee grievance procedure.
- (9) Review, recommend and administer the employee performance evaluation process.
- (10) Review, recommend and administer employee benefit programs, including group health and insurance coverage in compliance with Article 32A of the Massachusetts General Laws.
- (11) Perform any other lawful acts which are considered necessary or desirable to carry out the purpose of the central personnel system and the provisions of these personnel policies.

27.7.3 - Department Heads

Department heads are expected to supervise effectively their employees, to report in an approved manner upon the efficiency and performance of their subordinates, to notify the Personnel Director of changes in duties of their employees in order that the classification plan will be maintained, to recommend salary increases, and to discipline employees where needed. Department heads shall recommend to the Personnel Director, as necessary, desirable changes in the personnel policies and procedures to improve administration of the personnel system. Department heads may establish such rules, regulations, policies and procedures as deemed necessary for the efficient and orderly administration of the department. Such rules must be on file with the Town Administrator before they become effective and must be consistent with these personnel policies and procedures. Copies of department rules must be made available in the office of each department head for use by the employees.

27.7.4 - Employees

It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in these personnel policies and any subsequent revisions. Employees shall also be responsible for knowing and understanding all policies, procedures, rules, or regulations in effect within his or her department. Employees are also encouraged to submit suggestions for changes and improvement in personnel policies and procedures for improvement of the personnel administration to their department head.

Section 27.8 - Definitions

As used in this Article, the following terms shall have the meanings indicated:

COMPENSATION - The salary or wages earned by any employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.

COMPENSATORY TIME – Time earned by exempt employees for hours worked beyond the employee’s regularly scheduled work week.

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

DEPARTMENT - A generic term meant to be applied to any department, board, committee, commission or any other body of town government in which persons are employed.

DISCHARGE or DISMISSAL - The permanent, involuntary termination of a person from town service.

DISCIPLINARY ACTION - An oral warning, written reprimand, suspension, demotion or dismissal taken by the appropriate authority.

EMERGENCY APPOINTMENT - A noncompetitive appointment made temporarily during an emergency for a period of up to thirty (30) workdays to prevent stoppage of public business or hazard or serious inconvenience to the public when appointment from an eligible list is not possible.

EMPLOYEE - A person occupying an approved municipal position or a person who is on authorized leave of absence.

EMPLOYEE: EXEMPT – Managers, professional staff, supervisors, and others whose duties and responsibilities allow them to be “exempt” from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. Exempt employees include, but are not limited, to the following:

Town Administrator, Town Clerk, Building Inspector, Town Collector, Assessors, Police Chief, Police Lieutenant, Fire Chief, Highway Superintendent, Council on Aging Director, Town Accountant, Town Treasurer, Library Director.

EMPLOYEE: NON-EXEMPT – An employee, as defined by the Federal Fair Labor Standards Act (FLSA), in a certain type of job entitled to overtime pay for hours worked in excess of forty (40) hours per work week. Non-Exempt employees include, but are not limited, to the following:

Secretary/Clerk to Selectmen/Administrator, Secretary/Clerk Building Department, Secretary/Clerk Town Clerk, Secretary/Clerk Town Collector’s Office, Secretary/Clerk Assessors Office, Secretary/Clerk Treasurer’s Office, Secretary/Clerk Board of Health, Secretary/Clerk Council on Aging, Secretary/Clerk Planning Board, Secretary/Clerk Conservation, Secretary/Clerk Sewer Commission, Secretary/Clerk Cemetery Commission, Secretary/Clerk Earth Removal Board, Secretary/Clerk Police Department,

Secretary/Clerk Zoning Board of Appeals, Clerical Floater Position, Highway Department Personnel, Library Assistants, Custodians, Dispatchers, Police Officers, Highway Foreman.

EMPLOYEE: PERMANENT FULL-TIME – Any person required to work regularly for thirty-five (35) hours or more per week and 1,827 hours or more per year.

EMPLOYEE: PERMANENT PART-TIME – Any person who works less than 35 hours per week and 1,827 hours per year. Part-time employees working regularly twenty (20) hours or more per week and 1,044 hours or more per year shall be entitled to fringe benefits on a pro-rata basis, except for insurance where they shall receive benefits as a full-time employee.

EMPLOYEE: TEMPORARY – Any person who works on an irregular basis or for a specific project or season determined by the work load and/or climatic conditions. Temporary employees are not entitled to receive fringe benefits.

EMPLOYMENT DATE - The date on which an employee commences performance of duties and is placed on the payroll, otherwise known as Date Of Hire.

EXAMINATION - All of the tests of fitness taken together that are applied to determine the fitness of applicants for positions.

GRIEVANCE - A misunderstanding or disagreement between an employee and a supervisor that relates to working conditions and relationships or to policies, rules and regulations.

INCUMBENT - The current occupant of a position..

JUST (AND SUFFICIENT) CAUSE – The discipline and/or removal of an employee for unacceptable job performance and/or the violation of any provision of this Article or conviction of an illegal act.

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

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

OVERTIME – Hours of work performed by an hourly employee in excess of forty (40) hours per week.

PERMANENT EMPLOYEE - An employee who has satisfactorily completed an individual probationary period and who is in an approved position in town service and scheduled to work at least twenty (20) hours per week on an annual basis.

PERSONNEL ACTION - Any and all activities affecting any aspect of an employee's status, which include appointments and changes in appointments, original hiring, re-employment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.

PERSONNEL DIRECTOR - The Town Administrator or a person designated by the Town Administrator to direct the town's personnel management system.

PERSONNEL OFFICE - The office of the Town Administrator or other office designated by the Town Administrator.

POSITION - A group of current duties and responsibilities assigned or delegated by appropriate authority to one (1) person.

PROBATIONARY PERIOD: NEW HIRE - A twelve (12) month period following appointment or hire during which an employee must demonstrate fitness for the position.

PROBATIONARY PERIOD: PROMOTION - A six (6) month period following promotion during which an employee must demonstrate fitness for the position.

REMOVAL - See “discharge” or “dismissal.”

SUSPENSION - An involuntary absence without pay imposed on a non-exempt employee for disciplinary action or pending the final outcome of an appeal.

Section 27.9 - Compensation System

27.9.1 - Pay Policy

(1) The Town Administrator shall annually recommend to the Board of Selectmen, the Finance and Warrant Advisory Committee and Annual Town Meeting the rate of pay, including any wage/salary increase, for each position compensated by the Town.

(2) Longevity Pay. Effective July 1, 1997, all employees not covered under an existing collective bargaining agreement shall receive a stipend, paid once on or about September 1, in the year in which he or she completes the following length of service levels:

10 Years	Two Hundred Dollars (\$200)
15 Years	Four Hundred Dollars (\$400)
20 Years	Six Hundred Dollars (\$600)
25 Years	Eight Hundred Dollars (\$800)
30 Years	One Thousand Dollars (\$1,000)

Funding of this provision shall commence in Fiscal Year 1999.

27.9.2 - Pay Administration

(1) Classification System:

Municipal positions, excluding School, certain part-time, and contractual positions, shall be assigned to a wage & salary classification scale and grade in accordance with the point/factor rating system established by the 1998 Personnel Classification Study. Said point/factor rating system and corresponding position classifications shall be reviewed annually by the Town Administrator to ensure efficiency. Positions covered by a collective bargaining agreement shall have compensation levels determined by said agreement. Other part-time positions not assigned to the Classification System shall have their salary/wages reviewed and set on an annual basis during the budget process.

(2) Merit Principle:

The Town of Sutton expects, and requires, that all municipal employees shall perform to the best of their ability, and at a level of the highest quality, at all times. Therefore, it shall be the intent of the Town of Sutton, to the greatest extent possible, to compensate its employees in a manner where quality performance shall be the basis for wage and salary increases within the municipal classification system.

