

# **EMPLOYEE HANDBOOK AND POLICIES AND PROCEDURES MANUAL**



**Town of Ashland, MA  
Town Hall  
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Please understand that this handbook only highlights the Town's practices for your personal reference and cannot, therefore, be construed as a legal document or contract for employment. No statement of policy or practice contained in this manual, (or any other written statement by the Town) is intended as a contractual commitment, expressed or implied, or promise or obligation of the Town to any individual employee or any group of employees.

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## **Welcome to the Town of Ashland**

We are pleased to have you join our organization and expect you will find the Town a friendly and rewarding place to work.

As a municipal government, the Town's primary goal is to provide a variety of municipal services in an efficient and courteous manner to the citizens of Ashland. The Town takes pride in the quality of services it provides and the quality of our employees. You play a vital role in the provision of services. Whether in person, on the telephone, or in written correspondence, you represent the town every time you have contact with a member of the community. Our continued success will depend on your contributions and those of the other talented employees with whom you work.

The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Ashland (referred to as the "Town"). The Town hopes that its relationship with each of its employees will be mutually satisfying. However, since all employees serve a six-month probationary period (or longer) and are employed "at will" during this period, the Town may terminate the employment relationship at any time, with or without notice, for any reason or for no reason, unless otherwise covered under a collective bargaining agreement. In addition, non-union employees, temporary employees, and those without a term of appointment, are also "at will" employees; The Town may terminate the employment relations at any time, for any reason or for no reason.

Employees subject to these provisions remain employed at will, except where a collective bargaining agreement covering a position provides otherwise. We have provided this information as a reference to assist employees during their employment with the Town. It is not intended to, nor does it alter an employee's status as an at-will employee.

Except as otherwise prohibited by law, the Town reserves the right to modify, amend or discontinue any of the provisions herein. From time to time, you may receive updated information regarding any changes in policy, or the handbook may be updated as necessary to reflect changes in policies and procedures and laws. There are specific procedures and forms for many of the policies outlined in this guide. Please direct any questions to your department manager, or go to the Human Resources Department.

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 rule shall apply.

Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender. Nothing in this guide should be construed as an employment contract, collective bargaining agreement or guarantee of continued employment between the Town and an individual employee.

This Handbook is adopted pursuant to Section 6-2 of the Ashland Home Rule Charter as amended. It pertains to all town agencies and positions excluding employees of the School Department and employees covered by collective bargaining agreements, or employment agreements unless specifically referenced in those agreements.

The Town of Ashland looks forward to providing you with a challenging, satisfying employment experience as well as the unique opportunity to make a significant contribution to the community.

## **1.0 AUTHORIZATION/GENERAL PROVISIONS**

### **1.1 GENERAL INFORMATION**

The Town of Ashland endeavors to provide excellent service to town residents and businesses in a cost effective manner, while continually improving the environment of the town and its residents. The Town also strives to provide a safe and positive work environment for all of its employees. As evidenced in the Town's various personnel policies found in this handbook, any form of harassment, discrimination, intimidation, violent act or unprofessional behavior will not be tolerated.

### **1.2 EQUAL EMPLOYMENT OPPORTUNITY**

As a policy and practice, the Town of Ashland provides equal opportunity for all qualified persons and does not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, ancestry, disability, sexual orientation, genetic information, membership in or application for uniformed military service or any other status protected by law.

This policy applies to recruitment and placement, promotion, training, transfer, retention, rate of pay and all other details and conditions of employment. Employment and promotion decisions will be based on merit and the principle of furthering equal opportunity. The requirements for filling a position will be those that validly relate to the job performance required.

All other personnel actions including compensation, benefits, transfers, layoffs, recalls from lay-offs, training, education, tuition vouchers and recreation programs will be administered without regard to race, color, religion, sex, age, national origin, ancestry, disability, sexual orientation, veteran status, genetic information, membership in or application for uniformed military service, or any other status protected by law. *See Personnel Policy: 8.01 – Non-Discrimination.*

### **1.3 AT-WILL EMPLOYMENT**

It is the policy of The Town of Ashland that all non-bargaining unit employees are employed on an AT-WILL basis, except as otherwise provided by law (e.g., Civil Service employees). This means that neither the employee nor the Town has entered into a contract regarding the duration of an employee's employment.

Employees are free to terminate their employment with the Town at any time, with or without reason. Likewise, the Town has the right to terminate an employee's employment with or without notice, for any lawful reason or for no reason.

As authorized by the Town Charter, the Town Manager is the appointing authority and the Town Manager is solely authorized to modify this at-will employment policy or enter into any agreement contrary to this policy; any such modification must be in writing and signed by the employee and the Town Manager.

### **1.4 OPEN MEETING LAW**

The Massachusetts Open Meeting Law applies to governmental entities at the state and local levels. In general, the Law requires that meetings of such entities be open to the public, that notice of such meetings and the meeting content must be publicly posted at least 48 hours in advance, and that accurate records of the meeting be kept and made available to the public.

