

PERSONNEL POLICIES

TOWN OF DUNSTABLE, MASSACHUSETTS

Effective January 1, 2025

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I INTRODUCTION

It shall be the purpose of this handbook to establish a system of personnel administration that ensures a uniform, fair and efficient application of personnel policies for all employees of the Town of Dunstable (hereinafter, Town). It shall be the policy of the Town to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, advancement, compensation and general working conditions without regard to race, color, religion, national origin, gender, gender identity, sexual orientation, age, disability or any other legally protected classification. The policies and procedures contained herein supersede all prior applicable policies and procedures adopted by the Town.

The provisions contained within this Handbook are solely intended to be advisory in nature and are not to be considered, in whole or in part, a contract for employment, express or implied, between the Town and any of its employees. All individuals employed by the Town are employed "at will". The Town retains the unrestricted right to add to, to modify, or to discontinue any personnel policy, procedure and/or employment benefit referenced directly or indirectly herein.

These policies shall be applicable to all employees, whether exempt or non-exempt, and apply to those covered by a collective bargaining agreement or individual employment agreement as to any standards of conduct or policies; provided that if a conflict arises between a provision(s) of this Handbook and a provision(s) in any collective bargaining agreement between the Town and the respective bargaining unit and/or any individual employment contract between the Town and any employee, the agreement shall prevail. In the event of a conflict between any provision of this Handbook and the Town's by-laws, the by-laws shall prevail. In any instance where these policies conflict with federal or state laws, such laws shall be deemed to prevail.

Definitions

Employee: Unless otherwise specifically excluded, "employee" shall include any employee receiving compensation from the Town pursuant to any one or more of the following employee classifications:

• **Benefit Eligible Employee:** The employee in this position works not more than 40 hours per week or less than 20 hours per week and works year-round excluding authorized paid leave time and authorized leaves of absence. Employees in this category are eligible for full benefits as defined in this policy.

• **Permanent Part-Time Employee**: The employee in this position works not more than 19 hours per week and not less than 15 hours per week and works year-round excluding authorized paid leave time and authorized leaves of absence. Permanent Part-Time employees are eligible for Holiday, Vacation, Sick, Personal & Bereavement leave on a prorated basis, based on average hours worked per week. Permanent Part-Time employees are ineligible for Insurance benefits.

• **Non-Benefit Eligible Employee**: The employee in this position works less than 15 hours per week and is not eligible for Paid Time Off or Insurance benefits.

• **Temporary Employee**: Employees hired for specific projects on a short-term basis are considered temporary employees. Employment is not usually expected to last more than six (6) months and temporary employees do not receive benefits as defined in this policy.

• **Exempt Employee**: Pursuant to the Fair Labor Standards Act, 29 USC, Section 201-216, there shall be exempt and non-exempt employees. An exempt employee is a salaried employee who is employed in an executive, administrative, or professional capacity and is not generally entitled to overtime pay if he or she meets one of the following criteria:

    o Executive - primary duty is to manage a department.

    o Administrative - primary duty is office or non-manual work directly related to management policies, or directly assisting an executive.

    o Professional - primary duty requires advanced knowledge acquired by specialized study; work is intellectual, and the result is not standardized.

• **Non-Exempt Employee**: A non-exempt employee is one whose primary duty is not executive, administrative, or professional in nature and who is entitled to overtime pay whenever his or her actual hours of work exceed forty (40) in the standard workweek. Once the standard workweek is established, it may not be changed to avoid payment of overtime. Non-exempt employees are subject to the terms and conditions of the Fair Labor Standards Act. While these employees are eligible for the payment of overtime when actual hours are worked, excluding paid leave time or holidays, exceeding 40 in a week, overtime may only be worked with the prior written approval of the hiring authority or supervisor.

• **Elected or Appointed Employee**: Employees of the Town who have either been elected or appointed to their respective positions(s) and who receive compensation from the Town for services rendered.

• **Grant-Funded Employees**: An employee whose position is funded in whole or in part by a third party.

II STANDARDS OF CONDUCT

General Conduct and Standards

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times with regard to their responsibilities, the interests of the Town and the welfare of its residents.

Employees have an obligation to be present at work as scheduled and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and maintain specified standards of performance; to comply with reasonable employer instructions and policies and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

Town employees often learn of personal information about residents of the Town and other confidential information. Confidential information of any sort is not to be discussed with anyone, including co-workers, unless necessary in the line of duty. In addition, this type of conversation is not to be discussed in corridors, eating areas or anyplace other than the work site.

Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or showing favoritism in conducting town business. Employees are expected to conduct themselves in a manner which in no way discredits the Town, public officials, or other fellow employees. This includes, but is not limited to, the use of computer equipment and services. Employees must abide by federal, state, and local laws and regulations.

All Employees Shall:

- Remember that they represent the Town at all times
- Treat all members of staff/board/committee with respect despite differences of opinion, keeping in mind that professional respect does not preclude honest differences of opinion but requires respect of those differences
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people
- Honor confidential information and seek no favor.
- Conduct themselves to maintain public confidence in their local government and in their performance of the public trust
- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties

Unless specifically exempted (e.g., Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintains full compliance with the Open Meeting Law (G.L. Chapter 30A, Sections 18-25)

Harassment

The Town is committed to providing a workplace free from unlawful sexual harassment or harassment based upon any other legally protected classification (e.g. gender, race, national origin, disability). Harassment can take different forms and can occur in the formal workplace or in off-hours activities among employees of the Town. It can also result from the actions of non-employees. No employee who files a good-faith complaint of sexual harassment or harassment based on protected class status or who cooperates in connection with a harassment investigation will be retaliated against. Such retaliation is unlawful. Please review the Town's Sexual Harassment Policy and the Town's Protected Class Harassment Policy for more information.

Tardiness and Failure to Report to Work

All employees are expected to begin their assigned duties at the start of the regularly scheduled workday. Tardiness and failure to report to work are viewed as unacceptable job performance.

An employee who anticipated that he or she will be tardy or absent must notify his or her supervisor in a timely manner. Employees will be required to provide a reasonable explanation of their tardiness or absence and may be required to provide documentation.

Dress Code

Employees are expected to dress in a manner consistent with their work environment and their stature as representatives of the Town. Department Heads and the Select Board may set additional policies as needed.

Safety

The Town is committed to providing a safe work environment. Department Heads are responsible for developing safety guidelines to address safety concerns unique to their work area and required to maintain a safe working environment. Employees encountering a dangerous situation are required to bring it immediately to the attention of their supervisor and/or the Town Administrator.

Workplace Violence/Possession of Weapons

The Town maintains a zero-tolerance policy toward workplace violence, or the threat of violence, by any of its employees, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace that is free from intimidation, threats, or violent acts. Weapons are prohibited from the workplace except for weapons assigned to police officers or other authorized licensed personnel.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the expression of intent to cause physical or mental harm

regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future.

Any incident of violent behavior whether the incident is committed by an employee, or an external individual must be brought immediately to the attention of their supervisor, who must inform the Town Administrator, the Police Department and the Select Board.

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

Smoke-free Workplace

The Massachusetts Smoke-Free Workplace Law, effective July 5, 2004, amended the Massachusetts General Laws by creating a new Section 22 of Chapter 270. The new law protects workers from health hazards resulting from exposure to secondhand smoke and requires all workplaces with one or more employees to be smoke-free.

Smoking is prohibited inside all buildings owned or controlled by the Town including, but not limited to, the town hall, the public works building (including the garage), and all other enclosed areas at the disposal and recycling center. Smoking is prohibited inside any town owned or leased vehicle of any kind, at any time. In addition, smoking is not permitted while an employee is performing his or her job duties.

Additionally, any person smoking in a smoke-free area violates the Massachusetts Smoke-Free Workplace Law which prescribes a civil penalty of $100 for each violation.

The Town of Dunstable is sensitive to the withdrawal symptoms of nicotine addiction and supports employees in their efforts to quit smoking. Employees who smoke and want to quit or know someone who wants to quit should call the Try-To-Stop Tobacco Resource Center at 1-800- TRY-TO-STOP (1-800-879-8678) for free helpful information or visit their website at www.trytostop.org.

It is prohibited by law to discriminate or retaliate in any manner against a person for making a complaint of a violation of the smoke-free workplace law or for furnishing information concerning a violation, to a person, entity, or organization, or to an enforcement authority. However, a person making a complaint or furnishing information during any period of work or time of employment shall do so only at a time that will not pose an increased threat of harm to the safety of other persons in or about the workplace, or to the public. An employee who retaliates or discriminates against any person or persons for making a complaint under this Policy or for furnishing information concerning a violation of the Smoke-Free Workplace Law or this Policy shall be disciplined up to and including termination.