(3) System Administration:

a) Step Placement – Current Employees: Each position so assigned to a grade within the above mentioned wage & salary scales shall also be assigned to a step within that grade. Initial step placement for those individuals employed by the Town of Sutton at

the time of adoption of this section 27.9.2, excluding those positions identified in paragraph 1 above, shall be at the step closest to, but higher than current salary/wage.

b) Step Placement – New Employees: Any employee hired after the adoption of this section 27.9.2 shall be placed in the minimum/starting step of his/her position's grade. However, in the event that the appointing authority may determine necessary and in the best interest of the town, said employee may be placed in a step other than minimum/starting, provided that said step shall not be greater than the third step of said position's grade, subject to the approval of the Town Administrator.

c) Step Movement Within Grade – Current Employees: Annually on July 1, those employees identified in sub-paragraph "a" above shall move to the next highest step within their position's grade, provided that said employee has achieved a merit rating/score of three (3) or higher on his/her annual performance evaluation, and subject to available funding and appropriation by town meeting. Upon reaching the highest/maximum step within his/her position's grade, an employee will cease to receive step increases.

d) Step Movement Within Grade – New Employees: Annually on or about his/her anniversary date, those employees identified in sub-paragraph "b" above shall move to the next highest step within their position's grade, provided that said employee has completed one (1) year of continuous service with the Town, has achieved a merit rating/score of three (3) or higher on his/her annual performance evaluation, and subject to available funding and appropriation by town meeting. Upon reaching the highest/maximum step within his/her position's grade, an employee will cease to receive step increases.

e) Cost of Living Increases: In the event that a cost-of-living percentage increase is budgeted for, and appropriated by Town Meeting, all municipal pay scales shall be adjusted upward in accordance with the stated percentage. This action shall have no effect on step increases as described herein.

f) Movement To Another Grade: Employees shall only move to another grade if his/her job description is amended to reflect changes in duties and responsibilities that require adjustment according to the point/factor rating system. Administration of this provision shall be the responsibility of the Town Administrator.

Section 27.10 - Pay Period; Hours of Work; and Overtime/Compensatory Time

27.10.1 - Pay Period

(1) The pay period will be on a weekly basis and will commence at 12:00AM midnight Sunday and will end at 11:59PM on the following Saturday.

27.10.2 - Hours Of Work

(1) All employees shall refer to their individual job descriptions for identification of their actual work schedule.

- (2) The Chief of Police maintains a degree of flexibility in making assignments for proper functioning of the police force.
- (3) Managers and department heads are expected to work normally not less than thirty-five (35) hours weekly, unless budget requirements dictate otherwise. The normal expectancy for managers and department heads is to measure their hours of work against anticipated workload demands, which may produce a workweek in excess of the minimum cited.
- (4) Lunch period. All employees scheduled to work a full shift (seven [7] hours) shall be granted thirty (30) minute period during the middle of the shift as a meal break. Said lunch break shall not be compensated.
- (5) Rest period. All employees will be eligible to receive a fifteen minute rest period during each half of their full work shift. If the half of shift is not at least three & one-half (3 1/2) hours, then no rest period will be allowed. Rest periods are not to be accumulated.

27.10.3 - Overtime

- (1) With the exception of department heads and other exempt positions, all employees not covered under a collective-bargaining agreement shall receive overtime pay as follows:
 - [a] For all hours worked in a normal workweek, such employee shall receive regular pay for each such hour and part thereof up to forty (40) hours in a pay period. At such time as the employee works in excess of a forty (40) hours in a workweek or eight (8) hours in a workday, the rate of pay will be one and one half (1 1/2) times the regular rate of pay.
 - [b] This clause recognizes that only actual hours worked in the course of a workweek shall be utilized in determining eligibility for overtime pay. Vacation hours, sick hours, or other hours used as part of an authorized leave may not be used to determine eligibility for overtime.
 - [c] For all hours worked on a holiday, such employee shall receive a rate of one and one half (1 1/2) times the regular rate for each hour worked and part thereof, provided that the employee satisfies the requirement of a forty (40) hour workweek, and that the hours worked are authorized by the department head.
 - [d] For all employees in a bargaining unit, overtime pay shall be at the rate set forth in the labor agreement covering such unit.

27.10.4 - Compensatory Time

An "exempt" employee who is not entitled to receive overtime compensation for hours worked in excess of his or her normal weekly schedule, including department heads, may be authorized to use any such excess hours as compensatory time off at a later time. The actual accrual of compensatory time must be approved in advance by the appropriate department head. All staff must also have the use of accrued compensatory time approved by the appropriate department head or supervisor in advance. It shall also be used within five (5) weeks from the date the excess accrued, and may not be carried-over. These hours must be taken so as not to adversely effect the operation of the employee's department. All departments shall be required to submit a quarterly "Comp. Time

Report” to the Town Administrator. All compensatory time shall be accrued as straight time, not time and one-half.

27.10.5 - Recall

When a non-exempt employee is recalled to work, the employee shall be paid a minimum of two (2) hours pay at time and one-half (1 ½) the employee’s regular rate of pay. The minimum of two hours shall not apply when the recall time merges with the employee’s regular work day.

Section 27.11 - Leave

27.11.1 - General Policy

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

27.11.2 - Procedure For Requesting Leave

For all leave other than holiday, sick, disability, injury and emergency leave, a written request indicating the type of leave, duration and dates of departure and return must be approved by the department head prior to the taking of leave. In the case of disability, injury and emergency leave, the request shall be submitted for approval immediately upon the employee’s return to duty. Unless an absence is substantiated by a request approved by the department head, an employee shall not be paid for any absence from scheduled work hours. All leaves must be reported to the Town Administrator’s Office.

27.11.3 - Holiday Leave

(1) Authorized Holidays. Only the following days and no others shall be recognized as holidays and such other days as may be declared holidays for the conduct of public business by the state or federal governments:

- New Year’s Day
- Martin Luther King Day
- Washington’s Birthday
- Patriot’s Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran’s Day
- Thanksgiving Day
- 1/2 day before Christmas Day*
- Christmas Day
- 1/2 day before New Year’s Day*

* Provided that such day is a normally scheduled workday.

(2) Saturday And Sunday Holidays. Whenever any of the above named holidays falls on a Saturday or Sunday, the following Monday, respectively, shall be a holiday, unless another day is established by law.

- (3) Work On Holidays. On the designated holidays, employees not otherwise covered by labor agreement shall be excused from all duty not required to maintain essential services. Non-exempt employees who perform work authorized or ordered by a department head shall be paid at one and one-half (1 ½) times their regular rate of pay for hours actually worked on the holiday in addition to the amount to which they are as entitled as holiday pay. Exempt employees shall receive compensatory time at a rate of one and one-half (1 ½) times.
- (4) Restriction: Payment for a holiday shall be made only if the eligible employee shall have worked on his/her last scheduled work day prior to such a holiday and on his/her next regularly scheduled work day following such holiday. This shall not apply to employees using authorized leave immediately before or after a holiday.
- (5) Police Lieutenant: The position of Police Lieutenant, as structured at the time of passage of this by-law, shall receive holiday benefits equal to those of full time police officers, subject to funding.

27.11.4 - Vacation Leave

- (1) Vacation Policy. The Town provides vacation leave for all full-time and part-time employees who work 20 hours or more per week. Vacation leave may be taken as earned after completion of six months of employment. Seasonal and temporary employees or employees who work less than 20 hours per week shall not accrue vacation leave. Employees covered by collective bargaining or other employment agreements will be subject to the terms of those agreements with respect to vacation leave.
- (2) The Vacation Year. Employees accrued vacation time runs concurrent with the Sutton fiscal year, July 1 through June 30 the following year. All employees accrue their given vacation time as of July 1 of each year. All employees, except those employees hired after July 1 of the immediate preceding year, will accrue all of their respective vacation time on July 1 of each year.
- (3) Vacation Accrual - Years Of Service. As discussed elsewhere in these policies, an employee’s “years of service” are based on date of hire, or rehire, whichever is later. Employees of the Town of Sutton accrue vacation time in hours, based upon one’s weekly schedule. Full Accrual, as used in this policy, is defined as the full amount of time an employee is entitled to receive on July 1 according to years of service as shown below. The following schedule of vacation accrual according to years of service shall be observed except in the case of employees hired after July 1 of a given fiscal year.

<u>YEARS OF SERVICE</u>	<u>LEVEL OF VACATION ACCRUAL</u>
One Year to Four Years:	Two Times Weekly Schedule of Hours
Five Years to Nine Years:	Three Times Weekly Schedule of Hours
Ten Years to Fifteen Years:	Four Times Weekly Schedule of Hours
Sixteen Years & Beyond:	Five Times Weekly Schedule Hours

- (4) New Employees - Vacation Accrual. For those employees hired after July 1 of any given year, they shall receive the following vacation accrual. This includes

the provision that no new employee accrues vacation time until after successfully completing six months of employment.

