

PERSONNEL POLICIES

TOWN OF CARLISLE

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Carlisle Board of Selectmen

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. In the case of any policy incorporated within any collective bargaining or personal employment contract, promulgation shall be as provided in the applicable contract.

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. Nothing in these policies shall be construed to create a contract or term of employment between the Town and an individual employee. Except as otherwise prohibited by law, the Town reserves the right to modify, amend or discontinue any of the provisions herein.

These policies are consistent with the following merit principles:

1. Recruitment, selection, and classification of personnel shall be based on ability, knowledge, education, experience, and skill under fair and open competition.
2. Employment shall be open to all segments of society.
3. 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.
4. Retention and advancement of employees shall be determined on the basis 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, separation shall occur.

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.

1-4. *Definitions.*

The following definitions shall apply:

- (a) "Town" shall mean the Town of Carlisle.
- (b) "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.
- (c) "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.
- (d) "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.
- (e) "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.
- (f) "Probationary employee" shall mean a full or part-time employee who has not yet completed a probationary period of service. (Reference Section 6.3)
- (g) "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. (Reference Section 3.4b)
- (h) "Appointing authority" shall mean any Board or Official authorized by General Law, or otherwise to hire or fire employees.
- (i) "Department head" shall mean the officer responsible for supervising a department's operations and activities.
- (j) "Class" shall mean a group of positions sufficiently similar with respect to essential functions, authority, and responsibilities.
- (k) "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.
- (l) "Personnel Administrator" shall mean the personnel officer for the Town of Carlisle. The Personnel Administrator shall be the Town Administrator; or Board of Selectmen designee.
- (m) "Retired Employee" shall mean an employee who meets state and/or county requirements to be eligible for retirement benefits from 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/Board of Selectmen.* The Board of Selectmen shall be responsible for the administration of the personnel policies promulgated pursuant to the Personnel Bylaw of the Town and shall designate the Town Administrator to manage and act as the Personnel Administrator responsible for the daily administration of the personnel system. Alternatively the Board of Selectmen may designate another employee to be the Personnel Administrator.

2-2. *Responsibilities/Personnel Board.*

1. Ensure that the Town (i) maintains an effective personnel system, (ii) monitors the effectiveness of policies, procedures, and practices, (ii) and 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. Provide advice and assistance to the Personnel Administrator, Appointing Authorities, supervisory personnel, and employees on all aspects of personnel policies and practices.

2-3. *Responsibilities/The Personnel Administrator.*

1. Ensure that the Town acts to provide maximum opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management.
2. Ensure that recruitment, selection, appointment, retention, discipline and separation of employees is consistent with the Personnel Bylaw and the personnel policies.
3. Supervise and maintain a centralized personnel record keeping system; and
4. Provide advice and assistance to the Board of Selectmen, 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, 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 established 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 of 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 Personnel 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 Personnel Administrator, working in cooperation with the Appointing Authority, shall establish selection procedures in order 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 Personnel 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 Personnel 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 or not 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. 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.

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 off site locations that will be conspicuous to employees for ten (10) working days. Interested employees shall apply for the position.

4-3. *Methods of Selection (Promotional Level).* The Appointing Authority working in cooperation with the Personnel Administrator, shall establish selection procedures in order 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. Town Administrator is expected to conduct separate annual management performance appraisals of all Department Heads. 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;

Copies of performance review forms are available through the Personnel Administrator's Office.

6.0 Orientation and Probation

6-1. *Policy.* The Personnel 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 Personnel 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 Personnel 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/Personnel 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 Personnel Board and Personnel 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 Personnel Administrator shall have the primary responsibility for the administration and day-to-day maintenance of the classification plan. The Board of Selectmen will make the appropriate recommendations to town meeting to amend the classification and compensation plan. Under the policy direction of the Board of Selectmen, the Personnel Administrator working with the Personnel Board 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) Changes need to be communicated to the Department Heads.

7-4. *Classification of New Positions.* The appointing authority proposing the creation of a new position shall provide the Personnel Administrator and Personnel Board 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 Personnel Board to recommend an appropriate classification. Final approval of the new positions lies with the Board of Selectmen.

7-5. *Reclassification of Positions.* Positions may not be reclassified without a review and approval of the Personnel Board, Personnel Administrator and Board of Selectmen.