Drug Free Workplace including Alcohol and Drug Testing Policy

The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

The use, sale, possession or being under the influence of alcohol or legal or illegal drugs that may impair the ability to safety and effectively perform job duties while on duty is prohibited unless the employee discloses the prescription in advance to the Town Administrator, and provides a doctor's note verifying that the employees use will not impair the employee's ability to safely and effectively perform the essential functions of the employee's job. However, as marijuana use remains illegal under federal law, it may not be used while on duty.

The Town recognizes that drug dependency is an illness and a major health problem. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Town Administrator, or their health insurance provider, for assistance. Contacting the Town Administrator or their health insurance provider in a conscientious effort to seek help will not jeopardize an employee's job and will not result in discipline.

At the discretion of the department head and/or Town Administrator any Town employee while on duty may be subject to testing for drug or alcohol use where there is probable cause/reasonable suspicion to believe the employee is under the influence of drugs or alcohol.

The Town will also conduct random testing of employees who are required to have a CDL license as a condition of employment. Random drug testing will be on a random, unannounced basis just before, during, or after performance of safety sensitive functions.

If the appointing authority, either with regard to a probable cause/reasonable suspicion or random testing that results in a positive alcohol or drug test, decides not to terminate the employee, the following conditions shall apply:

1. The employee will be required to attend EAP counseling sessions and/or seek treatment from the employee's health care provider.

2. The employee will not be permitted to return to work until the employee has a negative drug test. This drug test will be at the employee's own expense.

3. The employee will be subject to up to six (6) follow-up tests in the following twelve (12) months following the employee's return to work.

4. The appointing authority may impose additional conditions and take other action as it deems appropriate provided such actions are allowed by law.

Conflict of Interest/Financial Disclosure

Town employees must comply with the requirements of Chapter 268A of the Massachusetts General Laws that governs conduct as a public official or public employee.

The purpose of the conflict-of-interest law is to ensure that a public employee's private financial interests and the relationships do not conflict with his or her public obligations to act objectively and with integrity. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

Conflict of interest situations include but are not limited to:

A. Taking Bribes;

B. Accepting Gifts (the law allows up to $50)

C. Acting on Own/Family's/Business' Financial Interests;

D. Obtaining Municipal Contracts and Multiple Jobs – employees are generally prohibited from obtaining municipal contracts or additional positions. (The law does allow multiple appointments; this is a special provision of the law for small towns such as ours);

E. Misuse of an Official Position to obtain unwarranted privileges for themselves or anyone else;

F. Accepting outside employment inherently incompatible with a public position;

G. Representing Private Parties in Town Matters.

All new employees are required to complete online Conflict of Interest training through the State of Massachusetts' website: https://massethicstraining.skillburst.com/. Existing employees will need to complete this training every 2 years. In any remotely questionable situation employees are encouraged to get advice and an advisory opinion from the State Ethics Commission at (617) 371-9500.

Telephone Calls and Mail Use

Town employees are expected to use their home addresses (not the Town's address) to receive personal mail. Use of town stationery or postage for personal mail is not permitted.

When answering the phone, speak in a pleasant tone of voice. Always identify yourself and where you are located. If you must refer to your caller to another department, explain clearly why you are doing this.

While personal calls are sometimes necessary, employees are asked to limit these to essential situations.

Computer, E-Mail, and Internet Use

The Town provides staff with computer equipment and the ability to communicate and receive information using electronic mail and the Internet. The Town utilizes this technology to improve staff efficiency and communication, and to serve the public more effectively. These computer resources are the property of the Town and should be used for appropriate business purposes

only. Town employees are expected to use their access to electronic mail and the Internet in a responsible and informed way.

Any personal use of the Internet should be limited and must not interfere with the Town's operation of the user's work responsibilities. Further, users must realize that they represent the Town while using Town equipment and act accordingly.

Unauthorized use of computer equipment or the internet including e-mail includes but is not limited to:

A. Pirating, duplication, or installation of unauthorized software;

B. Any promotion, product endorsement or other commercial enterprise;

C. Political lobbying or solicitation of any religious cause.

D. Disparagement of any individual or group;

E. Hacking;

F. Personal gain;

G. Gambling or Adult Only Websites

In case of doubt users are encouraged to consult the Department Head, Town Administrator, or Select Board.

Confidential information should never be transmitted to anyone not authorized to receive such information, including other unauthorized Town employees.