Hired in July: Five Days Beginning January 1 - Full Accrual Beginning July 1
 Hired in August: Five Days Beginning February 1 - Full Accrual Beginning July 1
 Hired in September: Three Days Beginning March 1 - Full Accrual Beginning July 1
 Hired in October: Three Days Beginning April 1 - Full Accrual Beginning July 1
 Hired in November: Two Days Beginning May 1 - Full Accrual Beginning July 1
 Hired in December: Two Days Beginning June 1 - Full Accrual Beginning July 1
 Hired in January: Zero Days - Full Accrual Beginning July 1
 Hired in February: Zero Days - Full Accrual Beginning August 1
 Hired in March: Zero Days - Full Accrual Beginning September 1
 Hired in April: Zero Days - Full Accrual Beginning October 1
 Hired in May: Zero Days - Full Accrual Beginning November 1
 Hired in June: Zero Days - Full Accrual Beginning December 1

(5) Moving To The Next Level Of Vacation Accrual. Employees shall move from one level of vacation accrual in the following manner:

<u>DATE OF HIRE</u>	<u>MOVE TO NEXT LEVEL</u>
Between July 1 and December 31	On July 1 Of Current Fiscal Year
Between January 1 and June 31	On July 1 of Following Fiscal Year

(6) Use Of Vacation Time. The use of and scheduling of vacation time shall be approved by the department head with due regard to the employee's wishes and the needs of service for the department.

(7) Vacation Carry-over. It is the intent of this policy that all employee's make use of earned vacation time within the fiscal year said time is accrued. If however, for reasons of extenuating circumstances an employee is unable to fully utilize all earned vacation time, accrued vacation hours in an amount not to exceed the employee's weekly scheduled hours (1 week), may be carried over into a succeeding fiscal year with the written approval of the employee's department head. Such notification must also be given in written form to the Personnel Office for accounting & personnel management purposes. Any vacation time not used that is in excess of the employee's weekly scheduled hours will be forfeited with no financial compensation.

(8) Payment For Unused Vacation Time. Payment for accrued but unused vacation time may only be awarded to those employees who terminate their employment with the Town during the fiscal year, provided that the employee has successfully completed six (6) full months of service from date of hire. Any employee terminated as a result of a disciplinary procedure shall not be subject to this authorization, and shall not be compensated for accrued but unused vacation time.

(9) Holiday During Vacation. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day.

(10) Death Of An Employee Eligible For Vacation. Upon the death of an employee who is eligible for vacation, payment shall be made to the estate of the employee in an amount equal to the amount of accrued but unused vacation time.

27.11.5 - Sick Leave

(1) Policy. Sick leave shall not be considered as a privilege but as insurance against extended illness, which an employee may use at the employee's discretion, but shall be allowed only in case of actual sickness or disability of the employee, to meet medical or dental appointments, to take physical examinations or for other sickness prevention measures. Sick leave may be taken by any eligible employee unable to work due to pregnancy and conditions relating thereto, childbirth and recovery therefrom.

(2) Eligibility: Sick leave shall be available to all municipal employees working a regular schedule in excess of twenty (20) hours per week, including probationary employees. Seasonal, emergency or part-time employees scheduled for less than twenty (20) hours per week are not eligible for sick leave.

(3) Sick Leave Allowance: Permanent employees shall accrue sick time in hours at a rate equal to one work day per month. Said time shall accrue on the first day of each month.

(4) Use of Sick Time: If any employee is out sick for more than three (3) consecutive days, a written note from a physician may be requested by the employee's department head indicating the nature of illness and necessity to be away from work. The Town reserves the right to require that any employee missing work for a period exceeding five (5) consecutive days be seen by a physician designated & funded by the Town.

(5) Probationary Employees: Probationary employees shall be authorized sick leave in the same manner as permanent employees, with the exception that a physician's note may be required by the Town for any sick leave occurrence, regardless of duration. Any probationary employee found to be on invalid sick leave may be terminated immediately.

(6) Reporting: An employee absent on account of illness or non-job-related injury shall see to it that his/her department head is notified within two (2) hours of the start of the workday. Failure to notify the department head may result in the loss of pay.

(7) Recording: Each department head shall report all uses of sick time on the weekly payroll sheets submitted to the Treasurer. Said reporting shall include employee's name using sick time, date of sick time used, and number of hours used on that day. The department head shall notify the Town Administrator immediately if abuse of sick time is suspected.

(8) Accumulation/Accrual: There is no limit to the number of sick days that an employee can accumulate (accrue) that can be used for sickness or injury or by exposure to a contagious disease.

(9) Layoffs & Sick Time: Accumulated/Accrued sick leave at the termination of employment due to a reduction in force will be carried for a period of eighteen months. Sick days will be reinstated at the date of rehiring.

(10) Retirement & Sick-Leave: Upon the retirement of an employee with an unused portion of sick leave that the employee had earned prior to January 1, 2007, but not used as of that date, payment shall be made to the employee in an amount equal to sixty-five percent (65%) of the actual amount of such sick leave, up to a maximum of 145 days. Payment shall be made at the then current rate of compensation of the employee. Any sick leave which was earned by an employee on or after January 1, 2007, but not used as of the time of retirement shall not be eligible for any payment under this provision.

27.11.6 - Job-Related Injury Leave.

(1) An employee injured on the job, however slightly, must report the fact immediately to his/her supervisor or department head. Injury leave, as distinguished from sick leave, shall mean paid leave given to an employee due to absence from duty caused by an accident, injury or occupational disease that occurred while the employee was engaged in the performance of his/her duties. Employees are covered by workers' compensation insurance and paid stated amounts due to injuries sustained on the job.

(2) Beginning the first day of incapacity, the employee shall be paid his/her normal compensation through sick leave until workers' compensation is received. Then an amount equivalent to the workers' compensation payment shall be deducted from the employee's pay.

(3) Non-civilian fire and police employees are covered separately under M.G.L.A. 41, #111F.

27.11.7 - Funeral or Bereavement Leave

(1) For death and/or memorial services in the immediate family or household, the day on which death occurs and three (3) additional days shall be granted. If the funeral is held after the three additional day period, the time up to and including the funeral shall also be allowed. The three (3) additional days following death are consecutive calendar days, including Saturday, Sunday and holidays, beginning the day after the death. Cases involving special circumstances, including but not limited to travel for an extensive period of time, should be referred to the department head, whose permission related to extended leave shall not be unreasonably withheld.

(2) "Immediate family" includes parent, step-parent, parent-in-law, sibling, spouse, any grandparent, son or daughter, uncles, aunts, nieces, nephews, & domestic partners. A "Member of the household" includes anyone who resides with the same family unit as the employee and who is regarded, generally speaking, as a member of the family.

(3) For death of relatives other than the immediate family, absence up to one (1) full day may be allowed to attend funeral or memorial services.

27.11.8 - Military Leave

(1) Notification And Proof. An employee entering the regular military service during a national emergency will be provided a leave of absence without pay as

required by federal law. It is the employee's responsibility to notify his/her department head of the dates(s) he/she is leaving for military service and to provide written proof from military or selective service officials to the department head indicating the date of departure and length of service required. A copy of such proof will be filed with the Personnel Office.

(2) Return To Work. If an employee requests reinstatement within sixty (60) days after honorable discharge from military service or hospitalization resulting from military service, he/she will be rehired with full rights of his/her former job or its equivalent.

(3) Seniority And Benefits. Employees in the military service will continue to receive credit for seniority accrual.

(4) Military Reserve Duty. An employee in the military reserve or National Guard shall be paid the difference between total compensation received while on reserve or Guard duty and regular compensation rates paid the employee by the department, not to exceed fifteen (15) workdays in any given fiscal year.

27.11.9 - Jury Leave

An employee summoned to jury duty will be excused from his/her work for the period necessary to perform jury duty and shall receive the difference in pay between his/her regular total compensation and jury duty compensation, if any.

27.11.10 - Witness Duty Leave

An employee summoned or otherwise requested to appear as a witness before a court or other state or federal agency related to his/her position will be excused with pay from his/her work for the period necessary to complete his/her testimony.

27.11.11 - Leave Without Pay

(1) Upon approval of the Town Administrator, an employee may be granted leave without pay, for leaves not covered by the Family and Medical Leave Act, for a specified period of time for education, maternity, health or compelling personal reasons for a period not to exceed sixty (60) days. At the expiration of a leave without pay, the employee shall return to the position or to a similar position. Failure of the employee to report promptly at the expiration of such leave shall be considered a resignation. Leave without pay shall be considered as inactive employment, where time spent on such leave, in excess of one (1) week does not count as service (time worked) for purposes of seniority, vacation leave, pension, and other benefits. An employee may continue under the health and life insurance program provided that the employee pays in full all premiums.

(2) The Town Administrator may grant a leave without pay for periods in excess of sixty (60) days in cases of extenuating circumstances.

27.11.12 - Personal Leave

- (1) An employee who has completed a probationary period may be granted time off with pay to conduct personal business, provided that such leave is approved in advance by his department head.
- (2) Such personal leave shall not exceed an hourly amount equal to three (3) days in any one (1) fiscal year and is not cumulative from year to year.
- (3) Each department head shall report all uses of Personal time on the weekly payroll sheets submitted to the Treasurer. Said reporting shall include employee's name using personal time, date of time used, and number of hours used on that day.

