

# TOWN OF WILLIAMSTOWN, MASSACHUSETTS



## **PERSONNEL POLICIES AND PROCEDURES MANUAL**

The policies and procedures outlined herein are subject to change without notice provided that the changes are made in accordance with federal and state laws and town bylaws. The Town of Williamstown, Massachusetts reserves the right to terminate any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization or for any other appropriate reasons. These policies are a guide only, and it is not the intent of the Town to grant any employee any contractual commitment, expressed or implied, by its adoption. The employment relationship between the employee and the Town is at will and may be terminated by either party at any time. If there is any discrepancy between this manual and any collective bargaining agreement, the collective bargaining agreement takes precedence.

## **1.0 General Provisions**

- 1-1. Authorization
- 1-2. Purpose
- 1-3. EEO Statement
- 1-4. Rules of Interpretation
- 1-5. Definitions
- 1-6. Amendment of Policies
- 1-7. FLSA Statement

## **2.0 Administration of Policies**

- 2-1. Responsibilities/Select Board
- 2-2. Responsibilities/Personnel Officer (Town Manager)
- 2-3. Responsibilities/Human Resources Director (Delegated Authority by the Town Manager)

## **3.0 Recruitment and Appointment**

- 3-1. Policy
- 3-2. Eligibility
- 3-3. Recruitment
- 3-4. Appointment
- 3-5. Pre-Placement Medical Examinations
- 3-6. Reason for Rejection
- 3-7. Failure to Report
- 3-8. Immigration Law Compliance

## **4.0 Orientation and Probation**

- 4-1. Policy
- 4-2. Orientation
- 4-3. Probationary Period
- 4-4. Removal During Probationary Period

## **5.0 Promotions/Transfers**

- 5-1. Promotions
- 5-2. Notification
- 5-3. Methods of Selection (Promotional Level)

## **6.0 Performance Reviews**

- 6-1. Coverage
- 6-2. Policy
- 6-3. Pay Increases

## **7.0 Classification Plan**

- 7-1. Policy
- 7-2. Contents of Classification Plan
- 7-3. Responsibility
- 7-4. Classification of New Positions
- 7-5. Reclassification of Positions and Periodic Reviews

## **8.0 Compensation Plan**

- 8-1. Policy
- 8-2. Coverage
- 8-3. Responsibility
- 8-4. Appropriations
- 8-5. Seasonal Employees
- 8-6. Exempt Employees
- 8-7. Non-Exempt Employees
- 8-8. Regular/Full-Time Employees
- 8-9. Regular/Part-Time Employees
- 8-10. Temporary/Full-Time Employees
- 8-11. Temporary/Part-Time Employees
- 8-12. Cost of Living Adjustment
- 8-13. Work Week/Payroll
- 8-14. Termination
- 8-15. New Appointments
- 8-16. Salary and Merit/Performance Increases.
- 8-17. Sunday Work

## **9.0 Group Insurance**

- 9-1. Eligibility
- 9-2. Group Insurance Policy
- 9-3. Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA
- 9-4. HIPAA
- 9-5. Other Benefits

## **10.0 Standards of Conduct/Conflict of Interest**

- 10-1. Policy
- 10-2. Receipt of Gifts
- 10-3. Conflict of Interest
- 10-4. Training
- 10-5. Dress Code
- 10-6. Customer Service Expectations
- 10-7. Prohibited Employment Relationships
- 10-8. Privileged Information
- 10-9. Town Property

## **11.0 Disciplinary Policy and Procedures**

- 11-1. Policy
- 11-2. Reasons for Disciplinary Action
- 11-3. Discipline Procedures

## **12.0 Personnel Appeals**

- 12-1. Policy

## **13.0 Policy on Harassment, Sexual Harassment and Workplace Bullying**

- 13-1. Introduction

- 13-2. Discrimination
- 13-3. Unlawful Harassment
- 13-4. Complaints
- 13-5. Investigation
- 13-6. Disciplinary Action
- 13-7. State and Federal Remedies
- 13.8. Workplace Bullying
- 13-9. Cooperation and Liability

#### **14.0 Training and Education**

- 14-1. Policy

#### **15.0 Safety**

- 15-1. Policy
- 15-2. Procedures
- 15-3. Responsibilities of Department Directors and Employees.
- 15-4. Disciplinary Action
- 15-5. OSHA

#### **16.0 Personnel Records**

- 16-1. General Policy
- 16-2. Contents of Records
- 16-3. Access to Records
- 16-4. Release of Information
- 16-5. Unauthorized Alteration
- 16-6. Personnel Forms

#### **17.0 Alcohol and Drug Testing Policy**

- 17-1. Policy
- 17-2. Applicability
- 17-3. Drug/Alcohol Prohibitions
- 17-4. Reporting
- 17-5. Reasonable Suspicion and Testing
- 17-6. Impairment Leading To Injury

#### **18.0 Drug Free Workplace**

- 18-1. Policy

#### **19.0 Americans with Disability Act**

- 19-1. Policy
- 19-2. Dispute Procedure
- 19-3. Fitness for Duty Evaluation Policy

#### **20.0 Holidays**

- 20-1. Coverage
- 20-2. Recognized Holidays

#### **21.0 Vacation**

- 21-1. Coverage
- 21-2. Vacation Policy
- 21-3. Scheduling and Use
- 21.4. Notice of Available Leave

## **22.0 Sick Leave**

- 22-1. Coverage
- 22-2. Policy
- 22-3. Full-Time Employees
- 22-4. Part-Time Employees
- 22-5. Extension of Sick Leave
- 22-6. Notification
- 22-7. Certification of Illness
- 22-8. Sick Leave Bank
- 22-9. Notice of Available Leave

## **23.0 Personal Days**

- 23-1. Policy

## **24.0 Compensatory Time**

- 24.1. Overtime/Compensatory Time
- 24-2. Flextime Policy
- 24-3. Flextime Eligibility
- 24-4. Flextime Requirements

## **25.0 Bereavement Leave**

- 25-1. General Policy

## **26.0 Military Leave**

- 26-1. General Policy

## **27.0 Jury Leave**

- 27-1. General Policy

## **28.0 Family and Medical Leave Act**

- 28-1. Coverage
- 28-2. Policy

## **29.0 Parental Leave**

- 29-1. Policy
- 29-2. Amount of Leave
- 29-3. Requesting Parental Leave
- 29-4. Scheduling Parental Leave
- 29-5. Pay/Benefits

## **30.0 Small Necessities Leave**

- 30-1. Policy and Coverage
- 30-2. Definitions

- 30-3. Leave Entitlement
- 30-4. Notice
- 30-5. Substitution of Paid Leave

### **31.0 Leave of Absence**

- 31-1. Coverage and Policy
- 31.2. Procedure for Request Approval
- 31.3. Medical Illness
- 31.4. Status Upon Return
- 31.5. Benefits Coverage

### **32.0 Worker's Compensation**

- 32-1. Policy
- 32-2. Procedure
- 32-3. Reporting
- 32-4. Lost Time

### **33.0 Retirement**

- 33-1. Policy

### **34.0 Travel**

- 34-1. Policy

### **35.0 Acceptable Use Policy – Computer, Technology, Email, Cell Phone, Internet, Social Media**

- 35.1. Policy
- 35-2. Social Networking
- 35-3. Mobile Devices

### **36.0 “Whistleblower” Policy**

- 36-1 Purpose

### **37.0 Longevity Policy**

- 37-1 Policy and Coverage

### **38.0 Equal Employment Opportunity**

- 38-1. EEO Policy
- 38-2. Equal Pay Law

### **39.0 Affirmative Action Statement**

- 39-1. Policy and Statement

### **40.0 Workplace Violence**

- 40-1. Policy and Statement
- 40-2. Work Environment
- 40-3. Firearms Policy

### **41.0 Pregnant Workers Fairness Act**

- 41-1. Policy and Statement

- 41-2. Lactation Policy
- 41-3. Lactation Room
- 41-4. Scheduling
- 41-4. Equipment

**42.0 Severe Weather and Other Emergencies Policy**

- 42-1. Policy and Statement
- 42-2. Designation of Emergency Closing
- 42-3. Emergency Operations Team
- 42-4. Procedures For All Employees
- 42-4. Essential Personnel
- 42-5. Announcements

**43.0 Compliance Investigative Procedure**

Employee Acknowledgement Form

## 1.0 General Provisions

1-1. *Authorization:* These policies are promulgated in accordance with the Massachusetts authority granted by Chapter 55 of the Acts and Resolves of 1956, and any other applicable provisions of State and Federal Law. In the case of a conflict between the provisions of these policies and the provisions of any statute, collective bargaining agreement or other duly authorized employment agreement, the provisions of the statute, collective bargaining or employment agreement shall prevail.

1-2. *Purpose:* The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Williamstown, Massachusetts. Nothing in these policies shall be construed to create a contract or term of employment between the Town and an individual employee. Except as otherwise prohibited by law, the Town reserves the right to modify, amend or discontinue any of the provisions herein.

These policies are consistent with the following merit principles:

1. Recruitment, selection, and classification of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
2. Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability or other non-merit factors and with proper regard for privacy and constitutional rights.
3. Retention and advancement of employees shall be determined on the basis of their performance. Where otherwise appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.

These policies are part of our commitment to fostering, cultivating and preserving a culture of diversity, equity and inclusion.

Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and performance as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.



We intend to foster a work environment that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for diversity.

All Town employees have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

1-3. *Equal Employment Opportunity (EEO) Statement:* Under Title VII of the Civil Rights Act of 1964 and related federal nondiscrimination laws, the Town of Williamstown does not discriminate against employees and applicants based on race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, and veteran status. The Town of Williamstown also abides by the Commonwealth of Massachusetts nondiscrimination laws including: protections based on marital status, criminal convictions, sexual orientation, gender identity, and gender expression. The Town is committed to providing employment opportunities without regard to race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, veteran status, and other personal characteristics. It is the Town's intent to attract a wide pool of diverse applicants and to help ensure that managers and employees abide by federal and state nondiscrimination laws.

1-4. *Rules of Interpretation:*

(a) These policies are intended to be in accordance with all applicable State and Federal laws, collective bargaining agreements, and civil service rules. In the event of inconsistency the applicable State or Federal law, collective bargaining agreement or civil service rule shall apply.

(b) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

(c) The word "town" shall mean the Town of Williamstown, MA.

(d) The word "employee" shall mean an employee of the Town of Williamstown, MA

(e) The phrase "Town Manager" shall mean the Town Manager of Williamstown, MA or their designee.

1-5. *Definitions.*

The following definitions shall apply:

**Active Duty:** Shall mean that period during which an employee is officially called up for military service and is subsequently unable to report to work.

**Affirmative Action:** Shall mean the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.

**Americans with Disabilities Act:** Shall mean the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.

**Appointing Authority:** Shall mean any Board or Official authorized by General Law or otherwise to hire or fire employees.

**Class:** Shall mean a group of positions sufficiently similar with respect to essential functions, authority, and responsibilities.

**Collective Bargaining Agreement:** Shall mean a contract in writing between the employer (Town of Williamstown) and a trade union, setting forth the terms and conditions of employment.

**Compensation:** Shall mean the salary or wages earned by an employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.

**Compensatory Leave:** Shall mean time off in lieu of wages for hours worked in excess of an employee's normally scheduled work hours, per day or per week, depending upon work location and collective bargaining agreement.

**Controlled substances:** Used interchangeably with the term "drugs" and, unless otherwise provided, refer to marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines).

**Department Director:** Shall mean the employee responsible for supervising a department's operations and activities.

**Discrimination:** Shall mean unequal treatment or categorization of individuals, or any decision that is made or action taken that is motivated by a bias because of an employee's age, disability, gender, gender identity/expression, genetics, military status, national origin or ancestry, race or color, religion, retaliation, sexual orientation, or political affiliation.

**Equal Employment Opportunity:** Shall mean a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, color national origin, sex, age, religious or political affiliation, physical disability, sexual preference, or veteran status.

**Employee:** Shall mean an employee of the Town of Williamstown, MA occupying a position in the classification plan including persons who are on authorized leave of absence.

- **Contract Employee:** An employee in the town service holding an appointment of transitory nature.
- **Seasonal/Temporary Employees:** An employee that is appointed for a fixed period of time not to exceed eight months; to replace an employee who might be absent for extended periods, or to alleviate conditions caused by extreme workloads.
- **Emergency Employee:** A non-competitive appointment to a position for a period of time not to exceed two (2) weeks to prevent stoppage of public business, or hazard or serious inconvenience to the general public. This time period may be extended when necessary if the emergency persists.
- **Exempt:** Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.
- **Nonexempt:** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.
- **Continuous Service:** Employment by the Town without a break in employment.
- **Seniority:** The length of continuous service of an employee.
- **Break in Employment:** Occurs in the following instances:
  - If an employee shall terminate employment with the town of their own accord, or;
  - If an employee shall be discharged, or;
  - If an employee shall be absent in excess of five (5) consecutive working days without obtaining approval for such absence, or;
  - If, after a layoff, an employee shall not return to work within ten (10) days after receipt of notice from the town that they will be rehired or;
  - An employee shall be absent due to a layoff.

- ***Regular, Full-Time:*** Employees who are not in a temporary status and work a minimum of 37.5 hours per week for 52 weeks per year. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.
- ***Permanent, Part-Time:*** An employee who is not considered a Full-Time Employee but has established hours of work consisting of 20 hours per week for 52 weeks per year. Part-time employees are eligible for some of the benefits offered by the Town and are subject to the terms, conditions, and limitations of each benefits program.
- ***Part-Time Employee:*** An employee that works on an irregular basis, determined by the workload in the department, throughout the year.
- ***Probationary Employee:*** The first six (6) months of employment for all employees during which time an employee is required to demonstrate ability to meet acceptable standards of performance prior to permanent appointment to a position.
- ***Management Employees:*** Those employees who are responsible for a Department or Division and who are expected to work the required number of hours to fulfill the responsibilities of their positions. Managers are not necessarily required to work the same regularly scheduled work hours as non-management employees.
- ***Represented Employee:*** Shall mean an employee whose title is not contained in a collective bargaining unit.
- ***Retired Employee:*** Shall mean an employee who meets town and/or county requirements to be eligible for retirement benefits from the Town of Williamstown, MA.

**General Laws:** Shall mean the General Laws of the Commonwealth of Massachusetts.

**Human Resources Director:** Shall mean the person responsible for overseeing the day-to-day administration of the personnel/HR system for the Town of Williamstown. The Town Manager shall also act as the Human Resources Director for the Town of Williamstown, or they shall delegate this authority to another employee. The Human Resources Director is responsible for the day-to-day administration of the human resource operations and systems.

**Inactive Duty Training:** Shall mean that training performed by a reservist or National Guard member on an on-going basis such as weekend drills.

**Initial Duty Training:** Shall mean that training period completed by a reservist or National Guard member when they first join the service.

**Intermittent Leave:** Time away from the job taken in separate blocks of time due to a single illness or injury.

**Minority:** A person with permanent residence in the United States who is Black, Hispanic, Native American, Alaskan Native, or Asian/Pacific Islander.

**National Guard:** An organized unit of the ready reserve of a State or Commonwealth jointly maintained by the federal or state government subject to the call of either.

**Overtime:** Approved hours worked in excess of eight (8) hours in one day or forty (40) hours per calendar week.

**Overtime Pay:** Payment of time-and-one-half an employee's regular rate of pay for approved hours worked in excess of their standard work week unless otherwise noted in any collective bargaining agreement.

**Pre-Employment Documentation:** Information, forms, or other similar materials submitted by a candidate prior to their beginning employment with the Town.

**Promotions:** A promotion shall be defined as a change to a position at a higher level of duties and responsibilities in the same or a different class of positions.

**Qualified Individual with a Disability:** An individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the particular job.

**Reasonable Accommodation:** A modification or adjustment to a job, employment practices, or work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

**Reclassification:** A change made to a position title within the Classification Plan as a result of a change in duties to be performed.

**Reserve Forces:** An organized unit of the ready reserve of the Armed Forces of the United States of America: the Coast Guard, the Navy, the Marine Corps, the Army, or the Air Force.

**Select Board:** Elected by the citizenry, the Chief Executive Officers of the Town.

**Sexual Harassment:** Sexual harassment is specifically defined in Massachusetts law and means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment. Mass. Gen. Laws c. 151B §1 (18).

**Straight time pay:** The employee's regular rate of pay for up to 8 hours a day or 40 hours a week.

**Supervisor:** Any individual to whom an employer has given the authority to direct and control the work performance of the affected employees.

**Town:** Shall mean the Town of Williamstown, Massachusetts.

**Town Manager:** The Chief Administrative Officer of the Town.

**Undue Hardship:** An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department.

**Workplace and/or Premises:** any area within a structure or portion thereof at which employees perform services for their employer, including employee lounges, rest rooms, conference rooms, hallways, stairways, and entrance ways. Workplace shall also include remote job site to which an employee may be assigned to work and any vehicle an employee may be traveling in or using for Town related business. Workplace also refers to an employee working virtually using online technologies.

1-7. *Amendment of Policies.* Amendment to these policies shall be by the Town Manager in accordance with the Town Charter. Amendment of these policies shall be proposed by the Town Manager to the Select Board in writing. A majority of the full Board shall then ratify or disapprove the proposed amendment, and notify the Town Manager of said action in writing within 15 days of its inclusion on the Board's biweekly meeting agenda. If ratified, the amendment shall become effective on July 1<sup>st</sup> of the fiscal year following ratification. Employees shall be notified in writing 7 days following receipt of the Board's report, detailing the result of its consideration.

