

PERSONNEL POLICIES

TOWN OF CARLISLE

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Carlisle Select Board

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 Carlisle, MA 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.

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1.0 General Provisions

1-1. *Authorization.* These policies are promulgated in accordance with the authority granted by the Personnel Bylaw. If a provision of a collective bargaining agreement or personal employment contract conflict with these policies, the applicable agreement or contract will govern.

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 Carlisle. They shall apply to all Town of Carlisle departments, other than the School Department, and to the positions of all appointed employees in the service of the Town, whether full- or part-time, temporary, seasonal, special, intermittent or any other type of employment, unless otherwise covered by separate agreements between the Town and any individual employee or developed through collective bargaining. Where noted, sections will also apply to elected officials and volunteers.

The Town adheres to the policy of employment-at-will, which permits the Town or the employee to terminate the employment relationship at any time, with or without cause, for any lawful reason or for no reason at all.

Nothing contained in these policies should be construed to create an employment agreement or promise of employment between the employee and the Town.

These policies are consistent with the following merit principles:

- (a) Recruitment, selection, and classification of personnel shall be based on ability knowledge, education, experience, and skill under fair and open competition.
- (b) Employment shall be open to all.
- (c) 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.
- (d) Retention and advancement of employees shall be determined because of their performance. Where appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, disciplinary action or separation shall occur.
- (e) Training and development opportunities shall be provided, as needed, to assure high quality performance by all employees.

1-3. *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 inconsistencies, the applicable state or federal law, collective bargaining agreement or civil service rules 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 or non-binary gender.

1-4. *Definitions.*

The following definitions shall apply:

- (a) "ADA Coordinator" shall mean the Town Administrator.
- (b) "Appointing Authority" shall mean:
 - (1) the Town Administrator; or
 - (2) in the case of a Department Head, the Town Administrator with the approval of the Select Board; or
 - (3) in the case of an employee who supports a board or committee, the Town Administrator with the approval of the Select Board after consultation with the supported board or committee.
- (c) "Class" shall mean a group of positions sufficiently similar with respect to essential functions, authority, and responsibilities.
- (d) "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.
- (e) "Department Head" shall mean the officer responsible for supervising a department's operations and activities.
- (f) "Contract employee" shall mean an employee in the town service holding an appointment of transitory nature. A contract employee shall not be entitled to any benefits provided by the Town.
- (g) "Employee" shall mean an employee of the Town of Carlisle occupying a position in the classification plan including persons who are on authorized leave of absence.

(h) "Full-time employee" shall mean an employee working not less than thirty-five (35) hours per week for fifty-two (52) weeks per year minus legal holidays and authorized vacation leave, sick leave, bereavement leave, jury duty, or other authorized leave of absence.

(i) "Part-time employee" shall mean an employee working less than a full-time employee, provided, however, only part-time employees whose duties require no less than twenty hours, regularly, in the service of the governmental unit during the regular work of permanent or temporary employment, and provided, further, that no seasonal employee or emergency employee shall be included for holiday pay, vacation leave, sick leave, insurance, bereavement leave, jury duty, or other authorized leave of absence.

(j) "Probationary employee" shall mean a full or part-time employee who has not yet completed a probationary period of service. (See **Section 6-3**)

(k) "Retired Employee" shall mean an employee who meets state and/or county requirements to be eligible for retirement benefits from the Town of Carlisle.

(l) "Temporary employee" shall mean an employee in the town service for which a specified tenure of service is stipulated at or before the time of hire. (See **Section 3-4b**)

(m) "Town" shall mean the Town of Carlisle.

1-5. *Amendment of Policies.* Amendment to these policies shall be in accordance with the Personnel Bylaw.

2.0 Administration of Policies

2-1. *Responsibilities/Select Board.* The Select Board shall be responsible for the adoption of personnel policies and procedures promulgated pursuant to the Personnel Bylaw of the Town, as it deems to be in the best interests of the Town. The Town Administrator, with the approval of the Select Board, may designate another Town official to manage and be responsible for the daily administration of the personnel system.

2-2. *Responsibilities/Personnel Board.*

1. Ensure that the Town: (i) maintains an effective personnel system, (ii) monitors the usefulness of policies, procedures, and practices, (ii) and issues reports in accordance with the Town 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 in accordance with proper personnel practices;
4. Monitor the implementation and practices of the Town's personnel policies; and
5. Upon request, provide advice and assistance to the Town Administrator, Appointing Authorities, supervisory personnel, and employees on all aspects of personnel policies and practices.

2-3. Responsibilities/Town Administrator (for All Departments Other than the School Department).

1. Ensure that the Town acts to provide maximum employment opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, gender identity, or other non-merit factors in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management.
2. Consult, as they deem appropriate, with the Personnel Board about such changes in the personnel policies as may be considered necessary.
3. Ensure that recruitment, selection, appointment, retention, discipline and separation of employees is consistent with the Personnel Bylaw and the personnel policies.
4. Administer all functions specified in the Personnel Bylaw and personnel policies.
5. Ensure the preparation and maintenance of a comprehensive pay and classification plan (including pay schedule and job descriptions) and submission to the Select Board for inclusion in the Warrant for the Annual Town Meeting.
6. Supervise and maintain a centralized personnel record keeping system.
7. Administer employment training and employee development programs.
8. Evaluate periodically the effectiveness of the Town's personnel system.
9. Act as the chief negotiator for collective bargaining agreements; and

10. Provide advice and assistance to the Select Board, Personnel Board, department heads, supervisory personnel and employees on all aspects of personnel management.

3.0 Recruitment and Appointment

3-1. *Policy.* The Town is an equal opportunity employer. The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, color, creed, gender, gender identity, sexual orientation, national origin, political affiliation, disability, or other non-merit factors applying for employment in the Town will receive equal treatment and proper regard for privacy and constitutional rights. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall 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 Appointing Authorities shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the then-current classification and compensation plan. Appointing Authorities shall have the discretion to use all appropriate measures of recruiting personnel, including, but not limited to: use of employment agencies, employee referrals, use of trade and other professional journals.

(a) *Notice of Vacancies.* Appointing Authorities, upon the identification of a vacancy or on the authorization of a new position, shall prepare a job vacancy notice. The job vacancy notice shall include: the job title, major essential functions of the position, qualifications, salary ranges, a closing date for applications, and application instructions. The Town Administrator shall review and approve all job notices prior to advertisement and posting. Recruitment of a position shall not begin until the job vacancy notice is approved by the Town Administrator.

(b) *Posting and Advertisement of Job Vacancy Notices.* Upon the approval by the Town Administrator notices of vacant positions shall be posted for ten (10) business days on the personnel bulletin board located in town hall and on the bulletin boards in the off-site departments. Advertising for entry-level positions should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.

(c) *Applications.* All candidates reaching the interview process for employment in the Town shall complete an official employment application form and return the form to the Town Administrator prior to the interview. Each

applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature.

(d) *Methods of Selection.* The Town Administrator, working in cooperation with the Appointing Authority, shall establish selection procedures to determine the candidate's fitness and ability to perform in the position.

(e) *References.* A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background information shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.

(f) *Application Records.* The application, reference checks, and related documents submitted shall be maintained by the Town Administrator for the period required by law. The Town shall maintain the confidentiality of the application.

3-4. *Appointment.* All appointments shall be made in writing by the Appointing Authority. The written notice of appointment shall include the salary, the starting date, and any conditions of employment not covered in these personnel policies. Copies of the notice of appointment shall be provided to the Town Administrator.

(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 probationary period following the original appointment in accordance with the provisions of these policies. Upon certification of the department head or appointment authority that 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 1000 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. 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 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. If the applicant is found unfit, the Appointing Authority shall withdraw the offer of employment. A report of the medical examination of any person hired shall be maintained as a permanent part of the town records, subject to appropriate confidentiality provisions. Police and Fire candidates will be subject to physical ability tests and any other required state examinations.

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 Appointing Authority. The Appointing Authority may exercise their discretion in choosing the candidate for the position when there is more than one qualified candidate. In addition, the Appointing Authority may exercise their discretion to refuse to hire any candidate for the position, even if qualified.

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.

4.0 Promotions

4-1. *Promotions Defined.* 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. It is the Policy of the Town to advertise and recruit for all town positions as outlined under **Section 3.0** of these policies.

4-2. *Notification.* Notices of promotional positions shall be posted on municipal office building bulletin boards and offsite locations that will be conspicuous to employees for ten (10) working days. Interested employees may apply for the position.

4-3. *Methods of Selection (Promotional Level).* The Appointing Authority working in cooperation with the Town Administrator shall establish selection procedures to determine the candidates' ability to perform in the higher-level position.