27.11.13 - Family and Medical Leave Of Absence

(1) Purpose and Definitions.

(a) The purpose of this Subsection N is to outline the conditions under which an employee of the Town of Sutton may request time off without pay for medical reasons or to provide family care.

(b) As used in this Subsection N, the following terms shall have the meanings indicated:

FAMILY AND/OR MEDICAL LEAVE OF ABSENCE - An approved absence available to eligible employees for up to twelve(12) weeks of unpaid leave in any twelve-month period under certain circumstances that are critical to the employee's health or the health of the employee's family.

CHILD - A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is either under eighteen(18) years old or a dependent adult.

FAMILY CARE LEAVE - A leave for reason of:

- [1] The birth of a child of the employee;
- [2] The placement of a child with an employee in connection with the adoption or (state-approved) foster care of the child by the employee; or
- [3] The serious health condition of a child , parent or spouse.

MEDICAL CARE LEAVE - A leave taken when the employee is unable to perform the functions of his or her job because of a serious health condition.

PARENT - A biological, foster or adoptive parent, a stepparent or a legal guardian. "Parent" does not include a parent-in-law or grandparent.

SERIOUS HEALTH CONDITION - An illness, injury, impairment or physical or mental condition of a child, parent, or spouse which warrants the participation of a family member to provide care during a period of the treatment or supervision off the child, parent or spouse and also involves either:

- [1] Inpatient facility; or
- [2] Continuing treatment or continuing supervision by a health care provided.

(2) Substitution Of Other Paid Leave And Eligibility.

(a) The Town of Sutton may require that the employee substitute any accrued paid vacation leave, personal leave, family leave or other paid employment benefit plans or policies for any part of the twelve (12) weeks of leave to which the employee may be entitled under this policy.

(b) To be eligible for leave, an employee must have been working for the town for at least three (3) months on a full-time basis to the request for leave.

(3) Employment Restoration.

(a) Any eligible employee who takes a leave for purpose intended by the law will be entitled, upon return from such leave, to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent employment benefits, pay and other terms and conditions of employment.

(b) An exception to the employment restoration provisions of this policy will be made if the employee on leave is a salaried employee and whose salary is among the highest in percent (10%) of the town's employees living within seventy-five (75) miles and restoring employment of the employee would result in substantial economic injury to the town. In this situation, however, the employee will be notified of the town's intent to deny restoration and will be given an opportunity to return to work. A doctor's release may be required if the employee is returning from a medical leave of three (3) or more days.

(4) Basic Condition Of Leave.

(a) The town will require medical certification from the health care provider to support a request for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent.

[1] For the employee's personal medical leave, the certification must state that the employee is unable to perform the functions of his or her position because of a serious health condition.

[2] For leave to care for a seriously ill child, spouse or parent, the certification must state that the employee is needed to provide care.

[3] At its discretion, the Town Administrator may require a second medical opinion and periodic re-certification at its own expense. If the first and second medical opinions differ, the town, at its own expense, may require the opinion of a third health care provider, approved by both the town and the employee. This third opinion is binding.

(b) If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is required on this basis, however, the town may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

(c) If both spouses are employed by the town, they are entitled together to a total of twelve (12) weeks' leave [rather than twelve (12) weeks each] for the birth or placement of a child or to care for a sick parent. Leave for the

birth or placement of a child must take place within twelve (12) months after the event. Leave may begin prior to birth or adoption, as circumstances dictate.

(5) Notification And Reporting Requirements. When the need for leave can be planned, such as the birth or placement of a child or scheduled medical treatment, the employee must provide reasonable prior notice and make efforts to schedule the leave to minimize disruption to the town's operations. In cases of illness, the employees will be required to report periodically on his or her leave status and intention to return to work.

(6) Status Of Employee Benefits During Leave Of Absence.

(a) Any employee who is granted an approved leave of absence under this policy may continue his or her group insurance coverage by arranging to pay his or her portion of the premium contributions during the period of unpaid absence.

(b) Employees will be required to continue to pay their share of group health benefits during a period of leave under the law.

(c) If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the town may recover from the employee the cost of any premiums paid to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as the last paid work day prior to the start of the unpaid leave of absence.

(d) An employee on leave will not lose any employment benefits accrued prior to the leave, unless a benefit is used by the employee during the leave, such as accrued paid vacation.

(e) An employee on leave accrues no additional seniority or employment benefits during any period of unpaid leave.

(7) Procedures.

(a) Employees must follow specific procedures to request a family or medical leave. These procedures are as follows:

[1] Complete the Request for Family and Medical Leave of Absence Form. The employee must complete this form, sign it, make a copy of it and return it to the department head, who will in turn forward it to the Town Administrator with a recommendation. If possible, the form should be submitted to the Board fourteen (14) days in advance of the effective date of the leave.

[2] A Combined Leave Policy Form is to be completed by an employee who is requesting leave and whose spouse also works for the town.

[3] All employees must complete an Insurance Premium Recovery Authorization Form when requesting this type of leave. This form certifies that an employee acknowledges the town's legal right to recover the cost of any premium paid by the town to maintain his or her coverage in group health benefits during any period of unpaid leave except under the following conditions:

- {a} The continuation, recurrence or onset of a serious health condition that entitles the employee to leave to care for a child, parent or spouse with a serious health condition or if the employee is unable to perform the functions of the position due to his or her own serious health condition; or
- {b} Other conditions beyond the employee's control that prevent him or her from returning to work.

[4] Employees requesting family and medical leaves of absence due to illness must complete a Leave Certification Requirements Form.

[5] The employee must submit a completed Request for Family and Medical Leave of Absence and a Combined Leave Policy Form, if applicable.

[6] To request leave for the care of a child, parent or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent or spouse, including the following information:

- {a} The date on which the condition commenced.
- {b} The probable duration of the condition.
- {c} The appropriate medical facts regarding the condition.
- {d} An estimate of the time needed to care for the individual involved (including any recurring treatment).
- {e} A statement that the condition warrants the health care provider's involvement.

[7] To request leave due to an employee's serious health condition, the employee must provide certification from the health care provider who is treating his or her own serious health condition, regarding the following information:

- {a} The date on which the condition commenced.
- {b} The probable duration of the condition.
- {c} The appropriate medical facts regarding the condition.
- {d} A statement that the employee is unable to perform the functions of his or her position due to his or her condition.

[8] To request intermittent leave or leave on a reduced leave schedule, the employee must provide the following additional information from the health care provider:

- {a} For leave for the employee, the employee must provide a statement of medical necessity for his or her intermittent leave or reduced leave schedule and the expected duration of the schedule, as well as a listing of the dates of his or her planned medical treatment and the duration of treatment(s).
- {b} For leave to care for a son, daughter, spouse or parent, the employee must provide a statement attesting to the necessity of the intermittent leave or reduced leave schedule and the expected duration of the schedule, and an

estimate of the expected duration and schedule of his or her intermittent or reduced leave.

(8) Employee Recourse And Effect Of Labor Agreements.

(a) The FMLA provides additional relief to employees via complaints filed with the Secretary of Labor or a private lawsuit.

(b) All provisions of this policy will prevail except as modified by any applicable labor/collective bargaining agreement.

Section 27.12 - Recruitment, Selection And Appointment Of Employees

27.12.1 - Town Policy

To assure a high quality of service to the public, selection will be from among the most competent individuals from all appropriate sources of applicants. Selection and appointment to all positions will be based solely upon job-related requirements and the applicant's demonstration that he or she possesses the skills, knowledge, abilities and other characteristics necessary for successful job performance. Permanent employees who are laid off shall be given, for a period of one (1) year, first consideration for subsequent vacancies in positions similar to the one from which they were laid off.

27.12.2 - Recruitment Procedures

(1) Defining The Position. When a vacancy occurs, the appointing authority (either the Town Administrator or Board of Selectmen) will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description is still accurate or the job is to be redefined. Any subsequent changes in the description or special qualification requirements for the position will be reported to the Personnel Department. The Personnel Director will review the changes, make suggestions for revision, and return the job description to the appointing authority. If the position being filled is a new position for the Town of Sutton, then a complete job description shall be prepared by the appointing authority or designee and the Personnel Director.

(2) Identifying The Selection Team. The appointing authority, prior to advertising the vacancy, shall identify and announce a selection team, made up of persons related to the vacant position, that will conduct the actual evaluation of applications. This may be the appointing authority itself, or a designee(s) who shall conduct all screening prior to final appointment.

(3) Advertising The Vacancy. The Personnel Director will be responsible for advising the public announcement of the vacancy.