1-8. *FLSA Statement.* In order to be properly classified as an exempt Executive, Administrative Professional, Computer, or Highly Compensated employee under the Fair Labor Standards Act (“FLSA”), an employee must generally satisfy three tests: (1) duties; (2) minimum salary threshold; and (3) salary basis. The FLSA requires employers to pay non-exempt employees not less than one and a half times their regular rates of pay for all hours worked over 40 hours in a workweek. Employees in bona fide executive, administrative, or professional capacities are exempt from Massachusetts overtime requirements. Certain other narrow categories of employees are exempt, including independent contractors; outside salespersons and buyers; drivers regulated by the Interstate Commerce Commission; seasonal employees employed not more than 120 days in any year; employees of passenger motor carriers; hotel, motel, and restaurant employees; hospital workers; and agricultural laborers.

All other employees are covered.

All hours worked in excess of 40 in a week must be compensated at the overtime rate

Working time includes all time, except mealtime, during which an employee is required to be on the employer's premises or at any prescribed workplace.

## **2.0 Administration of Policies**

### *2-1. Responsibilities: Select Board*

A Town Manager shall be appointed by the Select Board and they shall serve as the Personnel Officer for the Town, responsible for the overall administration of the Town’s personnel system. The Town Manager may delegate this responsibility to a Human Resources Director and/or other employee.

### *2-2. Responsibilities: Personnel Officer/Town Manager*

1. Ensure that the Town (i) maintains an effective personnel system, (ii) monitors the effectiveness of policies, procedures, and practices, (iii) and reports in accordance with the Town Charter and Bylaws;
2. Formulate and review the classification plan and the compensation plan;
3. Evaluate and classify positions, review requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices;
4. Monitor the implementation and practices of the Town’s personnel policies;
5. Provide advice and assistance to the Town officials, department heads, supervisory personnel and employees on all aspects of personnel policies and practices; and

6. Serves as contract negotiator with all Town collective bargaining units (excluding School units).

2-3. *Responsibilities: Human Resources Director* (Delegated authority by the Town Manager)

1. Ensure that the Town acts affirmatively to provide maximum opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management;
2. Ensure that recruitment, selection, appointment, retention, discipline and separation of employees is consistent with the Town Charter and personnel policies;
3. Supervise the maintenance of a centralized personnel record-keeping system according to state and federal law;
4. Participates in collective bargaining as a member of the administration, providing advice and research for the resolution of contracts, agreements, grievances, etc.;
5. Provide advice and assistance to the Select Board, Town Manager, department heads, appointing authorities, supervisory personnel and employees on all aspects of personnel management;
6. Maintain classification plan and salary schedule, ensure application and periodic review of personnel policies, and administer a problem resolution system and ensure it is accomplished in ways that are consistent with the Bylaw and these policies. The Human Resources Director shall bring to the Town Manager's attention issues or matters requiring their attention in the administration of these policies;
7. Provide orientation and onboarding of all new employees under the Town Manager's purview; and
8. Conduct exit interviews with employees to gauge and report on issues affecting employee engagement and retention.

### **3.0 Recruitment and Appointment**

3-1. *Policy:* The Town will make every effort to attract and hire the most qualified persons, consistent with the town's affirmative action goals. Every individual applying for employment with the town will receive equal treatment, regardless of race, color, national origin, ancestry, religion, genetic information, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, age (unless age is a bona fide



occupational qualification), veteran status, or any other category protected by the state and federal anti-discrimination laws. Individuals shall be recruited from a geographic area as wide as necessary to assure obtaining well-qualified candidates for various types of positions. The recruitment, selection and promotion of employees will be based solely on job-related criteria as established in the position descriptions and in accordance with proper personnel practices

3-2. *Eligibility:* All qualified persons shall be eligible for employment with the Town, subject to any statutory requirements or limitations.

3-3. *Recruitment:* The Town Manager shall be responsible for the overall recruitment and selection of all positions in the Town (excluding schools). The qualifications, classification and salary range for open positions shall be established by the Town Manager in accordance with these rules and regulations.

Department directors have a role in recruitment and selection of personnel as determined by the Town Manager. The qualifications, classification and salary range for the positions are established in accordance with the Town's Classification and Compensation Plan and any pertinent collective bargaining agreements. Department directors, upon the identification of a vacancy or upon the authorization of a new position, must prepare a job vacancy notice. The job vacancy notice must include: the job title, major duties of the position, qualifications, salary ranges, closing date for applications, application instructions, and AA/EEO/ADA statement.

*(a) Notice of Vacancies/Advertising:* The Town Manager/HR review and approve all job notices prior to advertisement and posting. Recruitment for a position shall not begin until the job vacancy is reviewed by the Town Manager and/or Human Resources Director.

*Internal:* All vacancies will be posted internally for a minimum of 7 days. to allow qualified employees an opportunity to submit an employment application. Notice of any vacancies shall be posted in the Town Hall, Library, DPW Garage, and COA. Each job posting will include the job title, a brief job description, minimum qualifications, salary range, means of obtaining an employment application form, due date, and place for returning applications. Town employees, when qualified for a position, shall receive first consideration with respect to filling any vacancies (to the extent this is possible in accordance with the town's affirmative action goals).

*External:* External recruitment may include, but not be limited to, notice of vacancies to job banks, community organizations and associations; advertisement in newspapers, professional journals and newsletters; and other appropriate means in accordance with the town's affirmative action goals. The level of external recruitment will be determined by the Town Manager.

*(b) Position Descriptions:* The position description on file in the Town Manager/HR office is the official description of the duties of the position. The

appointing authority/department head will prepare the job posting based on the official job description, grade, and current salary information.

(c) *Applications.* All candidates applying for employment in the Town shall complete an official employment application form and return the form to the Human Resources Department prior to the end of the working day of the closing date specified for the position announcement, if a closing date is specified. Each applicant shall sign an attestation as to the accuracy of the information provided.

(d) *Methods of Selection:* The Town Manager/HR Director will establish selection procedures in order to determine the candidate's fitness and ability to perform in the position. These may include one or more of the following:

1. Interview
2. Oral interview panel
3. Evaluation of experience and training
4. Written examination
5. Practical (or performance) test
6. Evaluation of experience and training
7. Pre-employment physical examination (pursuant to state and federal laws)

Applicants for positions with the Williamstown Police Department are subject to further statutory and regulatory requirements for selection.

The Town shall provide individuals with disabilities the reasonable accommodations they need to be interviewed. (Reasonable accommodations might include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location.) Interviews should be held in offices or conference rooms that are private and easily accessible to individuals with disabilities.

(e) *References/Background Checks:* Applicants' former supervisors, employers and other references may be contacted as part of the selection process. References and other checks including CORI checks shall be documented and made part of the applicant's file, and shall be completed prior to an offer of employment. Background investigations for positions with the Williamstown Police Department must be conducted by persons with formal training in conducting such investigations.

(f) *Application Records:* The application, reference checks, and related documents submitted shall be maintained by the Town Manager/HR Office for the period required by law. The Town shall, to the extent possible, maintain the confidentiality of the application.

3-4. *Appointment:* The Town Manager will make final approval regarding employment, starting salary, employment transfer, promotion, or demotion of any individual, taking into consideration the recommendations of the department head, and policies of the Town and applicable state and federal laws.

All appointments shall be made in writing by the Town Manager. The written notice of appointment shall include the weekly salary (grade and step), the starting date, and any conditions of employment not covered in these personnel policies. The Town Manager will notify the department head and the individual to be employed, promoted, transferred, or demoted of the starting date, time, and place, and starting salary.

All vacancies are posted in the Town Hall to ensure that, if interested, other town employees may apply and receive fair consideration for the position. No person shall be appointed, promoted, demoted, advanced, or held back on any basis, or for any reason other than qualification, merit and fitness for service.

(a) *Regular Appointment:* A regular appointment indicates that an employee is to work for the Town in either a full or part-time capacity on a regular or continuing basis. Every employee who receives this type of appointment shall serve a six (6) month probationary period following the original appointment in accordance with the provisions of these policies. Upon certification of the department head or appointing authority that the employee satisfactorily completed the probationary period, the employee's status of employment shall be changed from probationary to regular.

(b) *Temporary Appointment:* When a position in the Town service is limited to a duration not to exceed 1,000 hours, such as for special projects, or requires the services of an individual on an irregular, intermittent, or seasonal basis, the Appointing Authority may appoint from among the best qualified candidates who will accept employment under these conditions. Employees hired under this type of appointment will be paid on an hourly basis and shall not be eligible for any benefits offered by the Town.

3-5. *Pre-Placement Medical Examinations:* Persons selected for employment with the Town, after receipt of notice of appointment and prior to the starting date of employment may be required to undergo a medical examination relating to the essential functions of the position as a condition of employment. The examination shall be at the expense of the Town by the physician or medical institution selected or approved by the Town. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform, with or without reasonable accommodations, the essential functions and/or duties of the position for which appointment has been made. A report of the medical examination of any person hired shall be maintained as a permanent part of the Town records. Police candidates will be subject to physical ability tests, emotional stability tests, psychological fitness examinations and any other required state examinations. Upon failure to undergo a required exam, or upon written report by physician that the applicant cannot perform

essential job functions with or without reasonable accommodations, the Town Manager may withdraw the employment offer.

3-6. *Reasons for Rejection:* The Appointing Authority may reject any applicant who does not possess the minimum qualifications required for the position or any applicant that has not filed by the announced closing date. Further, an application shall be rejected if the applicant made a false statement of any material fact or practiced any deception or fraud. Written notice of rejection shall be given to the applicant from the Town Manager.

3-7. *Failure to Report:* An applicant who accepts an appointment and fails to report to work on the date set by the Appointing Authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

3-8. *Immigration Law Compliance:* The Town of Williamstown complies with all federal immigration laws and regulations and is committed to providing a workplace free from discrimination, including any discrimination based on national origin or citizenship status. In cases of business need, the Town may sponsor foreign nationals for nonimmigrant (temporary) or immigrant (permanent) visas. The Town employs only U.S. citizens and foreign nationals who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents verifying the right to work in the U.S. and to sign a verification form required by federal law (Form I-9). If the applicant's right to work in the U.S. cannot be verified within three days of hire, the Town must terminate the individual's employment.

(a) *Requests:* A hiring manager that is considering recruitment of foreign workers must contact the Town Manager/HR Director prior to commencing action. All requests for immigration sponsorship will be handled by the Town Manager.

(b) *Offer of Employment:* Any offer of employment to a foreign national under a nonimmigrant program is considered temporary and is subject to the terms and conditions of the specific program's work authorization. Holders of nonimmigrant visas can be appointed only for the time period permitted under the individual's visa. The Town's sponsorship of a foreign national for a temporary visa does not obligate or guarantee that the Town will sponsor the foreign national for lawful permanent residency.

#### **4.0 Orientation and Probation**

4-1. *Policy:* The Town Manager/HR Office shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

4-2. *Orientation:* The Town Manager and/or Human Resources Director shall:

(a) notify the new employee of a starting date, time and designated location for starting work.

(b) thoroughly explain all the benefits and options the employee is entitled to, assist the employee with completion of appropriate forms, and provide the employee with a copy of these personnel policies and/or collective bargaining agreement if applicable.

(c) provide, or delegate to the department head to provide, on-site or online orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department including the safety policies and procedures.

*4-3. Probationary Period:* All newly appointed or promoted employees shall be required to successfully complete a probationary period of six months. Said period shall begin on the employee's starting date and may, in the case of absences, be extended by the number of days the employee is absent from work. The Town Manager and department head shall utilize the probationary period to help all new or promoted employees to achieve effective performance standards. They shall also use the probationary period to observe and evaluate the employee's attitude, conduct and work habits.

An employee may also be placed on probation pending their acquisition of licenses or certifications necessary for the position to which they were appointed. The length of the probationary period, in these instances, shall be determined by the Town Manager and shall be a condition of employment or promotion.

Immediately prior to the expiration of the employee's probationary period, the respective department head will notify the Town Manager in writing that:

- The employee's performance was satisfactory and the individual should be retained in the position as a permanent employee or,
- An extension of the probationary period is desired, not to exceed three months, for additional observation due to specific extenuating circumstances or,
- The employee's performance, attitude or conduct was unsatisfactory, stating the specific reason why, and that removal is recommended.

Employees operating under a collective bargaining agreement will be subject to the terms of the applicable Agreement, to the extent that they differ.

The promotional trial period or any extension thereof, an employee is, in the opinion of the Town Manager, Department Head or appropriate Supervisor, found to be unqualified or unable in performing the duties of the new position, the employee shall be returned to their former position, without appeal, provided a vacancy exists. If the former position is no longer available, every effort will be made to place the employee in a comparable position.

*4-4. Removal During Probationary Period:* An employee may be removed during the probationary period by the department head with the approval of the Town Manager,

for any reason. Reasons for removal include, but are not limited to: if it is revealed that the employee intentionally falsified information relating to his employment application; if the employee was unable or unwilling to perform required duties; or that the conduct, habits or dependability of the employee do not merit continuing the employee in the position.

The employee will be notified in writing of the reasons for the termination and the effective date of the action. The employee may not appeal the removal.

## **Promotions/Transfers**

5-1. *Promotions*: When an employee is promoted or transferred to a higher-rated position, they shall enter it at the minimum pay rate for that position. If their existing pay rate is higher than the minimum pay rate of the new position, they will advance to the next level above their present rate. They may also receive a pay increase at the time of promotion, if the department head recommends, in writing, that qualifications and performance warrant it and if the Town Manager approves it.

5-2. *Notification*: Notices of promotional positions shall be posted on the Town Manager/HR Office's bulletin board and on the Town website. Interested employees shall bid for the position, using forms prescribed by the Town Manager's office.

5-3. *Methods of Selection (Promotional Level)*: The Town Manager/HR Office shall establish any one or a combination of selection procedures in order to determine the candidates' ability to perform in the higher-level position:

1. Interview
2. Evaluation of past performance
3. References
4. Tests

5-4. *Probation*: A promoted employee shall serve a promotional trial period of six months beginning on the day of the promotion. The department head is responsible for completing an evaluation of the promoted employee for said period to assure that the employee can satisfactorily perform the duties of the new position.

If, during the promotional trial period or any extension thereof, an employee is, in the opinion of the department head or appropriate supervisor, found to be unqualified or incompetent in performing the duties of the new position, the employee shall be returned to their former position, without appeal, provided a vacancy exists. If the former position is no longer available, every effort will be made to place the employee in a comparable position. However, if a vacancy in the same or a comparable position does not exist, the employee will be returned to their former position and the provisions of the section entitled Break in Employment as pertains to layoffs shall apply to the employee they will be replacing.

5-5. *Grievance*: Promotion of employees to positions outside the bargaining unit or organizational unit shall be within the sole discretion of management and shall not be subject to grievance or appeal.

5-6. *Transfers*. A transfer occurs when an employee is moved to another position in the same job classification or to another job classification with the maximum pay rate. An employee may initiate a request for a transfer to a different department through their department head. An employee shall in no way be penalized for submitting a request for transfer as it is the practice of the Town to allow transfers when in the best interest of the Town and the employee, and thus encourage employees to enhance their personal development and add to their overall contribution to the Town's services. The Town Manager, for the good of the Town, may transfer an employee to a different work location or department under their jurisdiction. The Town Manager shall have the final authority regarding requests for transfers. Denials of requests for transfers, and involuntary transfers, shall not be subject to the grievance procedures.

The Town shall provide individuals with disabilities the reasonable accommodations they need to be interviewed. (*Reasonable accommodations might include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location.*) Interviews should be held in offices or conference rooms that are private and easily accessible to individuals with disabilities. Any applicants requiring accommodations shall do so through the ADA Coordinator.

## **6.0 Performance Reviews**

6-1. *Coverage*: Subject to the Town Manager's approval, there may be a Performance Appraisal system that applies to all non-union employees. Any performance system developed for union positions would need to be negotiated following collective bargaining procedures.

It is the policy of the Town that all full-time and permanent part-time employees may be evaluated on an annual basis. The Town Manager has the right to implement a performance system if they so desire. Additionally, employees who are nearing the end of the probationary period may be evaluated prior to the determination as to whether the employee should be retained on a permanent basis.

6-2. *Policy*: The Purpose of the system developed for Williamstown will be to:

1. Provide specific feedback on performance;
2. Clarify expectations (job duties, standards, goals);
3. Identify strengths and opportunities for improvement/growth;
4. Provide the basis for decisions relative to pay;

6-3. *Pay Increases*: Pay increases may be granted based on performance attainment. Any pay-for-performance system developed is subject to the Town Manager's approval.

## 7.0 Classification Plan

7-1. *Policy:* The Town Manager shall establish a uniform system for the classification of positions based on similarity of duties performed and the responsibilities assumed so that the same qualifications may reasonably be required, and the same schedule of compensation may be equitably applied to all positions in the same class. No employee may be appointed to a position not included in the classification plan, except in situations where there is a temporary, seasonal, or ad hoc staffing need; such a determination will be made by the Town Manager. A copy of the most current non-union classification shall be on file at all times in the Town Manager's office. The classification plan shall cover and include all Town departments and positions in the Town service other than positions filled by popular election. The Town Manager shall establish classifications that relate to compensation.

7-2. *Contents of the Classification Plan:* The classification plan shall consist of the following:

(a) *Position Descriptions:* Each position shall have a written description. The description shall consist of a statement describing the purpose of the work, essential job functions and responsibilities; the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position descriptions are intended to be representative of the positions in the class and provide illustrations of the type of work performed, and do not necessarily include all of the duties which may be performed. Position descriptions are not intended to be restrictive. The use of (or absence of) a particular illustration of duties shall not be held to exclude or limit the authority of a department head to assign other duties to employees in any class. Particular phrases or examples of typical duties are not to be singled out and used solely for determining job class.