### **1.5 EMPLOYEE PROBATIONARY PERIOD**

Unless otherwise provided by an applicable collective bargaining agreement, most non-school, non-public safety employees begin employment with a six (6) month “probationary period”. This period gives new employees a chance to learn about the Town and gives the Town a chance to learn about them. The Town uses this time to make sure new employees can handle their work satisfactorily and that their abilities are being properly applied.

Employees must continue to perform up to Town expectations after the probationary period and the nature of employment remains at-will at all times. All new employees are hired on a probationary basis for the first six (6) months and may be discharged any time therein without hearing procedures.

### **1.6 HOURS OF OPERATION AND WORK SCHEDULES**

Ashland Town Hall employees are required to work the scheduled hours of 8:00 AM to 4:00 PM on Monday, Tuesday and Thursday; Wednesday hours are 8:00 AM to 7:00 PM and Friday from 8:00 AM to 1:00 PM, unless otherwise indicated by the Town. The normal workweek is forty hours (40), or as outlined below. Unless otherwise provided by a collective bargaining agreement, 30-minute lunch periods are paid.

Current Departmental Work weeks are:

Managerial Employees: As Required

Town Hall: 40 hours per week

Police Officers: 37.5 hours per week

Police Supervisors: 37.5 hours per week

Library: 5-40 hours per week

Public Work Employees: 40 hours per week

Community Center (COA, Recreation, Community): 10 - 40 hours per week

Fire Department: 42 hours per week

Departmental hours are subject to appropriation. All employees are paid on a bi-weekly basis. The regular workweek begins at 12:00 A.M. on Sunday and ends the following Saturday. Employees are generally paid on Friday for the two-week work period ending the previous Saturday. The Town reserves the right to change the payroll period. Regardless of your shift, if you must be outside of the office or worksite for non-business related reasons during your normal work schedule, you should inform and receive approval from your department head or supervisor. A “Flexible” schedule for employees may be considered in accordance with the Town policy on Flexible Schedules. However, work schedules are subject to change at the discretion of department heads and approval of the Town Manager. *See Personnel Policy: 9.4 – Flexible Schedules (Non-Union).*

Managerial employees are considered “exempt” under the Fair Labor Standards Act (FLSA) and are required to devote the amount of time sufficient to fulfill their responsibilities. Exempt employees do not accrue compensatory or “comp” time and are not eligible for overtime.

### **1.7 ATTENDANCE**

Regular attendance is essential to the Town’s efficient operation and is a necessary condition of employment. When you are absent from work, schedules and customer commitments fall behind, and other employees must assume added workloads.

You are expected to report to work as scheduled and on time. If it is impossible to report for work as scheduled, you should inform your supervisor as early as possible before your start time. If your supervisor is unavailable, you should leave a voice message on the department phone line. If you will be absent for more than one day or shift, you or a family member should continue to notify your supervisor on a daily basis unless otherwise arranged. Calling in is the responsibility of every employee who is absent. Unreported and unexcused absences are very serious and may subject you to disciplinary action, up to and including termination.

### **1.8 WORKPLACE SAFETY**

The Town of Ashland is committed to maintaining a safe working environment and promoting work practices that will ensure the safety of our employees. The Town will make every effort to keep equipment in safe working condition and make sure that all safety devices are working properly. Employees who are assigned safety equipment are expected to use that equipment and maintain it in good working condition and report any defective equipment or material to their supervisor.

If, in spite of our efforts to ensure safe working conditions, an employee has an accident or becomes ill on the job, it should be reported to the supervisor immediately. The Town is covered by Worker’s Compensation law and follows strict reporting and filing procedures for all work related injuries. Police and Fire employees are covered for work related injuries under M.G.L. Chapter 41, section 111F. Department managers and supervisors will ensure that prompt medical attention is provided for the employee. Injury reports must be completed as soon as the employee is capable of doing this.

The Town recommends using Metrowest Medical Center to employees who are injured on duty. The facility is located at 115 Lincoln Street, Framingham. To reach by phone, call 508-282-1000. However, in cases of emergency, always call 911 to ensure safe and quick transport to an emergency facility.

### **1.9 SMOKE FREE WORKPLACE**

In accordance with Massachusetts General Laws, Chapter 270, Section 22, there will be no smoking in all Town buildings and vehicles. Employees may smoke only in those outside areas which are designated for smoking. Any employee who wishes to access a smoking cessation

program may contact the Human Resources Department or their health care provider for referrals.

### **1.10 ALCOHOL AND DRUG FREE WORKPLACE**

The Town realizes that the misuse of drugs and alcohol impairs employee health and productivity. Drug and alcohol problems result in unsafe working conditions for all employees and customers. The Town is committed to maintaining a productive, safe, and healthy work environment, free of unauthorized drug and alcohol use, in compliance with the Drug Free Workplace Act. Any employee who seeks assistance through the Human Resources Department may be confidentially referred to drug and alcohol rehabilitation programs. Employees seeking assistance may also contact the Employee Assistance Program (*See Section 6.17.*)