(a) The Personnel Director will publicize the vacancy in such manner as to assure that all interested and qualified individuals, including current employees, are informed of the position title, duties, responsibilities and salary range; minimum and special qualifications for the job; the time, place and manner of making application; the town's affirmative action and equal opportunity

statement, and any other information which may be useful to applicants.

(b) The method of advertising vacancies will vary, depending upon the nature and requirements of the position being filled. The following methods are typical of those which may be used for recruitment: posting notices on public bulletin boards, advertising in professional journals and/or newspapers with local, statewide, and/or national circulation.

(c) All job postings shall be posted on bulletin boards at the Town Hall, and Public Libraries.

(d) To allow sufficient time for candidates to apply for the position, recruitment efforts will be conducted for at least ten (10) workdays, unless emergency requirements dictate otherwise.

27.12.3 - Application For Employment

All candidates applying for employment must secure and file an official application form with the appropriate appointing authority prior to the close of business on the date specified in the vacancy announcement or advertisement. Each applicant shall sign the form, certifying the truth of all statements by his/her signature. Deliberate false or misleading statements and deception in attempting to secure employment will be grounds for rejecting an applicant, and/or termination from employment if such deception is found after a position has been offered and accepted.

27.12.4 - Selection Procedures

(1) Determining Evaluation Criteria. The appointing authority/selection team and Personnel Director shall determine which criteria or combination of criteria will be used to evaluate the relative fitness of each candidate for the position.

(a) The criteria selected will relate to the duties and responsibilities of the position for which candidates are being evaluated and shall fairly appraise and determine the merit, fitness, ability and qualifications of competitors to perform the duties of the position.

(b) A variety of criteria may be employed, including, but not limited to assessment of training, education and work experience; assessment of related skills or talents; written, oral and performance testing; physical exams to assess the candidate's ability to perform the essential functions of the position; and reference checks. Each criteria utilized will be administered and scored on a standardized basis to ensure equity.

(c) An evaluation plan/document will be prepared describing the specific skills, knowledge or abilities to be measured by each evaluation procedure selected, the importance weighting of each part of the evaluation process, and the method to be used in evaluating each candidate against the others. This plan will be

retained for use in documenting the job-relatedness of the evaluation criteria. An evaluation plan may be designed for a promotional vacancy or for an open competitive vacancy, or for both purposes.

(2) The Evaluation Process. The evaluation process will result in a ranking of candidates in order of their relative abilities to perform the job.

(a) The appropriate appointing authority/selection team will review the applications of all the candidates who have applied for the position to determine whether each candidate meets the minimum requirements established for the position. A candidate who does not meet these requirements will be disqualified.

(b) Qualified candidates will be evaluated in accordance with the evaluation plan established for the position.

(c) Scores or ratings obtained on the various selection criteria used will be combined, based on the weights assigned to them in the evaluation plan, to derive a final ranking of each candidate.

(3) Interview And Selection. The selection team will interview applicants who, in the opinion of the team, score high enough to merit further consideration, and indicate a continued interest in the position. The selection team will document through charting the reasons applicants move to a semi-finalist stage and qualify for interviews. After interviewing semi-finalists, the selection team shall recommend the top candidate(s) to the appointing authority for a final interview. Following this interview, the appointing authority shall be permitted to proceed to appointment or continue the selection process.

(4) Notification To Applicants. All candidates will be informed in a timely manner of their selection or non-selection for the position.

(5) Documenting The Selection Process. A record of the recruiting, evaluation and appointing process used will be retained after the vacancy is filled. This record will include the job description, vacancy announcements, evaluation chart, the applications of all those who applied, and any related comments or other documentation from the selection team and/or the appointing authority.

27.12.5 - Appointment

(1) Method Of Appointment. Vacancies shall be filled by original appointment, emergency appointment, or temporary appointment, seasonal or provisional appointment, promotion, demotion, transfer, or standard hire.

(2) Appointment vs. Standard Hire. Employees who fill a vacancy through an appointment do so for a specific period of time. Upon the expiration of an original appointment, the appointing authority must reappoint, eliminate the position, or announce a vacancy in the position. The appointing authority may elect to “hire” an employee in a permanent status, which shall not require a reappointment process. This standard hire

may only be exercised on positions not mandated by statute to be part of the appointment requirement.

Section 27.13 - Probationary Period

27.13.1 - Objective

The probationary period is an integral part of the selection procedure allowing the appropriate department head to train, observe and evaluate an employee's work in order to determine fitness for permanent status in the in the position.

27.13.2 - Duration Of Probationary Period

Each person promoted or appointed or hired to a permanent position shall be required to complete successfully a probationary period which shall be of sufficient length to enable the department head to observe the employee's ability to perform the various principle duties of the position. The probationary period shall begin immediately upon original appointment or hire and continue for one (1) year. The probationary period for a promoted employee shall last for six (6) months. Throughout the probationary period the department head will observe the employee's performance, and any strength's or weaknesses in the employee's performance will be discussed with the employee.

27.13.3 - Probation Evaluation

An employee shall receive at least one (1) performance evaluation during the probationary period. The department head will notify the Personnel Department in writing that:

- (1) The employee's performance is satisfactory and that the individual should be retained as a permanent employee; or
- (2) The employee's performance or conduct is unsatisfactory and that his/her removal is proposed as of a specific date prior to the end of the probationary period. The department head will furnish reasons for the recommended removal to the appointing authority.

27.13.4 - Removal Of An Employee

- (1) An employee may be removed during the probationary period if the employee is unwilling or unable to perform required duties or if his/her habits or dependability do not merit continuance in the position. The employee will be notified in writing why he/she is being terminated and the effective date of the action.
- (2) An employee may also be removed at any time if it is revealed that information submitted prior to appointment was falsified.

Section 27.14 - Promotion, Demotion, Transfer and Separation

27.14.1 - Promotion Policy

Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities and make known their qualifications for promotion to more difficult and responsible positions.

- (1) Vacancy announcements shall be distributed and posted in the Town Hall, and Public Libraries.
- (2) Current employees are encouraged to apply for any vacancy for which they meet the requirements of the position according to the procedures outlined in Section 12 of this Article for all applicants.
- (3) No supervisor shall deny an employee permission to apply for a vacancy.
- (4) When a town employee's qualifications are ranked equal to or higher than outside applicants, the town employee shall be given preference.

27.14.2 - Demotion

An employee may be demoted to a position of a lower grade for which he/she is qualified for any of the following reasons:

- (1) When an employee would otherwise be laid off because his/her position is being abolished.
- (2) When his/her position is reclassified to a lower grade.
- (3) When he/she voluntarily requests a lower classification.
- (4) When an employee does not render satisfactory service in the position held.

27.14.3 - Transfer

A position may be filled by transferring an employee from another position of the same pay rate, involving the performance of similar duties and requiring essentially the same basic qualifications. All transfers must be approved by the Town Administrator.

27.14.4 - Separation

- (1) Retirement. "Retirement" is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive benefits.
- (2) Resignation. "Resignation" is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the jurisdiction by submitting in writing the reasons therefore and the effective date to the department head at least fourteen (14) calendar days in advance. The department head may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the Personnel Director and Town Administrator with pertinent information concerning the reason for resignation. The Personnel Director shall make every effort to see to it that an exit interview is conducted with each employee who resigns and will verify the employee's reasons for leaving. Copies of the employee's letter of resignation will be placed in the employee's personnel file.

(3) Layoff. In the case of layoff or reduction of personnel for lack of work or by reason of fiscal cutback, the laying off or demotion of employees within each job classification shall be determined first by type of appointment in the following order: emergency, provisional, temporary, probationary and then permanent. Within the type of appointment, the order of layoff shall be determined by length of continuous service in town service. In no case shall such layoff be construed as a dismissal for unsatisfactory performance. Permanent employees who are laid off shall be given first consideration for subsequent vacancies in the class from which laid off for a period of one (1) year.

(4) Disciplinary Action. An appointing authority may terminate an employee who does not observe the policies and regulations necessary for the proper operation of the departments in town government.

Section 27.15 - Performance Evaluation

27.15.1 - Purpose

The town recognizes the need for an operating performance evaluation system to:

- (1) Assess fairly and accurately an employee's strengths, weaknesses and potential for growth.
- (2) Encourage and guide the employee's development of his or her special skills and work interests.
- (3) Provide a method of improving operational programs through employee input.
- (4) Identify training needs.

27.15.2 - Procedure

The Personnel Director shall be responsible for the establishment and maintenance of the employee performance evaluation system. Employee evaluation is the continuing day to day responsibility of the department head. Annually and prior to effecting any pay increase, the department head will make a written evaluation of the employee's performance.