Qualification statements in each position description establish desirable minimum requirements that should be met by an individual before being considered for appointment, transfer or promotion to a position in the class. Alternative combinations of education, training or experience are generally indicated in the position descriptions, but do not preclude other combinations deemed equivalent by the Town Manager.

(b) *Position Titles:* The title of position shall be the official title of that position, and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the Town under a title not included in the classification plan.

7-3. *Responsibility:* The Town Manager/Human Resource Director shall have the primary responsibility for the administration and day-to-day maintenance of the



classification plan. The Town shall, under the policy direction of the Town Manager conduct the following:

- (A) Complete studies of proposed new positions and recommendations to the Town Manager on: allocations to existing classes; establishment of a class of positions; or deletion of a class of positions.
- (b) Provide for studies of existing positions when there has been substantial change in the duties and responsibilities that justify consideration of possible reclassification.
- (c) Conduct periodic studies and request such assistance as may be needed to assure that the classification plan remains uniform and current.
- (d) Require the submission of position analysis questionnaires or any other related information when considered necessary for the proper maintenance of the plan.
- (e) Develop forms and procedures to determine the proper classification of each position.
- (f) Make routine revisions to class description content such as additions and deletions of essential functions, qualification requirements and other such changes, provided however, that changes in compensation grades shall not be accomplished under this section.
- (g) The Town Manager/Human Resources Director shall have custody of and maintain the master set of all approved position descriptions and their authorized compensation grades, which shall contain the date adopted, revised or amended.
- (h) The Town Manager/Human Resources Director shall give all employees a copy of their appropriate position description when hired, and will furnish new descriptions if the position is changed in any way. They will also make all town class specifications available to any employee for review upon their request.

*7-4. Classification of New Positions:* The department head proposing the creation of a new position shall provide the Town Manager/Human Resources Director with a description of the essential functions and responsibilities; skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Manager/Human Resources Director to recommend an appropriate classification.

Department heads shall promptly notify the Town Manager/Human Resources Director for the need of new positions and allow sufficient time for the required classification study.

Upon completion of the classification study, the Town Manager/Human Resources Director shall allocate the position(s) to an existing class, or if a suitable class does not exist, shall establish a new class in the classification plan.

There shall be no action to fill any new position in the town until it has been approved and budgeted for by the Town Manager.

*7-5. Reclassification of Positions and Periodic Reviews:* Positions may not be reclassified without a review and approval of the Town Manager. If a department director feels that a reporting position has changed significantly, they may, in writing to the Town Manager, request a position analysis and grade review.

Established positions may be reclassified from one class to a different class when:

1. There have been significant changes in the actual duties and responsibilities through natural redistribution of workload, and;
2. The changes in duties and responsibilities are of a permanent nature, and;
3. The reclassification is based upon new or added elements in the job, and not the performance of the individual.

Established positions may not be reclassified when:

1. The added duties and responsibilities are minor in nature and would be a logical function of the class, or;
2. The added duties and responsibilities are to be performed for a period of 6 months or less, or;
3. The primary purpose is to raise the employee's salary.

When the pay grade of an existing class of positions is changed, the salary of all employees in the affected class shall be adjusted in the following manner:

- Employees, whose pay grade has been reclassified upward, shall be adjusted into the new minimum, or if their current salary is above the new minimum, to the first step which provides an increase over their current salary.
- An upward pay grade adjustment shall not place an employee's salary above the maximum rate of pay established for the job class.
- When the pay grade of a job class has been adjusted downward, the employee may continue to receive their current salary.
- Should the effective date of a pay grade adjustment coincide with the date an employee has been approved for a merit increase, the employee will first be adjusted into the new pay grade followed by the awarding of the merit increase.

The position analysis and grade review will be conducted with authorization from the Town Manager. This analysis may be conducted by the Human Resources Director or by a third-party independent compensation consultant trained in compensation and classification work.

If the Town Manager chooses to not conduct the review, they will reply to the requesting department director, in writing.

An employee whose position is reclassified into a higher-level position may be promoted into the position provided the employee meets the minimum qualification of the position.

Reclassification of a position shall not be subject to the grievance procedure.

## **8.0 Compensation Plan**

8-1. *Policy:* The Town Manager/HR Office shall annually review a compensation plan for the existing classification plan. The compensation plan shall be directly related to the classification plan and shall consider:

1. The relative responsibilities between various classes, and;
2. Wage rates for comparative type of work found in public and, if appropriate, private industry, and;
3. Availability of qualified candidates for recruitment to the town, and;
4. Prevailing economic conditions in the labor market, and;
5. Fiscal policies of the Town, and;
6. Ratified labor agreements, and;
7. All employees shall be paid in accordance with the rates in the compensation plan.

8-2. *Coverage:* All employees shall be employed and paid in accordance with the rates established in the compensation plan for the position classification to which the appointment is made.

8-3. *Responsibility:* The Town Manager shall have the responsibility for the day-to-day administration of the compensation plan.

8-4. *Appropriations:* All positions are subject to budgetary appropriations.

8-5. *Cost-of-Living Adjustment.* A cost-of-living adjustment (COLA) may be made to the entire salary schedule (compensation plan) periodically including those employees at maximum grade pay rate, as recommended by the Town Manager and approved by the Board of Selectmen. To the extent possible, the COLA will be determined by the Department of Labor's Consumer Price Index (i.e. rate of inflation).

8-6. *Work Week/Payroll.* The Town uses a work week of Monday through Sunday. The weekly pay day and pay frequency (weekly, bi-weekly, etc.) shall be established by the Town Manager. All Town employees will receive paychecks on the established pay day unless complications prohibit payment (snow, storms, etc.) In this instance, paychecks will be issued to employees at the earliest possible date but not exceed six days per MGL c149 s148.

The Town agrees to deduct items authorized under Section 17A and 17B of Chapter 180 of the Massachusetts General Laws, as amended, and other items as authorized by the Town Manager (union dues, annuities, credit union, etc.). All newly hired employees shall participate in IRS Section 125 Plan.

8-7. *Termination:* Employees terminated from employment by the Town will normally receive their final paycheck on the date of termination. Employees voluntarily terminating their employment will receive their final paycheck on the next regularly scheduled payday following the date of voluntary termination. Final paychecks shall include any unused leave due the employee as provided elsewhere in this manual. Money or Town property due the Town shall be collected through appropriate action.

In the event of the death of an employee, all wages, unused leave and travel expenses to which the employee is entitled shall be paid to the beneficiary listed on the employee's Payroll Information Form or, if none is listed, in accordance with prevailing federal and state laws.

All actions concerned with the payment of salaries and/or benefits in accordance with these rules shall be subject to the availability of legally authorized funds or other limitations as imposed by the Town or Town Manager.

8-8. *New Appointments:* New appointees to any position shall normally be paid at the minimum or entry rate of the compensation grade established for the position's class. The Town Manager may, however, compensate new appointees at a higher rate on the basis of the appointee's exceptional qualifications or a lack of qualified applicants available at the position's minimum rate. New appointees shall be required to participate in the Town's direct deposit program.

8-9. *Salary and Merit/Performance Increases:* An employee shall be eligible for salary increases as may be determined through the annual budget process and subject to appropriation. Progression of an employee along pay increments, or steps, within the salary range shall be based on merit. Merit increases may be awarded on a discretionary basis, upon recommendation of the Town Manager, as warranted by overall job performance, provided there are funds available for the increases. A merit increase shall not cause an employee to be paid more than the maximum rate of the pay range established for the position's class.

8-10. *Sunday and Holiday Work:* An employee who shall be required to work or to render service on a Sunday shall be paid the rate of two times their regular rate of compensation for all hours worked on said Sunday. This provision shall not apply to the employees of any department engaged in continuous or shift operations or whose duties or working schedule regularly requires service to be performed on Sunday.

8-11. *Demotion.* An employee being reduced in job classification shall have their salary set at the first step in the new classification which exceeds their salary prior to the demotion; however, at no time may the employee be paid more than the maximum

rate of the lower class.

## **9.0 Group Insurance and Benefits**

9-1. *Eligibility:* All of the benefits contained within 9.0 are available to full-time and permanent part-time employees only. New hires eligible for health, dental, and life insurance, must enroll within 30 days of hire. Employees with a separation in service are considered new hires under this policy. Participation is optional on the part of the employee.

9-2. *Group Insurance Policy:* The Town offers one or more plans of group life/health insurance for the employees to choose from.

9-3. *Cost:* The Town shall bear a minimum of 75% of the premium of a Health Maintenance Organization (HMO) and the same dollar amount equal to 75% of the HMO premium toward the premium of any POS, PPO, or indemnity program offered by the Town and the Town shall bear the same minimum payments for any eligible retired employee, and will pay 75% of the premium for the optional medical extension for active and retired employees who are eligible for coverage under federal health insurance for the aged act (Medicare).

9-4. *Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA (Enacted in 1986):* On April 7, 1986, a new Federal law was enacted (Public Law 99 - 272, Title X) requiring that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform employees, in a summary fashion of certain rights and obligations under the continuation coverage provisions of the new law.

(a) Employees covered by one of the Town's health insurance plans have a right to choose continuation coverage if the employee loses his/her group insurance coverage because of a reduction in hours of employment or the termination of employment for a period not to exceed 18 months.

(b) Enrolled spouses of an employee covered by the Town's health insurance have a right to choose continuation coverage for any of the following reasons: the death of spouse; or, spouse becomes eligible for Medicare.

(c) Dependent child of an employee covered by the Town's health insurance has the right to continuation coverage if group health coverage under the Town is lost for any of the following reasons: death of parent; parents' divorce or legal separation; a parent becomes eligible for Medicare;

Under the law, the employee or a family member has the responsibility to inform the Town of a divorce, legal separation, or a child losing dependent status under the Town's health insurance. Department managers have the responsibility to notify the

Town Administrator of the employee's death, termination of employment or reduction in hours, or Medicare eligibility.

*9-5. HIPAA: The Standards for Privacy of Individually Identifiable Health Information* (“Privacy Rule”) establishes a set of national standards for the protection of certain health information. The U.S. Department of Health and Human Services (“HHS”) issued the Privacy Rule to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). The Privacy Rule standards address the use and disclosure of individuals’ health information—called “protected health information” by organizations subject to the Privacy Rule — called “covered entities,” as well as standards for individuals' privacy rights to understand and control how their health information is used. Within HHS, the Office for Civil Rights (“OCR”) has responsibility for implementing and enforcing the Privacy Rule with respect to voluntary compliance activities and civil money penalties. Visit the HHS Privacy Rule section to view the entire Rule, and for other additional helpful information about how the Rule applies. In the event of a conflict between this summary and the Rule, the Rule governs.

A major goal of the Privacy Rule is to assure that individuals’ health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being. The Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing. Given that the health care marketplace is diverse, the Rule is designed to be flexible and comprehensive to cover the variety of uses and disclosures that need to be addressed.

*9-6. Other Employee Benefits:* Other benefits available to Town employees include group dental insurance, group life insurance, Berkshire County Retirement System, deferred compensation, optional life insurance (whole, cancer, short-term disability, and other). For a current listing of benefits, please contact the Town Manager/HR Office. Some benefits are available only at hire and/or at open enrollment. The Town of Williamstown reserves the right to amend/remove benefits based on budgeting and availability.

## **10.0 Standards of Conduct/Conflict of Interest**

*10-1. Policy.* The Town of Williamstown expects all employees to conduct themselves and Town business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding all real and potential conflicts of interest. Town employees shall recognize that the chief function of local government is to serve the best interests of all people, and shall conduct themselves in a manner that maintains public confidence and trust.

Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon the Town. Town employees shall 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. Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner that in no way discredits the Town, public officials or fellow employees.

10-2. *Receipt of Gifts:* Employees are prohibited from soliciting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who is seeking to obtain business with the Town, or from any person within or outside the Town employment whose interests may be affected by the employee's performance or non-performance of official duties. In all matters relative to receiving or accepting gifts, employees shall refer to, and abide by, the Massachusetts Conflict of Interest Law, Ch. 268A.

10-3. *Conflict of Interest:* No employee shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from any organization or individual if it is intended or give the appearance of rewarding or influencing the employee in carrying out his appointed duties.

No employee shall grant, in the discharge of his appointed duties, any improper favor, service, or item of value to any organization or individual if it is intended to give or gives the appearance of rewarding or influencing said organization or individual.

10-4. *Outside Employment:* In accordance with Mass. General Law, Chapter 268A, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities or furnish products, materials, or services to the Town.

Upon proper notification to and at the discretion of the Town Manager, an employee may engage in outside employment. However, no employee may engage in additional employment which, in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest or if it is reasonable to anticipate that such employment may subject the town to public criticism or embarrassment. If the Town Manager determines that such outside employment is disadvantageous to the Town, upon notification in writing by the Town Manager, the employee shall be given the option to resign from Town employment or their second job.

Any employee who engages in employment outside of their regular working hours shall be subject to call to perform their regular town duties first. The Chief of Police may establish additional regulations governing outside employment of Williamstown Police Department employees as required to ensure availability of department personnel.

The town shall in no respect be liable nor grant sick leave or disability leave in case of injury to an employee while engaged in outside employment, nor in the case of occupational illness attributed to the outside employment.

10-5. *Training*: Ethics training and testing shall be required of all employees every two (2) years, and proof of said testing (certificate) shall be furnished by the employee to the Town Clerk.

10-56. *Dress Code*: Dress and grooming standards can vary depending on the type of work and level of public/client/customer contact, the Town of Williamstown expects all employees to use good judgment and maintain a neat, clean appearance.

Employees who have questions about dress or grooming standards should ask their manager for clarification. Managers can specify additional or alternative dress and grooming standards based on their department's business needs and health or safety concerns. The Town will accommodate employees' dress and appearance practices that are based on religion.

10-67. *Customer Service Expectations*: Williamstown employees must be fully committed to providing service excellence to every person who visits, works, or resides in the Town of Williamstown by embodying the organization's core values: ethics, inclusion, integrity, accountability, positivity, helpfulness and collaboration.

See Commonwealth of Massachusetts MGL 268A on Ethics:

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter268A>

10-8. *Prohibited Employment Relationships*: The hiring of relatives is prohibited if their employment results in creating a supervisor/subordinate relationship between a relative and an employee. If a direct supervisory or managerial relationship would be established, relatives of a currently employed worker cannot be considered as applicants for an open position. The Town will not consider hiring an employee's relative if that would create an actual conflict of interest or the appearance of a conflict of interest. This bars hiring or employing an employee's relatives in any position that has an auditing or management relationship to the employee's job.

- (a) *Definition of Relatives*: For the purposes of this policy, relatives include a spouse, parent, child, sibling, in-law, grandparent, grandchild, aunt, uncle, cousin, step-relative, or any individual with whom an employee has a close personal relationship, such as a domestic partner, co-habitant, or significant other.
- (b) *Marriage of co-workers*: Employees who marry or establish a close personal relationship can continue in their current positions as long as a prohibited employment relationship isn't created. If one of the prohibited situations does occur, attempts will be made to find another position within the Town to which one of the employees can transfer. All practical efforts will be made to arrange such a transfer at the earliest possible time. If accommodations of this nature aren't feasible, the employees are permitted to determine which of them resigns.



- (c) *Reporting*: Employees who become subject to this policy's provisions due to marriage or beginning of a close, personal relationship, must inform their supervisor or the Human Resources Director as soon as practical.
- (d) *Questions on Policy*: All questions and issues relating to the employment of relatives should be addressed to the Town Manager/Human Resources Director. All decisions and personnel actions taken as a result of this policy must be reviewed and approved by the Town Manager.

10-9. *Privileged Information*: Many Town employees deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage, or to provide friends and acquaintances with financial advantages or with information, which could be used for financial advantage. If an employee finds that they have an outside financial interest, which could be affected by Town plans or activities, they must immediately report the situation to their superior. Each employee is charged with the responsibility of ensuring that they release only information that should be made available to the general public. Violation of privileged information or use for private gain can be just cause for discharge of the employee as determined by the Town Manager, as well as a violation of the Conflict of Interest Law, MGL Chapter 268A Section 23.

10-10. *Town Property*. Employees shall not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

Only authorized employees shall operate Town equipment and vehicles. Employees shall operate Town equipment and vehicles in a safe manner following local, state, and federal laws at all times. Seatbelts must be worn by employees and their passengers when operating Town equipment and vehicles except as authorized by the Chief of Police. Employees or others shall not ride in the back of a moving vehicle unless seats and seatbelts are provided, or as authorized by the Chief of Police.

An employee who has been provided Town equipment such as tools, vehicles, materials, uniforms, etc. is expected to exercise reasonable care in the use and preservation of such equipment and to observe all safety precautions while carrying out the assigned work.

Personal use of Town vehicles, materials, supplies, tools or other Town property is not permitted. Violations may result in discharge, prosecution or both, or other disciplinary action. The Chief of Police may authorize officers to use an assigned police vehicle and to take that vehicle home if the needs of the department require the officer to be readily available to respond to emergencies at no notice.

All operators of Town vehicles and equipment must hold a valid and appropriate Massachusetts operator's license. Employees are required to inform their supervisors of any change in status of their license. Suspension or revocation of an employee's

operator's license may necessitate the demotion or discharge of any employee assigned to the operation of Town vehicles or equipment.

Employees should not use Town telephone facilities for personal calls when the placing of such calls would interfere with the employee's duties, would incur additional financial liability by the Town, or would interfere with the use of the facilities for official business. Any such use should be urgent, infrequent and of short duration.

Town employees are expected to use their home address to receive personal mail. Use of Town stationery or postage for personal mail is not permitted.