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. The Personnel Board shall work with the Personnel Administrator in establishing the compensation plan for adoption by the Board of Selectmen. The Personnel Board, with the approval of the Board of Selectmen, shall periodically review a compensation plan for the existing classification plan.

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 Personnel Administrator shall have the responsibility for the administration of the compensation plan. The Personnel Administrator shall distribute copies of the compensation plan to all Department Heads.

8-4. *Approvals.* The Personnel Board 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 starting 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 Chapter 32B, the Town offers a plan of group life/health insurance. Eligible employees and the Town each pay a minimum of 50% of the monthly premium. Retired employees shall pay at the same rate.

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 anniversary date.

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

(a) Employees covered by one of the Town's health insurance plans have a right to choose continuation coverage 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, except as provided under the Public Law 99-272, Title X.

(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 termination of spouse's employment or reduction in spouse's hours of employment; divorce or legal separation from spouse; or, spouse becomes eligible for Medicare.

(c) Dependent child of an employee covered by the Town's health insurance has the right to continuation coverage if group health coverage under the Town is lost for any of the following reasons: death of parent; termination of parent's employment or reduction in parent's hours of employment; parents' divorce or legal separation; a parent 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 of Carlisle of a divorce, legal separation, or a child losing dependent status under the Town's health insurance. 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.* 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 complete impartiality in conducting Town business. Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner that in no way discredits the Town, public officials or fellow employees. 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 your agreeing to perform or not perform an official act.
- (b) Asking for or accepting anything of substantial value from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- (c) Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse’s immediate family.
- (d) Taking any type of official action, which will affect the financial interests of your immediate family or your spouse’s immediate family. For instance, you may not participate in licensing or inspection processes involving a family member’s business.
- (e) Taking any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization, for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an “after hours” employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.
- (f) Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.
- (g) Having a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- (h) Representing anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- (i) Ever disclosing confidential information, data or material, which you 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 your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure including all relevant facts.
- (k) Using your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- (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 you participated as a public employee.

11.0 Disciplinary Policy and Procedures.

11-1. *Policy.* Employees are responsible for observing regulations necessary for 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 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 Article 10.0
- (o) Any situation or instance of such seriousness that disciplinary action is warranted.

11-3. *Disciplinary Procedures.* When the appointing authority wishes to discuss the reputation, discipline or dismissal of an individual, it must notify that person in writing at least 48 hours in advance of the meeting. The individual may request that the meeting be held in open session.

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

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

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

- (a) Notice. Within one (1) working day after the suspension or discharge, the employee shall be provided:

- written notice stating the specific reason or reasons for said suspension or dismissal and the contemplated action; a copy of the written notice shall be submitted to the Personnel Administrator;

- information to the effect that within two (2) working days, the employee may request a hearing before the appointing authority as to the existence of just cause, and that the hearing shall be given within seven (7) working days after receipt by the appointing authority of such request;

- (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 of its decision together with the reasons for said decision. A copy of the decision shall be submitted to the Personnel Administrator for purposes of record keeping.

- (n) An employee suspended under this section shall automatically be reinstated at the end of such suspension. An employee whose suspension or discharge under this section is decided to have been without just cause shall be deemed not to have been suspended or discharged, and shall be entitled to compensation of the period for which said employee was not paid.

12.0 Problem Resolution Procedure

12-1 *Policy*. When an employee has a request or problem, he or she 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 his/her Department Head or Appointing Authority.

If this conference fails to clear up any questions to the satisfaction of the employee, he/she may refer the matter in writing to the appropriate Appointing Authority. The Appointing Authority shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem.

If two weeks have elapsed since the submission of the matter in writing to the Appointing Authority and the dispute is still unresolved, either party may appeal to the Personnel Board.

The Personnel Board shall take the question(s) under advisement and it may, at its discretion, hold private or public hearings with respect to such question(s). Not later than thirty (30) days after receipt of written submission of the matter, the Personnel Board shall render its decision and thereafter promptly take such action as may be necessary and authorized hereunder relative to the Dispute. If the decision rendered by the Personnel Board is considered unsatisfactory to either party, then final appeal may be made to the Board of Selectmen.

Should the employee still have concerns, they may follow the grievance procedure.