(1) Employee Evaluations. An employee evaluation is the summary of the supervisor's observations of the employee during the past year and a summary of the performance in terms of a variety of job-related factors. The evaluation will also include a plan to develop strengths, identify and improve weak areas and record the employee's observations of work assignments in the last year. Proper use of the performance evaluation serves as a means for identifying training needs, helping to improve individual performance, recognizing outstanding accomplishments, helping to strengthen employee-supervisor relationships, emphasizing the employee's contribution to the town's programs and helping to identify the strengths and weaknesses in the town's programs.

(2) Procedure For Employee Evaluation

- (a) Prior to June 1 annually, the department head will make a written evaluation of the employee's job performance, considering any changes that have occurred in the job or other factors which

might affect job performance and noting strengths and capabilities worthy of special mention and areas where improvement is needed. The employee and department head will then meet to conduct the employee-supervisor discussion.

(b) Employee-Supervisor discussions will begin with a thorough review of the employee's current job description, to review and clarify job requirements and duties assigned and to note any major changes which may have taken place in the employee's job. The department head will note major changes which may have an impact on classification or will require a change to the job description and will submit these changes to the Personnel Director. Job descriptions determined to be generally accurate should be initialed and dated by the department head and employee to certify accuracy and currency. The department head and employee should also discuss the employee's career development plans, special work interests, projects or assignments of interest and particular training interests or needs. The employee's general observations of the department's programs, and especially suggestions for improving assignments, functions and work procedures, should be particularly encouraged. The employee should have the opportunity to discuss any other points and may attach comments to the department head's evaluation. The employee will then certify that he/she has reviewed the evaluation and that it has been discussed with him/her.

(c) Employees believing that their evaluations are incorrect may appeal their evaluations in writing to the Personnel Director, whereupon the department head, the employee and the Personnel Director will meet to review the rating.

(d) The evaluation will then be forwarded to the Personnel Director to become a part of the employee's personnel record.

Section 27.16 - Training and Staff Development

27.16.1 - Policy

It shall be the joint responsibility of the department head and Personnel Director to foster and promote employee training programs for the purpose of improving the quality of personal service rendered to citizens and aiding employees to equip themselves for advancement in the service.

27.16.2 - Administration Of The Employee Training Program

The Town Administrator, in consultation with the department heads, shall be responsible for:

- (1) Establishing standards of training programs.
- (2) Providing assistance to department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.

- (3) Developing supervisory and management training and other types of training and employee development programs common to all departments.
- (4) Providing assistance to department heads in establishing standards of performance and procedures for evaluating employee performance and potential for growth and identifying training needs.
- (5) Providing for the safe-keeping records of all approved training courses and programs and record of employees who successfully complete such courses and programs.

27.16.3 - Identifying Training Needs

At the time of the annual employee-supervisor evaluation discussion, the department head and employee should discuss areas where training is needed or desirable for performance in the employee's present job, or would be helpful in developing additional skills for growth into other positions in the town service. The department head should forward a written report of training needs to the Personnel Director, who shall so inform the Town Administrator. Department heads shall, through contact with the Personnel Director and the public community, keep themselves apprised of training programs that may be of help or interest both to themselves and to their employees and should nominate employees for appropriate training courses.

27.16.4 - Tuition Reimbursement

All permanent full-time employees shall be entitled to take courses at accredited institutions of higher education. The town further agrees, based on availability of funds, to reimburse up to twenty (20%) of the tuition of those employees who attend said institutions and take courses directly related to their professional growth in their fields. Tuition reimbursement is limited to the equivalent tuition at state institutions. In order to receive partial reimbursement of tuition, the employee must submit, after completion of the course(s), a written statement showing a passing grade of "B" or better, together with written receipts which verify the payments by the employee. At least one (1) month prior to the scheduled start of a course or program, the employee must submit to the Town Administrator a statement indicating the courses he/she plans to take, together with a statement showing how these courses will benefit the employee and their contribution to the town. This statement should indicate an alternative course(s) to be taken if the stated course is either unavailable or not offered that term. The decision of the Town Administrator as to course and tuition approval/denial shall be final. This provision shall become effective in Fiscal Year 1999.

Section 27.17 - Disciplinary Actions

27.17.1 - Responsibility Of Employees

It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of all the departments in town government.

27.17.2 - Department Head Responsibilities

Department heads are responsible for the proper and efficient operation of their departments and for enforcing all policies and regulations, which may involve invoking such disciplinary measures as may be necessary.

27.17.3 - Reasons For Disciplinary Action

Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the town from effectively and efficiently discharging its responsibilities to the public. The following shall be sufficient cause for disciplinary action:

- (1) Neglect in the performance of the duties of the position to which the employee is assigned.
- (2) Disregard for or frequent violation of town and/or department policies and regulations.
- (3) Willful misuse, misappropriation, negligence or destruction of town property to personal use or gain.
- (4) Frequent tardiness or absence from duty.
- (5) Violation of any reasonable or official order, refusal to carry out reasonable directions given by a proper supervisor or other acts of insubordination.
- (6) Use of intoxicating beverages or abuse of narcotics, drugs or other controlled substances so as to interfere with job performance or the efficiency of town service.
- (7) Intoxication or use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.
- (8) Criminal, dishonest or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the town service.
- (9) Disregard for or frequent violations of employee conduct rules, town bylaws or state laws.
- (10) Violation of privileged information or its use for private gain.
- (11) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

27.17.4 - Procedures For Progressive Disciplinary Action; Progressive Discipline

(1) Oral Reprimand. Whenever grounds for disciplinary action exist and the department head determines that more severe action is not immediately necessary, the department head should orally communicate to the employee the observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the department head should ensure that the employee's personnel file is documented to show date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his/her personnel folder and will have the opportunity to submit comments for the personnel folder. The documentation of the reprimand and comments will remain in the employee's file for a period of

up to twenty-four (24) months from date of the last preceding disciplinary action, depending upon the severity of the incident.

(2) Written Reprimand. A written reprimand shall be in order for deficiencies or offenses that, in the opinion of the department head, warrant a more stern response to an employee. All written reprimands shall be addressed to the employee and will include the charge, the specific behavior and the dates of the behavior, where appropriate, that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline, and advice on the right of appeal. A signed copy of the reprimand shall be included in the employee's personnel file, and the employee will have the opportunity to submit comments for the personnel folder. The documentation of the reprimand and comments will remain in the employee's file for a period of up to thirty-six (36) months from date of the last preceding disciplinary action, depending upon the severity of the incident.

(3) Suspension. A department head may suspend an employee without pay for up to but not exceeding five (5) calendar days. This shall be referred to as an intra-department suspension. On or before the effective date of the suspension, the supervisor will furnish the employee with a written statement setting forth reasons for suspension, the effective dates of the suspension and the date the employee should return to work. The statement will also include the charge, the specific behavior and the dates of the behavior, where appropriate, that support the charge, the warning that a continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline and advice on right of appeal. The Town Administrator, upon request of the department head, or in discipline cases involving the department head, may suspend an employee without pay for a period of time not to exceed twenty-five (25) calendar days, subject to the requirements listed herein for intra-department suspensions.

(4) Removal or Dismissal. An appointing authority may terminate an employee according to the following procedure:

(a) A written notice of intent to remove together with a statement of the cause or causes therefor, shall be delivered by registered letter to the last known address of the person being sought to be removed or dismissed.

(b) Within seven (7) days following receipt of said written notice, the officer or employee shall have the right to request a public hearing before the appointing authority, which shall be held within fourteen (14) days after such request is made.

(c) At any such hearing, the employee shall have the right to be represented by counsel, present evidence, call witnesses and question any witness.

(d) Final action shall be taken by the appointing authority within five (5) days following the date of such public hearing or, if no hearing is requested, within five (5) days after delivery of the notice of intent to remove.

(e) In counting days under this section, every calendar day shall be counted, including Sundays and all holidays.

27.17.5 - Privacy And Public Information

In all instances, both the employee's right to privacy and the right of the public to have access to public information shall be preserved by observance of the appropriate statutes and laws governing both.

Section 27.18 - Grievance And Discrimination Complaint Procedure

27.18.1 - Grievance And Discrimination Complaint Rights

An employee who feels that he/she has received inequitable treatment because of some condition of employment or who feels he/she has been discriminated against on the basis of political affiliation, race, color, national origin, age, sex, creed, handicap or any other nonmerit factor, except where such factor is a bona fide occupational requirement, may personally or through his/her representative appeal for relief from that condition. A non-selected applicant for employment who believes he/she was unlawfully discriminated against in the evaluation and selection may also appeal. It is understood that issues involving the increase or decrease of general wage rates or salaries and issues not having to do directly and primarily with the day-to-day working life of the employee and relationships with his/her supervisor shall not be considered the subject of a grievance and consequently shall not be the subject of any arbitration. The employee or applicant may be represented by a party of his/her choosing at any step in the procedure. Failure by the employee or applicant or his/her representative to proceed to a higher step within the time period specified will terminate the grievance. Failure by management to render a decision within the allotted time at any step constitutes denial, and the employee may then proceed to the next step.