## **11.0 Disciplinary Policy and Procedures.**

11-1. *Policy:* All employees are responsible for observing regulations necessary for proper operation of departments in the Town. The town may utilize any of the following disciplinary actions when appropriate: oral reprimand, written reprimand, suspension, disciplinary probation or discharge. The severity of the disciplinary action shall be in accordance with the severity of the situation.

11-2. *Reasons For Disciplinary Action:* Disciplinary action may be imposed upon an employee for failure to fulfill their responsibilities as an employee including but not limited to, any of the following:

- (a) Incompetence or inefficiency in performing assigned duties.
- (b) Inability to perform one or more critical elements of the position.
- (c) Insubordination/disobedience: Refusal to perform a reasonable amount of work or violation of any reasonable official order, or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- (d) Habitual tardiness or absence from duty without leave.
- (e) Use or possession of illegal narcotics while on duty.
- (f) Willful misuse, misappropriation, negligence, or destruction of town property or conversion of town property to personal use or gain.
- (g) Use of fraud in securing appointment.
- (h) Disclosure of confidential information.
- (i) Abuse of sick leave or absence without leave.
- (j) Conviction of a felony.

- (k) Violation of safety rules, practices and policies.
- (l) Engaging in unlawful harassment.
- (m) Falsification of timesheets.
- (n) Creation of a hostile work environment.
- (o) Any situation or instance of such seriousness that disciplinary action is warranted.
- (p) Consumption and/or possession of alcoholic beverages while on duty.
- (q) Violations of the Rules and Regulations for the Police Department of the Town of Williamstown.

11-3. *Discipline Procedures:* It is the goal of the Town of Williamstown to implement progressive corrective and disciplinary action when necessary. Such action is intended to be from less severe to more severe corrective action in order to bring about the necessary change in work habits.

The provisions of this Article shall not be applied in an arbitrary or capricious manner. In some cases, however, actions or omissions, which have resulted or will result in harm to the community or members thereof, may require imposition of severe sanctions in the first instance.

Progressive disciplinary actions may include, but are not limited to oral reprimand, oral reprimand with notation to the personnel file, written reprimand, suspension with pay, suspension without pay, demotion, and discharge.

11-4. *Oral or Written Reprimand:* At their discretion, a department head who notes unsatisfactory job performance, non-compliance with department regulations or displays of improper conduct may issue an oral or written reprimand and an offer of assistance in correcting the unsatisfactory situation. Oral warnings shall be presented with a maximum regard for minimizing embarrassment to the employee before other employees or the public. Oral and written reprimands shall be entered into the employee's personnel file.

11-5. *Probation:* If the oral and/or written warning fails to correct the situation, the employee may serve a maximum three-month disciplinary probation at the discretion of the department head and/or Town Manager. The employee will receive a written notice stating the reasons for the disciplinary action and effective date of such action.

When the employee's disciplinary probation expires, the department head will notify the Town Manager in writing that either:

- The employee's performance and behavior was satisfactory and that they recommend retaining the employee in their position, or;
- The employee's performance and behavior remain unsatisfactory and that they recommend either suspending or discharging the employee.

11-6. *Suspension*: At the discretion of the department head and/or Town Manager an employee whose performance is unsatisfactory may be suspended without pay for a period or periods that will not exceed a total of 30 days in any twelve-month period. Such suspension may be affected in lieu of disciplinary probation or at the expiration of the disciplinary probation. The employee will receive a written notice stating the reasons for the suspension, its effective date and length. Upon returning from suspension, the employee may be placed on disciplinary probation at the discretion of their department head and/or Town Manager.

11-7. *Discharge*: Any employee discharged for unsatisfactory job performance, inappropriate conduct or violation of town regulations.

If discharged, the employee will receive a written notice stating the reasons for the discharge and its effective date.

11-8 *Record Keeping*: Whenever any substantive material is inserted into the personnel file or records of an employee, such employee shall be given a copy of such material. The employee may respond to the material by filing a written statement/rebuttal which shall be attached to the original document and placed in the personnel file.

When the appointing authority wishes to discuss the reputation, discipline or dismissal of an individual, it must notify that person in writing at least 48 hours in advance of the meeting. The individual may request that the meeting be held in open session.

If an executive session is held, the individual has the right to be present during discussion that pertains to him/her, to have counsel or a representative of choice present, and to speak on his or her own behalf.

Any individual may tape-record, or videotape from one or more designated locations determined by the governmental body, as long as there is not active interference with the meeting. This right does not apply to executive sessions. See Massachusetts Laws on Open Meetings.

## **12.0 Personnel Appeals**

12-1. *Policy*: An employee may submit a written personnel appeal to the department director or supervisor and/or Town Administration/HR if the employee believes they have not been treated in conformity with either the personnel bylaw or the personnel policies and procedures. When a grievance or concern is found justified, the employee can expect necessary actions to be taken to resolve the problem grieved. The employee shall not be penalized in any way for filing a grievance, regardless of outcome.

It is understood that the following issues cannot be the subject of any grievance proceeding:

- Issues not related directly or primarily with the day-to-day working life of the employee, or;
- Issues related to general increase or decrease in the level of general wage rates or salaries.

### **13.0 Policy on Harassment, Sexual Harassment and Workplace Bullying**

13-1. *Introduction:* It is the goal of the Town of Williamstown to promote a workplace that is free of unlawful harassment, hate, sexual harassment, race/religion/gender discrimination, and hostile work environments in any form. The Town will not tolerate unlawful harassment, sexual harassment, and/or discrimination of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about unlawful harassment, sexual harassment, and/or discrimination, or retaliation against individuals for cooperating with an investigation of an unlawful harassment, sexual harassment, and/or discrimination complaint is similarly unlawful and will not be tolerated.

Social media may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, genetic information, religion, national origin, disability, veteran status, marital status or other protected status in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited. The Town has the ability and the right to monitor such things as Internet web site visits, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts.

The Town is committed to working together with its employees, constituents and stakeholders to create a safer, more integrated Town of Williamstown and Berkshire County as stated in Town Meeting Article 36. Williamstown always responds with best intentions and practices to not stay silent in the face of intolerance or hate based on race, religion, sexual orientation, gender identity, ethnicity, country of origin, disability or any other factor. The Town has a zero tolerance for such occurrences. The Town will work to acknowledge, address and act in a responsive manner to all forms of exclusion, hate, bigotry, intolerance and bullying. As such, a Town of Williamstown Investigative Policy is attached to these policies and procedures to help address such incidents should they arise.

#### *13-2. Definitions*

- A. Unlawful Discrimination – Unlawful discrimination is unwelcome conduct that is based on race, color, religion, sex (including gender identity, sexual orientation and pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful where:
  - a. Enduring the offensive conduct becomes a condition of continued employment.

- b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- B. Sexual Harassment - Sexual harassment is specifically defined in Massachusetts law and means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
  - a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
  - b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.
- C. Discrimination – Discrimination is any decision that is made or action taken that is motivated by a bias because of an employee’s age, disability, gender, gender identity/expression, genetics, military status, national origin or ancestry, race or color, religion, retaliation, sexual orientation, or political affiliation.
- D. Hostile Work Environment – A Hostile Work Environment is created when any unlawful discrimination becomes severe or pervasive, the endurance of which becomes a condition of continued employment.

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), and participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, ~~or~~ active military or veteran status, and other protected identities. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to an employee's membership in a protected group.

To achieve our goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this policy will not be tolerated. Because the Town of Williamstown takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, we will respond promptly to complaints of this type of conduct where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate up to and including termination.

This policy shall apply to all employees of the Town of Williamstown, MA. Any individual violating this policy shall be subject to appropriate discipline.

While this policy sets forth the Town's goals of promoting a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which the Town deems unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment, sexual harassment, and/or discrimination.

13-3. *Discrimination*: Discrimination is any decision that is made or action taken that is motivated by a bias because of an employee's age, disability, gender, gender identity/expression, genetics, military status, national origin or ancestry, race or color, religion, retaliation, sexual orientation, or political affiliation.

13-4. *Unlawful Harassment*: Harassment is unwelcome conduct that is based on race, color, religion, sex, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

13-5. *Sexual Harassment*: As defined above, sexual harassment is unlawful harassment based on a person's sex. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, and/or offensive remarks about a person's sex. Both victim and the harasser may be either a man or a woman, and the victim may be the same sex. Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

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

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

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

- Discussion of one's sexual activities.

13-6. *Complaints*: If an employee believes that he or she has been subject to discriminatory, unlawful, and/or sexual harassment, the employee has the right to file a complaint with the Town. This can be done in writing or orally. An employee wishing to file a complaint should contact the Department Head and/or Town Clerk and/or Town Manager. The Department Head and Town Clerk shall notify the Town Manager/HR Office upon receipt of a complaint. If employees are uncomfortable with making such reports to these individuals, they may make the report to any member of the Select Board.

13-7. *Investigation*: The Town will promptly investigate any and all allegations in a fair expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Investigations will include a private interview with the person filing the complaint and with the witnesses. Interviews will also be conducted with the person(s) alleged to have committed the discriminatory, unlawful, and/or sexual harassment. All parties will be informed as to the results of the investigation. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate the Town will also impose disciplinary action. The complaint form is attached to this personnel policy manual as an Attachment.

13-8. *Disciplinary Action*: If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances.

13-9. *State and Federal Remedies*: In addition to the above, employees who believe that they have been subject to sexual harassment may file a formal complaint with either or both of the following government agencies: The United States Equal Opportunity Commission (EEOC), and the Massachusetts Commission Against Discrimination (MCAD). Using the Town's complaint process does not prohibit employees from filing complaints with these agencies. The time period for filing complaints is 300 days.

For the most up to date EEOC filing information please visit: <https://www.eeoc.gov/>

For the most up to date MCAD filing information please visit:  
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

The U.S. Equal Employment Opportunity Commission  
JFK Federal Office Building  
Room 475 Government Center  
One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114



(617) 565-3200

The Massachusetts Commission Against Discrimination  
Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

Springfield Office:  
424 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:  
484 Main Street  
Suite 320  
Worcester, MA 01608  
(508) 799-6379

13-10. *Workplace Bullying*: The Town has a “zero tolerance” for bullying. Bullying harms employees, employers, and the organization by creating a disrespectful, unhealthy, and unproductive work environment. The Town of Williamstown expressly prohibits any form of unlawful employee bullying. The Town prohibits unwelcome conduct, whether verbal, physical, or visual, and includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status.

While bullying encompasses a wide range of conduct, some examples of specifically prohibited conduct include: ethnic slurs or epithets; racial jokes; unwanted or unwelcome physical contact; malicious gossip; displaying, storing, or transmitting offensive or harassing materials at work or while using the Town’s equipment or facilities.

Further, any harassing conduct that occurs using electronic communication equipment and media, such as through email or social media, is a serious offense and violates the Town’s policies, including the harassment policy.

13-11. *Cooperation and Liability*:

- All employees shall cooperate in investigations of harassment and discrimination.
- All employees shall participate in the Town’s efforts to prevent and eliminate harassment and discrimination.
- Employees may be ***personally liable*** if they engage in harassing or discriminatory behavior.

## 14.0 Training and Education

14-1. *Policy:* The Town encourages employees to develop their job-related skills. Employees who have successfully completed their six-month introductory/probationary period and who have received appropriate approval from their appointing authority should seek training opportunities, professional development, conferences, webinars, and any other development opportunities, to the extent their operational budget allows.

14-2. *Reimbursement:* Within 30 days of completion of the course, the employee will furnish the Town Manager the requisite documentation showing satisfactory completion of the course(s). The evidence shall be subject to verification prior to reimbursement and shall include tuition receipt, a certified transcript or grades and any other documentation deemed appropriate by the Town Manager.

The town shall reimburse permanent full-time and permanent part-time permanent employees their full tuition costs (including lab fees), up to a maximum of six credits per semester or quarter per fiscal year, provided that all the following conditions are met:

- The course must relate to the employee's present job directly or must be necessary to complete a degree related to the employee's present job, and;
- The employee has obtained approval from his department head and the Town Manager/HR Director prior to enrolling in the course, who shall have confirmed that it is in the Town's interest for the employee to take the requested course(s), and;
- The course is taken at a fully accredited institution or trade school, and;
- The intended course(s) of study is unavailable through state or federal programs (veterans must provide sufficient proof that alternative financing is not otherwise available. If equivalent training is available through state sponsored training, the employee will be expected to exercise that option first), and;
- The employee receives a passing grade of "C" or better at the undergraduate level or a grade of "B" or better at the graduate level.

The employee shall disclose any other tuition aid received from government or other sources prior to receiving reimbursement from the Town.

Employees are strongly encouraged to take courses that will not interfere with their job responsibilities or their normal working hours. The department head or Town Manager/HR Director may deny approval for reimbursement of a course if time off during the employees regular working hours would be required.

In the event the employee is discharged or resigns from the Town before completion of the course, reimbursement shall not be due to the employee.

In the event the employee is laid off from town service prior to completing the course, the town shall reimburse the employee provided the employee's course work is in progress prior to the layoff and the course is satisfactorily completed in accordance with above.

*14-3 Clothing Allowance Eligibility:* All permanent full-time employees in the Department of Public Works and Police Department with the exception of department heads and their assistants, are eligible to receive a clothing allowance. At the discretion of the Town Manager, a clothing allowance may be paid to individuals other than those listed above.

*Payment:* Eligible employees shall receive their clothing allowance on the first pay day following their initial day of employment, and thereafter on the second pay day following July 1<sup>st</sup> of each fiscal year. The amount paid shall be the amount indicated in the collective bargaining agreement for the employee's department, regardless of whether he is part of the collective bargaining group for that department, or such amount as the Town Manager may indicate. At the discretion of the Chief of Police, newly-hired police officers may receive an initial issue of all required uniforms in lieu of their first clothing allowance.

Should a new employee fail to successfully complete their probationary period, they shall refund the amount of clothing allowance received.

## **15.0 Safety**

*15-1. Policy:* The Town shall provide and maintain safe working conditions, follow operating practices that will safeguard all employees and result in safe working conditions and efficient operations. The Town shall inform every employee of all materials the employee may be exposed to as a result of employment with the town which is covered under the Massachusetts "Right to Know" legislation and the rights of the employee under the Act. The Town shall also inform the employee of their rights and responsibilities under the Workmen's Compensation laws of the Commonwealth. The Town has implemented a variety of policies designed to ensure a safe and healthy workplace. Employees are expected to act with the utmost regard for the safety and health of their co-workers and themselves at all times. Failure to comply with the Town's safety and health policies can result in disciplinary action, up to termination.

*15-2. Procedures:* As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

Safety equipment furnished by the Town and damaged or worn-out in use, will be replaced, provided the worn-out or damaged equipment is turned in when new equipment is issued, and also provided there is no evidence of abuse. Where equipment is not returned, or where there is evidence of abuse on the part of the employee, the employee will be required to replace the equipment.

*15-3. Responsibilities of Department Directors and Employees:*

(a) Departments directors and supervisors shall: assume full responsibility for safe working areas, whether it be in the field, in the shop or in the office while under their jurisdiction; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment; ensure the availability and utilization of appropriate protective clothing and equipment, employee job knowledge or attitudes as relate to safety ; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

(b) Each employee shall: observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

15-4. *Disciplinary Action:* Employees violating safety rules, practices and policies may be subject to disciplinary action.

- *First Offense:* Written Warning – To be issued no later than the next working day on which the employee works. The employee will modify their procedure or obtain the appropriate safety clothing before being permitted to return to work.
- *Second Offense:* Written Warning – To be issued no later than the next working day on which the employee works. In addition to modifying the employee's procedure or obtaining the appropriate safety clothing, the employee will serve a 3-day suspension, without pay, prior to returning to work.
- *Third Offense:* Written Termination – To be issued no later than the next working day on which the employee works, to be effective immediately.

15-5. *OSHA:* The Town of Williamstown complies with the federal Occupational Safety and Health Administration's regulations, including OSHA's hazard communication standards, which requires the Town to inventory and label hazardous chemicals in the workplace and inform employees about any chemical hazard they encounter on the job. Employees who work near or with dangerous chemicals are trained how to handle them properly. The Federal Occupational Safety and Health Act and state workers' compensation laws require employers to keep records and reports of illnesses and injuries on the job. All accidents, regardless of their severity, should be reported immediately to the Town Manager/HR Office.

Senior management is actively involved with employees in establishing and maintaining an effective safety and health program. Managers work with employees in ongoing safety and health program activities, including:

- promoting Safety and Health Committee participation;
- providing safety training and health education/training; and
- reviewing and updating workplace safety and health rules.

(Department heads may have specific safety procedures and employees should become familiar with those.)

## **16.0 Personnel Records**

16-1. *General Policy:* The Town Manager/HR Director shall be responsible for establishing and maintaining such personnel records and reports as may be required by law and as may be necessary to effectively administer the provisions of these policies and procedures.

The town accountant's office shall be responsible for establishing and maintaining all personnel records that relate to the payment of compensation under the terms of this policy.

All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Manager or Town Accountant's office.

16-2. *Contents of Records:* The Town Manager/HR Director shall assure the establishment and proper maintenance of an individual personnel file for each employee, which shall include, but not be limited to, the following:

- (a) The employment application.
- (b) A copy of all background investigation reports.
- (c) A copy of any physical, emotional stability and/or psychiatric examination reports and health condition questionnaires, all of which are to be maintained separately from personnel files, and
- (d) A report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, layoff or suspension. Results of proficiency tests, history of employment and correspondence directly related to the employee's past employment record, military service record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, performance evaluation, college transcripts, certifications, and other records that may be pertinent to the employee's employment record.