5.0 Performance Reviews

5-1. *Coverage.* All Town employees covered under the Personnel Bylaw.

5-2. *Policy.* Supervisors of personnel are expected to conduct annual performance reviews of those individuals working under their direction. The Town Administrator is expected to conduct separate annual management performance appraisals of all Department Heads in consultation with the supported board or committee. Performance reviews are expected to accomplish the following:

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 merit pay increases;

A copy of the performance review form is appended hereto and available through the Town Administrator's Office.

6.0 Orientation and Probation

6-1. *Policy.* The Town Administrator shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

6-2. *Orientation.* The Town Administrator and/or Appointing Authority 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 and assist the employee with completion of appropriate forms. The Town Administrator shall provide the employee with a copy of these personnel policies.
- (c) provide on-site orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department including the safety policies and procedures.

6-3. *Probationary Period.* All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion and to continue for a three (3) month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the supervisor to observe and evaluate the employee's performance against such standards. Upon expiration of the probationary period, the supervisor shall notify the Appointing Authority and Town Administrator that:

- (a) the employee's performance meets satisfactory standards, and the individual will be retained in the position for the remainder of the term for which appointed or for an indefinite term whichever is the case; or

- (b) the employee's performance, due to extenuating circumstances, requires additional observation and the probationary period will be extended an additional three (3) months; or
- (c) the employee's performance was unsatisfactory, and that removal or demotion will occur.

Probationary employees may be removed by an Appointing Authority without notice if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. Such actions are not subject to appeal.

7.0 Classification Plan

7-1. Policy. The policy of the Town is to provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

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

- (a) **Position Titles.** Each position shall have an official title. It 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, unless exempted by the Town Administrator.
- (b) **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, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

7-3. Responsibility. The Town Administrator shall have the primary responsibility for the administration and day-to-day maintenance of the classification plan. The Select Board will make the appropriate recommendations to Town Meeting to amend the classification and compensation plan. Under the policy direction of the Select Board, the Town Administrator shall:

- (a) Complete studies of proposed new positions and make recommendations to the board 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 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 job descriptions content as requested by the Appointing Authority.
- (g) Communicate required edits to the Department Heads.

7-4. *Classification of New Positions.* The appointing authority proposing the creation of a new position shall provide the Town Administrator with a description of the essential functions, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Administrator to recommend an appropriate classification. Final approval of the new positions lies with the Select Board.

7-5. *Reclassification of Positions.* Positions may not be reclassified without a review and approval by the Town Administrator and Select Board.

8.0 Compensation Plan

8-1. *Policy.* The compensation plan shall be directly related to the classification plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market and fiscal policies of the Town. The Board may also consider input from the Appointing Authority. All employees shall be paid in accordance with the rates in the compensation plan. At the Town Administrator's request, the Personnel Board shall work with the Town Administrator in establishing the compensation plan for adoption by the Select Board and Town Meeting. The Town Administrator shall periodically review a compensation plan for the existing classification plan and recommend as needed revisions for approval by the Select Board and Town Meeting.

8-2. *Coverage.* 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 Administrator shall have the responsibility for the administration of the compensation plan. The Town Administrator shall distribute copies of the compensation plan to all Department Heads.

8-4. *Approvals.* The Town Administrator will approve all hiring rates, salary adjustments, and other payroll changes in accordance with the provisions of these rules, within the parameters of the compensation plan established at Town Meeting, and subject to budget allocations determined at Town Meeting.

8-5. *Part-time Employees.* A part-time employee shall be compensated at an hourly rate for the appropriate classification; or, in the absence of a specified hourly rate, will be pro-rated for the portion of the full-time normal workweek actually worked by the part-time employee.

8-6. *Appropriations.* All positions are subject to budgetary appropriations.

8-7. *DPW Employees.* Due to the special nature of their work:

(a) DPW employees who are called back and report for work after having left their place of employment and after having completed their assigned work shift, but before their next regularly scheduled stating time, shall be guaranteed a minimum of four (4) hours pay at time and one-half (1 ½).

(b) DPW employees shall be available upon two hours' notice for duty during the normal time period for inclement weather (November 20 – April 19). As compensation for this stand-by-duty, such employees will receive extra days off with pay according to the following formula:

Minimum of 1 year of service = 2 days annually

Minimum of 5 years of service = 3 days annually

Minimum of 10 years of service = 4 days annually

These extra days off shall be scheduled with the approval of the department head and may not be carried over from one fiscal year to the next. An employee may choose to take extra pay (at their regular rate of pay) in lieu of the extra time off, if desired.

If an employee is not available for duty at any time during the inclement weather period, one-half of his allotment of extra days off is lost; if the employee is not available a second time during the same period, his full allotment of extra days for that fiscal year is lost.

9.0 Group Insurance

9-1. *Policy.* Pursuant to G.L. c. 32B, the Town offers a plan of group life/health insurance. The Town shall pay 55% of the monthly premium and employees shall pay the remaining 45%. Retired employees shall pay the same premium percentage rate as employees.

New employees, who are eligible and opting for coverage, must join this plan within thirty (30) days of their employment date or join on the Town's next open-enrollment date, unless a triggering event permits enrollment outside of the anniversary period.

Elected Officials who receive compensation from the Town but do not work a minimum of 20 regularly scheduled hours per week are not eligible for benefits under the benefits program of the Town.

9-2. *Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).* This notice is intended to inform employees in a summary fashion of certain rights and obligations under the continuation coverage provisions of the law.

(a) Employees covered by one of the Town's health insurance plans have a right to choose continuation coverage for a period not to exceed 18 months (this may be extended under the law in certain limited circumstances), if the employee loses his/her group insurance coverage because of a reduction in hours of employment or the termination of employment for any reason other than for gross misconduct.

(b) 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; a reduction in spouse's hours of employment; termination of spouse's employment for any reason other than gross misconduct; divorce or legal separation from spouse; or spouse becomes eligible for Medicare.

(c) A 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 the parent-employee; reduction in the parent-employee's hours of employment; termination of the parent-employee's employment for any reason other than for gross misconduct; parents' divorce or legal separation; the parent-employee becomes eligible for Medicare; or, the dependent ceases to be a "dependent child" under the Town's insurance.

Under the law, the employee or a family member has the responsibility to inform the Town Administrator of a divorce, legal separation, or a child losing dependent status under the Town's health insurance within sixty (60) days of the occurrence of the qualifying event. The notification must include documentation satisfactory to the Town Administrator verifying the occurrence. Department Heads have the responsibility to

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

10.0 Standards of Conduct

10-1. *Policy.* Anyone performing services for the Town or holding a Town position, whether paid or unpaid, including full- and part-time employees, elected officials, volunteers, and consultants, is a Carlisle employee for the purposes of this **Section 10.0** and the Conflict of Interest Law. Employees are prohibited from engaging in any conduct that could reflect unfavorably upon the 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 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, its public officials, or fellow employees. Town employees shall comply with the Conflict of Interest/Financial Disclosure requirements of Chapter 268A of the Massachusetts General Laws, which governs conduct as a public official or public employee.

10-2. *Requirements.* Town employees are prohibited from:

- (a) Asking for or accepting anything (regardless of its value) if it is offered in exchange for their agreeing to perform or not perform an official act.
- (b) Asking for or accepting anything of substantial value from anyone with whom they have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: they may refuse or return it; they may donate it to a non-profit organization provided they do not take the tax write-off; they may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with them.
- (c) Hiring, promoting, supervising, or otherwise participating in the employment of their immediate family or their spouse’s immediate family.
- (d) Taking any type of official action that will affect the financial interests of their immediate family or their spouse’s immediate family. For instance, they may not participate in licensing or inspection processes involving a family member’s business.
- (e) Taking any official action affecting their own financial interest, or the financial interest of a business partner, private employer, or any organization, for which they serve as an officer, director, or trustee. For instance: they may not take any official action regarding an “after hours” employer or its competitors;

they may not participate in licensing, inspection, zoning, or other issues that affect a company they own, or its competitors; if they serve on the Board of a non-profit organization, they may not take any official action which would impact that organization or its competitors.

(f) Having more than one job with the Town of Carlisle, unless they qualify for an exemption.

(g) Having a financial interest in a contract with the Town of Carlisle except under special circumstances. For instance: if they are a town employee, a company they own may not be a vendor to the Town unless they meet specific criteria, the contract is awarded by a bid process, and they publicly disclose their financial interest.

(h) Representing anyone but the Town in any matter in which it has an interest. For instance, they may not contact the Town on behalf of a company, an association, a friend, or even a charitable organization.