Any employee involved in the unlawful use, sale, manufacturing, dispensing or possession of controlled substances, illicit drugs and alcohol on Town premises or work sites, or working under the influence of such substances or who is impaired at work as a result of the use of any substance or combination of substances, whether such substance(s) are lawful or unlawful, will be subject to disciplinary action up to and including dismissal and referral for prosecution. *See Personnel Policy: 10.4 – Drug & Alcohol Free Workplace.*

In addition, the Town has developed and maintains a comprehensive Drug and Alcohol Policy and CDL drug testing policy in accordance with the Department of Transportation 1991 Omnibus Transportation Employee Testing Act, as amended. *See Personnel Policy: 10.5 – Drug & Alcohol Testing.*

### **1.11 DISABILITY ACCOMMODATIONS**

The Town will provide reasonable accommodation to qualified handicapped or disabled applicants and employees. An accommodation may be considered reasonable if it does not impose an undue hardship on the Town. *See Personnel Policy: 8.1 – Nondiscrimination.*

### **1.12 EMERGENCY CLOSING**

The Town Manager may, at his discretion, close any or all offices of the Town because of inclement and/or severe weather or other emergency issues. This may include closing early, opening late or not opening at all. This policy is in place for all “non-essential” employees.

Employees are directed to call 508-881-0104 for emergency closing messages. This message will be updated no later than 6:30 AM for an impending event.

If an employee has reported to work and is sent home, he/she will be paid for his/her regular pay for the day. Likewise, if delayed opening is approved the employee will be paid for his/her scheduled hours.

A non-exempt employee who does not report to work when there is no approved closing or delayed opening shall not be compensated for hours not worked. However, employees may use personal or vacation time with the approval of the Town Manager.

Any employee who would not have reported to work due to illness, vacation, any other leave or schedule, shall be charged such leave as if the offices were not closed. ***See Personnel Policy: 10.6 – Inclement Weather/Emergency Closing.***

## **SECTION 2.0 ADMINISTRATIVE INFORMATION**

### **2.1 RECRUITING AND HIRING**

It is the policy of the Town to hire and retain the most qualified employees. All vacancies should be posted on the Town website at [www.ashlandmass.com](http://www.ashlandmass.com) and on the bulletin board outside the Town Clerk's Office. Current employees will be interviewed if equally qualified with other applicants.

Selection of applicants will be made by the appropriate appointing authority. Whenever a vacancy occurs and is to be filled in any town office or town employment or in any multiple member body, except for positions covered under the civil service law of the Commonwealth, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the select board or other appointing authority shall cause public notice of the vacancy to be posted on the town bulletin boards and/or town website for no less than fifteen days.

Recruitment of a position shall not begin until the job vacancy notice is approved by the Human Resources Director. The Director shall determine if the position will be filled internally by promotion or recruitment consistent with any specific provisions of existing Collective Bargaining Agreements. If recruitment is used, the established process will be followed. ***See Personnel Policy: 7.1 – Recruiting and Hiring.***

### **2.2 EMPLOYMENT OF MINORS**

The employment of those under the age of 18 is governed by the MGL Chapter 149 Section 66 & 67. The Town has developed guidelines as to hours worked and permits needed for those employees under the age of 18. ***See Personnel Policy: 7.7 – Employment of Minors.***

### **2.3 BACKGROUND CHECKS/CORI**

Any offer of employment from the Town of Ashland may be contingent upon successful completion of the pre-employment screening process including, but not limited to, the Town of Ashland receiving satisfactory references, a satisfactory Criminal Offense Record Inquiry (CORI) and/or Sexual Offender Information Inquiry (SORI), satisfactory verification of driver's license(s) and driving history, job history verification, certifications where required and satisfactory completion of any required post-offer, pre-employment alcohol and drug test or mental and physical examinations. ***See Personnel Policy: 7.2 – CORI Processing.***

### **2.4 REFERENCES**

Employees, supervisors and department heads are prohibited from providing references for current or former employees. The verification of employment with respect to position(s) held, duties performed and dates of employment is permitted by department heads and/or the payroll administrator. All other reference inquiries are to be forwarded to the Human Resources Department. ***See Personnel Policy: 7.10 – Employee Reference Processing.***

## **2.5 PERSONNEL RECORDS**

The Human Resources Department shall maintain the official personnel files. Department heads may maintain copies supporting departmental personnel actions, however all original documents shall be placed in the official personnel file. All departmental records shall be secured in locked file cabinets. Records relating to medical and disciplinary actions shall be filed with the Human Resources Director.