16-3. *Changes to Records:* Department heads should notify employees of the importance of keeping their personnel records current. The Town Manager/HR Director should be notified immediately in writing of any changes in an employee's personnel information. Final responsibility for providing correct information and timely changes rests with the employee. The Town Manager/HR Director or Town Accounting Office shall not be held liable when incorrect withholding, wrong beneficiaries or loss of employee benefits result from failure of an employee to keep personnel records current.

16-4. *Access to Records:* Any employee may upon prior notice to the Town Manager/HR Office may have access to review their personnel file, which shall be provided within no more than five (5) business days. The employee's review of their employment record shall be in the presence of the Town Manager and/or Town Accountant or their designee and will take place during normal business hours. The employee shall be charged the Town's approved rate for copies of any records contained in their personnel file.

Employee records that are exempt from in-person review include: pre-employment reference information, including letters, telephone notes, and memoranda secured from previous employers; records relating to ongoing investigations of policy violations, prohibited conduct, or criminal offenses; documents developed or prepared for use in grievance or court procedures; and documents related to staff planning or business planning, including management succession plans, management bonus plans, and job assignment plans.

16-5. *Release of Information:* No information contained in an employee's personnel file shall be released unless written authorization is received from the employee except as required by law. All police disciplinary records shall be open to inspection by the Division of Police Standards. The town will not withhold police officers' disciplinary records under a public records exemption.

*Note on Massachusetts law MGL c 149, sec 52C: The Town generally must allow employees to review personnel files related to their employment qualifications, promotions, transfers, additional compensation, or disciplinary actions. The Town and employees can mutually agree to remove information from personnel files for any reason. The Town must allow employees to review their personnel files within five business days of receiving written requests, and employers must make personnel files available for review at workplaces during normal business hours. The Town can limit employees' review of their personnel files to two separate occasions in a calendar year; however, reviews of personnel files that occur because of notification of negative information placed in files can't be counted as one of the two permitted reviews. If employees disagree with any information in their personnel files, the town and employees can mutually agree to remove or correct the information; if such agreement can't be reached, employees can submit a written explanation for retention in their personnel files; the town must include employee-submitted explanations of disputed information when releasing personnel files to third parties if the original information is still retained as part of their files.*

See Massachusetts Guide to Public Records Law: [guide.pdf \(state.ma.us\)](https://www.state.ma.us/guide.pdf)  
Employees may authorize the Town Accountant/Town Manager to release personal and payroll information to banks, lending institutions, insurance firms, etc. for the purpose of purchasing a home, automobile or appliance, or for the purpose of applying for employment elsewhere. Such authorization shall be requested in writing to the Town Manager/Town Accountant. The release of such information to other agencies will be governed by State Law.

16-6. *Unauthorized Alteration:* No unauthorized employee may destroy, alter, deface, mutilate or otherwise dispose of personnel records.

16-7. *Personnel Forms:* Personnel Forms developed by the Town Manager/HR Office or Town Accountant Office are to be used to ensure accurate and uniform maintenance of personnel records.

## **17.0 Alcohol and Drug Testing Policy**

17-1. *Policy:* The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to alcohol and drug testing of employees in safety-sensitive positions in accordance with the U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

17-2. *Applicability:* The policy applies to all safety-sensitive employees employed by the Town of Williamstown.

17-3. *Drug/Alcohol Prohibitions:* It is impermissible for any employee to report for or to be found on duty while impaired or under the influence of alcohol, marijuana, illegal narcotics, prescription drugs (not prescribed by the employee's physician), or any combination thereof.

17-4. *Reporting:* Employees may be required to report the use of any drugs prescribed by a physician that may impact that employee's ability to carry out their duties.

17-5. *Reasonable Suspicion and Testing:* If the Town believes that an employee's behavior or actions may indicate drug and/or alcohol impairment, that employee may be subject to the discipline below. Observations by the employer must be made during work hours. Speech and behavior are factors in determining reasonable suspicion. The supervisor must directly observe the behavior in question, and may not rely solely on third party reports of alcohol or drug misuse.

Observations for reasonable suspicion will be made by at least two individuals at the supervisory level or higher if available. The supervisor who determines that there is reasonable suspicion of impairment must immediately obtain a second opinion from another supervisory employee who is an employment grade equal to or higher than the initial supervisor if one is readily available. A written, signed report must be completed by the supervisor who determines reasonable suspicion, and the second opinion (if available) must be recorded in writing and signed by the supervisor. In addition, the employee will be required to submit to drug and alcohol testing to be performed by a vendor retained by the Town to perform the drug and alcohol testing on employees. Employees ordered to submit for a drug or alcohol test shall comply. Failure to do so will constitute insubordination for the purpose of discipline. Employees at their own expense may have testing done as well.

- First positive test or finding of impairment – referral to the Town's Employee Assistance Program (EAP). Information for the Town's EAP can be found in the Town Manager's Office.
- Second positive test or finding of impairment – Thirty (30) day suspension without pay, unless the employee has accrued vacation leave, personal leave, or sick leave, in which case such suspension shall be with pay to the extent of total accrued time; such leave will be charged to the accrued time in the same order listed herein. The suspension with pay shall be contingent on the employee completing the required treatment program mandated by the Town's EAP.
- Third positive test or finding of impairment - discharge.

17-6. *Impairment leading to injury*: If an employee is found to be impaired by the use of alcohol, marijuana, prescription drugs (not prescribed by the employees' physician), and/or an illegal narcotic, and said impairment is found to be related to an injury to that employee, a fellow employee, or any other person, that employee shall be subject to immediate discharge.

## **18.0 Drug Free Workplace.**

18-1. *Policy*: The Town of Williamstown recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and it has a detrimental effect on the professional and personal lives of its employees and the community. Because the Town of Williamstown is committed to being part of the solution to such problems and in order to ensure the safety of the workplace, its employees and the public, this policy is hereby established. The Town of Williamstown has established a Drug Free Workplace Policy to comply with the Drug Free Workplace Act:

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all Town workplaces. As a condition of employment, the terms of this policy must be adhered to, and the violation of this prohibition shall result in one or more of the following appropriate personnel actions against the employee:

- (a) Mandatory participation and successful completion of a substance abuse rehabilitation or assistance program approved by the Town.
- (b) Unpaid leave of absence pending successful completion of a program described under (a) above.
- (c) Suspension and/or termination from employment.

The severity of any personnel action shall be decided by the Town Manager in accordance with established personnel policies. Any employee who violates these prohibitions also risks legal prosecution.



As a further condition of employment, the employee must notify the Town Manager of any criminal drug statute conviction for a violation occurring within the workplace no later than five days after such conviction.

The Town will, from time to time, update, amplify and reinforce its policy set out above through the dissemination of drug education and awareness material and programs, which may necessitate the employee's attendance at lectures, seminars, or films.

## **19.0 Americans with Disabilities Act**

19-1. *Policy:* The Town of Williamstown does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Town Manager or, if delegated, the HR Director, has been designated as the ADA Coordinator to monitor compliance with the non-discrimination requirements in the Section 504 regulations and the Americans with Disabilities Act regulations as implemented by the Equal Employment Opportunity Commission and the Department of Justice.

19-2. *Grievance Procedure:* The following dispute procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by any employee who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, and benefits by the Town.

- A. The complaint should be in writing and contain information about the alleged discrimination such as name, address, telephone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.
- B. The complaint should be submitted by the employee and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to the Williamstown ADA Coordinator.
- C. Within fifteen calendar days after receipt of the complaint, the ADA Coordinator will meet the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and where appropriate in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of Williamstown and offer options for substantive resolution of the complaint.
- D. If the response of the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision of the ADA Coordinator within 15 days after receipt of the response to the Town Manager or their designee.

- E. Within 15 calendar days after receipt of the appeal, the Town Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Town Manager or their designee will respond in writing, and where appropriate in a format accessible to the complainant such as audiotape, with a final resolution of the complaint.
- F. All complaints received by the ADA Coordinator, appeals to the Town Manager and their designee and responses from the ADA Coordinator and the Town Manager or their designee will be kept by the Town of Williamstown for at least three years. Such documents will remain strictly confidential.

19-3 *Fitness for Duty Evaluation Policy:* It is the Policy of the Town to promote a safe and productive work environment for its employees and the citizens it serves by ensuring that its employees can safely perform the essential functions of their positions. This policy is to be construed in a manner consistent with applicable law, including the Americans with Disabilities Act.

19-3.1. *Purpose:* This policy establishes the standards, procedures, and safeguards under which the Town of Williamstown may require an employee to undergo a fitness for duty evaluation, and the applicable process pertaining to such evaluations.

19-3.2. *Application:* This Policy shall apply to all employees of the Town of Williamstown. Employees whose employment is governed by a collective bargaining agreement are subject only to the provisions of this policy that are not specifically regulated by law or their collective bargaining agreement. Situations governed by G.L. c. 152 (workers compensation) or G.L. c. 41, §111F (injured on duty leave for police and fire) may have different requirements.

19-3.3. *Procedures*

- A. Introduction – A fitness for duty evaluation constitutes a medical examination and therefore, in compliance with the Americans with Disabilities Act, any such examination is strictly limited to determining whether an employee can perform the essential functions of his or her position. Any such inquiry must be made with reference to the actual job duties of the individual who is to be examined. Any decision with respect to fitness must be made with consideration of whether the employee can perform the essential functions of the job.
- B. Grounds for Requiring a Fitness for Duty Evaluation – A department director or supervisor may submit a request to the Town Manager, requesting a fitness for duty evaluation be conducted when: (1) an employee's conduct creates a reasonable belief that a threat to health or safety of the employee or others, or to Town property, exists; or (2) there is objective evidence that the employee cannot perform the essential job functions. The grounds for seeking a fitness for duty evaluation may become evident from a department director's or

supervisor's observations and/or receipt of a reliable report of an employee's possible lack of fitness for duty. Observations may include, but are not limited to, difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent behavior, suicidal or self-harm statements, change in personal hygiene, and/or reasonable suspicion (via odor or observation) of drug or alcohol abuse.

- C. Medical Evaluation – Fitness for duty evaluations are performed by a Town-selected physician, paid for by the Town, and may include, without limitation, a health history, physical, emotional stability and/or psychological examination, alcohol and drug testing, and any medically indicated diagnostic studies. The purpose of the evaluation is to determine if the employee can perform the essential functions in a safe manner and if there is need for restrictions or accommodations. If it appears that the employee's condition constitutes a disability, the Town will address any requested accommodations/modifications and whether there is a likelihood that the employee can perform the essential functions of the job with or without reasonable accommodations.
  
- D. Record Retention - An employee's medical information obtained by the Town shall be maintained in a confidential manner in accordance with applicable law. When conducting a fitness for duty evaluation, the Town-selected physician will require the employee to sign appropriate consent forms that permit appropriate reporting as to the employee's fitness, recommendations with respect to fitness, and any limitations and restrictions placed on the employee arising from the employee's health condition. The Town shall not disclose information about any health condition of the employee to third parties without the written consent of the employee, or where disclosure is otherwise permitted by law.

## **20.0 Holidays**

20-1. *Coverage:* All full-time and permanent part-time employees who have not been required to work shall receive compensation for their regularly scheduled hours that fall on a holiday. An employee who is required to work on a holiday shall receive compensation equal to twice their regular rate of pay for all hours worked. If the hours are less than the holiday hours would have been, the difference shall be paid at their employee's regular rate of pay in addition to the compensation for hours worked. Contract and Temporary employees who work under 20 hours per week, are not eligible for holiday compensation.

20-2. *Recognized Holidays:* The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days' employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services. The Town Manager shall

notify employees of the holidays to be recognized by the Town during the upcoming calendar year on or before January 1<sup>st</sup> of each year.

The following shall be deemed paid holidays:

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

As is customary for municipal offices in the Commonwealth of Massachusetts, holidays falling on Sunday are legally observed on the following Monday. Holidays falling on a Saturday are legally observed on the preceding Friday.

## **21.0 Vacation**

21-1. *Coverage:* Vacation pay is granted to all full-time and permanent part-time employees regularly working twenty or more hours per week. In January of each year, the Town shall notify each employee of their vacation entitlement for the forthcoming year through the Town's payroll checks.

21-2. *Vacation Policy:* Vacation leave shall be credited to each eligible employee on January 1<sup>st</sup> of each year per the schedule shown below. Where an employee, by virtue of additional years of service, becomes eligible for additional vacation leave during the calendar year, the additional leave shall be credited to them on their anniversary date. Vacation pay is granted to all full-time employees for each vacation year (calendar year) completed in accordance with the following plan:

Completed Years of Service:	Days of Vacation Leave:
At least one (1)	10
At least two (2)	11
At least five (5)	12
At least six (6)	13
At least eight (8)	15
At least ten (10)	18
At least thirteen (13)	20
At least sixteen (16)	22

At least eighteen (18)	24
At least twenty (20)	26
At least twenty-two (22)	28

21-3. *Scheduling and Use:* Vacation must be taken in the calendar year in which it was credited unless prior approval has been received from the Town Manager to carry it forward to the next calendar year. In no case may more than ten days of leave be carried forward. The leave carried forward must be used by June 30<sup>th</sup> of the year to which it was carried forward. Unused leave is forfeited.

Should circumstances arise which prevent an employee from using vacation leave, the employee may petition the Town Manager for payment in lieu of such leave. Said payment in lieu may be for periods of ten days or less, and shall be subject to fund availability. The Town Manager's decision regarding such petitions shall be final.

Employees may use one week of vacation during their first year of employment with supervisor approval.

Vacations shall be scheduled with the prior approval of the employee's department head. Vacation shall be scheduled in one week blocks as often as possible. The minimum use of vacation leave permitted at any one time will be 1/2 day.

Employees entitled to more than two weeks' vacation may generally take only two weeks consecutively. However, with the approval of the department head, exceptions may be made to allow the use of longer periods of time.

Whenever an employment is terminated, the employee shall be paid for all unused vacation leave at the time of the employee's termination. The pay rate used for the purposes of the calculation described above shall be the employee's pay rate at the time of his termination.

Employees who deployed for military service and return to the Town's employ at the completion of such deployment shall be given credit towards vacation for the time in service.

Supervisors will make every effort to allow employees to take their vacation when they wish. However, the supervisor reserves the right to deny vacation for a specific period if it is not deemed to be in the best interest of the Town. When an employee requests vacation leave, the supervisor and/or appointing authority will approve vacation requests for such time(s) that best serves the public interest.

For the purpose of recruiting experienced staff, the Town Manager may authorize up to five additional days of vacation leave for a new employee who has a minimum of four years prior experience in a related position. The additional days authorized shall continue to be credited to the employee, in addition to the leave authorized by the table above, on an annual basis during the employee's term of employment with the Town.

## 22.0 Sick Leave

22-1. *Coverage:* Full-time and part-time employees regularly working 20 or more hours per week.

22-2. *Policy:* The intent of the sick day policy is to provide salary continuation during an employee's reasonable period of absence due to bona fide illness or injury. An employee shall be entitled to sick leave only when the employee is incapable of performing duties due to personal sickness, injury or a quarantine by public health authorities. At the discretion of the Town Manager, sick leave with pay may also be granted for serious injury or illness of the employees' spouse, children, parents, brothers, sisters, or grandchildren.

22-3. *Accrual. Full-Time Employees:* Each full-time employee shall accumulate sick pay at the rate of one-and-one-quarter (1.25) days for each month of employment, not to exceed 15 days per calendar year.

*Permanent Part-Time Employees:* Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be prorated according to the number of hours of work per full-time week in which such employee is required to work. Contract employees are not eligible for sick pay.

New employees on probation may accrue but not use sick leave until their probationary period has been satisfactorily completed.

Accruals will be credited as of the last working day of each month. Sick leave shall not be accrued for partial months of service, with the following exceptions. Persons employed prior to the 16<sup>th</sup> of the month shall accrue sick leave from the 1<sup>st</sup> of that month. Person employed after the 15<sup>th</sup> of the month shall accrue sick leave from the 1<sup>st</sup> of the next month.

Unused sick leave will accumulate from year to year without limitation.

22-4. *Extension of Sick Leave:* Extended sick leave may, at the discretion of the Town Manager, shall be granted to an employee after all of an employee's sick leave and vacation leave has been used. Such advance of sick leave will only be made when there is every expectation of the employee's return to active employment with the opportunity of earning repayment credits. Extended sick leave in excess of sixty days in one calendar year shall require approval of the Select Board.

22-5. *Notification:* Sick leave will commence on the date that notification of the employee's sickness, injury or quarantining is given to the department head by the employee or the employee's family or physician. Notification should be given as soon as possible, but in any case, within 1 hour after the regularly appointed starting time of the employee in order to entitle the employee to sick leave credit for the day. Notification should include the general nature of the illness or injury, length of anticipated absence, and expected date of return.

22-6. *Certification of Illness*: After five consecutive days of absence or after a series of repeated absences during the years of employment, a department head may request a physician's statement, which certifies the employee's inability to perform normal work duties. Additionally, the department head may arrange for a Town-retained physician to examine an employee and submit a medical evaluation. If certification cannot be provided to the satisfaction of the Town Manager, the employee's absence will be considered an unauthorized absence without leave.

The medical certification should include a description of the employees' illness or injury and the physician's estimate of the day on which the employee will return to duty. If no estimate of return is possible, the employee, prior to their return to duty, will be required to obtain a medical certification to do so.

22-7. *Sick Leave Bank*. A Sick Leave Bank program has been established to assist eligible permanent employees during medical emergencies.