(i) Ever disclosing confidential information, data or material that they gained or learned as a public employee.

(j) Taking any action that could create an appearance of impropriety or could cause an impartial observer to believe their official actions are tainted with bias or favoritism, unless they make a proper, public disclosure including all relevant facts.

(k) Using their official position to obtain unwarranted privileges, or any type of special treatment, for themselves or anyone else. For instance, they may not approach their subordinates, vendors whose contracts they oversee, or people who are subject to their official authority to propose private business dealings.

(l) Using public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.

(m) After leaving public service, taking a job involving public contractors or any other particular matter in which they participated as a public employee.

10-3. *Training and Certification.* Employees must acknowledge in writing annual receipt of the Summary of the Conflict of Interest Law for Municipal Employees. Employees must also complete satisfactorily the biannual online training program prepared by the State Ethics Commission. The annual acknowledgement and biannual certification of satisfactory completion of training must be filed with the Town Clerk.

11.0 Disciplinary Policy and Procedures.

11-1. *Policy.* Employees are responsible for observing regulations and policies issued for the proper operation of departments in the Town.

11-2. *Reasons for Disciplinary Action.* Disciplinary action may be imposed upon an employee for failure to fulfill responsibilities. The following shall be sufficient cause for disciplinary action:

- (a) Incompetence or inefficiency in performing assigned duties.
- (b) Inability to perform one or more critical elements of the position.
- (c) 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.
- (e) Use or possession of illegal narcotics or alcohol while on duty.
- (f) Misuse, misappropriation, negligence, or destruction of town property or conversion of town property to personal use or gain.
- (g) 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 sexual harassment.
- (m) Falsification of time sheets.
- (n) Any violation of the Standard of Conduct as set forth in **Section 10.0**.
- (o) Any situation or instance of such seriousness that disciplinary action is warranted in the opinion of the Appointing Authority, Town Administrator, or Select Board.

11-3. *Disciplinary Procedures by Boards or Committees.* When the Appointing Authority is subject to G.L. c. 30A, §§ 20-25 (the Open Meeting Law) and wishes to discuss the

reputation, discipline, or dismissal of an individual in executive session, it must comply with the provisions of G.L. c. 30A, § 21(a). The individual may request that the meeting be held in open session.

In Compliance with the Open Meeting Law the meeting may be tape-recorded or videotaped.

11-4. *Suspension and Discharge.* An Appointing Authority may in consultation with the Town Administrator initiate suspension or discharge, for any reason, of any non-probationary employee covered by these policies, provided that the following procedures are adhered to:

- (a) Notice. Within one (1) working day before the suspension or discharge, the employee shall be provided:
 - (1) written notice describing the contemplated action; a copy of the written notice shall be submitted to the Town Administrator;
 - (2) information to the effect that within two (2) working days of receipt of the notice, the employee may request a hearing before the Appointing Authority in an effort to reverse the action, and that the hearing shall be given within seven (7) working days after receipt by the Appointing Authority of such request. A request for a hearing does not act to stay the Appointing Authority's action.
- (b) Decision of the Appointing Authority. Within two (2) working days after completion of the hearing, the Appointing Authority shall notify the employee in writing whether the employment action shall be modified or reversed. A copy of the decision shall be submitted to the Town Administrator for purposes of record keeping.
- (c) An employee suspended under this section shall automatically be reinstated at the end of such suspension. An employee whose suspension or discharge is modified or reversed in the employee's favor shall be entitled to compensation of the period for which said employee was not paid. Time suspended without pay will not count toward accumulation of paid leave benefits.

12.0 Problem Resolution Procedure

12-1 *Policy.* When an employee has a request or problem, they shall be allowed to follow all the steps of this procedure with freedom from reprisal. However, this procedure does not confer the right upon anyone to make slanderous or libelous statements, or to take any other actions otherwise prohibited by law.

If any employee has a request or problem, it should be first discussed with their Department Head or Appointing Authority.

If this discussion fails to rectify the issue to the satisfaction of the employee, they may refer the matter in writing to the appropriate Appointing Authority or the Appointing Authority's superior if the first discussion was with the Appointing Authority. The Appointing Authority shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the issue.

If two weeks have elapsed since the submission of the matter in writing to the Appointing Authority or their superior, if applicable, and the dispute is still unresolved, either party may appeal to the Town Administrator.

The Town Administrator shall take the matter under advisement and may, at their discretion, dismiss the matter, authorize an investigation, or hold meetings or hearings with respect to such matter. Not later than thirty (30) days after receipt of written submission of the matter, the Town Administrator shall notify the parties either that further time is needed for investigation or render their decision and thereafter promptly take such action as may be necessary and authorized under these personnel policies. If the decision rendered by the Town Administrator is unsatisfactory to either party, then final appeal may be made to the Select Board.

In the case where the Appointing Authority is the Select Board, the following process shall apply.

1. The employee should first discuss the problem with their Department Head.
2. If this conference fails to clear up any questions to the satisfaction of the employee, they may refer the matter in writing to the Town Administrator. The Town Administrator shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem.
3. The Town Administrator shall take the matter under advisement and may, at their discretion, dismiss the matter, authorize an investigation, or hold meetings or hearings with respect to such matter. Not later than thirty (30) days after receipt of written submission of the matter, the Town Administrator shall notify the parties either that further time is needed for investigation or render their decision and thereafter promptly take such action as may be necessary and authorized under these Personnel Policies. If the decision rendered by the Town Administrator is unsatisfactory to either party, then final appeal may be made to the Select Board.

13.0 Sexual Harassment Policy

13-1. *Introduction.* It is the goal of the Town of Carlisle to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Carlisle takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Please note that while this policy sets forth the Town's goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

13-2. *Definition.* In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

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

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome,

may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- (a) unwelcome sexual advances-whether they involve physical touching or not;
- (b) 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;
- (c) displaying sexually suggestive objects, pictures, or cartoons;
- (d) unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- (e) inquiries into one's sexual experiences;
- (f) discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment complaint is unlawful and will not be tolerated by the Town.

13-3. *Complaints.* If an employee believes that he or she has been subject to sexual harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally by contacting the Town Administrator, his or her Executive Secretary, or any member of the Select Board. Any of these individuals will be available to discuss any concerns an employee may have and to provide information to the employee regarding the Town's policy on sexual harassment and the complaint process. They may be contacted at Town Hall or through the telephone number or email address provided on the Town website.

13-4. *Investigation.* The Town will promptly investigate 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 alleged to have committed the sexual harassment. All parties will be informed as to the results of the investigation to the extent that it is appropriate to do so. 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.

13-5. *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.

13-6. *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 Employment Opportunity Commission, and the Massachusetts Commission Against Discrimination. Using the Town's complaint process does not prohibit employees from filing complaints with these agencies. Each of these agencies has a short time period for filing complaints (EEOC -300 days; MCAD -300 days).

Equal Employment Opportunity Commission, JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506 (800) 669-4000, fax (617) 565-3196

Massachusetts Commission Against Discrimination, 1 Ashburton Place, Suite 601, Boston, MA 02108 (617) 994-6000

MCAD, 436 Dwight St., Rm. 220, Springfield, MA 01103 (413) 739-2145

MCAD, 484 Main St., Rm. 320, Worcester, MA 01608 (508) 453-9630

14.0 Anti-Harassment Policy

14-1. *Introduction.* As is the case with sexual harassment, it is the goal of the Town of Carlisle to promote a workplace that is free of harassment based on a person's race, color, religion, national origin, ancestry, sex, gender identify, age handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active or military or veteran status. Harassment on any of these bases of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about these forms of harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Carlisle takes allegations of harassment seriously, it will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Please note that while this policy sets forth the Town's goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit the Town's authority to

discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of harassment.

14-2. *Examples.* Prohibited behavior under this Section includes but is not limited to slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to the person's membership in one or more protected classes.

14-3. *Complaints.* If an employee believes that he or she has been subject to harassment of the kind prohibited by this policy, the employee has the right to file a complaint with the Town. This may be done in writing or orally by contacting the Town Administrator, his or her Executive Secretary, or any member of the Select Board. Any of these individuals will be available to discuss any concerns an employee may have and to provide information to the employee regarding the Town's policy on harassment and the complaint process. They may be contacted at Town Hall or through the telephone number or email address provided on the Town website.

14-4. *Investigation.* The Town will promptly investigate 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 alleged to have committed the harassment. All parties will be informed as to the results of the investigation to the extent that it is appropriate to do so. 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.

14-5. *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.

14-6. *State and Federal Remedies.* In addition to the above, employees who believe that they have been subject to harassment due to their status in a protected class may have rights under state or federal law. Pursuit of one's rights under law does not preclude pursuit of action pursuant to this policy.