Employees shall have no expectation of privacy in their use of e-mail or other computer applications. Further, e-mails and other documents are generally subject to disclosure as public records. They may also be subject to disclosure through legal proceedings or otherwise through various laws that may be held to apply to such transmissions. Further, users need to take into consideration the applicability of the open meeting law when participating in an electronic conversation through email, chat or other such methods of electronic communication.

The Town reserves the right to monitor, review and retrieve any information stored on or transmitted with Town equipment and, therefore, users should not have an expectation that their e-mail communication, or documents stored on Town equipment, will remain private.

The Town maintains a detailed Communications Policy, which should be reviewed for more information.

Personal Mobile Device Use

To ensure the proper use of Personal Mobile Devices during work hours this policy applies to all full-time and part-time Town employees, as well as grant-funded employees. The policy also applies to temporaries, interns, and volunteers.

Employees, and others designated above, may carry personal devices during work hours, but are expected to keep personal phone calls and/or text messages to a minimum and of short duration, except in an emergency, family illness, or crisis.

Employees who operate town owned vehicles shall not use a mobile telephone, or any handheld device capable of accessing the internet, to manually compose, send or read an electronic message while operating a motor vehicle. An employee shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel.

Employees must follow all State and Federal laws concerning the use of handheld devices while driving town vehicles.

Working Remotely

It is the goal of the Town to have Town Offices open to the public whenever possible. However, some positions afford flexibility for completion of job duties and responsibilities from another location. It is at the discretion of an employee's supervisor to allow an employee to work remotely. The employee's supervisor and Town Administrator must grant permission in writing for any exceptions to this policy.

Remote Work Expectations

Supervisors should communicate specific expectations to individual team members based on each person's needs and circumstances. To ensure that the remote working agreement is mutually beneficial to both the Town and employees, planning and communicating expectations in advance of the working remotely is crucial.

Staff members must comply with Town rules, policies, practices, and instructions and understand that violation of same may result in termination of remote work privileges and/or discipline up to, and including, dismissal.

Working remotely does not change the basic terms and conditions of employment. Remote work does not change a staff member's classification, compensation, or benefits. The accrual and charging of leave time are subject to the same policies and procedures applicable to non-remote working staff members.

Employees shall consider working at another facility or from home as a normal workday.

Employees must make themselves available to perform their job duties and responsibilities, respond timely to calls and emails, and not perform any other tasks that would conflict with their ability to perform their job duties and responsibilities. When working remotely, employees are prohibited from performing any paid or volunteer work for any employer or organization other than the Town of Dunstable. Employees must also remain available to come into their work facility if needed unless arrangements have been made with the Department Head.

Closures Due to Weather

Short-term remote work may be an appropriate option for staff members due to the closure of Town offices and buildings due to weather conditions or weather-related declaration of a State of Emergency in the Commonwealth of Massachusetts. In the event of closure, it is the Town's expectation that services will be continued through remote work.

Employees who are unable to work during the weather event due to a loss of power, internet connectivity, or other issues related to the weather event, shall be paid without loss of a vacation or personal day. In all other circumstances, employees whose duties can be done remotely must use vacation or personal time to be paid if they choose not to work. Employees whose duties can only be performed on Town property that is unavailable due to the weather event shall be paid without loss of a vacation or personal day. The policy under this section will last only for the duration of the weather event that closed town offices or buildings, as defined and communicated by the Town Administrator.

Emergency Situations

Short-term remote work may also be an appropriate option for staff members due to extraordinary circumstances (e.g., the declared National Emergency and State of Emergency in the Commonwealth of Massachusetts in 2020-21 in response to the COVID-19 pandemic). Short-term telecommuting under this section will last only for the duration of an emergency, as defined and communicated by the Town Administrator.

III EMPLOYMENT PRACTICES

Qualifications/Requirements

For each position on the staff of the Town, there shall be established minimum requirements and a position description as to the experience, education, licensing or other abilities and/or qualifications considered necessary for satisfactory performance of the essential duties of the position.

Americans with Disability Act Requirements

As noted above, the Town does not discriminate on the basis of disability. Any employee who believes he or she requires an accommodation should submit a written request to his or her

supervisor. The employee's supervisor or the Select Board may require the employee to provide medical documentation supporting the request for an accommodation. The Town may also require the employee to be examined by a Town-approved physician or medical professional.

Appointments

The Town reserves the right to require a pre-employment examination, which may include drug testing, after a conditional offer of employment has been made.