Employees will be notified when items other than routine paperwork are placed in their personnel file. Upon reasonable notice, employees may review their personnel files, and may, on request, receive a copy of their personnel record. It is the responsibility of employees to inform their departments of changes in their name, address, telephone number, marital status, and person(s) to be notified in an emergency and to notify the Town and the Retirement Board of changes in their personal status to insure proper coverage in the health insurance, life insurance and retirement plans. The Human Resources Director shall adhere to federal and state requirements regarding the maintenance of medical and disciplinary files. *See Personnel Policy: 7.8 – HIPAA.*

## **2.6 MANDATORY ANNUAL PERFORMANCE REVIEW**

The performance review and evaluation program has been developed to accomplish several goals: to continuously improve the effectiveness and efficiency of Town services; to provide an opportunity for two-way communication and planning between employees and reviewing managers/boards; to assist employees in increasing the effectiveness of their job performance; to provide a mechanism for the establishment of individual and departmental goals; to serve as the basis for acknowledging employees' accomplishments and recognizing employees' potential need for guidance, training and/or support; and to provide documentation of employees' performance to serve as the basis for salary adjustments and other personnel-related actions. *See Personnel Policy: 7.6 – Performance Evaluation.*

## **2.7 DISCIPLINARY ACTION AND APPEAL PROCESS**

The Town maintains a system of progressive discipline. Generally, discipline will be utilized when employees do not perform their duties in a satisfactory manner, if they violate policies, or engage in other misconduct. The process of progressive disciplinary action may include, but is not limited to, verbal warnings, written warnings, suspension and/or termination of employment. The Town reserves the right to omit or accelerate any steps in the progressive discipline process if appropriate under the circumstances. The principle of progressive discipline shall be utilized for all full-time and regularly scheduled part-time employees. Intermittent, seasonal, and temporary employees shall not be covered by this policy. For at-will or probationary employees, the principle of progressive discipline may not be applicable.

Some circumstances warrant that the Town terminate an employee immediately and thus not follow the progressive discipline steps noted above. *See Personnel Policy: 10.10 - Disciplinary Action* for more details.

### **Appeal Procedures**

If you believe the Town has failed to follow any of the policies set forth in the Employee Handbook of Benefits and Policies, you may file an appeal through the appeal procedure outlined in a particular policy. If no appeal procedure is outlined, you may file a complaint in

writing with the Human Resources Director. Any such complaint will be reviewed and investigated as appropriate. The Human Resources Director may use the services of appropriate Town employees and officials, as she/he deems necessary. The Human Resources Director will provide a response in accordance with *Personnel Policy: 10.11 - Dispute Resolution*.

Employees who are covered under collective bargaining agreements have grievance rights for alleged violations of collective bargaining agreements. If an employee believes that there is a conflict between the Employee Handbook and the collective bargaining agreement, the Collective Bargaining Agreement will prevail, and the grievance procedure under the contract is the formal procedure to use to file a complaint. Questions regarding the grievance rights of employees covered by a collective bargaining agreement (union employees) should be addressed to the union steward or union leadership.

## **2.8 TERMINATION AND EXIT INTERVIEW**

All full-time employees who voluntarily resign from the Town are asked to provide at least two-week advance notice of their resignation. This notice should be in writing and should briefly state the reason for leaving and the last day of work, with a copy to Human Resources. All employees who resign are asked to schedule an exit interview with the Human Resources Department in order to review their rights and to give feedback on their position.

## **SECTION 3.0 EMPLOYEE RIGHTS**

### **3.1 FAMILY MEDICAL LEAVE ACT (FMLA)**

In accordance with the federal Family Medical Leave Act of 1993 (FMLA), all employees who have been employed at least twelve months, and who worked at least 1,250 hours during the twelve months prior to the leave request are eligible for an unpaid family and/or medical leave of absence for a period up to twelve weeks during a twelve month period for the following:

- For the birth of a son or daughter of the employee and to care for such newborn son or daughter, if completed within twelve months of the child's birth;
- The placement of a son or daughter with the employee for adoption or foster care if completed within twelve months of the placement;
- To care for the spouse, or a son, daughter, or parent of the employee, if spouse, son, daughter, or parent has a serious health condition;
- Where a serious health condition makes the employee unable to perform the functions of his or her job;
- To care for a spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty; or
- To take leave because of "any qualifying exigency" arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Contact Human Resources for a definition of qualifying exigency.

Employees ordinarily must provide 30 days advance notice when the leave is "foreseeable." The Town may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for

duty report to return to work. Taking leave may be delayed if requirements are not met. For the duration of FMLA leave, the Town will maintain its portion of health coverage under the group health plan. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Leave under this Policy shall be unpaid unless an employee applies other paid leave benefits that may be available, such as vacation leave. Employees on FMLA leave for their own illness or medical condition may receive paid sick leave, however, use of paid sick leave for FMLA leave granted for the illness of a family member, or any FMLA leave not caused by the employee's illness or medical condition is limited to five (5) days per year. **Please follow Collective Bargaining Agreements for specific eligibility for use of paid leave.** Use of such paid leave will not extend the total length of leave time available under this Policy. Further, when paid leave is used, the employee must follow the Town's paid leave policies and procedures with respect to use of such leave. Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays that occur during the leave.

Any leave taken by an eligible employee for any of the reasons covered by this Policy will be considered FMLA leave and will be designated as such even if the employee does not specifically identify the time off as FMLA leave. *See Personnel Policy: 9.5 – FMLA*, for more details.

Under certain circumstances, female and male employees who are not eligible for FMLA leave may be eligible for maternity leave in accordance with the provisions of the Massachusetts Parental Leave Act (the MPLA). Parents who are expecting the birth of a child or plan to adopt a child, but are not yet eligible for FMLA leave, should contact Human Resources for more information about the MPLA.