- A. General Policy - Permanent full and part-time employees who have depleted all of their accumulated sick leave benefits due to an extended illness or injury may be eligible to receive sick leave days (hereinafter referred to as "benefit days") from the Sick Leave Bank (hereinafter referred to as the "Bank") under the terms and conditions of this section.
- B. Eligibility - Any permanent full or part-time employee who earns sick leave may contribute to and/or receive benefits from the Bank. Participation in the Bank shall not affect employee's eligibility for sick leave buy back or other sick leave incentive programs, exclusive of sick days previously donated to the Bank.
- C. Contributions - Any permanent full or part-time employee who earns sick leave may contribute sick leave to the Bank in response to a notification of need from the office of the Town Manager. Each employee's contribution shall be limited to one regular workday per notification. Contributed days shall be placed in the Bank in the order in which written donations are received by the Town Accountant. Contributed time shall be paid out from the Bank in the order received so as to complete the beneficiary's regular pay period.

In the event that greater contributions are received than required, or that time remains in the Bank after the beneficiary's need has expired, the unused time may be left in the Bank or returned to the original donor in accordance with the order of unused contributions at the election of the donor.

- D. Benefits - Any permanent full time or part-time employee who earns sick leave under these procedures/policies/regulations and who has exhausted their personal, sick, and vacation time may apply for sick leave from the Bank by submitting a written application to the Town Manager, accompanied by a statement of the applicant's physician testifying to the illness or injury. Benefit days may be granted for any number of days, but in no event shall the Town Manager grant more than 10 benefit days per application. Any addition

to the number of benefit days previously granted shall require a new application.

Unused benefit days from the Bank shall be returned to the Bank upon the employee's return to work or termination of employment.

Applications shall be processed and considered in the order of receipt. In the event that the approval of one or more applications for benefit days would result in the depletion of the Bank, the Town Manager shall assign the benefit days remaining as equitably as possible among those members whose applications are then pending.

E. Criteria - In determining the granting of benefit days, the following criteria shall be applied:

- Employee's past usage (documented abuse) of sick leave
- Employee must be unable to perform their normal job, confirmed by a written doctor's statement.
- Applications for Donation of Sick Bank Days are located in the Town Manager's office.

*22-8. Notice of Available Leave:* In January of each year, the Town shall notify each employee of their sick leave accrual as of the 1st of the year through the Town's payroll checks.

*22-9. Sickness During Vacation:* An employee who becomes ill while on vacation generally may not change such illness to sick leave. However, should the illness exceed 3 days and the employee submits a physician's certificate describing the nature of the illness to their department head, consideration of a change to sick leave will be made by the department head.

*22-10. Use of Vacation Leave:* At the discretion of the department head, an employee's absence on account of illness or injury may be charged to vacation leave if the employee's sick leave has been entirely depleted. This does not apply to illness or injury for which an employee is entitled to Workmen's Compensation.

*22-11. Workers' Compensation:* Employees injured on the job and receiving Workers' Compensation shall upon the request be granted sick leave with pay (provided they have sick leave credits available) in an amount that when added to their Worker's Compensation payment, will result in payment of the regular salary for their classification and grade.

If employees choose this option, they will continue to receive a weekly payroll check from the Town in the amount of their regular salary. They must then endorse any Workers' Compensation checks they receive and submit them to the Town Manager's office as soon as possible.



22-12. *Termination and Retirement:* Eligible employees shall, upon proper notification to the Town, receive payment for up to 60 days of unused sick leave. The pay rate used for the purpose of this payment shall be the employee's pay rate at the time of his termination. Proper notification shall mean written notice of intent to retire submitted to the employee's department head at least 60 days prior to their retirement date or, in the case of death, presentation of a death certificate.

Eligible employees are those who retire on or after 65 years of age, those who retire after 19 or more years of service to the town or those whose death occurs while employed by the Town.

### **23.0 Personal Days**

23-1. *Policy:* All regular, full-time employees in continuous employment who have completed six (6) months of service, shall be entitled to five (5) personal days each fiscal calendar year. First year employees will be credited 1.25 days of personal leave for each 3 months of employment. Any unused personal time cannot be carried over into the next calendar year. Employees must give their supervisor 48 hours' notice, when requesting personal time.

### **24.0 Overtime/Compensatory Time**

24-1. *Overtime:* Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act, as amended. If an assignment requires work in excess of forty hours per week; or eight hours per day, except for emergency situations, all overtime work must be authorized in advance by the employee's supervisor. Town employees may be called upon and required to work overtime if in the opinion of the department head it is necessary to meet the demands of the job being performed.

Any non-productive time off such as sick leave, personal leave, vacation leave, or any other non-productive time, whether paid or unpaid, shall not be counted as time worked in calculating overtime pay. Holidays, Sundays and Saturdays worked shall be counted in calculating overtime pay.

Employees who repeatedly refuse to work overtime without valid justification may be subject to disciplinary action.

24-2. *Compensatory Time:* Professional, Executive and Administrative personnel shall be eligible for Compensatory Leave but, due to the nature of their responsibilities, not on an assumed hour for hour basis and may not demand compensatory leave due as a matter of right. The Town Manager shall make all determinations of Professional Executive and Administrative Personnel leave due, and their ruling shall be final.

All other employees may substitute compensatory time for overtime pay. The hours of compensatory time to be awarded shall be calculated in the same manner as were the hours of overtime pay. One hour of overtime shall equal one and one-half hours of compensatory time.

Requests for compensatory time must be submitted in writing, and must be approved in advance by the department head. Approved compensatory time must be used as soon as possible and in no case later than one hundred twenty (120) days from the day the compensatory time was earned.

Compensatory time may be applied to vacation leave and to sick leave after all available sick leave credits have been expended.

It shall be the responsibility of the department head to maintain complete compensatory records on all employees and to accurately record dates and hours of overtime worked and the date compensatory time is taken. Such information must be attached to the payroll time sheet of the pay period in which the overtime was worked and/or compensatory time taken.

24-3. *Flexitime Policy*: Williamstown's policy is to give employees the opportunity to request flexitime arrangements suited to their individual needs. Flexitime arrangements allow employees to choose when they begin and end their work days.

24-4. *Flexitime Eligibility*: Full-time employees who have completed at least six months of employment are eligible to work flexitime. Employees who have been disciplined within the last 12 months cannot participate in a flexitime arrangement.

24-5. *Flexitime Requirements*: Employees interested in flexitime must discuss such arrangements with their supervisors. If flexitime is feasible and employees are eligible, employees must propose specific arrangements using a "Flexitime Scheduling Request and Evaluation Form," which is available from the Town Manager/HR Office.

Flexitime arrangements are approved by the supervisor and the Town Manager on a case-by-case basis. Flexitime arrangements might not be feasible within some departments or for certain positions within departments. Seasonal or cyclical changes in workloads also might restrict the ability of departments to offer flexitime during certain times of the year. Supervisors initially determine feasibility of specific flexitime arrangements, with final approval by the Town Manager.

24-6 *Remote Work Policy*: Certain positions within the town allow for the occasional option to work remotely. If an employee is looking to work remotely, they will need to request authorization from their department head. Remote work is entirely at the discretion of the department head and shall not be construed as a right. If the department head determines they are allowed to work from home, the employee is expected to work as though they are in the office and be available during normal business hours. Working remotely does not constitute as free personal time, and if an employee is found to not be working as expected, they will lose the privilege of remote work.

When utilizing town equipment from home, the employee is expected to follow all policy and procedures outlined in the Acceptable Use section of this manual.

*Violation*. If an employee abuses the use of town equipment or has been deemed to violate these policies, they will no longer be allowed for remote work and can be disciplined up to and including termination of employment.

## **25.0 Bereavement Leave**

25-1. *General Policy:* Full-time and part-time employees, who are eligible, shall be entitled to be excused from duty with pay for not more than four days to attend a funeral and for other personal business caused by death in the immediate family. The members of the immediate family shall include the following: parent, child, spouse, brother, sister, step children, grandparent, grandchild, in-law, or any other person residing in the same household as the employee. No payment shall be made for any day's absence during the bereavement period in which the employee is not regularly scheduled to work, e.g., Saturday, Sunday, or holidays. Portion of unused bereavement leave may be used for probate court hearings, or will readings, as long as two (2) days advance notice is given to the department director. If requested in writing, the Town Manager may grant bereavement leave for relatives or family members not previously listed.

## **26.0 Military Leave**

26-1. *General Policy:* Federal and state laws require that veterans and reservists be granted certain employment rights. The Town of Williamstown will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long-term active duty. The Town has accepted MGL Chapter 33 Section 59 for governance in Military Leave matters for all Town employees.

## **27.0 Jury Leave**

27-1. *General Policy:* Any Town employee called for jury duty shall be paid their regular compensation (excluding overtime) for jury service. Employees shall be required to furnish to the Town a certificate of juror service issued by the Commonwealth of Massachusetts. An employee who serves more than three days will be compensated his/her regular compensation by the Town, but the employee must turn over to the Town any monies received from the Commonwealth as compensation for jury service. Where juror service is canceled or an employee is released from jury duty early, the employee is expected to come to work whenever it is feasible to do so.

For purposes of this section, regular employment shall include part-time, temporary, and casual employment as long as the employment hours of a juror reasonably may be determined by a schedule or by custom and practice established during the three-month period preceding the term of service of such juror.

A holiday occurring during jury duty shall not entitle an employee to additional day of leave or additional compensation for the holiday. However, if the employee was not required to work on the holiday, they may retain all jury fees paid to them.

## **28.0 Family and Medical Leave Act**

28-1. *Coverage:* In Massachusetts, to be eligible for family and medical leave, employees must be eligible for leave under the federal Family and Medical Leave Act.

Eligible employees can take up to 24 hours per year of family and medical leave to accompany a son, a daughter, or an elderly relative to routine medical or dental appointments, such as office visits for checkups or vaccinations, or accompany an elderly relative to appointments for other professional services related to the relative's care, such as interviews at nursing or group homes. Employees can take family and medical leave on an intermittent basis or reduced work schedule. Employees must give at least seven days' advance notice of an anticipated need for leave; if the need for leave is unexpected, employees must give as much notice as practicable. The Town can require employees to supply signed, written certifications of their need for leave.

28-2 *Compensation*: Family and medical leave can be unpaid, but substitution of paid leave can be required or selected.

28-3. *Eligibility*: All employees who have worked for the Town for at least twelve months and provided at least 1,250 hours of service during the twelve months before the leave is requested (eligible part-time employees' leave will be prorated) is entitled for up to a total of 12 unpaid work-weeks for qualifying events. If an employee does not satisfy these eligibility requirements, such employee, if they have completed the initial probationary period, shall be eligible instead for an eight (8) week parental leave for the purpose of giving birth or adopting a child, in accordance with Massachusetts law.

28-4. *Policy*: The Town will grant leave of up to a total of twelve (12) workweeks during any twelve (12) month period to an eligible employee for:

- (1) the birth, placement for adoption or foster care for a child and to care for such child;
- (2) the care of the employee's spouse, child or parent who has a serious health condition;
- (3) the employee's own serious health condition that disables the employee from performing the functions of the employee's position.

Employees can take FMLA leave for their biological, adopted, or foster children, stepchildren, legal wards, or children for whom they stand in place of a parent (*in loco parentis*). For example, employees stand in loco parentis if they provide day-to-day financial support for their same-sex partner's adopted child or if they provide daily care for their grandchild. Children must be under age 18, unless they are incapable of self-care because of mental or physical disabilities (as defined under the federal Americans with Disabilities Act) at the time that FMLA leave begins.

Employees can take FMLA leave for their biological, adoptive or foster parent or stepparent or a person who stood in place of their parent (*in loco parentis*) for them when they were children. Employees can't take FMLA leave for their parents-in-law.

FMLA leave for serious health conditions doesn't cover short-term illnesses that are normally covered by the Town's sick leave programs. Conditions such as the common cold, flu, ear infections, upset stomach, minor ulcers, and headaches (other than migraines) aren't considered serious health conditions. Restorative dental or plastic surgery after injuries, mental illnesses, or allergies can be considered serious health

conditions under certain circumstances. Parental leave runs concurrently with FMLA leave.

28-5. *Benefits*: The Town recognized holidays are paid as holiday leave if they occur during the time an employee is out on FMLA. Employees accrue vacation, sick, and personal time during leave. While FMLA leave is unpaid, the employee may elect to use paid time off for the purposes of continuing wages. In the event that the employee uses paid time off, the employee shall use sick time first, then vacation and personal time if they exhaust their paid sick time.

The Town maintains group health plan benefits for employees on FMLA. Employees must pay their premium copayments while on leave. In the event an employee does not return to work at the expiration of their leave the Town may be entitled to recover the cost of maintaining the employee's health insurance, as long as failure to return to work is for a reason other than continuation, reoccurrence or onset of a serious illness of the employee, spouse, son, daughter, or parent or other circumstances beyond the employees' control.

Employees who return from FMLA will be reinstated to their former positions or to positions with equivalent pay, benefits and other employment terms and conditions.

Taking FMLA does not count as a break in service for pension or retirement plan purposes.

The Town's complete Family and Medical Leave Policy and Act is available to employees through the Town Manager/HR Office.

## **29.0 Parental Leave**

29-1. *Policy*: Eligible employees can take parental leave for the birth of their child and to care for their newborn child; or the placement of a child with them for adoption or foster care.

29-2. *Amount of Leave*: Employees can take up to 3 months of parental leave in a 12-month period for the birth of a child or placement of a child for adoption or foster care. If two spouses or domestic partners work for the Town, they can take a combined total of *6 months* of parental leave (3 months per parent).

If employees are eligible to take paid parental leave and unpaid family leave under the federal Family and Medical Leave Act, the paid parental leave runs concurrently with the FMLA leave.

29-3. *Requesting Parental Leave*: Employees requesting parental leave must give 30 days' advance notice to their supervisors. Employees who can't provide at least 30 days' advance notice of their need for leave (for example, because of a change in circumstances or a medical emergency) must notify their supervisors as soon as practicable.

Employees taking parental leave must provide medical certification of the need for leave for the birth of a child or provide certification of adoption or foster care of a child.

Employees must complete and submit certifications to Human Resources within 7 calendar days from the date leave begins.

*29-4. Scheduling Parental Leave:* Parental leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is parental leave taken in separate blocks of time. A parental leave reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for parental leave.

Employees who request intermittent leave or a reduced leave schedule must arrange medical treatments and appointments to minimize work disruptions. The Town can transfer such employees temporarily to positions that permit them to take intermittent leaves or reduced leave schedules with limited work interruptions.

*29-5. Pay/Benefits:* The Town recognized holidays are paid as holiday leave if they occur during parental leave. Employees accrue vacation, sick, and personal time during parental leave. If an employee files for FMLA leave while on parental leave, the employee may elect to use paid time off for the purposes of continuing wages. In the event that the employee uses paid time off, the employee shall use sick time first, then vacation and personal time if he/she exhausts his/her paid sick time.

The Town maintains group health plan benefits for employees on parental leave. Employees must pay their premium copayments while they are on parental leave. Employees who don't return to work from parental leave and those who lose coverage due to nonpayment of premium copayments can continue their group health insurance coverage under COBRA.

Employees who return from parental leave will be reinstated to their former positions or to positions with equivalent pay, benefits and other employment terms and conditions.

Taking parental leave does not count as a break in service for pension or retirement plan purposes.

## **30.0 Small Necessities Leave**

### *30-1. Definitions*

**Twelve-month period** - shall mean "rolling period" measured backward from the date an employee uses any small necessities leave.

**Intermittent leave** - shall mean time away from the job taken in separate blocks of time due to a single incident covered by the law.

**Son or daughter** - shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The son or daughter must either be under eighteen (18) years of age, or older and incapable of self-care because of mental or physical disability.

**Elderly relative** - shall mean an individual of at least sixty (60) years of age who is related by blood or marriage to the employee.

**School** - shall mean a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a children's day care facility licensed under M.G.L. Chapter 28A.

30-2. *Policy and Coverage:* Employees who have worked for the Town for at least twelve months and provided at least 1,250 hours of service during the twelve months before the leave is requested.

30-3. *Leave Entitlement:* The Town will provide all eligible employees up to twenty-four (24) hours unpaid leave in the twelve-month period for any of the following purposes:

- (1) to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school; or
- (2) to accompany the son or daughter of the employee to routine medical or dental appointments, such as checkups or vaccinations; or
- (3) to accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Leave may be taken on an intermittent basis, but no in increments of less than one (1) hour.

30-4. *Notice:* If the necessity for leave is foreseeable, the employee shall provide his/her department head with not less than seven (7) calendar days' written notice prior to the date the leave is to begin, indicating the date, the number of hours of leave, and the purpose for which the leave is requested. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practical under the circumstances of the particular case. Where leave is not foreseeable and the employee's notice is verbal, the employee shall complete and submit a written notice as soon as possible.

30-5. *Substitution of Paid Leave:* The employee may elect or the Town may require the employee to substitute any of the employee's accrued paid vacation leave for any of the small necessities leave.

### **31.0 Leave of Absence**

31-1. *Coverage and Policy:* The Town Manager may grant leaves of absence without pay to all employees who have satisfactorily completed their probationary period. In reviewing requests for leave, consideration shall be given to:

- The nature of the reason for the request; and
- The employee's work record; and
- The impact the employee's absence will have on the town

Leave will not be granted if there is any indication that the employee plans to seek or accept work elsewhere during the time of leave. The leave will be immediately canceled if the employee accepts a position elsewhere.

31-2. *Procedure for Request for Approval:* All requests for leave must be in writing. Requests for leaves of two (2) or less weeks may be approved by the department head, with the exception of medical leaves which must be approved by the Town Manager. Requests for leaves longer than two (2) weeks must be approved by the Town Manager.

31-3. *Medical Illness:* Employees unable to work due to sickness or injury shall use other accrued leave in accordance with the provisions of these policies. Once an employee has exhausted all accrued and advanced sick leave and vacation leave, they may request a medical leave.