It is the policy of the Town to prohibit relatives from working in the same department in a employee/supervisor relationship. In addition, it is the policy of the town to prohibit a Supervisor or Board/Committee member from hiring a family member.

Employees who are appointed for a defined term shall have their term renewed at the discretion of the Select Board (or Appointing Authority).

Performance Review for Employees

The Town expects its employees to be competent and efficient in performing their job duties. In order to provide constructive feedback, the Appointing Authority, or its designee, is required to provide employees with ongoing feedback and to complete a formal performance review not less than once a year.

Disciplinary Policy

All employees are required to follow regulations necessary for the proper operation of Town departments. Disciplinary action shall be the responsibility of supervisors or appointing authorities that shall exercise their responsibility with discretion and with concern for the employee.

These guidelines are intended to serve as guidelines only in the determination as to when disciplinary action is appropriate and what form it should take. The Town will determine in each individual case whether the circumstances warrant a more severe form of discipline than indicated in these general guidelines. In making the decision as to what form of disciplinary action to take, the Town will consider all factors it deems relevant. This disciplinary policy does not constitute a contract or grant contractual or other rights to any employee.

The following are examples of conduct that may result in disciplinary action:

A. Incompetence or inefficiency in performing assigned duties;

B. Insubordination;

C. Tardiness or absence from duty;

D. Abuse of sick leave or absence without leave;

E. Falsification of time sheets, reports, or records;

F. Possession and/or use of illegal substances or alcohol while on duty;

G. Being at work while under the influence of alcohol or controlled substances;

H. Misuse or unauthorized use of Town property;

I. Fraud or falsification of information;

J. Disclosure of confidential town information;

K. Violation of safety rules, practices, or policies;

L. Violation of the law;

M. Engaging in acts of sexual harassment or any other discriminatory conduct;

N. Conduct, whether on duty or off duty, that brings discredit to the Town;

O. Any other circumstance the appointing authority deems appropriate.

Disciplinary action may include any, all or none of the following actions: verbal reprimand, written reprimand, demotion, suspension, and/or termination. The level of discipline to be imposed is at the discretion of the appointing authority.

Whenever a board is going to consider disciplinary action or dismissal or hear complaints or charges against an employee, then procedures shall be conducted in accordance with M.G.L. Chapter 30A.

Grievance Procedure

A grievance is a dispute between an employee and the supervisor arising out of an exercise of an interpretation of these Personnel Policies. The following steps shall be used in resolving the grievance:

Step 1 - An employee should promptly discuss any grievance with his/her supervisor/department head in a mutual effort to resolve the grievance within three (3) working days.

Step 2 – If, after such conference, a satisfactory understanding and/or solution of the grievance have not been reached, then the employee shall speak with the Town Administrator within five (5) working days or, if the Town Administrator is not reasonably available within that timeframe, at the Town Administrator's earliest, reasonable availability thereafter.

Step 3 –An employee who disagrees with the written decision of the Town Administrator may request a review by the Select Board within five (5) working days after meeting with the Town Administrator. The Select Board will review the grievance according to the rules set forth by Open Meeting Law. The employee has the right to request that the Select Board reconsider, modify or overturn any previous decision. The Select Board shall, within ten (10) days after meeting with the employee, provide a written decision. The Select Board, however, shall have no authority to modify or overturn the decision of

an appointing authority to impose discipline. At the conclusion of this step, the decision of the Select Board shall be final and binding on all parties.

The failure of the employee to process his or her grievance within the timeframes set forth above shall result in the waiver of the grievance. If the grievance pertains to a decision of the Town Administrator or the Select Board, the employee may initially file the grievance at that Step, i.e., Step 2 or Step 3, respectively.

Separation from Employment

Employees who choose to resign from their employment should give notice at least two (2) weeks in advance. Employees who resign may be asked to participate in an exit interview which is designed to elicit information about the reason(s) for resignation. The Select Board or its designee will use the information gathered through the interviews to identify potential problem areas within the Town.

Regardless of the reason for separation from employment, employees will be paid for accrued vacation leave.

Employees will also generally be eligible, except in incidents of gross misconduct, to continue insurance coverage under COBRA. Employees will be provided with a COBRA notice that details their eligibility to continue coverage after their termination.

Under some circumstances, employees may be eligible for unemployment compensation. Determinations as to eligibility for this benefit are made by the Division of Unemployment Assistance.