### **3.2 SMALL NECESSITIES LEAVE ACT (SNLA)**

Massachusetts Small Necessities Act permits employees who have been employed by the Town for at least twelve months and who have worked at least 1,250 hours in the twelve months preceding the date of the requested leave to take 24 hours of unpaid leave during each fiscal year for 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;
2. To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups 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.

The employee may elect, or the Town may require the employee to substitute, any of the employee's accrued paid vacation, sick or personal leave for any of the small necessities leave,

but nothing in this policy shall require an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave.

For union specifics, refer to your collective bargaining agreement or contact the Human Resources Department. *See Personnel Policy: 9.2 – Sick (non-occupational) and Personal Leave.*

### **3.3 PARENTAL LEAVE**

A full-time employee with at least three (3) months of service with the Town may receive up to eight weeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 (if the child is mentally or physically disabled), for adoption with the employee.

The employee shall give at least two weeks' notice to his or her department head of the anticipated date of departure and intention to return, or provide notice as soon as practicable if the delay is for reasons beyond the employee's control. An employee may use available vacation, personal or sick leave (in that order), during the period of the leave. An employee does not accrue sick leave or vacation leave, and is not eligible for holiday pay during a parental leave.

The employee is responsible for payment of 102% of health and life insurance premiums if the leave of absence extends beyond 60 calendar days and no accrued leave time remains. Any two Town employees shall only be entitled to eight weeks of parental leave in aggregate for the birth or adoption of the same child. Any leave beyond eight weeks must be approved by the Town Manager in consultation with the department head. Any parental leave, which qualifies under both state and federal laws, will be used concurrently to the extent permitted by those laws (e.g. Family and Medical Leave Act leave, etc.). *See Personnel Policy: 9.5 – FMLA Leave.*

### **3.4 HARASSMENT**

It is the goal of the Town of Ashland to promote a workplace that is free of discriminatory harassment ("harassment") of any type. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, gender identity, or participation in discrimination complaint-related activities (retaliation). The Town of Ashland will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment. *See Personnel Policy: 8.2 – Harassment.*

### **3.5 SEXUAL HARASSMENT**

The Town of Ashland will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from M.G.L. c. 151B and from Title VII of the U.S. Civil Rights Act of 1964, which includes sexual harassment as a form of unlawful discrimination. *See Personnel Policy: 8.3 – Sexual Harassment.*

### **3.6 COBRA (Consolidated Omnibus Budget Reconciliation Act)**

COBRA health benefit provisions provide certain former employees, retirees, spouses, former spouses and dependent children the right to temporarily continue health insurance coverage at group rates. This coverage is only available when coverage is lost due to certain specific events. Group health coverage for COBRA participants is more expensive than health coverage for active employees, since the town does not pay a percentage of the premium. COBRA participants pay the entire premium plus a 2% administrative fee. The health insurance is generally less expensive than individual health insurance.

If you are involuntarily terminated, you may be eligible for a government subsidized COBRA rate. Employees eligible to enroll in COBRA coverage will be notified of such eligibility by the Group Insurance Commission.

### **3.7 FLSA/OVERTIME/BREAK TIME**

Overtime pay is granted in accordance with the Fair Labor Standards Act, as amended in 1985, whereby non-exempt, full-time public employees who work more than 40 hours per week are eligible for compensation at the rate of time and a half. Employees should consult collective bargaining agreements for any additional provisions. Employees should check paycheck stubs for accuracy and for occasional notices.

A non-exempt nursing mother is entitled to reasonable unpaid break time to express breast milk for her nursing child, for one (1) year after the child's birth, each time that the employee has a need to express the milk.

All full-time employees shall be granted regular meal periods, which shall be scheduled at the middle of the normal workday whenever possible. It shall be thirty minutes and time allowed for meal periods shall constitute a part of the paid workday.

At the discretion of the department head, one 15-minute break may be taken per workday, scheduled for the convenience of the department and not used to adjust the lunch period or to modify the beginning or end of the workday.

### **3.8 WHISTLEBLOWER**

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

The Town encourages the reporting of improper governmental action taken by any Town officers or employees and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions. *See Personnel Policy: 8.6 – Whistleblower Policy.*

### **3.9 HIPAA AND PRIVACY NOTICE**

In accordance with HIPAA, the Town of Ashland has developed privacy practices that describe how medical information about you may be used and disclosed and how you can gain access to this information. The Privacy Contact is the Town's Benefits Coordinator. More information on HIPAA can be found on [www.dol.gov](http://www.dol.gov). *See Personnel Policy: 7.8 – HIPAA.*

### **3.10 DOMESTIC VIOLENCE LEAVE ACT**

This Policy describes the eligibility and procedural requirements relating to the administration of leave taken pursuant to the Massachusetts Domestic Violence Leave Act, G.L. c. 149, §52E. *See Personnel Policy: 9.7 – Domestic Violence Leave Act.*

## **SECTION 4.0 EMPLOYEE GUIDELINES**

### **4.1 NEPOTISM**

Nepotism, or the favoring of a person because of family relationship, is not allowed. No person shall be hired or promoted based upon his/her family relationship to another Town employee. No employee may be involved in any job action involving a family member. Any potential situation such as hiring, promoting, disciplining or supervising a family member must be reported to the Human Resources Director so that a determination may be made on a case-by-case basis if a potential conflict exists. No employee shall be in a position that provides supervision over his/her relative.