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

1. The employee should first discuss the problem with his/her Department Head.
2. If this conference fails to clear up any questions to the satisfaction of the employee, he/she may refer the matter in writing to the Personnel Board. The Personnel Board shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem.
3. The Personnel Board shall take the question(s) under advisement and it may, at its discretion, hold private or public hearings with respect to such question(s). Not later than thirty (30) days after receipt of written submission of the matter, the Personnel Board shall render its decision and thereafter promptly take such action as may be necessary and authorized hereunder relative to the Dispute. If the decision rendered by the Personnel Board is considered unsatisfactory to either party, then final appeal may be made to the Board of Selectmen.

12-2 *Valid Complaints*

Complaints by an employee relating to his/her employment which include, but are not necessarily limited to, are the following:

- (a) Disciplinary actions of any kind;
- (b) Actions resulting from the performance review;
- (c) Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules, and regulations;
- (d) Acts of reprisal as the result of utilization of the grievance procedure;
- (e) Complaints of personal harassment by supervisory personnel.

12-3 Non-Valid Complaint.

Complaints which do not apply involve the following:

- (a) The creation, establishment or revision of wage and salary tables, position classifications, and general benefits accorded to employees;
- (b) Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;
- (c) The contents of statutes or established personnel policies, procedures, rules and regulations;
- (d) The methods, means, scheduling, and staffing by which work activities are to be carried out.
- (e) Position classification, other than through the procedure outlined in this manual;
- (f) Discharge, demotion, layoff or suspension from duties because of lack of work, reduction in work force or job abolition;
- (g) Resignation, employee requested demotion or transfer.

13.0 Grievance Procedure

13-1. *Policy.* An employee may submit a written grievance to the Personnel Administrator. The Personnel Administrator shall investigate the grievance and render a written decision within ten (10) working days of his/her final determination. If the employee is not satisfied with the decision, he/she may appeal, in writing, to the Personnel Administrator within ten (10) working days after notification of decision. The Personnel Administrator shall set up a meeting of a Committee comprised of the Personnel Administrator, one (1) member of the Appointing Authority, two (2) members of the Personnel Board, and one (1) employee chosen by the aggrieved employee. The Committee shall render an advisory opinion to the Appointing

Authority within ten (10) working days after receipt of the appeal and the Appointing Authority shall accept or reject the advisory opinion within ten (10) working days after receipt of said opinion.

14.0 Sexual Harassment Policy

14-1. *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 this organization. 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 its 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.

14-2. *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 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 work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. While it is not possible to list all those additional circumstance 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:

- (1) unwelcome sexual advances-whether they involve physical touching or not;

- (2) 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;
- (3) displaying sexually suggestive objects, pictures, cartoons;
- (4) unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- (5) inquiries into one's sexual experiences;
- (6) 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 this organization.

14-3. *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 can be done in writing or orally. The Board of Selectmen 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.

14-4. *Investigation.* The Town will promptly investigate any and all allegations in a fair, expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Investigations will include a private interview with the person filing the complaint and with the witnesses. Interviews will also be conducted with the person alleged to have committed the sexual harassment. All parties will be informed as to the results of the investigation. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, the Town will also impose disciplinary action.

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 sexual harassment may file a formal complaint with either or both of the following government agencies: The United States Equal 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 -180 days; MCAD -6 months).

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 Personnel Administrator,

Appointing Authority, and the Board of Selectmen 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 wear and use safety equipment at all times 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.

17.0 Personnel Records

17 -1. *Centralized Record Keeping.* The Personnel 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 Personnel Administrator.

17-2. *Contents of Records.* The Personnel 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. 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 Personnel Administrator have access to review their personnel file. The employee's review of their employment record shall be in the presence of Personnel Administrator or his/her designee.

17-4. *Release of Information.* No information in a personnel file shall be released unless written authorization is received from the employee.

18. 0 Conflict of Interest

18-1. *Policy.* In accordance with Mass. General Law, Chapter 268A, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities or furnish products, materials, or services to the Town.

19. 0 Alcohol and Drug Testing Policy

19-1. *Policy.* The purpose of this Policy is to outline the responsibilities of employees, supervisors and managers with regard to alcohol and drug testing of employees in safety-sensitive positions in accordance with the U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

19-2. *Applicability.* The policy applies to all safety-sensitive employees employed by the Town of Carlisle.