Records

The Town will maintain a personnel file on each employee. If you wish to review your personnel file, you must submit a written request to the Town Administrator. Arrangements will be made to allow you to review your personnel file within five (5) business days.

Employee References

Town policy is to provide only dates of employment and position(s) held in response to a request for an employment reference.

IV COMPENSATION, HOLIDAY & LEAVE TIME

Starting Rate

An employee appointed to a position will normally be compensated at the minimum starting rate for the position according to the Wage and Classification Chart adopted pursuant to section 4.3 of the Personnel Bylaw. At the request of the appointing authority and the availability of funds, any appointment at a salary above the minimum may be made only if approved by the

Town Administrator, after recommendation of the Appointing Authority based upon education, work experience, and other qualifications pertinent to the specific job in question.

Payroll Deductions

All earnings and deductions are reflected in the payroll stub. These may include federal and state income tax, retirement deductions, Medicare, FICA, wage garnishments pursuant to an IRS Notice or court order, and deductions for group benefits (e.g., health coverage). Employees are encouraged to use direct deposit to receive their pay. Employees hired after July 1, 2024, will be required to use direct deposit.

Overtime, Compensatory Time & Callback Pay

Overtime will be paid at a rate of time and one-half to non-exempt employees who actually work in excess of 40 hours in a week. Hours actually worked do not include periods of leave such as sick, vacation, holiday, personal or other forms of paid or unpaid leave.

Employees may accrue compensatory time in lieu of legally required overtime by mutual agreement of both employee and appointing authority (and/or supervisor as the appointing authority may determine) prior to any hours actually being worked. When compensatory time is taken in lieu of legally required overtime, it shall accrue at a rate of 1.5 hours per hour worked. Like overtime, the calculation of compensatory time includes only hours actually worked.

All work that would result in compensatory time must be designated in advance in writing and shall be charged to the project or department for which the extra time was worked.

Compensatory time should be used within 90 days of acquiring said time.

Notwithstanding the above, non-exempt employees who the Town requires to report for work after the end of their scheduled workday will be paid overtime at a rate of time and one-half for the duration of the callback regardless of whether they have actually worked 40 hours. An employee who is paid overtime for working in response to a callback will not also be paid overtime for the same hours of work if the result is that the employee actually works in excess of 40 hours in the same week. This paragraph only applies to urgent/emergency callbacks such as a police lieutenant responding to an incident, a Highway Department employee reporting for snow and ice removal operations or a Water Department employee reporting in response to a water main break.

Exempt employees are not eligible for overtime, compensatory time or callback pay.

Travel Reimbursement

Mileage for work-related travel using private vehicles will be reimbursed at a rate to be determined by the Town Travel Reimbursement Policy . Receipts for parking, tolls and itemization travel must be submitted before reimbursement will be authorized.

Holidays

Benefit Eligible and Permanent Part Time Employees are granted paid time off on the following holidays:

Holiday	Observed
New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
Presidents Day	3rd Monday in February
Patriots Day	3rd Monday in April
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Indigenous People's Day	2nd Monday in October
Veterans Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

Holidays that fall on Saturday will be observed on the Friday before. Holidays that fall on Sunday will be observed on the following Monday.

Non-Union Public Safety employees called to work on a holiday are entitled to eight (8) regular hours of holiday pay plus time and a half (1.5x) for every hour worked.

Highway Department and Public Safety employees called to work on a holiday are entitled to eight (8) regular hours of holiday pay plus time and a half (1.5x) for every hour worked.

All Permanent Part-time employees are eligible for paid holidays based on the number of hours the employee is regularly scheduled to work on the day the holiday is observed. In the event a holiday is observed on a day the employee is not scheduled to work, the employee will receive a floating holiday, which must be used in the fiscal year in which it is given, or it will be forfeited.

Part-Time and Temporary employees are not eligible for paid holidays. Employees on unpaid leave are not entitled to paid holidays.

Time Off

Benefit Eligible and Permanent Part-time employees are eligible for time off with pay. Days as defined in the Time Off section shall be equivalent to the average number of hours worked over five days.

For example:

Hours worked per week	Hours per "Day"
40 hours	8 hours

30 hours	6 hours
25 hours	5 hours
20 hours	4 hours
15 hours	3 hours

Time Off - Vacation Leave

Benefit Eligible and Permanent Part time employees are eligible for vacation leave with pay. All vacation time should be used in the Fiscal year it is accrued. Although the Town makes the full amount of employees' vacation leave accruals available on July 1st of each year to give employees the ability to take vacation over the summer months, vacation leave accrues on a bi-weekly basis with the payroll cycle throughout the fiscal year. As a result, if an employee leaves their employment having used more vacation leave than they have accrued, they will be required to repay the difference or authorize the Town to deduct the difference from their final paycheck(s).