This policy is not for the purpose of depriving any person of an equal chance for employment with the Town, but is solely intended to eliminate the perception of or potential for preferential treatment of the relatives of government personnel.

This policy will not be construed to deprive any person employed on July 1, 2017, the effective date of this policy, of any promotional right in normal career development nor change the existing status of any employee. However, the Town may modify schedules, shifts, squads or work units to eliminate any potential for conflict under this policy.

Relatives, for the purpose of this policy, shall include all members of the immediate family including spouse, parents, brothers, sisters, direct line aunts and uncles and nieces and nephews, children, grandparents, grandchildren and in-laws. Cousins and aunts, uncles, nephews and nieces by marriage are not regarded as members of the immediate family for purposes of this policy.

The foregoing shall not limit or restrict the rights of any employee covered by General Laws, c. 31, Civil Service Law.

### **4.2 CONFLICT OF INTEREST**

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch. 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law. All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A. *See Personnel Policy 10.12 – Conflict of Interest.*

### **4.3 POLITICAL ACTIVITY**

The Federal Hatch Act as well as the Massachusetts Office of Campaign and Political Finance (OCPF) restricts political activities of public employees. During work hours or while on duty, employees may not work, or be assigned to work for, or on behalf of a political candidate, or activity, or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings or distributing political pamphlets. During work hours or while on duty, under no circumstances may an employee participate in any form of fundraising for a political candidate or activity. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use town property or equipment for political activities at any time. If you have questions, or require more information, contact the Office of Campaign and Political Finance at 800-462-6273.

### **4.4 ANTI-FRAUD**

The Town's Fraud Prevention and Detection Policy is established to facilitate the development of controls, which will aid in the prevention and detection of fraud against the Town. It is the intent of the Town to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Furthermore, the purpose of this document is to confirm that the Town supports and fosters a culture of zero tolerance towards fraud in all of its forms. *See Personnel Policy: 10.3 – Anti-Fraud Policy.*

### **4.5 SOCIAL MEDIA USE**

The Town may utilize social media/networking and social media/network sites to further enhance communications with various stakeholder organizations in support of Town goals and objectives. All Town of Ashland social media/networking sites shall adhere to applicable state, federal and local laws, regulations and policies. All Town of Ashland social media/networking sites shall be approved and administered by the Town Manager, or designee, and the requesting Department Manager. *See Personnel Policy: 10.7 - Social Media/Networking.*

### **4.6 USE OF TOWN PROPERTY**

All Town property furnished to employees shall be returned to the Town immediately on request of a supervisor. Failure to return Town property may result in corrective disciplinary action, up to and including termination. Employees may not use Town property for other than Town purposes.

### **4.7 WORKPLACE VIOLENCE PREVENTION**

The Town will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence. *See Personnel Policy: 8.5 – Workplace Violence.*

## **4.8 STANDARD OF CONDUCT**

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times regarding workplace issues having 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 required and to be absent from the workplace only with proper authorization;
- Carry out their duties in an efficient, polite and competent manner,
- Maintain specified standards of performance;
- Comply with reasonable employer instructions or policies to work as directed;
- Respect the privacy of individuals and use confidential information only for the purposes for which it was intended;
- Neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes;
- Incur no liability on the part of the Town without proper authorization;
- In addition, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

The intent of this policy is to ensure that employees meet the Town's legitimate expectations in the areas of performance and behavior. Employees whose performance or behaviors are deficient will be provided with the necessary assistance and motivation to meet the Town's expectations.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being taken against the offending employee. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the violation. Disciplinary action resulting in suspension and/or termination of employment due to a violation of this policy shall be subject to the grievance procedures set forth within these policies. *See Personnel Policy: 8.4 – Professional Conduct.*

## **4.9 TOWN VEHICLE USE AND TRAVEL REIMBURSEMENT**

The Town will reimburse employees for travel expenses, which are directly related to their Town employment. Some employees have a travel stipend, while others are reimbursed at the approved mileage rate for travel using your own vehicle for approved Town business. Your supervisor will advise you if you are eligible for travel reimbursement. In order to receive reimbursement, you must submit expense reports for mileage and tolls. Vehicle use for Town business shall be in accordance with the Town Vehicle Use policy. For further details on the reimbursement process: *See Personnel Policy: 10.2 – Vehicle Use Policy.*

## **4.10 INFORMATION TECHNOLOGY USAGE**

The Town understands that when employees work during the week it is occasionally necessary to conduct personal business during office hours. However, employees should limit their personal

use of the telephone, wireless communication devices and computer during office hours. Talk to your manager if you have any questions as to how much is too much time.

Because telephone and e-mail systems are provided by the Town, at its expense for business use, all messages sent by or received on those systems are Town documents. The Town reserves the right to access and to disclose the messages that you send or receive on the voice mail or e-mail systems. Employees should also be aware that “deleted” messages from the computer screen may not actually be deleted from the e-mail system.