19-3. *Policy Regarding Alcohol and Drug Testing.*

(a) It is the policy of the Town to comply fully with the federal regulations mandating pre-employment (drugs, only), random, reasonable suspicion and post-accident alcohol and drug testing in accordance with regulations issued by the U.S. Department of Transportation.

(b) The performance of safety-sensitive functions is prohibited by employees having breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four (4) hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.

(c) Use of controlled substances by drivers covered by the policy 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.

(d) A driver is performing a safety-sensitive function at the following times:

1. All time on town property, public property, or other property waiting to be dispatched or to drive.
2. All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
3. All driving time.
4. All time other than driving time in any commercial motor vehicle.
5. All time loading and unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded.
6. All time spent performing driver requirements relating to accidents.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

20.0 Drug Free Workplace.

20-1. *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 in order 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 Personnel Administrator, with the approval of the Board of Selectmen in accordance with established personnel policies. Any employee who violates these prohibitions also risks legal prosecution.

As a further condition of employment, the employee must notify the Personnel 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.

21.0 Americans with Disabilities Act

21-1. *Policy.* The Town of Carlisle does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Town'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.

21-2. *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 on the basis of 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 his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Carlisle Board of Selectmen and the ADA Coordinator.

(c) Within fifteen calendar days after receipt of the complaint, the ADA Coordinator will meet the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and where appropriate in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of 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 his/her designee may appeal the decision of the ADA Coordinator within 15 days after receipt of the response to the Board of Selectmen or their designee.

(e) Within 15 calendar days after receipt of the appeal, the Carlisle Board of Selectmen or their designee will meet with the complainant to discuss the complaint and possible

resolutions. Within 15 calendar days after this meeting the Board of Selectmen 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 Board of Selectmen or their designee, and responses from the ADA Coordinator and the Carlisle Board of Selectmen or their designee will be kept by the Town of Carlisle for at least three years.

22.0 Holidays

22-1. *Coverage.* Full-time and part-time employees are eligible for holiday compensation. Contract and Temporary employees are not eligible for holiday compensation.

22-2. *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 | Christmas Day |
| Independence Day | Day After Thanksgiving |

As is customary for municipal offices in the Commonwealth of Massachusetts, holidays falling on Sunday are legally observed on the following Monday. Holidays falling on a Saturday are legally observed on the preceding Friday. Some departments may differ due to public service requirements.

22-3. *Terms of Holiday Pay.* 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.

23.0 Vacation

23-1. *Coverage.* Vacation pay is granted to all full-time and part-time employees. Part-time employees shall accrue vacation on a pro-rated basis.

23-2. *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.

23-3. *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. Current employees as of July 1, 2003 shall work with the Personnel Administrator to accurately account for prior variances in vacation accrual during FY04. After July 1, 2003 all vacation will be accrued beginning on anniversary date. Two weeks accrued vacation may be carried forward into the following year. Total accrued vacation shall not be in excess of 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.

24.0 Sick Leave

24-1. *Coverage.* Full-time and part-time employees are eligible for sick leave.

24-2. *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.

24-3. *Full-time employees.* Each full-time employee shall accumulate sick pay at the rate of one day for each month of employment, not to exceed a total accumulation of 120 (one hundred and twenty) days.

24-4. *Part-time employees.* Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be prorated according to the number of hours of work per full-time week in which such employee is required to work. 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.

24-5. *Extension of Sick Leave.* Extended sick leave may, upon the recommendation of the Personnel Board, be granted to an employee after all of an employee's sick leave and vacation leave has been used.

24-6. *Notification. 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.

24-7. *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.

24-8. *Family Sick Days* An employee may also use up to five (5) days per year of his/her accumulated sick leave to care for a member of his/her "immediate family" which, for the purpose of this section, shall consist of. 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.

25.0 Bereavement Leave

25-1. *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.

26.0 Military Leave

26-1. *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).

27.0 Jury Leave

27-1. *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.

28.0 Family and Medical Leave Act

28-1. *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). If a female employee does not satisfy these eligibility requirements, such female employee, if she has completed the initial probationary period, shall be eligible instead for an eight (8) week maternity leave for the purpose of giving birth or adopting a child, in accordance with Massachusetts law.