27.18.2 - Grievance Procedure

Unless otherwise provided for in an applicable labor agreement, all grievances except removal proceedings shall be handled in accordance with the following procedures. Related grievances may be consolidated and processed as a single issue. Every effort will be made to resolve the grievance at the lowest possible level. The steps are as follows:

(1) Step 1. The employee and his/her representative, if desired, shall present his/her grievance to his/her department head. If the department head cannot make an immediate solution satisfactory to both parties, the employee shall resume his/her regular duties. If the dispute involves the employee's work load or schedule, he/she shall continue to work as assigned until the dispute shall be resolved. The employee shall prepare a written statement of the grievance, which shall be submitted to the

Personnel Director. The grievance shall state the complaint and the action requested.

(2) Step 2. The Personnel Director shall meet with the employee and his/her representative and attempt to negotiate a settlement or adjustment of the grievance with the employee during a period of five (5) workdays after receipt of the decision of the department head's report or during such longer period as the parties may agree upon. If a satisfactory settlement cannot be reached within said period, the Personnel Director shall render a written decision. If the employee disagrees with the decision of the Personnel Director, then he/she may continue to the final step of the grievance process, the Town Administrator.

(3) Step 3. The Town Administrator shall accept, review and hear all grievances within fourteen (14) days of receipt or during such longer period as the parties may agree upon and shall require and receive such documents as may pertain to the grievance; shall require the attendance of any town official or employee it believes to have information; and shall hold a hearing and receive testimony. The Town Administrator shall render a final decision on the matter within five (5) workdays of the hearing or to such longer period as the parties may agree upon. The decision of the Town Administrator shall be final and binding on all parties concerned. In the event that the grievance directly involves the Town Administrator or a decision made by him or her, a mutually agreed upon third party may be utilized to resolve the grievance. Note: Saturdays, Sundays and holidays shall not be considered workdays for the purpose of this section.

27.18.3 - Discrimination Complaint Procedure

All discrimination complaints shall be handled in accordance with the following procedure. Every effort will be made to resolve the complaint at the lowest possible level. The steps are as follows:

(1) Step 1. The employee or applicant must submit a written statement of the discrimination complaint within ten (10) working days of the date he/she becomes cognizant of the alleged discrimination. The complaint must state the basis of the discrimination, the actions giving rise to the discrimination, and the remedy requested.

(2) Step 2.

(a) The department head or his/her designee is authorized to conduct the investigation and to require all employees to cooperate with the investigation. The investigation will be completed within fifteen (15) workdays of receipt of the complaint.

(b) The investigation shall include a thorough review of:

[1] The circumstances under which the alleged discrimination occurred.

[2] The treatment of members of the complainant's group, identified by his/her complaint, as compared with the

treatment of other employees in the organizational segment in which the alleged discrimination occurred.

[3] Any policies and practices related to the work situation which may constitute or appear to constitute discrimination, even though they have not been expressly cited in the complaint.

(c) Sufficient information should be gathered through a survey of the general environment out of which the complaint arose so that any improper discrimination in the organizational segment involved in the complaint can be detected wherever possible so that remedial action can be taken and any allegation of discrimination not supported in any way by the facts can be identified as such so that the alleged discriminatory official can be exonerated. The scope of this survey may vary from case to case, depending on the circumstances encountered. Some cases may point out the need for a broad survey, covering the full range of significant personnel actions with which the alleged discriminatory official was involved, (such as appointments, details, disciplinary actions, performance evaluations, promotions and training assignments) in, for example, the two year period immediately preceding the complaint. As a general rule, when the results of the investigation are inconclusive, additional investigation should be undertaken where this is feasible.

(3) Step 3. The Town Administrator will receive and consider the results of the investigation and will render a written decision to the complainant and other involved parties within ten(10) workdays of receipt of the investigator's findings.

(4) Step 4. If the complaint is not resolved, the complainant may appeal to the Massachusetts Commission Against Discrimination and/or the Equal Opportunity Commission in accordance with approved procedures of such agency.

Section 27.19 - Conduct Of Employees

27.19.1 - General Policy

All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the town. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person or losing complete impartiality in conducting town business.

27.19.2 - Receipt Of Gifts

(1) Items Of Monetary Value. Employees are prohibited from soliciting or accepting gifts, gratuities, favors, entertainment, loans or any other item of monetary value from any person who has or is seeking to obtain business with the town or from any person within or outside town employment

whose interests may be affected by the employee's performance or nonperformance of official duties.

(2) Nominal Gifts. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional material, e.g., pens, notepads or calendars of nominal intrinsic value, is permitted.

(3) Flower Funds Or Gifts For Fellow Employees. Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value.

(4) Supervisors. The policies described in all the above sections shall apply to all staff. In addition, supervisors must avoid placing themselves in a position which could interfere with or create the impression of interfering with the objective evaluation and direction of their subordinates other than those of nominal value for special occasions, and no supervisor shall borrow or loan money or accept favors from any subordinate.

27.19.3 - Business Activities And Solicitation

No employee shall engage in any business other than his/her regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit and any similar activity.

27.19.4 - Outside Employment

(1) Interference With Town Employment. No employee may engage in additional employment which in any manner interferes with proper and effective job performance, results in a direct or gives the appearance of a conflict of interest, or may subject the town to public criticism or embarrassment.

(2) Preference Of Town Employment. Employees who engage in employment outside of regular working hours may be subject to call to perform regular town duties first.

(3) Injury And Illness. The town shall in no respect be liable nor grant injury or sick leave in case of injury to an employee while engaged in outside employment nor any occupational illness attributed to the outside employment.

27.19.5 - Privileged Information

Employees often deal with plans, programs and documents of significant public interest. Employees must not use this privileged information for their own financial advantage or to provide family, friends and acquaintances with financial advantages or with information which could be used for financial advantage. If an employee finds that he/she has an outside financial interest which could be affected by town plans or activities, he/she must immediately report the situation

to his/her department head. Each employee is charged with the responsibility of ensuring that he/she releases only information that should be made available to the general public. Violation of privileged information or use for private gain is just cause for discharge of the employee. Freedom of information and privacy laws are to be observed.

27.19.6 - Use Of Town Property

- (1) General Policy. Employees should not, directly or indirectly, use or allow the use of town property of any kind for other than official activities.
- (2) Telephone Use. Personal use of town telephones should be limited to emergencies and unusual circumstances, and should be as brief as possible. Department heads shall review monthly telephone invoices and/or reports to ensure compliance.
- (3) Damaged/Missing Property. All employees are responsible for reporting any damaged or missing town property to the appropriate department head. Willful neglect, misuse, or theft of town property on the part of an employee may require the reimbursement of said item(s) by the employee to the town, and/or result in disciplinary action.

27.19.7 - Political Activity

- (1) All employees are entitled to exercise their rights as citizens to express their political opinions and to cast their votes.
- (2) Employees may not:
 - (a) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
 - (b) Directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
 - (c) Post political literature on town owned property, nor shall be permitted to campaign during work hours.

27.19.8 - Dress Code

Each employee is responsible for reporting for duty in attire most appropriate to the requirements of his/her position. Employees are expected to represent a professional appearance at all times, and clothing may not be of a provocative or safety hazard nature. The department head may authorize alternative dress requirements with due discretion.

27.19.9 - Dealings With Public, Vendors, & Other Staff

Employees are expected at all times to conduct all dealings with the public, vendors, and other staff members in a most professional manner. Courtesy and respect is to be observed at all times.

Section 27.20 - Records

27.20.1 - Personnel Records

The Personnel Director shall be responsible for the maintenance of an employee record for each employee. This record shall include salary/wage information, payroll deductions (excluding tax & retirement information), benefits information, workmen's compensation or injury claims or payments, application for unemployment, results of all tests and examinations taken to demonstrate qualifications, employment history, current employment status, commendations, record of disciplinary actions(excluding police officers), performance evaluations, training records, home address and telephone number(s), emergency contact(s), military status, and other records pertinent to the employee's service.

27.20.2 - Taxation & Retirement Records

As a means of ensuring employee privacy, the Treasurer shall maintain all retirement and taxation related documents. An employee may review these records at the convenience of the Treasurer.