15.0 Training and Education

15-1. *Policy.* The Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided by the Town. The Town Administrator, Appointing Authority, and the Select Board shall develop a comprehensive training plan, which will meet the specific needs of the Town subject to budgetary appropriation.

15-2. *Coverage.* All employees with prior approval of Appointing Authority are eligible for training and education.

15-3. *Reimbursement.* Reasonable costs associated with attendance at job-related workshops, classes, conferences, and seminars shall be reimbursed, subject to the approval of the Department Head/Appointing Authority. Such costs may include reasonable travel expenses.

16.0 Safety

16-1. *Policy.* The Town shall provide and maintain safe working conditions.

16-2. *Procedures.* As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to always wear and use safety equipment while undertaking the work for which the equipment is furnished.

16-3. *Responsibilities of Department Heads and Employees.*

(a) Departments heads and supervisors shall assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment; ensure the availability and utilization of appropriate protective clothing and equipment; 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.

16-4. *Disciplinary Action.* Employees violating safety rules, practices and policies may be subject to disciplinary action, up to and including termination.

17.0 Personnel Records

17-1. *Centralized Record Keeping and Services.* The Town Administrator shall be responsible for establishing and maintaining personnel records as may be required by law and are necessary for effective personnel management. Employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator. The Town shall furnish such staffing, services, office space, equipment and other support as may be necessary for the proper functioning of the personnel system.

17-2. *Contents of Records.* The Town Administrator shall maintain 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 report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff.
- (d) Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, performance evaluation, job related accident or disability records, and other records that may be pertinent to the employee's employment record.

17-3. *Access to Records.* Any employee may upon written request to the Town Administrator have access to review, or obtain a copy of, their personnel file pursuant to G.L. c. 149, § 52C. The employee's review of their employment record shall be in the presence of Town Administrator or their designee.

17-4. *Release of Information.* No information in a personnel file shall be released unless written authorization is received from the employee, or is otherwise required pursuant to state or federal law or court order.

18.0 Drug Free Workplace

18-1. *Policy.* The Town of Carlisle recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and has a detrimental effect on the professional and personal lives of its employees and the community. Because the Town of Carlisle is committed to being part of the solution to such problems and to ensure the safety of the workplace, its employees and the public, this policy is hereby established. The Town of Carlisle 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. The Town shall distribute to all employees drug awareness and education materials, which employees must read and acknowledge. These materials will describe the dangers of substance abuse, the statewide policy of a drug free workplace, available substance abuse counseling, and rehabilitation and assistance programs. The Town shall include education specifically addressing the role of supervisors in maintaining a drug free workplace. 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 Administrator in accordance with these Personnel Policies. Any employee who violates these prohibitions also risks legal prosecution.

As a further condition of employment, the employee must notify the Town Administrator 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 attendance at lectures, seminars, or films.

19.0 Alcohol and Drug Testing Policy for Employees in Safety-Sensitive Positions

19-1. *Purpose and Scope.* The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation (DOT) regulations at 49 CFR Part 40 and 49 CFR Part 382.

The overall goal of the federal regulations is to reduce the risk of alcohol and drug-related accidents. The Town considers the drug and alcohol testing critical to promote a safe, drug- and alcohol-free, work environment. The Town intends to provide training and education for its employees, aid employees for drug and alcohol misuse through the Employee Assistance Program, detect and deter drug and alcohol misuse, and enforce this policy in accordance with federal regulations.

A safety-sensitive function includes any of the following functions or activities:

(a) All time on Town property, public property or other property waiting to be dispatched or drive.

(b) All time inspecting service brakes, including trailer brake connections, parking brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses, or warning devices for stopped vehicles.

(c) All time inspecting, servicing, or conditioning any Commercial Motor Vehicle (CMV) at any time.

(d) All time while at the driving controls of a CMV in operation.

- (e) All time supervising or assisting in loading or unloading a vehicle.
- (f) All time attending a vehicle being loaded or unloaded.
- (g) All time while in readiness to operate the vehicle.
- (h) All time other than driving time in or upon any CMV.
- (i) All time when giving or receiving receipts for shipments loaded or unloaded.
- (j) All time spent performing driver requirements of sections 49 CFR 382 relating to accidents.
- (k) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

19-2. *Who Policy Applies To.* This policy applies to those employees who operate motor vehicles, which require a Commercial Driver's License (CDL). All employees who operate motor vehicles which require a CDL are safety-sensitive function employees.

This policy also applies to those employees who repair or maintain motor vehicles for which a CDL license to operate is required, regardless of whether the employee operates the vehicle.

The employees to which this policy applies are hereafter referred to in this Section as drivers.

19-3. *Drugs and Alcohol.* The Town firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and strongly encourages the rehabilitation of such persons already in its employ.

While the Town has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in an appropriate physical and mental condition to perform their duties. The Town recognizes that an employee's off-the-job, as well as on-the-job, involvement with drugs and alcohol can have a negative impact on the workplace and the Town's ability to accomplish its goal of providing an alcohol and drug-free workplace.

Use of controlled substances by Drivers covered by this Section is prohibited, except when the use is pursuant to the instructions of a physician who has advised the Driver that the substance does not adversely affect the Driver's ability to safely operate a commercial motor vehicle. Drivers must provide the Town Human Resources

Department with written notice from a physician of any therapeutic use of controlled substances.

The illegal use, sale or possession of narcotics, drugs, or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.

Employees who are under the influence of alcohol or drugs during work hours have the potential for interfering with their own, as well as their co-workers', safe and efficient job performance. Consistent with Town practice, such conditions will be cause for disciplinary action up to and including termination of employment.

Employees are expected to follow any directions of their health care provider concerning prescription medications. However, a Driver must immediately notify their supervisor or the Human Resources Department if any prescription drug is likely to have an impact on job performance no later than the first shift at work after writing of the prescription. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.

Any employee with a CDL, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, uses, or stores in their locker or desk or other such repository, alcohol or drugs which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation and will be subject to testing and further disciplinary action as set forth in this Section.

The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems and encourages employees to come forward voluntarily and seek assistance for those problems prior to testing. This voluntary disclosure shall be kept in confidence to the extent permissible by law and the employee shall receive no discipline for coming forward.

If at any time an employee volunteers to enter a chemical dependency program, they will enter without fear of disciplinary action being taken against them because of seeking treatment. Such a program is designated to provide care and treatment to employees who need rehabilitation.

All disciplinary action imposed pursuant to this policy may be appealed through the grievance procedures set forth in the appropriate contractual grievance procedure or **Section 12.0**, whichever is applicable.

19-4. Drug and Alcohol Testing. It is the policy of the Town to fully comply with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing in accordance with the regulations issued by the DOT.

Performance of safety sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol within four hours of reporting to work; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.

In addition to the preceding requirements of federal law, pursuant to its authority, the Town prohibits the performance of any safety-sensitive function by an employee with an alcohol concentration of 0.02 percent or greater.

Use of illicit drugs by employees holding CDLs is prohibited.

Types of Tests – When You Can Be Tested. To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following drug and alcohol tests are required:

- (a) Pre-employment: All applicants for employment in positions requiring a CDL, or candidates for transfer for promotion to such a position, are subject to screening for improper use of controlled substances and alcohol. One or both of these tests will not be administered if the conditions set forth in 49 CFR 382.301 are met.
- (b) Post-Accident: Post accident drug and alcohol tests are conducted on Drivers of Town vehicles whose performance could have contributed to the accident as determined by a citation for a moving traffic violation and after accidents when there has been a fatality even if the Driver is not cited for a moving traffic violation. An accident is defined as an incident involving a CMV in which there is either a fatality, an injury treated away from the scene, or a vehicle required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.
- (c) Reasonable Suspicion: Reasonable suspicion drug and alcohol tests are conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a Driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Town Administrator.

If a determination is made that the employee is not in violation of the alcohol/drug policy, the employee will be compensated for all lost time and benefits due to the testing and their removal from their safety sensitive function.

(d) Random: Drug and alcohol tests are conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year, the number of random alcohol tests conducted must equal at least the minimum percentages set annually by the Federal Motor Carrier Safety Administration, as amended from time to time by the FMCSA Administrator. For 2021, the year in which this policy was adopted, at least 50% of all safety-sensitive Drivers must be subjected to random drug testing, and at least 10% of all safety-sensitive Drivers must be subjected to random alcohol testing.