The Town does not tolerate the use of its technology for the purpose of sending, receiving or accessing material that is inappropriate in the workplace, including but not limited to pornography, racially or sexually offensive statements, and threats of violence. Employees who abuse this policy are subject to disciplinary procedures up to and including discharge. *See Personnel Policy: 10.1 – Access & Use of Telecommunication Systems.*

#### **4.11 DRESS CODE**

Town of Ashland employees are required to dress in an appropriate manner that is consistent with their work environment and not distracting to other employees or customers. Employees should take pride in their appearance by looking neat and clean at all times, keeping in mind that their role with the Town requires an acceptable appearance.

“Business casual” attire is appropriate for our work environment. Employees shall refrain from wearing items that fall into the following categories:

- Tee shirts, any shirts or sweaters with slogans or large pictures or logos
- Tank tops or halter tops
- Micro or mini skirts
- Clothing made from sheer material or which reveal undergarments
- Jeans, shorts, sweatpants, sweat shirts, track pants
- Crocs, flip flops or sneakers
- Hats

The above list includes items that should not be worn to work. However, it is not all-inclusive. Complaints that arise regarding employee attire will be reviewed on a case-by-case basis. Clothing that is ripped, tattered, torn or stained should not be worn.

It is understood that there are employees who work in the field or other places where more clothing that is casual is required. These employees should use discretion when varying from the above listed standards but are allowed to wear clothing conducive to their work environment and responsibilities.

The Town Manager has designated Friday as “Casual Friday”. On Fridays only, employees may wear appropriate jeans (not ripped or torn) with a shirt that is in line with the above standards. The department head or Town Manager may ask an employee to leave the workplace when violations occur. The employee will not be paid for the time not worked and may be subject to appropriate disciplinary action. Any questions regarding this policy shall be directed to the department head or Human Resources Director.

## **4.11.1 PERSONAL HYGIENE POLICY**

### **Purpose & Scope**

The purpose of this policy is to establish the Town's policy for personal hygiene standards in the workplace to promote a healthy, respectful, and productive environment for all employees and visitors of the municipal office. This policy aims to ensure that all staff members maintain appropriate hygiene practices, contributing to the overall well-being of the office community, as well as to ensure compliance with applicable federal laws, state statutes, and town by-laws and to define standards of acceptable and appropriate personal care habits.

### **Applicability**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee), vendors, contractors, officials and members of the municipal community. Employees whose service is governed by collective bargaining agreement are subject only to those portions of this document, which are not specifically regulated by agreement and/or policy.

### **Policy**

The intent of this policy is to ensure that: 1) employees meet the Town's legitimate expectations in the areas of personal hygiene and grooming practices; 2) employees whose hygiene practices are deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and 3) disciplinary action initiated against an employee is fair and appropriate.

It is the responsibility of each employee to ensure they comply with this policy and practice good personal hygiene. Employees should be respectful of others and maintain cleanliness in all shared office spaces.

Employees are expected to maintain good personal hygiene standards to create a pleasant and professional atmosphere. This includes, but is not limited to, the following:

#### **1. Cleanliness of Body and Clothing**

- Employees should maintain cleanliness and wear appropriate, clean clothing each day.
- Ensure that clothing is in good repair and suitable for the work environment.
- Strong body odor, offensive scents, or unkempt appearance can affect the working environment and should be avoided.

#### **2. Hand Hygiene**

- Employees are encouraged to wash their hands frequently, especially after using the restroom, before eating, and after coughing or sneezing.

### **3. Respiratory Hygiene**

- Employees should cover their mouths and noses with a tissue or their elbow when coughing or sneezing. Tissues should be disposed of properly.
- Employees experiencing symptoms of illness (such as coughing, sneezing, or fever) should stay home to prevent spreading illness to others.

### **4. Fragrance and Personal Products**

- While personal fragrances such as perfumes and colognes are acceptable in moderation, employees should be mindful that strong fragrances can cause discomfort for others, especially those with allergies or sensitivities.
- Strong scents (e.g., perfumes, body sprays) should be kept to a minimum to ensure that they do not overwhelm the work environment.

### **5. Clean Workstations and Shared Spaces**

- Employees are responsible for maintaining the cleanliness of their personal workspaces.
- Employees should clean up after themselves in shared areas such as kitchens, break rooms, and bathrooms. This includes disposing of trash appropriately and wiping down surfaces after use.

### **6. Footwear**

- For the safety of employees, employees should ensure their shoes are clean and in good condition.

### **Sanctions**

Failure to comply with this personal hygiene policy may result in disciplinary action, including verbal or written warnings, and in serious cases, suspension or termination of employment.

### **Policy Review and Updates**

This policy will be reviewed periodically and updated as necessary to align with best practices and any relevant public health guidelines.

### **4.12 TOWN ISSUED CREDIT CARD USE**

It is the policy of the Town of Ashland not to approve the use of department issued credit “charge” cards.

The Town does allow departmental use of store charge cards for use with specific retailers. The use of these charge cards is strictly governed.