27.20.3 - Retention Of Records

Such records shall be maintained on a current basis for each employee. Records of former employees shall be maintained in accordance with the Personnel Records Retention Schedule of MGL Chapter 66, following separation from the service. Records of disciplinary actions shall be purged from the personnel records as provided in Section 27.17 of this Article.

27.20.4 - Employee's Right To See Records

Any employee may arrange to see his/her personnel records upon request, at the convenience of the department head, and at reasonable intervals. This shall be in conjunction with MGL Chapter 149.

27.20.5 - Documentation Of Personnel Actions

All personnel actions will be documented to ensure accurate maintenance of personnel records relative to leave, employment and personal status changes. Responsibility for documentation is as follows:

(1) Status Changes.

(a) Requests for personnel actions such as changes in classification (i.e., reallocation of a position, abolishment of position), pay increases, appointment, dismissal, suspension or transfer (temporary or permanent) should be initiated by the department head or other authorized official generally at least two (2) weeks prior to the effective date of such action and forwarded to the Personnel Director.

(b) Notices of personnel actions such as resignations or changes in address, name, telephone number, marital status, dependents, etc., should be initiated by the employee and submitted to the Personnel Director two (2) weeks prior to the effective date of such action or as soon as possible. Department heads should advise employees to report such changes, as well as adjustments in education and skills,

whenever such changes occur, to assure proper maintenance of records and personnel files.

(c) The Personnel Director will document all personnel actions affected in the employee's personnel record.

(2) Leave. Notices of use of leave or requests for leave should be initiated by the employee and submitted to the department head prior to the commencement of the leave, as indicated in Section 27.11. Department heads will forward the requests notices to the Town Administrator.

Section 27.21 - Employee Benefits

27.21.1 - Group Insurance

Pursuant to Article 32B of the Massachusetts General Laws, employees hired to work twenty(20) hours or more each week on a continuing and regular basis are eligible for group life insurance, group accidental death and dismemberment insurance and group health and medical insurance. Eligible employees, upon retirement, may continue their group health insurance coverage by continuing to pay their regular contributory share. Participating employees who drop their group health insurance from the town after retirement may, at their option be reinstated.

(1) Group Health Insurance.

(a) Eligible persons and their dependents may participate in a health and medical benefits plan. The town shall and the employee or retiree shall both contribute to the premium cost of the plan the employee or retiree are enrolled in. The actual percentage is determined by the specific plan.

(2) Group Life Insurance. Eligible persons may participate in a group life insurance plan. Coverage limits are determined by the employee/retiree within the limits of the policy. The town will contribute to the total monthly premium cost for such insurance.

27.21.2 - Retirement Plan

The town is a member of the Worcester County Retirement System, which is organized and operated under the provisions of Chapter 32 of the General Laws. Membership in the system is required of all permanent employees who work on a regular scheduled basis that anticipates at least one thousand forty (1040) hours per year.

27.21.3 - Workers' Compensation Insurance

The town will provide an insurance program in compliance with Article 152 of the Massachusetts General Laws, as amended, for employees involved in work-related illness or injury. Police officers and firefighters are covered for work lost due to injury under the provisions of MGL 41, #111F. See Section 11, Injury leave for reporting requirements.

27.21.4 - Unemployment Compensation

Employees of the town are covered under the provisions of Article 151A of the Massachusetts General Laws, which provides for the payment of unemployment compensation in the event of displacement from work.

27.21.5 - Highway Department Licenses

Employees of the Highway Department shall be reimbursed for the cost to acquire or renew those licenses required for the performance of their job functions.

27.21.6 - Mileage

For travel necessitated by town business, upon the submission of appropriate travel vouchers, any employee shall be reimbursed on a per-mile basis. The actual rate of reimbursement shall be equal to that of the Commonwealth of Massachusetts at any given time.

27.21.7 - Deferred Compensation

Employees may participate, on a voluntary basis, in the Commonwealth of Massachusetts Deferred Compensation plan offered by the Town of Sutton.

Section 27.22 - Employee Health And Safety

27.22.1 - Occupational Health

(1) Medical/Physical Examinations. All new employees are responsible for passing a medical/physical examination to assess his or her ability to perform the essential functions of the position. Said exam to be conducted by a town-approved physician prior to starting employment. The Town shall reimburse the employee for the employee's cost of the physical, provided that valid receipts and/or documentation is provided by the employee to the Town. An individual may be deferred from starting employment or refused employment altogether should the examination reveal any ailment or physical disability which would prevent or hamper that individual from performing the essential tasks and duties of the position or which would jeopardize the health and safety of oneself or others.

27.22.2 - Safety Policy Statement

- (1) The Town of Sutton reaffirms its strong commitment and intent to provide a safe healthful work environment.
- (2) The personal safety and health of each employee is of primary importance. The prevention of occupational induced injuries and illnesses is of such consequence that it is to be given precedence over operating procedures in the normal reference.
- (3) To the greatest degree possible, The Town will provide the safest facilities for personal safety in keeping with the highest standards.
- (4) The Town will maintain a safety and health program conforming to the best practices in organizations of this type.

(5) In order to be successful, this program shall embody proper attitudes toward injury and illness prevention on the part of both supervisors and staff. All accidents and injuries are preventable if favorable attitudes are in place.

(6) It will require the complete cooperation of everyone, not only between supervisors and functional staff but also between each employee and his or her fellow employees.

(7) The employee's cooperation in the detection, correction and avoidance of hazardous conditions and hazardous actions is a condition of employment as well as a moral obligation to co-workers and citizens alike.

(8) The Town's objective is a safety and injury prevention program that will reduce the number of injuries to an absolute minimum to eliminate the pain and suffering and the burdens resulting from such injuries. The Town's goal is zero (0) accidents and injuries.

(9) The Town shall, to the greatest extent possible:

(a) Provide a safe physical plant, including mechanical, electrical, chemical and environmental factors.

(b) Conduct a program of hazard surveillance tours and inspections to discover and eliminate unsafe conditions and unsafe acts.

(c) Train all levels of staff in good safety and health practices.

(d) Provide and require the use of personal protective equipment to comply with regulatory standards in all cases where they apply.

(e) Develop and enforce safety and health rules under the several regulatory agencies as a condition of employment.

(f) Investigate promptly and thoroughly every accident in order to discover the causes and initiate corrective action as required by law.

(10) Responsibilities.

(a) The Town accepts the responsibility for leadership in the safety and health program and for providing safe facilities and procedures and practices.

(b) Department Heads are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise to ensure that all operations are performed with the utmost regard for the safety of all personnel involved, including themselves.

(c) Employees are responsible for wholeheartedly accepting the safety and health principles of accident and injury prevention in their own enlightened self-interest. This includes compliance with all the safety rules and regulations (the law requires them) and for continuously practicing safety in the performance of all duties.

27.22.3 - Safety Rules For Municipal Employees

(1) General Rules.

(a) Learn the right way to do your job. Ask questions about things you do not understand.

- (b) Use the correct tools and equipment for the job. If you are not sure, ask.
- (c) Observe and follow recommended work procedures developed by your supervisor.
- (d) Keep your work area in good order.
- (e) Avoid horse-play and so-called practical jokes. There is nothing funny about an injury.
- (f) Report any unsafe conditions to your department head immediately.
- (g) Protective equipment.
 - [1] Wear personal protective clothing equipment as required, which may include:
 - {a} Visibility vests.
 - {b} Hard hat.
 - {c} Gloves
 - {d} Safety shoes.
 - {e} Eye protection.
 - {f} Face shields.
 - {g} Hearing protection.
 - [2] This is a condition of employment.
- (h) An employee is responsible for loss, destruction or damage of equipment, if said loss, destruction, or damage is not due to normal work situations.
- (i) Employee's shall not operate equipment unless they have permission and are adequately trained and experienced to do so.
- (j) Employees shall report broken or defective equipment to the respective department head immediately.
- (k) Employees shall report all injuries, no matter how slight, to the appropriate foreman or department head.
- (l) Employees shall not smoke or allow open flames or sources of ignition in flammable or explosive atmospheres, including excavations, trenches and the garage or maintenance areas.
- (m) The use of drugs or intoxicants in any form shall not be permitted before or during working hours.
- (n) All vehicles and equipment shall be inspected daily by the operators before use and defects reported in writing to the appropriate department head.
- (o) Employees shall not wear loose clothing or go without proper covering.

Section 27.23 - Elimination Of Prior Policies

Upon adoption by Town Meeting, this by-law shall replace and render null and void any and all town-wide personnel policies.

Adopted: April 21, 1984

Amended: 02/03/92, 10/20/97,10/16/06