28-2. *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:

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

28-3. *Definitions.*

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

The complete Family and Medical Leave Policy and Act is available to employees through the Personnel Administrator's office.

29.0 Small Necessities Leave

29-1. *Policy and 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.

29-2. *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.
- (c) "Son or daughter" shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The son or daughter must either be under eighteen (18) years of age, or older and incapable of self-care because of mental or physical disability.
- (d) "Elderly relative" shall mean an individual of at least sixty (60) years of age who is related by blood or marriage to the employee.
- (e) "School" shall mean a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a children's day care facility licensed under M.G.L. Chapter 28A.

29-3. *Leave Entitlement.* The Town will provide all eligible employees up to twenty-four (24) hours unpaid leave in the twelve-month period for any of the following purposes:

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

Leave may be taken on an intermittent basis, but 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.

29-4. *Notice.* If the necessity for leave is foreseeable, the employee shall provide his/her department head with not less than seven (7) calendar days written notice prior to the date the leave is to begin, indicating the date, the number of hours of leave, and the purpose for which the leave is requested. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practical under the circumstances of the particular case. Where leave is not foreseeable and the employee's notice is verbal, the employee shall complete and submit a written notice as soon as possible.

29-5. *Substitution of Paid Leave.* The employee may elect or the Town may require the employee to substitute any of the employee's accrued paid vacation leave for any of the small necessities leave.

30.0 Personal Leave

30-1. *Coverage.* Permanent full-time and permanent part-time employees are eligible.

30-2. *Policy.* Full-time employees who have completed the probationary period, shall be entitled to two (2) personal days with pay each fiscal year. Permanent part-time employees who have completed the probationary period shall be entitled to personal days on a pro-rated basis.

30-3. *Use of Personal Leave.*

- (1) Use of personal leave must be approved in advance by the employee's department heads.
- (2) Personal leave may be taken in no less than half-day increments.
- (3) It is understood that personal days are to be used to conduct personal business, and are not to be used in lieu of or in connection with holiday or vacation time.

31.0 Workers' Compensation

31-1. *Policy.* An employee who by reason of an industrial accident receives statutory compensation may receive, in addition, the amount necessary to make up his/her regular weekly compensation to the extent of his/her accumulated sick and vacation time applied on a pro-rated basis.

32.0 Uniforms.

32-1. *Policy.* The Town may provide uniforms for each employee whose job requires particular or specialized clothing.

33.0 Retirement

33-1. *Policy.* Employees (as defined by the Middlesex County Retirement System) must join the System, pursuant to Chapter 32, Sections 1-28 and other Special Acts of the General Laws. This is a contributory retirement system. Retirement age is mandated by the System for its member.

33-2. *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).

34.0 Travel

34-1. *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 Board of Selectmen shall be allowed unless approved by the Board of Selectmen. Travel must be work-related.

34-2. *Rate.* Mileage will be reimbursed at the current IRS allowable rate.

35.0 Standards and Guidelines for Email and Internet Use.

35-1. *Policy.* The Town of Carlisle may provide email and/or Internet access to employees who are connected to the municipal network server at the Town Offices and, additionally, to various employees in other town buildings. The purpose of providing these services to employees is to improve communication between departments and to provide the means to communicate and obtain information via the Internet. These services shall be used to improve the efficiency and effectiveness of municipal operations. The Computer, Electronic Mail and Internet Use Policy is attached.

36.0 Equal Employment Opportunity

36-1. *Policy.* The Town of Carlisle commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

37.0 Paid Personal Time Off (PTO)

37.1 *Coverage.* Permanent part-time employees under the Wage & Classification Plan are eligible (ie Employees working under 20 hours per week on a regularly scheduled basis). Employees working on an “as needed” irregular basis are not eligible.

37.2 *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.

37.3 *Use of Paid PTO.*

- (1) Use of PTO hours must be approved by the employee’s department head prior to time taken.
- (2) PTO hours are available as of July 1 and must be used within that fiscal year.
- (3) There is no carry over of PTO hours from year to year.
- (4) There is no cash in lieu of PTO hours.
- (5) PTO hours may be taken in no less than ½ hour increments.