Up to ten (10) days of unused vacation time can be carried over from year-to-year. Vacation entitlement for the first and last months of an individual's employment shall be pro-rated on a calendar basis to the date of hire or termination, as appropriate.

All requests for vacation must be approved by the employee's immediate supervisor. Employees are encouraged to take vacation on a regular basis to allow for proper rest from the rigors of work.

Supervisors may limit the number of employees who can take vacation at the same time. In some cases, supervisors may limit the amount of time taken by employees during certain times of the year. For example, snow removal season.

Vacation time may be used in hourly units. Employees may not use vacation leave until they have been employed for three (3) months, unless otherwise approved by the Appointing Authority.

Paid vacation shall be granted as follows:

Period of Service Completed	Vacation Time Earned
Less than 1 year	Up to 10 days (prorated)
1-5 years	15 days
6-10 years	20 days
11 years and more	25 days

Permanent Part-time employees are eligible to earn vacation on a pro-rated basis. Temporary employees are not eligible for paid vacation.

Time Off - Personal Leave

Each full-time and part-time employee with at least three (3) months of service is allowed, with prior approval of their supervisor, three (3) personal days per year. Permanent Part-Time employees are eligible for personal leave on a pro-rated basis. Temporary employees are not eligible for personal leave. Requests for personal leave must be given within a reasonable notice period to the supervisor subject to extenuating circumstances. Personal leave does not carry over to the next year and may not be accumulated. Personal leave is not paid upon separation from employment. Personal leave does not accrue during unpaid leave.

Time Off - Sick Leave

Sick leave is a time off benefit for Benefit Eligible and Permanent Part-time employees and is generally for protection of employees against loss of pay due to personal illness. Full-time employees shall accrue 1.25 days of sick leave per month up to fifteen (15) days of sick leave each year. Permanent Part-time employees are eligible to accrue sick leave on a pro-rated basis. Temporary employees are not eligible for sick leave. Sick time does not accrue during unpaid leave.

Full-time employees who do not use sick leave over a six (6) month calendar period will receive eight (8) hours of additional personal time off at the conclusion of each six (6) month period.

Sick leave may not accumulate from one year to the next in excess of 150 days. Sick leave may be used in hourly increments. Sick leave will not be advanced before accrual unless approved by the Select Board.

On the first day of absence from work due to illness, the employee shall report his or her illness to their supervisor no later than 30 minutes after the beginning of his or her scheduled work assignment, or as may otherwise be specified by the supervisor. After 3 consecutive days of missed work, or if the supervisor reasonably suspects the employee is abusing sick leave, medical provider's note may be required from the employee (including injuries or illnesses the employee believes are work-related).

Sick Leave Buyback

Twenty Five percent (25%) of an employee's accumulated sick time (not to exceed twenty five percent of the maximum 150 days allowed) may be paid upon retirement. Sick leave will not be paid upon any other separation from employment other than retirement through the State retirement system. Employees hired after July 1, 2010, are not eligible for sick leave buyback.

Time Off - Bereavement Leave

Following the death of an immediate family member, full-time and part-time employees are entitled to be paid leave for up to ten consecutive calendar days or otherwise as approved by the appointing authority. An immediate family member is defined as follows: husband, wife, significant other, child.

Following the death of a family member, full and part time employees are entitled to be paid leave for up to five consecutive calendar days. A family member is defined as a parent (either spouse), grandparent (either spouse), sibling, Aunt or Uncle of an employee.

Court Service (Jury Duty)

The Town will pay the employee the difference between any compensation received from jury duty or witness stipend and the employee's current salary as provided by law.

Family and Medical Leave & Small Necessities Leave

In accordance with Federal law, the Town will grant up to twelve (12) weeks (or up to twenty-six (26) weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy regarding vacation time, sick time and personal time usage. The Town requires the use of accrued, available paid leave concurrently with FMLA leave. A "Year" for purposes of leave requests is the rolling period measured forward from the first FMLA usage. The Town provides leave in accordance with the Federal Family & Medical Leave Act (FMLA) and the Massachusetts Small Necessities Leave Act (SNLA).