(e) Return to Duty and Follow-Up: Return to duty and follow-up drug and alcohol tests are conducted when an individual who has violated the prohibited alcohol or drug standards of this policy, or who has been identified as needing assistance in resolving problems associated with alcohol and/or drug misuse, returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months [5 years] following the return to duty at the discretion of the employer. The Town will incur the expense of all follow-up tests.

The Town will not pay for the testing of a former employee, for the follow-up testing of any new employee due to a violation as defined by the DOT while that individual was employed by another employer, or for a second sample test requested by the employee whose result is positive.

How Tests Are Conducted.

1. *Alcohol Test*

DOT rules require breath testing using Evidential Breath Testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.

2. *Drug Test*

a) Drug testing is conducted by analyzing a Driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services (DHHS) certified facility that meets the requirements to act as a collector in the DOT drug testing program. Specimen collection procedures and chain of custody requirements must ensure that the specimen's security, proper identification and integrity are not compromised.

b) DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the Driver has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

(c) All urine specimens are currently analyzed for the following drugs:

Marijuana (THC metabolites)
Cocaine metabolites
Amphetamines
Opiates (including heroine)
Opioids (*e.g.*, OxyContin)
Phencyclidine (PCP)

If 49 CFR § 40.85 is amended, this policy will conform to the regulation as amended.

(d) Testing is conducted using a two-stage process. First a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

(e) All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all drugs listed above, there are some limited, legitimate medical reasons may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

Refusal to Submit to an Alcohol and/or Drug Test and Consequences. An employee is deemed to have refused a drug test if he or she does any of the following:

1. Fails to appear for a test (except a pre-employment test) within a reasonable time as determined by the employer after being directed to do so by the employer, consistent with applicable DOT regulations;

2. Fails to remain at the testing site until the testing process is complete, but a person who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
3. Fails to provide a urine specimen, but a person who fails to provide a sample because the person has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;
6. Fails or declines to take an additional drug test the employer or collector has directed the employee to take;
7. Fails to undergo a medical examination or evaluation as directed. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
8. Fails to cooperate with any part of the testing process. For example, refusing to empty pockets when requested, disrupting the collection process, failing to wash hands, etc.;
9. For an observed collection, fails to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and turn around to permit the observer to determine if there is anything that could be used to interfere with the collection process;
10. Possesses or wears a device that could be used to interfere with the collection process; or
11. Admits to the collector or the MRO that the employee adulterated or substituted the specimen.

An employee is deemed to have refused an alcohol test if he or she does any of the following:

1. Fails to appear for a test (except a pre-employment test) within a reasonable time as determined by the employer after being directed to do so by the employer, consistent with applicable DOT regulations;

2. Fails to remain at the testing site until the testing process is complete, but a person who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
3. Fails to provide an adequate amount of saliva or breath, but a person who fails to provide an adequate amount of breath or saliva because the person has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. Fails to provide a sufficient breath specimen, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;
5. Fails to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures;
6. Fails to sign the certification at Step 2 of the DOT Alcohol Testing Form; or
7. Fails to cooperate with any part of the testing process.

Employees who refuse to submit to an alcohol or drug test are deemed to have failed the test and are not allowed to perform safety-sensitive functions. Pursuant to the Town's authority, employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

19-5. *Costs Associated with Tests.* The Town will incur the expense of all tests required by the DOT regulations. Tests not required by DOT regulations, such as testing of a split sample, will be incurred by the employee. If an employee requests a split specimen test and those results are negative the Town will incur the expense of such test.

19-6. *Consequences of Positive Tests Concerning Alcohol.* Drivers who have any alcohol concentration, defined as 0.02 or greater but less than 0.04, who were tested just before, during or just after performing safety sensitive functions must be removed from performing such duties for twenty-four (24) hours. Depending on the circumstances, disciplinary action may be imposed upon a driver whose alcohol test reveals any alcohol concentration between 0.02 and 0.04.

Drivers who engage in prohibited alcohol use, that is, who test positive for alcohol use greater than 0.04, will be immediately suspended without pay for three (3) working days and required to consult with a Substance Abuse Professional (SAP). Any driver serving a probationary period will be terminated immediately.

Drivers who test positive who wish to continue employment with the Town must be evaluated by an SAP and comply with any treatment recommendations to assist them with an alcohol problem. The payment for any recommended treatment will be strictly at the expense of the employee (or their health insurance program, if applicable). If

treatment recommended and documented by the SAP requires time away from work, the time may be designated as family leave in accordance with the Family Medical Leave Act. The employee may use their non-occupational accrued sick leave or leave without pay during the treatment period, whichever is appropriate, subject to any discipline imposed by the Town.

Drivers who have been evaluated by an SAP, who comply with any recommended treatment, who have taken a return-to-duty test with a result less than 0.02 and who are then subject to unannounced follow-up tests, at the employee's expense, may return to work. Also, drivers must complete a minimum of six (6) follow-up tests within the first year back to work (follow-up testing may be done for up to five (5) years after return to work).

Drivers who have returned to work under these conditions and who subsequently test positive for alcohol within a thirty (30) month period of the initial positive test results will be suspended without pay immediately for ten (10) working days and be required to follow the above procedures for return to work.

Drivers who have returned to work under the conditions outlined above and who subsequently test positive for alcohol will be terminated.

19-7. Consequences of Positive Tests Concerning Drugs. Drivers who test positive for a drug on 21 CFR § 1308.11 Schedule I will immediately be suspended, without pay, for five (5) days and be required to consult with an SAP. Any driver serving a probationary period will be terminated immediately. Drivers who test positive for a drug on any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR Part 1308 will immediately be suspended, without pay, for five (5) days and be required to consult with an SAP except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Drivers who test positive who wish to continue employment with the Town must be evaluated by an SAP and comply with any treatment recommendations. The payment for any recommended treatment will be strictly at the expense of the employee (or their health insurance program, if applicable). If treatment recommended and documented by the SAP requires time away from work, the time may be designated as family leave in accordance with the Family Medical Leave Act. The employee may use their non-occupational accrued sick leave or leave without pay during the treatment period, whichever is appropriate, subject to any discipline imposed by the Town.

Drivers who have been evaluated by an SAP, who comply with any recommended treatment, who have taken a return-to-duty test and who are then subject to unannounced follow-up tests at the employee's expense, may return to work.

Drivers who have returned to work under these conditions and who subsequently test positive for drugs within a thirty (30) month period will be suspended for up to twenty (20) days.

Drivers who test positive within sixty (60) months [5 years] from the date of a second offense will be terminated.

19-8. *Information/Training.* All current and new employees will receive written information about the DOT regulations and testing requirements and how and where they may receive assistance for alcohol and drug misuse. All employees to whom this Section applies will receive a copy and sign the Confirmation of Receipt form. (Attached)

All supervisory and management personnel in departments with safety-sensitive positions must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.

All recruitment-related advertising for safety-sensitive positions will include the statement "Drug/alcohol screening is a condition of employment."

This policy will be posted on employee bulletin boards and made available to all employees.

19-9. *Recordkeeping.* Driver alcohol and drug testing records are confidential to the extent permissible by law. Test results and other confidential information may only be released to the employer, the SAP and the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the driver's consent or in response to a court order.

19-10. *Pre-employment References.* The Town must obtain and review the following information from each employer that the prospective Driver worked for, in a safety-sensitive position, during the previous three years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; information about any refusal to participate in the alcohol and drug testing program; and information about any other violations of DOT agency drug and alcohol testing regulations.

The prospective employee must provide the former employer with a written release allowing the release of this information or they will not be hired.

If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be hired unless s/he has already consulted with a SAP, successfully completed

recommended treatment, and subsequently tested negative in a return to duty test for the former employer.

The Town must provide the same information to subsequent employers of current Town employees when provided with a written release.

19-11. *Supervisor Enforcement.* All supervisors will be expected to enforce the policy consistent with its terms and conditions. Any supervisor found to violate the policy will be subject to discipline up to and including termination.

19-12. *Finding Help.*

(a) Responsible Parties Identifying the Problem

1. Supervisors

As alcohol and substance abuse is a serious and potentially life-threatening problem, it is the responsibility of the Supervisor to request that a drug and/or alcohol test be administered if reasonable suspicion exists. By ignoring signs of a problem, the Supervisor is putting the lives of the public, of the co-workers of the employee, and of the employee him/herself in danger.

2. Co-Workers

Any other employee with a concern regarding possible evidence of alcohol or drug abuse by a co-worker should see a trained supervisor immediately. Such matters should be conducted privately and with extreme attention and respect paid to the confidentiality of the employee in question.