During a medical leave of absence, it shall be the responsibility of the department head to determine that a disabling condition does in fact prevent the employee from discharging regular duties. Such determination shall be made in accordance with the provisions covering sick leave in this policy manual.

31-4. *Status upon Return:* The period of absence shall be included in an employee's time of continuous service. The pay grade of an employee returning from a leave of absence shall be the pay grade, which the employee was receiving immediately prior to the leave, if the employee is returning to the same position. If the employee is not returning to the same position, they will be placed in the pay grade of the new classification, which most nearly equals their pay grade prior to their leave.

31-5. *Benefit Coverage:* During leaves of absence, sick and vacation leaves will not accrue to the employee's account. During leaves of absence, the town will continue to pay its share of an employee's health and life insurance premiums for the first thirty (30) days of the leave. After this period has expired, the employee has the option of paying the full premium cost of their health and life insurance policies, or dropping the insurance coverage. If they choose to pay the full premium, they must notify the Treasurer's office so that appropriate action can be taken.

31-6. *Absence Without Leave:* An employee who is absent from duty shall report the reason for his absence in accordance with the rules and regulations prescribed by this manual. An unauthorized absence not reported in a timely manner shall be considered absence without leave, and no compensation shall be made for the period of such an absence. Additionally, such an absence may result in disciplinary action against the employee on part of the Town.

## **32.0 Workers' Compensation**

32-1. *Policy:* The Town of Williamstown is committed to providing a work environment that is safe for all employees. If a work-related injury occurs, the procedures contained within must be followed to ensure compliance. This policy applies to all Town employees, excluding public safety employees (full-time police officers). For public safety employees, please refer to their collective bargaining agreement.



32-2. *Procedure:* The first priority after an accident or injury is to assure that the employee involved receives the first aid that is necessary. If medically appropriate, 911 should be called immediately. Employees with life threatening work-related injuries should be taken to the nearest emergency room at the hospital. After an employee is released from the emergency room, employees must schedule an appointment with the Town's medical provider. Employees may elect to see their own medical provider instead; if the employee elects to see their own medical provider, the employee must inform the provider that they are being seen for a work-related injury.

32-3. *Reporting:* An employee injured on the job must report the injury to their supervisor and fill out an accident report. The accident report begins the claims process and should be done immediately. Accident reports must be submitted to the Town Manager/HR office within 24 hours of the emergency. If the employee is unable to fill out the accident report due to the injury, the employee's supervisor is responsible for filling out the accident report and submitting it to Town Manager/HR. The Town will not be able to process worker's compensation claims or lost wages without an accident report.

A "First Report of Injury" and a "Supervisor's Accident Report" must be completed and signed by the department head or his designee for each accident. The original and two copies of the "First Report of Injury" are to be sent to the Town Manager/HR Director's office as soon as possible to comply with the requirement that the Department of Industrial Accidents be notified within 48 hours. The original "Supervisor's Accident Report" must be sent within 72 hours of the accident to the Town Manager/HR Director's office to enable compliance with the Department's requirements that the supervisors report be filed with them within one week of the accident.

A "First Report of Injury" must be filed with the Berkshire County Board of Retirement by the Town Manager/HR Director's office within ninety days.

All accidents will be investigated to determine cause so that contributing factors can be corrected to prevent future accidents.

32-4. *Benefits:* Workers' Compensation Benefits, consistent with the provisions of the General Laws, Chapter 152 (including Sec. 69) shall be provided to all employees.

At the department heads discretion, subject to the availability of light work, employees will be assigned suitable light work as long as they are unable to perform regular job duties due to injuries or illness.

Employees should not pay for any medical services or prescriptions while a determination as to work relation is pending or after a determination that an accident is work related has been made. All bills should be submitted to the supervisor or should be billed directly to the Town.

Bills will be reviewed by the insurance carrier for applicability to the accident and propriety of charge.

Employees unable to work for five or more days will receive payments from workers compensation. If the employee has available sick time, it may be used to supplement disability payments in accordance with the Sick Leave section of this manual.

For reporting purposes, time lost from work shall be charged to sick leave until the employee has lost five days, at which time all time lost to disability, including the first five days, shall be charged to Disability Time. If the employee is out less than five days, the total time lost is charged to sick time.

Employees who are in disagreement with any findings of the insurance carrier should contact their supervisors or the Town Manager/HR Director. If the employee remains dissatisfied with the findings, he may appeal to the Department of Industrial Accidents in accordance with the provisions of Chapter 152 of the Massachusetts General Laws.

*32-5. Medical Reports:* The Town Manager/HR Office shall file all accident reports with the insurance carrier. The insurance carrier is responsible for determining if an accident is employee related.

It is the responsibility of the department head to obtain regular reports which include the extent of the disability, expected duration of disability and other information that may be required. In cases involving absence of one week or longer, periodic updates from the employee's physician shall be obtained at least bi-weekly.

It is the responsibility of the employee to ensure that medical reports are provided as requested by the department head or Town Manager/HR Director.

At the discretion of the department head, with the concurrence of the Town Manager, examination by an independent physician appointed by the Town Manager may be required. The expense of such examination will be borne by the Town.

Any employee returning to duty who has been absent more than one week must obtain a certification from their physician certifying their ability to do so. The certificate should also indicate any physical limitations the employee has acquired as a result of the injury, if any.

*32-6. Lost Time:* Each department will designate an employee who will communicate to the Town Manager any and all lost time from a work-related incident. Once an employee is absent five (5) days due to an industrial accident, and once said employee will be out of work as determined by a medical provider for a longer period of time, the employee will be placed on worker's compensation benefits in accordance with MGL Ch. 152. These five (5) days will be paid out of the employee's accrued sick leave benefit. If the employee remains out of work for a continuous twenty-one (21) days, those five days will be reinstated to the employee's leave bank.

In accordance with MGL Chapter 152, the employee may supplement their regular weekly worker's compensation wage with accrued benefit leave (sick, vacation, personal time), up to, but not exceeding, typical weekly wages.

### **33.0 Retirement**

33-1. *Policy:* All employees (as defined by the Berkshire County Retirement System) must join the System, pursuant to Mass. General Laws and other Special Acts of the General Laws. This is a contributory retirement system. Retirement age is mandated by the System for its members. The Retirement Board has its own rules and regulations, and employees should contact the Retirement Board for assistance in choosing a retirement option. The Retirement Board also notifies employees annually of their account status. Note that eligibility for and participation in the retirement system is governed by MGL c. 32 and the Retirement Board, not the Town.

33-2. *Health Insurance:* The options of employees that are qualified to retire are dependent upon the age of the employee upon retirement and their eligibility under Social Security. Generally, the Town will continue to pay its percentage of an employee's premium upon retirement, and, should the retired employee predecease his spouse, offer to continue coverage for the spouse, although the spouse in such instances would be responsible for the entire premium. Employees should contact the Town Manager/HR Director at least six months prior to retirement, or their or their spouses 65<sup>th</sup> birthday, for an explanation of the employees' health insurance options.

### **34.0 Travel**

34-1. *Policy:* In the event employees are required to use their own vehicle to conduct business for the Town, they must obtain authorization from their supervisor or department head. Once that authorization has been given, the employee will be reimbursed for mileage at the current rate approved by the Internal Revenue Service, as well as tolls, hotel stays, parking fees, and cost of meals. In order for an employee to receive such reimbursement, a travel voucher and a "monthly Mileage Expense Report" containing all information about mileage, destination, date, reason for travel and signature of supervisor or department head must be completed before reimbursement can be made. Any proposed travel out of state is subject to prior approval and authorization by the Town Manager or other designee, in the case of employees under the jurisdiction of elected boards or commissions.

### **35.0 Acceptable Use Policy – Computer, Technology, Email, Cell phone, Internet, Social Media.**

35-1. *Policy:* The Town of Williamstown may provide email and/or internet access to employees who are connected to the municipal network server at the Town Offices and, additionally, to various employees in other town buildings. The purpose of providing these services to employees is to improve communication between departments and to provide the means to communicate and obtain information via the Internet. These services shall be used to improve the efficiency and effectiveness of municipal operations. Access and Control of the Town's technology resources, equipment and information shall be as follows:

The Town has these established policies to set the standards for the proper and allowed uses of the Town's telecommunications systems including telephones, email, facsimile

machines (faxes), cell phones, and the internet, including social media. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity.

*Email:* Email is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c 66). Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act.

*Appropriate Use:* E-mail and related online services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services.

Users shall act professionally, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

The internet, social media and telecommunications systems shall not be used for:

- personal gain or to conduct personal business, political activity, fundraising activity, or charitable activity;
- the transmission of materials used for commercial promotion, product endorsement or political lobbying;
- to promote discrimination based on race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; to promote, resulting in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs;
- for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any criminal activity.

No user shall violate the computer security systems implemented by the Town.

No user shall pirate software or download and transfer software for which the user does not have the proper licensing.

All users are expected to undertake precautions to prevent infection of town computers by computer viruses. Executable programs imported from other sites to town computers may not be used unless they have been authorized by the Town Manager or Director of IT, or designee, and have been subjected to the virus detection procedures approved by the Director of IT, or designee. Additional restrictions or regulations on the importing of remote files may from time to time be imposed, and such restrictions or regulations shall be considered part of this policy.

Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources. For security purposes, employees should either log off or revert to a password screen saver when leaving their computer for an extended period. When leaving for the day, employees should log off and power down all electronic equipment.

Personally-owned devices used to ‘officially’ access town email and/or data will be subject to the same security-related regulations and anti-harassment policies.

Open Meeting Law Compliance: All provisions of the Massachusetts Open Meeting Law apply to email communication.

*35-2. Social Media. Purpose:* This policy applies to all Town of Williamstown employees, appointed and elected officials to ensure that their use of social media conforms to the law and this policy. Further, all managers and supervisors should use this policy for guidance in administering the social media policies to their departments.

This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can breach confidentiality by revealing protected information about the Town, its citizens, its vendors and suppliers, or its employees; expose the Town to legal liability for employer or employee behavior that may be harassing, offensive, or maliciously false; or interfere with employees’ productivity and/or their ability to perform the duties and responsibilities of their positions with the Town. The Town strives to continue to be a professional organization comprised of professional employees, and the proper use of social media is key to maintaining the respect and trust of its constituents and the general public.

The Town expects employees to refrain from illegal activities when using social media. Employees who engage in illegal activity via social media are subject to immediate termination and appropriate legal action by the Town or governmental entities. Should any employee of the Town receive information about or become aware of a violation of this policy, including but not limited to harassing, offensive, threatening or intimidating communication via a social media site from another employee of the Town, the recipient employee should report the violation to their supervisor, and/or Town Manager. If employees are unclear as to what constitutes an illegal activity or they have any questions, they should contact their supervisor or the Town Manager.

Prohibited conduct also includes making false statements about others or posting information and materials that could contribute to a hostile workplace, such as derogatory comments about an employee’s age, race, color, national origin, sex, pregnancy, religion, disability, genetic information, sexual orientation, gender identity, familial status, or other legally-protected characteristic. Online postings that harass or threaten any other Town employees, officials or members of the public are expressly prohibited. Harassing or discriminatory comments may be deemed inappropriate and in violation of this policy even if the Town’s name or the names of any of its employees are not posted in the comment.

All employees are encouraged to remember that they are a representative of the Town, even when off the premises and/or during non-working hours

*Broad Scope of Social Media:* For the purpose of this policy, social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board, or chat room, whether or not associated or affiliated with the Town of Williamstown, as well as any other form of electronic communication. This includes, but is not limited to, online platforms that

facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content. Social media includes personal websites and all types of online communities, including but not limited to, Facebook, LinkedIn, Yelp, YouTube, Twitter, and Instagram. Because technology is rapidly evolving, this policy applies to current and future forms of electronic communications.

The same principles and guidelines found in the Town of Williamstown Anti-Harassment and Discrimination Policy apply to your activities online and through all of the above-mentioned social media outlets. Before creating online content, keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the Town, or the Town's legitimate business interests may result in disciplinary action up to and including termination.

*Town-Sponsored Social Media:* The Town engages in communications with current and prospective employees, customers, business partners, vendors and suppliers, affiliates and subsidiaries, and the general public via Town-sponsored social media. The Town-sponsored social media are for business use only, and the Town owns the accounts for the Town-sponsored social media, including all content, communications, and connections created, sent, received, or stored on such accounts. Only employees who are designated and authorized by the Town can prepare content for, delete, edit, or otherwise modify content on the Town-sponsored social media; such employees are specially trained by the Town for use of the Town-sponsored social media.

The Town permits reasonable use of social media by all employees for work purposes, such as research or to participate in audio conferences or webinars. The Town expects all employees to abide by the Town's Code of Conduct and Anti-Harassment and Discrimination Policy when using social media for work purposes.

*Rules of Conduct on Social Media:*

- Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of the Town of Williamstown. Work-related complaints are more likely to be resolved by speaking directly with co-workers or by utilizing the Town's open-door policy than by posting complaints to a social media outlet.
- Postings should avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage customers, members, associates, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or Town policy.
- Always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any false information about the Town, fellow employees, suppliers or others.

- Maintain the confidentiality of Town's confidential information. Confidentiality may include personal information about employees and citizens, information regarding the development of systems, processes, projects, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications without permission from the Town.
- No personal blog, website or social networking site may be linked to the Town website.
- Employees should never represent themselves as a spokesperson for the Town of Williamstown, unless they have received prior permission to do so from the Town Manager. If an employee does publish a blog or post online related to the work they do or subjects associated with the Town, they must make it clear that they are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town of Williamstown or its employees".
- Refrain from using personal social media while on work time or on equipment provided by the Town, unless it is work-related as authorized by your manager or consistent with the Town's Computer/Information Technology Policy. Do not use the Town's email addresses to register on social networks, blogs, or other online tools utilized for personal use.

*Retaliation Is Prohibited:* The Town of Williamstown prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any town official/manager/employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

*Media Contacts:* Town employees should not speak to the media on Town's behalf without contacting the appointing authority/Town Manager. All media inquiries should be directed to them. For more information, for any questions or further guidance, please contact the Town Manager or the HR Director.

*Social Media when off-duty.* While employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites, and other forms of social media while off duty, their status as employees of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules, or regulations. Employees must exercise caution with respect to comments they post concerning the Town, a particular department of the Town, and/or other employees and officials of the Town.

*Additional Illegal Conduct Prohibited:* Employees should not take pictures or make audio/video recordings in private areas such as changing rooms, locker rooms, and restrooms, nor should they share such pictures or recordings via social media.

*Security and Monitoring of Social Media:* Because the Town owns and operates electronic communication systems and devices, the Town may monitor employee use of social media, whether accessed at work or elsewhere through telecommuting, to ensure that electronic communication systems and devices are being used in compliance with

federal and state laws and regulations, this policy, and other the Town rules. For more information, see the Town's Computer Use and Communications Equipment Policy.

*35-3. Mobile Devices Provided by the Town.* Employees whose work requires the issuance of a mobile device will be provided such device at the recommendation of the Department Head and the approval of the Town Manager. If an employee believes there is a legitimate business need for them to use a Town cell phone, they should communicate the need to their department head who will evaluate their request. Evaluation criteria includes the following:

- The frequency of the employee's need for cellular communications for Town business.
- The cost of cellular communication as compared to alternative forms of communication.
- The provision of cell phones to others within the employee's department and the potential to share or jointly use cell phones.

If the department head determines a legitimate need, they will forward for approval from the Town Manager. The Town Manager will determine whether a Town owned cell phone will be ordered or if the use warrants a stipend for use of their personal cell phone.

*Town Owned Cell Phones:* If an employee is approved for a Town-owned cell phone, the Town will be responsible for purchasing the phone and protective/carry case. Such cell phones shall be purchased by the Town utilizing standard purchasing policies and procedures.

*Personal Cell Phones:* If the Town Manager determines use of an employee's personal cell phone is required for their position and they prefer to use their personal cell phone, they will be eligible for a \$25 monthly stipend without data or a \$45 monthly stipend of a personal cell phone with data through payroll for such usage. This stipend or reimbursement is a taxable benefit in which the employee is responsible for their share of the taxes and other applicable deductions.

The Town will not reimburse an employee if their personal cell phone is lost, stolen or damaged - or in any way becomes unusable. Under no circumstances will the Town reimburse employees for additional data, texting, internet, or downloading expenses on their personal phone. Employees who opt to use their own mobile devices for Town business, are advised that their device may be subject to records access laws.

*Usage Guidelines:*

- Detailed records of the use of Town mobile devices are public records and may be requested at any time.
- Mobile devices provided by the Town are to be used predominantly for work-related purposes. Personal use that incurs charges must be paid for by the employee.
- In addition to this policy, the use of mobile devices is governed by personnel policies which relate to the use of all Town computing equipment.
- Hand-held cell phone use while operating Town equipment is prohibited unless it is an emergency. If there were a need to use the cell phone while operating the vehicle for a non-emergency, the vehicle is to be pulled over prior to such use.



*Security Guidelines:*

Mobile devices with access to email and other data services are part of the Town's technology infrastructure, and as such, will be subject to the security guidelines outlined in the Town's technology security plans.

Users are responsible for the physical safety of their Town provided devices and must report lost/stolen/damaged equipment immediately to the technology staff.

*Public Records:* Any employee using a town issued cell phone or receiving a stipend from the town is reminded that all information such as email or text messages may constitute a public record. Any information related to official town business existing on personal cellular phones may also constitute as public record. Therefore, any such information should be considered official business of the town and should be maintained as public records in the same manner as email messages.

### **36.0 "Whistleblower" Policy**

36-1. *Purpose:* This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the town and the responsibility of the Town Manager/HR Director:

- (a) To encourage the reporting by its employees of improper governmental action taken by town officers or employees; and
- (b) To protect town employees who have reported improper government actions in accordance with this policy.