The Small Necessities Leave Act allows each employee eligible under the Family and Medical Leave Act a total of 24 hours of unpaid leave during any twelve-month period, in addition to leave available under the FMLA, to (1) 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; (2) accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and (3) accompany an elderly relative (an individual of at least 60 years of age who is related by blood or marriage to the employee) 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. If the necessity for leave is foreseeable, an employee must provide the department head with not less than seven days' notice of the need for leave. If the necessity for leave is not foreseeable, an employee shall provide such notice as is practicable. An employee taking leave for any of the aforementioned circumstances may substitute any accrued paid vacation and/or personal leave for any leave provided. The Town requires that the leave be supported by a certification signed by the employee stating the reason for the leave.

Parental Leave

Parental leave shall be administered as required by M.G.L. Chapter 149, Section 105D. Requests for such leave shall be made at least two (2) weeks in advance. Employees must indicate whether they will be returning to their position after their leave.

The Town maintains a separate FMLA policy. Please consult that policy for more information.

Military Leave

The Town provides military leave pursuant to State and Federal Law. Accordingly, the Town will provide employees who serve in the military reserves with their full salary while on annual training to the extent required by law. Members who are called to active service will be granted leave. The rights of such employees vary depending upon the length of their service. Employees should direct any questions regarding military leave to their appointing authority.

V. EMPLOYEE BENEFITS

The Town offers certain benefits to eligible employees including health and life insurance. Benefits currently provided by the Town are outlined in this section.

Group Health & Life Insurance

Benefit Eligible Employees are entitled to health and basic life insurance through a group policy provided by the Town. The Town contributes 75% of the premium. The employee contributes 25% through payments deducted directly from his/her paycheck.

The Town also contributes 100% of the cost of a $2,000 life insurance policy for Benefit Eligible employees. Additional life insurance and dental insurance may be purchased at full cost by the employee. The Town does not make any contribution for such additional coverage.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, as amended (Public Law 99-272) Title X, Section 10002; 100 Stat 227; 29 U.S.C. 1161-1168, contains provisions giving eligible individuals, their spouses, and dependent children the right to temporary continuation of health coverage at group rates. This coverage is generally up to 18 months, but may extend, in some circumstances, to 29 or 36 months. COBRA coverage, which may include an administrative charge, is at the employee's expense. If payment for coverage becomes delinquent, coverage may end.

Employees will receive an Election Notice regarding their COBRA rights when the Town is advised of a qualifying event.

The Town reserves the right to alter, amend, modify, or discontinue benefits to the extent permitted by law, including the change in health, dental and life insurance plans and providers along with premium contribution rates and the plan design (e.g., co-payments and deductibles) in its sole discretion.

Employee Assistance Program

An employee, who is experiencing difficulties in his/her personal life, is encouraged to seek help through the Employee Assistance Program (EAP). The EAP is designed to help employees and their family members by providing crisis intervention, assessment, referral, and short-term counseling services in order to help identify and resolve personal issues and stress, illness,

alcohol or other drug abuse, legal issues, financial or marital difficulties, as well as other distresses. The EAP program is confidential, and information cannot be released without the employee's permission except as required by law.

Retirement Procedure

Subject to the rules and regulations promulgated by the Middlesex County Retirement System and the Massachusetts General Laws, all employees working at least 20 hours per week are required to participate in the Middlesex County Retirement System, in lieu of the Social Security System.

Employees hired on or after July 1, 1996, have 9% of their regular compensation deducted from retirement. In addition, employees hired after January 1, 1979, will have 2% withheld from regular compensation in excess of $30,000 (as pro-rated for biweekly payroll).

Each employee must initiate the normal superannuation retirement procedure by making a written request to the Retirement Board. For additional information and procedures, contact the Middlesex County Retirement System directly or the Town Treasurer.

Deferred Compensation

As permitted by the Federal Revenue Act of 1978, a full-time or part-time employee may, as allowed by law, choose to have part of his/her pay withheld and invested in a savings plan, annuity, life insurance or any combination thereof. The entire amount invested is deducted prior to the withholding of both Federal and State income taxes.

Training, Education & Conferences (Professional Development)

The Town endeavors to promote both individual and institutional training programs. After 6 months of employment, full-time and part-time employees may request work related education/training. These requests must be approved by the immediate supervisor prior to attendance. The Town may reimburse reasonable costs of such training if fiscally feasible and prior written approval is received.