3. Self-Identification

As the main purpose of this policy and the drug and alcohol testing is to deter Drivers from performing safety-sensitive functions while unfit to do so, the Town will allow a Driver to decline from performing or continuing to perform the function if the Driver knows they may be impaired by alcohol or controlled substances, without disciplinary punishment. Any Driver who does so will be unable to work again for the remainder of that workday and will lose the pay for the remainder of that workday.

A Driver will be referred to an SAP and disciplinary action may be taken if a driver removes themselves from their duties more than once during their employment with the Town. A Driver who voluntarily dismisses themselves from duty after being notified of selection for drug or alcohol testing will be subject to the requirements and disciplinary action accorded to those Drivers whose tests indicate alcohol or controlled substance use.

(b) Employee Assistance Program

The objective of the Employee Assistance Program (EAP) is to retain valued employees whose job performance is affected by personal problems. This is to be accomplished through the availability of the EAP and through motivating the employee to seek help. However, the decision to accept assistance is the responsibility of the employee.

It is the policy of the Town to offer confidential professional assistance to Town employees whose job performance has deteriorated because of a drug and/or alcohol abuse/misuse. The Town recognizes that alcohol and/or drug abuse/addiction is a progressive disease, which can be successfully treated, often without interruption of employment. Other major problems may be successfully treated while the employee continues to perform their duties. In those instances, requiring assistance for major personal problems, employees will be referred to competent professional resources.

The Town will provide any Driver found to have engaged in any prohibited conduct relating to alcohol or controlled substances with information of the available resources for evaluating and treating the problem; including the names, addresses and telephone numbers of SAPs, counseling centers and treatment programs. The employee will also be given information regarding the Town's EAP. Such employees must be evaluated by an SAP, who will determine what assistance, if any the employee needs.

The Town will pay for up to three (3) visits to an SAP for those who voluntarily refer themselves to the program. Any additional visits must be paid for by the employee or through the employee's health insurance plan, if applicable.

If a SAP determines that an employee needs additional assistance, the employee must be re-evaluated by the SAP to determine if the employee has followed the prescribed rehabilitation program, and the employee must submit to follow-up testing as described herein.

The Town holds no obligation to an employee who refuses to submit to a test, or to an applicant who is found to have a controlled substance in their system.

The Town also recognizes that an employee's performance may be affected by a family member's severe personal problem. For this reason, assistance is also available to any member of the immediate family.

19-13. *Employee Rights and Responsibilities:*

(a) Employee Rights

An employee with a test result showing a breath alcohol concentration of 0.02 or greater or a positive test result for controlled substances must be notified by the MRO immediately. The MRO is not responsible for discussing the results with employees who decline the opportunity to speak with the MRO or who are contacted but do not respond within five (5) days of the initial contact.

An employee whose urine sample has tested positive for a controlled substance has the option, within 72 hours of being notified of the test result, of having the second portion of the split sample tested at another approved laboratory. If the test results for the second sample are negative, or if the second portion is not available for testing, the official test results will be negative, the employee will be subject to no disciplinary action, and the Town will pay for the second test. If the results of the second test are positive, the employee will be subject to disciplinary action as explained in the previous sections, and the employee will be required to pay for the second test.

Employees may receive copies of the official testing forms.

Employees will be paid for on-duty time while traveling to and from a testing site and while the test is being administered for any random testing, post-accident testing, follow-up testing or reasonable testing required in accordance with this policy.

(b) Employee Responsibilities

Under the *Federal Drug-Free Workplace Act*, within five (5) days of a conviction, an employee is required to notify their department head of any criminal drug violations that they committed in the workplace.

Employees must make sure the Human Resources Department has the employee's current home address and telephone number on file.

It is the employee's responsibility to notify their supervisor immediately in the event of ANY accident in which they were driving a Town-owned commercial motor vehicle or during which the employee was conducting Town business.

Employees are required to sign a statement certifying that they have received a copy of this policy.

Any employee with a question regarding alcohol and drug testing regulations, the Town's policy, or employees' responsibilities should contact the DPW Director and Human Resources Department as soon as possible.

19-14. *Questions.* Questions about this policy should be referred to the employee's Supervisor or to the Town Administrator.

19-15. *Contacts.* The following contacts are provided for assistance with drug and/or alcohol problems: Town Administrator.

20.0 Americans with Disabilities Act

20-1. *Policy.* The Town of Carlisle does not discriminate based on disability in the admission or access to, or treatment or employment in, its programs or activities. The Town's ADA Coordinator has been designated 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.

20-2. *Grievance Procedure.* The following grievance 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 based on disability in employment practices and policies or the provision of services, activities, programs, and benefits by the Town of Carlisle.

- (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 complainant, will be made available for persons with disabilities who are unable to submit a written complaint.
- (b) The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to the Select Board and the ADA Coordinator.
- (c) Within 15 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 Carlisle 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 Select Board or their designee.
- (e) Within 15 calendar days after receipt of the appeal, the Select Board or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after this meeting the Select Board 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 Carlisle Select Board or their designee, and responses from the ADA Coordinator and the Carlisle Select Board or their designee will be kept by the Town of Carlisle for at least three years.

21.0 Holidays

21-1. *Coverage.* Hourly full-time and part-time employees are eligible for holiday compensation. Contract and Temporary employees are not eligible for holiday compensation.

21-2. *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 or in the case of the Library where there shall be a floating holiday for the day after Thanksgiving:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Juneteenth	Christmas Day
Independence 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 observed on the preceding Friday. Some departments may differ due to public service requirements.

21-3. *Terms of Holiday Pay.* Hourly employees who are scheduled to work on a holiday, or who are requested by their supervisor to work on a holiday, (excluding the Library) shall receive their regular hourly rate in addition to an extra day's pay for the first eight (8) hours and shall be compensated at a one and one-half rate for hours in excess of eight (8) hours, or shall have compensatory time off scheduled by their department head for all holidays worked. For the New Year's Day, Thanksgiving Day, and Christmas Day holidays, employees shall be compensated at a one and one-half hourly rate for all hours worked in addition to an extra day's pay.

Holiday pay shall be granted provided the employee was in full pay status on the regularly scheduled working day preceding and following the holiday in accordance with other provisions of these policies or was officially and appropriately absent.

22.0 Vacation

22-1. *Coverage.* Vacation pay is granted to all full-time and to those part-time employees who work regularly 20 or more hours weekly. Part-time employees shall accrue vacation on a pro-rated basis.

22-2. *Vacation Policy.* Vacation pay is granted to all full-time and part-time employees for each vacation year (calendar year) completed in accordance with the following plan:

- (a) During the first four (4) years of service— an employee will have 10 vacation days accrued proportionally throughout the year.
- (b) During the fifth (5) through ninth (9) years – an employee will have 15 vacation days accrued proportionally throughout the year.
- (c) During the tenth (10) and all following years – an employee will have 20 vacation days accrued proportionally throughout the year.

22-3. *Scheduling and Accrual.* Vacations may be taken only with prior approval of the Department Head. Department Head vacation time shall have the prior approval of the Appointing Authority. All vacation will be accrued beginning on the employee's anniversary date of hire. Two weeks' accrued vacation may be carried forward into the following year. Total accrued vacation shall not be more than the employee's annual accrual rate plus two weeks. Vacation pay will not be granted in lieu of vacation except in the case of separation. In the case of individuals whose work hours fluctuate from year to year, their vacation time will be based on the average number of hours worked the previous year.

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

23.0 Sick Leave

23-1. *Coverage.* Full-time and part-time employees are eligible for sick leave.

23-2. *Policy.* Under no circumstances is sick leave to be construed as a vested right. The intent of the sick leave 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.

23-3. *Full-time employees.* Each full-time employee shall accumulate paid sick leave at the rate of one day for each month of employment, not to exceed a total accumulation of 120 (one hundred and twenty) days.

23-4. *Part-time employees.* Part-time employees shall be entitled to paid 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. In the case of individuals whose work hours fluctuate from year to year, their sick time will be based on the average number of hours worked the previous year. Temporary and Contract employees are not eligible for sick pay.

23-5. *Extension of Sick Leave.* Extended sick leave may, upon the recommendation of the Personnel Board, be granted to an employee after all an employee's sick leave and vacation leave has been used.

23-6. *Notification by Employees.* 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.

23-7. *Certification of Illness.* After four consecutive days' 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.

23-8. *Separation from Employment.* Accrued but unused sick leave shall not be paid upon separation from employment.

24.0 Bereavement Leave

24-1. *Policy.* Full-time and part-time employees shall be entitled to be excused from duty with pay for not more than three 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, grandparent, grandchild, parent-in-law, son-in-law, daughter-in-law, sister/brother-in-law, or other person residing in the same household as the employee.