The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action.

36-2: *Procedure:* Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, the Town Manager/HR Director, or the appropriate governmental agency responsible for investigating such improper action. If employees are uncomfortable with making such reports to these individuals, they may make the report to any member of the Select Board. If requested by the supervisor or the Town Manager/HR Director, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity who is not the person's supervisors, the Town Manager/HR Director, or other government agency. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

A. is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature;

B. reasonably fears physical harm as a result of the disclosure provided; or makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in this manual.

The supervisor or the Town Manager/HR Director, as the case may be, shall take prompt action to assist the Town in properly investigating the report of improper government action. Town officers, administrators, supervisors, and employees involved in the investigation shall keep the identity of the reporting employees confidential to the extent possible under the law unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

*36-3. Retaliatory Action:* Town officials, administrators, supervisors and employees are prohibited from taking retaliatory action against the town employee because they have, in good faith, reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Town Manager/HR Director. Town officials, administrators and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or Town Manager/HR Director does not satisfactorily resolve an employee's complaint that they were retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

Employees of the Williamstown Police Department are also governed by the provisions of the 2022 Police Reform Act which requires law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation.

*36-4. Responsibilities:* The Town Manager/HR Director is responsible for implementing the Town's policies and procedures. They will ensure this policy is permanently posted where all employees will have reasonable access to it and will have this policy available to any employee upon request. They will, to the extent it considers practical, provide training and education on the whistleblower policy. Town Managers and supervisors are responsible for ensuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action up to and including dismissal.

### **37.0 Longevity Policy**

37-1. *Policy and Coverage:* All permanent full-time and permanent part-time employees are eligible to receive longevity pay. Employees will receive \$50.00 per year after 5 years with no cap.

Payment shall be made annually on the second week in the month of November.

The date used for determining “Completed Years of Service” shall be December 31<sup>st</sup> of the year in which payment is being made.

Interruption of employment for the purpose of performing military service under orders shall not be deemed a break in continuous employment with the Town for the purpose of determining longevity eligibility.

### **38.0 Equal Employment Opportunity**

38-1. *Equal Employment Opportunity Policy:* The Town of Williamstown commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

38-2. *Equal Pay Law:* The Town of Williamstown complies with the Massachusetts Equal Pay Act (MEPA) which provides that “No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work.” The law defines “comparable work” as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions. The full law is described here: M.G.L. c. 149, § 105A (“MEPA”).

### **39.0 Affirmative Action Statement**

39-1. *Policy and Statement:* It is the policy of the Town of Williamstown to provide equal employment opportunities without regard to race, color, religion, sex, national origin, age, disability, marital status, veteran status, sexual orientation, genetic information or any other protected characteristic under applicable law. This policy relates to all phases of employment, including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in all company-sponsored employee activities. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity or age limitations will be adhered to by the company where appropriate.

39-2. As part of the Town's equal employment opportunity policy, The Town of Williamstown will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, disabled veterans, recently separated veterans, other protected veterans, Armed Forces service medal veterans,

and qualified disabled persons are introduced into our workforce and considered for promotional opportunities.

39-3. Employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

39-4 The above-mentioned policies shall be periodically brought to the attention of supervisors and shall be appropriately administered. It is the responsibility of each department head to ensure affirmative implementation of these policies to avoid any discrimination in employment. All employees are expected to recognize these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.

39-5 The Town Manager or designee acting as The Affirmative Action Officer has been assigned to direct the establishment and monitor the implementation of personnel procedures to guide our affirmative action program throughout the Town of Williamstown. A notice explaining the company's policy will remain posted.

#### **40.0 Workplace Violence**

40-1. *Policy and Statement:* The purpose of this policy is to establish a standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence.

40-2. *Work Environment:* It is the policy of the Town to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Employees may also be subject to disciplinary action, up to and including termination.

The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or

experience such behavior by anyone on town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is an employee. Supervisors and department heads who receive such reports should contact the Town Manager immediately for a response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

The Town is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against employees or members of the public on town property, or during the performance of town business, regardless of location.

For the purposes of this policy, the word violence shall mean, but is not limited to, an act or behavior that:

- is physically injurious or abusive;
  - a reasonable person would perceive as obsessively directed (e.g., an intensely focused grudge, grievance or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
  - consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;
  - is a behavior or action that a reasonable person would perceive as menacing;
  - involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
  - consists of a communicated or reasonably perceived threat to destroy property.
- Such communications through electronic means or social media may be considered as violence.

40-3. *Firearms Policy:* Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on town property, in town vehicles, or in any personal vehicle which is used for town business, or during business hours, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm or has a Firearm Identification Card (FID). Use of other objects by employees, such as, but not limited to, pocket knives, razors, hammers, etc., in a dangerous or potentially dangerous manner is also prohibited.

Violent actions on town offices, work locations, or while on town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees or members of the public on town property, or while using town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

Department heads and supervisors are responsible for receiving reports of incidents of workplace violence, assessing situations, making judgments as to appropriate responses, responding to reports of workplace violence, and initiating the investigation process. Department heads shall submit all reports to the Town Manager.

## **41.0 Pregnant Workers Fairness Act**

41-1. *Policy and Statement:* The Town does not discriminate based on pregnancy or related conditions, including lactation and the need to express breast milk for a nursing child, unless this discrimination is based on a bona fide occupational qualification. The Town also does not discriminate based on sex, which can include pregnancy, childbirth, and the need for maternity leave, unless this discrimination is based on a bona fide occupational qualification (BFOQ) within the meaning of Section 703(e)(1) of Title VII, 42 U.S.C. §2000e-2(e)(1).

The Town shall provide reasonable accommodations requested by employees for their pregnancy or related conditions, unless these accommodations would impose undue hardship on the Town's business. The Town also does not reject applicants because of their pregnancy or related conditions if they can perform their essential job functions with reasonable accommodations, unless these accommodations would impose undue hardship on the Town's business.

The Town shall provide written notice to employees about their rights under the pregnancy discrimination prohibitions and reasonable accommodation requirements in the employee handbook or by other means. Specifically, the Town shall provide this notice to new employees at or before the start of their employment and to existing employees within 10 days after they provide notice of their pregnancy or related conditions.

41-2. *Lactation Policy:* Employees who are nursing mothers can take reasonable break periods during the workday to express breast milk for their children. Such nursing mothers can take breaks each time they need to express milk beginning from the date of the nursing child's birth and for up to one year.

41-3. *Lactation Room:* For the convenience and privacy of nursing mothers, the Town will provide a lactation space.

41-4. *Equipment:* All nursing mothers must provide and use their own breast pumps and milk bottles. Contact the Town's Employee Assistance Program (EAP) for more information about purchasing or renting appropriate lactation-related equipment. Employees can get EAP information from the Town Manager's Office.

## **42.0 Severe Weather and Other Emergencies Policy**

42-1. *Policy and Statement:* This policy establishes guidelines for operations during periods of extreme weather and other emergencies. The Town offices remain open in all but the most extreme circumstances. Unless an emergency closing is announced, all employees are expected to report to work, although all employees are urged to use their own discretion in deciding whether they can safely get to work or be at work. When an emergency closing has not been declared, employees who do not report to work because of inclement weather or other emergency have the option of taking vacation, personal leave, or leave without pay. In certain instances, with Department Head approval, employees may work remotely.

42-2. *Designation of Emergency Closing:* Only by authorization of the Town Manager, Board of Selectmen, or Governor of the Commonwealth does the Town cease operations because of emergency circumstances. If severe weather conditions develop during working hours, department managers may allow their nonessential employees to leave work early.

42-3. *Emergency Management Team:* An Emergency Management Team, consisting of the Town Manager, Public Works Director, Police Chief, Fire Chief, and appropriate representatives from their departments are responsible for monitoring weather and emergency conditions for the purposes of communicating and implementing emergency plans. The DPW Director is responsible for coordinating snow removal efforts and other steps necessary to maintain the safety and security of the Town premises during severe weather and other emergency conditions.

42-4. *Procedures For All Employees:* If weather or other emergency conditions prevent employees from reporting to work on time, they are responsible for notifying their supervisor, within the first hour of the workday. If direct contact is not possible, leaving a detailed voicemail message or message with another employee is acceptable. Employees should leave a phone number where they can be reached.

42-5. *Essential Personnel:* If the Town is officially closed, essential functions must be maintained and essential personnel must report to work unless otherwise instructed. A roster of essential personnel is maintained by each department manager. An up-to-date copy of each department's roster is kept on file in the Town Manager's Office.

42-6. *Announcements:* Modifications to normal operations are announced as early as possible through the following media: telephones, emails, and Williamstown websites. In severe weather situations, employees will be notified by their department heads.

### **43. Compliance Investigative Procedure**

43-1. *Introduction and Applicability:* The Town of Williamstown, MA is committed to conducting business and services ethically and in accordance with applicable laws and regulations of the local, state and federal government. The purpose of this procedure is to establish the requirements for reporting and investigating suspected incidents of unethical behavior or suspected violations of applicable laws, regulations or Town policies or procedures. The Town will investigate all reports of misconduct and will take all appropriate steps to address violations that it finds. This procedure applies to all town officials (elected or appointed), employees, independent contractors, representatives or other persons acting for or on behalf of the Town.

43-2. *Reporting procedure:* It is the responsibility of every employee, independent contractor and applicable third parties with knowledge or a reasonable belief of an incident of unethical behavior, a violation of law, regulation or contractual obligation governing our town business and services, violation of the Code of Conduct/Code of Ethics, or any other Town policy or procedure, to promptly report such violations. Employees have the option of making such reports to their manager, Town Manager/Human Resources Director, the Town Clerk, or other designees. If employees

are uncomfortable with making such reports to these individuals, they may make the report to any member of the Select Board.

Examples of the types of reports covered by this policy include but are not limited to:

- questionable accounting or auditing matters
- potentially illegal practices and/or dangerous situations
- unethical acts and/or potential violations of the Code of Conduct/Code of Ethics
- hate and racial discrimination crimes, other forms of discrimination as defined by law and in these policies; sexual harassment, bullying, and
- fraud against the Town, taxpayers, vendors or employees of the Town.

If a Town employee has knowledge or reasonable belief that a violation of law or Town policy or contractual obligations has occurred, or they are asked to violate law, policy or contractual obligations, they should not remain silent. Report such violations, or suspected violations; depending on the circumstances to the appropriate Town personnel listed above. Failure to report may itself violate the Code of Conduct/Code of Ethics. Remember that no unethical or illegal acts can be justified by saying they benefited the Town, or were directed by a higher authority in the organization.

If a Town employee encounters a situation and is unclear on the appropriate course of action, they should discuss the issue with their supervisor or report it to the Town Manager/HR, Town Clerk or Town Counsel.

Any supervisor receiving a report is expected to promptly report the matter to any of the above personnel and take such further action as may be directed.

Officers of the Williamstown Police Department are also governed by the provisions of the 2022 Police Reform Act which requires that an officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report

43-3. *Non-Retaliation:* The Town strictly prohibits retaliation by any employee against an individual who reports a violation of law or Town policy in good faith or objects to or refuses to participate in an activity they feel is in violation of law or Town policy. No hardship, loss of benefit or penalty—which may include downgrading an employee's performance rating, limiting an employee's opportunities for assignments or advancement, excluding an employee from town or departmental functions or general mistreatment—may be imposed on an employee as punishment for:

- filing or responding to a good faith complaint; or



- cooperating in an investigation.

Individuals who engage in reckless or malicious reporting with knowledge that the incident reported has no factual basis will be subject to the appropriate and applicable disciplinary process, up to and including termination.

Employees of the Williamstown Police Department are also governed by the provisions of the 2022 Police Reform Act which requires law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation.

43-4. *Investigation:* The Town will review all reports received and determine their credibility. The Town Manager, Town Counsel and appropriate senior management will be notified of reports alleging serious violations of Town policy and/or law, and such persons should notify the Chair and Vice Chair of the Select Board. When appropriate, the Town Counsel will instruct that the actions outlined herein shall be performed at the direction of in-house legal counsel. In addition, external counsel may be appointed to lead certain investigations as well.

Following receipt of the report, the Town will appoint an Investigator to conduct a review of the allegations by the complainant. Generally, Town Manager and Legal Counsel will be involved to some extent in any investigation, and the investigation may also involve assistance from the HR Director, internal audit and other departments as appropriate. The Investigator will interview individuals who, in the Investigator's discretion, may have relevant information. Unless otherwise directed, the Investigator will also review applicable documents related to the allegations. If during the investigation, the Investigator determines that a records hold is necessary, the Investigator will work with the Town Counsel to issue a records hold directive to the affected individuals. Employees are expected and required to cooperate fully with all investigations; failure to do so can result in disciplinary measures, including and up to termination.

Note that in no event are individuals or their employees who have an interest in the outcome of the investigation permitted to participate in the investigative process. In addition, if the Town Manager/HR, the Town Counsel, Town Clerk or other officer are implicated in the investigation's allegations, the matter will be referred to any other of such officers who will determine the scope of the investigation and will appoint someone independent from the conflicted individuals to direct the investigation. If such other officers are implicated, have a conflict of interest or otherwise not available to fulfill this task, the matter will be referred to the Chair and Vice Chair of the Select Board.

43-5. *Report:* The Investigator will draft a written report summarizing the allegations, the steps of the investigation, the laws or policies implicated, the conclusion of the investigation and any remedial measures taken. The memorandum shall be forwarded to appropriate members in Management, Legal, and HR, as well as other appropriate members of senior management. Distribution of this memorandum will be limited to individuals with a need-to-know status.

In applicable cases, the Investigator will consult with the Town Counsel as to the outcome of the report, including whether any disclosures to a governmental body and/or appropriate authorities are required and what compliance enhancements and remedial

measures should be undertaken. Town Management, Legal and HR will also coordinate, where appropriate, if disciplinary actions are necessary.

Unless otherwise designated, all investigations will be kept confidential. Any external inquiry regarding the investigation should be forwarded to the appropriate legal, management, and/or communications personnel. Where appropriate, the actions outlined herein shall be performed and records shall be maintained in a manner consistent with the attorney-client, work product, privacy protections and other applicable privileges. Records of all incidents will be kept a minimum of seven years.

**TOWN OF WILLIAMSTOWN, MASSACHUSETTS  
ANTI-HARASSMENT AND/OR DISCRIMINATION  
COMPLAINT FORM**

Complainant's Name: \_\_\_\_\_

Complainant's Position/Department: \_\_\_\_\_

Alleged Offender's Name: \_\_\_\_\_

Alleged Offender's Position/Department: \_\_\_\_\_

Date and Time of Alleged Incident: \_\_\_\_\_

Nature of Alleged Incident: (Include a description of what happened, any relevant details to the incident, etc.)

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Name and Position of Any Witnesses to Alleged Incident: \_\_\_\_\_

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Is this the first time the alleged incident has been reported? (circle one) Yes No

If no, when and to whom was the alleged incident reported? \_\_\_\_\_

Please attach additional information if needed.

\_\_\_\_\_  
Name/Date

Complainant's Signature

\_\_\_\_\_  
Received By,

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**TOWN OF WILLIAMSTOWN, MASSACHUSETTS**

**ANTI- HARASSMENT AND DISCRIMINATION POLICY**

**EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT**

I, \_\_\_\_\_, hereby acknowledge receipt of the **Policy on Harassment, Sexual Harassment and Workplace Bullying** on the date set forth below.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Please keep the attached document for your files and return this sheet to the Assistant to the Town Manager.

cc: Personnel File

## **ATTACHMENTS:**

## ***EMPLOYEE ACKNOWLEDGMENT FORM***

I understand that the Personnel Policies and Procedures contains important information about the Town of Williamstown and that I should consult with the Town Manager/HR office or Town Accountant to field inquiries on personnel matters if I have any questions concerning the Personnel Policies or the Town of Williamstown's policies, procedures, benefits, or programs.

I affirm that I have reviewed the contents of the Personnel Policies and Procedures in its entirety and that I will act in conformity with it, including all policies and procedures it contains. I understand that violations of the Personnel Policies and Procedures may result in disciplinary action, up to and including termination.

I further understand and agree that no part of the Personnel Policies and Procedures constitutes or is intended to create a contract of employment. I also understand that the Personnel Policies and Procedures do not create any implied contract between me and the Town of Williamstown. My employment with the Town of Williamstown is solely at-will, and I understand that I or the Town of Williamstown can terminate our employment relationship at any time, with or without advance notice and with or without cause. I affirm that I have entered into my employment relationship with the Town of Williamstown voluntarily and understand that my employment does not have any specific length or term.

I further understand and agree that the information contained in the Personnel Policies and Procedures supersedes any prior handbooks, policies, promises, practices, or representations from the Town of Williamstown, whether written or oral. No person other than the Select Board and the Town Manager have authority to bind the Town of Williamstown concerning terms and conditions of employment or has authority to make any agreement that alters or varies any of the policies, procedures, benefits, or programs contained in the Personnel Policies and Procedures, or any terms or conditions of my employment, including my status as an at-will employee, and that any such agreement must be in writing. The Town of Williamstown reserves the right to amend, supplement, modify, or eliminate any of its policies and procedures at its sole discretion, including policies and procedures relating to my compensation, work hours, or any other terms or condition of my employment.

By signing below, I acknowledge receipt of a copy of the Town of Williamstown's Personnel Policies and Procedures. I understand that this form will be retained in my personnel file.

**Employee Name:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name of Employer Representative:** \_\_\_\_\_

**Signature of Employer Representative:** \_\_\_\_\_

**Date:** \_\_\_\_\_