24-2. *Separation from Employment.* Accrued but unused Bereavement leave shall not be paid upon separation from employment.

25.0 Military Leave

25-1. *Coverage.* The Town shall comply with the Uniformed Services Employment and Reemployment Act. Members called to state active duty shall be considered to be on federal active duty for purposes of this policy.

25-2. *Policy.* Employees in the federal or state military reserve forces shall be granted a military leave of absence, for a period not to exceed two (2) weeks for each calendar year. Such employees shall be paid in an amount equal to their normal pay (less the amount paid for military service by the federal or state government).

26.0 Jury Leave

26-1. *Policy.* Employees called for jury duty shall be paid for the amount equal to the difference between the compensation paid for the normal working period and the amount paid by the court excluding allowance for travel. The amount due the employee shall be certified by the Town Accountant upon presentation of proper evidence for monies received for jury duty.

27.0 Family and Medical Leave Act

27-1. *Coverage.* All employees who have worked for the Town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested (eligible part-time employees' leave will be prorated).

27-2. *Policy.* The Town will grant unpaid leave of up to a total of twelve (12) workweeks during any twelve (12) month period to an eligible employee for:

- (a) the birth, adoption, or placement of a child (foster care) and to care for such child;
- (b) the care of the employee's spouse, child or parent who has a serious health condition;
- (c) the employee's own serious health condition.

27-3. *Definitions.*

- (a) "Twelve-month period: shall mean "rolling period" measured backward from the date an employee uses any sick leave.
- (b) "Child" 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.

28.0 Parental Leave

28-1. *Policy.* The Town will grant any employee who has completed the initial probationary period eight (8) weeks of unpaid parental leave for the purpose of giving birth or for the purpose of adopting a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled.

28-2. *Coverage.* If two employees give birth to or adopt the same child, the two employees are entitled to an aggregate of eight (8) weeks of leave.

28-3. *Notice by Employee.* An employee seeking leave must provide at least two (2) weeks' notice of the anticipated date of departure and the employee's intention to return. The employee may provide notice in less time but as soon as is practicable if the delay is for reasons beyond the employee's control.

28-4. *Coordination with Paid Leave.* An employee taking Parental Leave may use accrued sick or vacation leave concurrently with their Parental Leave so as to be paid while out for the birth or adoption of a child pursuant to this Section.

28-5. *Accrual of Benefits While on Parental Leave.* Time out on Parental Leave will be included in the computation of benefits, rights, and advantages that would accrue if the employee did not take Parental Leave.

29.0 Military Caregiver Leave

29-1. *Policy for Qualifying Exigency Leave.* The Town will grant an employee up to twelve (12) workweeks of unpaid leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Qualifying exigencies include: making alternative child care arrangements for a child of the deployed military member; attending certain military ceremonies and briefings; or making financial or legal arrangements to address the military member's absence.

29-2. *Policy for Military Caregiver Leave.* The Town will grant an employee up to a total of twenty-six (26) workweeks of unpaid leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

30.0 Small Necessities Leave

30-1. *Coverage.* Employees who have worked for the Town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested are eligible.

30-2. *Definitions.*

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

(b) "Intermittent leave" shall mean time away from the job taken in separate blocks of time due to a single incident covered by the law.

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 purpose:

Leave may be taken on an intermittent basis, but not in increments of less than one (1) hour.

Employees utilizing leave shall be entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

30-4. *Notice.* If the necessity for leave is foreseeable, the employee shall provide their department head with notice in advance. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practical under the circumstances of the situation. 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.

31.0 Personal Leave

31-1. *Coverage.* Permanent full-time and permanent part-time employees are eligible.

31-2. *Policy for full-time employees.* Full-time employees who have completed the probationary period and who regularly work at least 25 hours a week shall be entitled to sixteen (16) hours for personal leave with pay each fiscal year. Those employees who work regularly at least 20 hours a week, but less than 25 hours shall be entitled to paid personal leave on a pro-rated basis.

- (a) Use of personal leave must be approved in advance by the employee's department heads.
- (b) Personal leave may be taken in no less than one (1) hour increments.
- (c) It is understood that personal leave is to be used to conduct personal business and is not to be used in lieu of or in connection with holiday or vacation time.

31-3. *Policy for part-time employees.*

- (a) *Coverage.* Permanent part-time employees under the Wage & Classification Plan are eligible (*i.e.*, Employees working under 20 hours per week on a regularly scheduled basis). Employees working on an "as needed" irregular basis are not eligible.
- (b) *Policy.* Part-time employees working under 20 hours per week who have completed one year of employment shall be entitled to paid Personal Time Off (PTO) hours pro-rated as follows: the average number of weekly hours worked during the prior year, divided by five (5), and multiplied by seven (7). For example, an employee working an average of 10 hours per week during the prior year shall receive 14 hours of paid PTO in the following fiscal year. An

employee averaging 15 hours per week shall receive 21 hours of paid PTO in the next fiscal year.

(c) *Use of Paid Personal Leave.*

(1) Use of paid personal leave hours must be approved by the employee's department head prior to time taken.

(2) Personal leave hours are available as of July 1 and must be used within that fiscal year.

(3) There is no carry over of hours from year to year.

(4) There is no cash in lieu of personal leave hours.

(5) Personal leave hours may be taken in no less than ½ hour increments.

31-4. *Separation from Employment.* Accrued but unused personal leave shall not be paid upon separation from employment.

32.0. Workers' Compensation

32-1. *Policy.* An employee who by reason of an industrial accident receives statutory compensation may receive, in addition, the amount necessary to make up their regular weekly compensation to the extent of their accumulated sick and vacation time applied on a pro-rated basis.

33.0. Uniforms

33-1. *Policy.* The Town may provide uniforms for each employee whose job requires particular or specialized clothing.

34.0 Retirement

34-1. *Coverage.* Employees (as defined by the Middlesex County Retirement System) must join the System, pursuant to G.L. c. 32. This is a contributory retirement system. Retirement age is mandated by the System for its member.

34-2. *Policy.* Any employee retired by the Town under the current pension plan as a result of their employment with the Town shall be eligible to continue as a participant in the group health and life insurance plans offered by the Town's carrier(s) provided he/she was enrolled in such plan or plans on the date of retirement, and further provided that the retiree makes the required contribution to the cost of coverage in effect at the time the monthly payment is due. Should the retiree subsequently withdraw as a participant in the group health or life insurance plans offered by the Town's carrier(s), voluntary or

otherwise, the retiree shall not be permitted to re-enroll in the group health or life insurance plans offered by the Town's carrier(s).

35.0 Travel

35-1. *Policy.* No expense for travel shall be allowed unless approved by a Department Head/Appointing Authority. No expenses for travel by a department head or Town official who reports directly to the Select Board shall be allowed unless approved by the Select Board. Travel must be work-related.

3-2. *Rate.* Mileage will be reimbursed at the current IRS allowable rate.

36.0 Standards and Guidelines for Email and Text Messages.

36-1. *Policy.* This policy is intended to provide guidelines for the proper use of electronic mail and text messages (collectively referred to as Email) by town employees, elected and appointed members of town boards and committees and other town officials. Email correspondence provides a convenient and effective way to communicate with town employees, board and committee members, the public, vendors and other governmental agencies. While town employees normally use town equipment and town Email accounts to communicate by Email, on occasion they may use personal Email accounts for town business. In either case these guidelines apply. Most Email sent and received by a Town-issued address, or any address when in an official capacity, is considered a public record under the Public Records Law (G.L. c. 66 § 10).

36-2. *Use of Email.* Email may be used by town boards, committees, employees, departments, and local officials to exchange information on town matters. Incidental personal use of Email is permitted but subject to monitoring. Personal use of Town Email accounts may also be subject to inspection under the Public Records Law.

36-3. *General Email Communication Among Town Employees/Officials.* All Email sent or received by boards, committees, employees, departments, and local officials should be presumed to be public records that must be available for public inspection. For the *Public Records Law*, it does not matter whether the Email was generated or received on a Town computer or device or whether a public or personal Email account or phone number was used. Town employees and officials are strongly discouraged from using personal email accounts and personal phone numbers for town matters.

36-4. *Retaining Email Messages.* Users must maintain, preserve, and make available to the Town all Email messages related to Town business, regardless of whether on a personal or Town device.

While town employees and officials are under no obligation to retain personal Emails unrelated to a Town matter, once retained, the Emails become subject to disclosure under the Public Records Law if the content satisfies no exemption.

All town-related Emails sent or received through a personal email account or on personal equipment should be forwarded to a Town Email account so that a copy of the Email is retained by the Town Email system.

36-5. *Email Communication Amongst Board Members.* The Open Meeting Law, G.L. c. 30A, §§ 18-25, applies to Email communication between members of the same board and care must be taken when using Email to ensure compliance with this law. All votes on Town matters must be taken at an open meeting, with a quorum of committee/board members present. No attempt should be made by an individual in an Email exchange to influence a potential vote of a town department, board and/or committee or to build consensus toward such vote. Board members may not engage in a deliberation, which involve a quorum of members. Matters of substance pending before a board should not be discussed in an Email by a board member to a quorum of members regardless of whether the Email is sent simultaneously or serially. Certain types of “housekeeping” matters may be communicated via-Email, such as the distribution of materials, correspondence, agendas and reports.

36-6. *Town Email Accounts.* An Email account is provided to all town employees for use in their work and is intended to be used for town matters only. A computer is provided to selected Town employees for use in their work and is to be used for town business only. Such Email, related online services and equipment are the property of the Town and as such may be inspected at any time. Occasional use of Email for personal communications is acceptable as long as the intent does not violate the provisions of Subsection 36-8 below.

36-7. *Public Records Law.* The Records Access Officer (RAO) of the Town or other designated town employee must provide the public document for inspection to any person who so requests. The employee who has potentially responsive Emails is obliged to assist the RAO in identifying and producing the documents needed.

36-8. *Content.* Email can never be used 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 type of criminal activity. Email should also never be used to create offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone based on their status in a protected group.

36-9. *Confidentiality.* Email may be viewed as an unsecured mode of communication. Care and caution should be used when transmitting confidential documents. It is strongly recommended that all documents deemed confidential be encrypted to protect the integrity of the communication. Employees should never assume that Email messages are personal or confidential. Contact the IT Department for questions about encrypted files.

36-10. *Unsolicited Email.* Unsolicited Email received from the Internet should not be opened. Any SPAM that gets through the Town’s SPAM filters can and should be

deleted. Never open an attachment, especially if you do not know the source. Opening unknown attachments could initiate a virus, hack, or ransomware attack.

37.0 Social Media Policy.

37-1. *Purpose.* The Town uses social media, including Town social media sites and accounts, to communicate and interact with the public about official Town business. Consequently, the Town has both an expectation of and a responsibility for the integrity and presentation of its social media content, including information that is attributed to the Town, its Departments, Boards and Committees, and its employees and officials. This policy is adopted to ensure that what is “spoken” on behalf of the Town through social media reflects and conforms with the Town’s standards for such content.

This policy shall not be interpreted or applied to prohibit or infringe upon any communication or expression that is protected or privileged under the law, including under state or federal constitutions.

37-2. *Definitions.* The following definitions shall apply to this policy:

“Social media” is an expansive term that means and includes all digital content posted to the internet, in whatever form. The types of content to which this policy applies include but are not limited to: media sharing (YouTube, Flickr, iTunes); blogging or microblogging (WordPress, Blogger, Twitter); social networking (Facebook, LinkedIn, Ning); shared documents or data sharing repositories (Scribd, SlideShare, Google Docs), social bookmarking (Delicious, Digg, Reddit), and widgets (Google Maps, Addthis, Facebook “Like”).

“Town social media” shall mean social media that is created, used, or maintained by the Town for official Town business, distinguishable from social media created, used, or maintained by a Town-affiliated or other person for that person’s own personal use.

“Town user” shall mean and include any Town employee or volunteer.

37-3. *Creation of Town Social Media.* All Town social media requires prior approval before creation or use, in conformance with **Section 37-8**. This includes but is not limited to any general account, departmental account, or individual account for a Town user acting or representing to act in an official Town capacity. As part of the approval process, the IT Department will ensure that any site, account, or other use of such media is properly supported by the IT Department, including through archiving using the Town’s Social Media Archive Tool.

37-4. *Town Social Media Standards.* All Town social media shall be subject to the following standards:

The Town may edit the content of or terminate any Town social media at any time without notice.

1. Town social media content shall pertain and be limited to official Town business, including Town-sponsored or Town-endorsed programs, services, and events. No Town user shall express the user's own personal views or concerns using Town social media.
2. Town social media shall adhere to all applicable federal, state, and local laws, regulations, and policies.
3. Town social media content shall be considered a public record. No content that is proprietary, confidential, or not otherwise freely available to the public shall be posted to Town social media.
4. Town users who post or disseminate information on Town social media shall always conduct themselves as professional representatives of the Town. They must follow all applicable Town bylaws, regulations, and policies, including the Public Records Law (G.L. c. 66, § 10), State Ethics Law (G.L. c. 268A) and Financial Disclosure Law (G.L. c. 268B), Open Meeting Law (G.L. c. 30A, §§ 18-25), and all ethical and non-harassment obligations.
5. Only authorized Town users may post or disseminate information on Town social media, except where Town social media allows for public participation and a Town user participates as a member of the public in that user's personal, not official, capacity. Any such public participation in Town social media by a Town user shall be subject to **Section 37-6**, governing Personal Social Media Use.
6. Town social media shall **NOT** contain:
 - (a) Support, opposition, or other commentaries concerning political campaigns or candidates;
 - (b) Profanity or profane content;
 - (c) Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, veteran status, military service, national origin, physical or mental disability, sexual orientation, gender identity, or any other category protected by federal, state, or local laws;
 - (d) Sexual content or links to sexual content;
 - (e) Solicitations of commerce unrelated to Town business;
 - (f) Unlawful conduct or encouragement of illegal activity;

- (g) Information that may tend to compromise the safety or security of the public or public systems;
- (h) Content that violates a legal ownership interest of any other person; or
- (i) *Ad hominem* or abusive statements.

37-5. Moderation of Public Participation in Town Social Media. Town social media may, in certain instances, allow for public participation, including in the form of public comments or messaging with Town employees, officials, departments, boards, or other entities (for example, commenting on a post on the Town's Facebook page). In all instances where the Town's social media provides for public participation, in any form, the Town is creating a **limited public forum**, only. This means that the Town's social media allows for the public to post content solely and only about a specified subject matter and about no other matters. The Town may also restrict public participation in these limited public forums to only certain groups.

The Town may review and moderate public participation content to ensure that it complies with the standards in this policy. No Town user shall modify or delete any public participation content from Town social media without the prior approval of the IT Director or Town Administrator.

Town users shall report any public participation content that contravenes this Policy to the Town Administrator.

37-6. Personal Social Media Use. Town users who use social media for strictly personal use, outside of the workplace, and not in connection with their official Town duties, do not require approval to do so. However, social media can sometimes blur the line between professional and personal interactions. Therefore, Town users are reminded that this policy must be taken into consideration even for personal social media use, particularly when identifying themselves as employees of the Town or when the context may lead to that conclusion. Town users should use discretion and common sense when employing social media to help prevent inadvertently compromising professional, legal, or ethical standards. Town users should consider the use of a disclaimer, among other actions, when personal social media use could be confused by others to represent an official position of the Town.

Town users should refrain from using social media for personal use while on work time, limiting such use to breaks during normal work hours or off-hours. Town users should also limit personal social media use on Town computers, systems, or other technology and are advised that they have no expectation of privacy when using social media at the workplace, or when using Town computers, systems, or other technology. The Town may access, view, and act upon any information on its computers, systems, or other technology without notice.

Town users shall not disclose any Town-related information that is not already considered public information when using social media for personal use. This rule applies even in circumstances where passwords or other privacy controls are implemented. This policy does not, however, prevent Town users from discussing the terms or conditions of their employment, including any grievance claims or alleged unfair labor practices when using social media for personal use, or otherwise exercising their rights to collective bargaining.

37-7. Retention. All Town social media shall be archived to comply with state and local requirements for document retention. This includes all content removed or deleted from public view under a provision of this policy or for any other reason. No social media content shall be deleted or destroyed without prior approval from the Town Administrator.

37-8. Authorization. All Town users who wish to create, post, maintain, or otherwise use Town social media must be authorized by their supervisor or Appointing Authority to do so. Department heads and other supervisors should discuss any intended use of Town social media with the IT Department, which shall confer and coordinate with the Town Administrator. All Town users shall cooperate with the IT Department and Town Administrator concerning the management of Town social media, and comply with their requests including about user accounts and lists, passwords, and other aspects of Town social media.

37-9. Policy Violations. Any Town user who receives information about or becomes aware of a violation of this policy should report the violation to the Town Administrator or IT Director as soon as possible. Non-compliance with this policy may result in any or all the following: (a) Limitation or revocation of individual or department rights to use or participate in Town social media; (b) removal of posts or social media accounts; or (c) corrective or disciplinary actions and sanctions, up to and including termination.