- The use of store charge cards is restricted to individuals given expressed permission from the Finance Director.
- Permission is granted for purchase of goods and/or materials needed for immediate use where mail order purchase is not timely.
- Permission is granted for immediate order of materials and/or supplies for building safety and security.
- When using a charge card, the receipt for purchase must be retained and submitted to the Finance Director along with a Warrant for payment, and the purchase item or use must be clearly identified on the receipt.

The Finance Director may authorize the use of a Bank Card for making on-line purchases.

#### **4.13 OUTSIDE EMPLOYMENT**

Town employment shall be considered the primary employment and no employee may engage in outside employment without prior approval from the Town Manager or his/her appointing authority. Upon proper written notification to and at the discretion of the Town Manager, employees may engage in outside employment.

The employee shall be responsible for complying with any state general law, regulation or local bylaw that regulates his/her specific position. *See Personnel Policy: 10.9 – Outside Employment.*

### **SECTION 5 CLASSIFICATION AND COMPENSATION PLAN**

#### **5.1 JOB DESCRIPTIONS**

The Human Resources Director shall prepare and maintain written job descriptions of the positions of all employees in the service of the Town, whether full or part-time, seasonal, casual, special, civil service or others, except those positions filled by popular election. The Human Resources Director shall work with elected officials to develop uniform job descriptions for those positions not under his direct authority.

Each employee will have a copy of the job description for his/her position. The Personnel Director shall remain responsible for maintaining the current job descriptions. Job description shall include, but not be limited to, the following:

Classification Title, Department and Division, Exempt/Non-Exempt, Union Status, General-Purpose, Supervision Received, Supervision Exercised, Essential Duties and Responsibilities, Peripheral Duties, Desired Minimum Qualifications, Special Requirements, Tools and Equipment Used, Physical Demands, Work Environment and Selection Guidelines.

#### **5.2 CLASSIFICATION PLAN**

The Human Resources Department shall establish and, from time to time, modify a Classification Plan that shall classify employees by pay grade and job title, establishing minimum and

maximum ranges for each class. This plan shall constitute the Classification Plan of the Town within the meaning of Section 108A of Chapter 41 of the General Laws.

The job title and job description for each position established by the Classification Plan shall be the official title of the position and of the incumbent in that position and shall be used to the exclusion of all others for all purposes relating to the position, including but not limited to payroll and official records. The list of specific job titles and grades shall be attached to this policy and designated "Classification Plan."

Before any individual may be hired, transferred or promoted into any newly established position, the position must be included in the classification by job title and pay grade. If the position is not already included in the Classification Plan then the requesting department shall seek such classification approval through the Town Manager in advance of any request for funds.

### **5.2.1 RECLASSIFICATION**

The Town Manager may request the Human Resources Director to investigate and review the work of any position subject to the provisions of this policy and recommend reclassification of the position as required.

Reclassification is the result of a re-evaluation of a position to place it on the appropriate grade based on an internal and external study or to recognize a change in the duties and responsibilities of a position. Reclassification shall not be used as a device for promoting or demoting incumbents.

The Human Resources Director, who shall recommend to the Town Manager correction of disparities that may have developed, shall review the Classification and Compensation Plans and job descriptions on a periodic basis. In proposing and implementing reclassifications, the Human Resources Director shall consult with Department Heads and Division Heads as appropriate. No employee may be appointed to a position not included in the Classification Plan. *See Personnel Policy: 7.5 - Reclassification.*

### **5.3 COMPENSATION PLAN**

The Compensation Plan established and modified from time to time by the Town Manager hereby designated Schedule B and made a part hereof, establishing compensation rates for each pay grade.

This plan may provide for rate progression through the steps. The compensation range established for any pay grade shall be the range for all positions assigned by job title to that pay grade. The rates set forth in **Schedule B** shall constitute the Compensation Plan of the Town within the meaning of Section 108A of Chapter 41 of the General Laws. Any progression through the steps occurs after the Annual Performance Review on the employee's hiring anniversary.

The rate shown in the plan shall constitute the total remuneration for any position and shall provide a range of salary from minimum to maximum based on the job description and grading,

using data from comparable communities. Salaries will be established using this plan with consideration given to experience and length of employment.

### **5.3.1 TOTAL COMPENSATION**

The rates shown in Appendix B shall constitute the total remuneration for any position including pay in any form unless a specific exception is noted. The schedule does not include actual and authorized expenses necessarily incident to the employment. No employee shall receive compensation in any form from more than one department, subject to waiver by the Town Manager for specific circumstances.

### **5.3.2 MERIT AND STEP RAISES**

Non-union employees may be eligible to receive merit pay or salary step increases in accordance with the Town's policy on performance evaluation and merit, until the employee reaches the maximum range of pay. *See Personnel Policy: 7.6 – Performance Evaluations.* Union members will be paid in accordance with their respective collective bargaining agreements. Employees with separate service contracts will be paid according to their signed agreements.

### **5.3.3 POSITIONS FUNDED BY GRANTS**

Individuals serving the Town, whose positions are funded by State or Federal programs, shall be compensated at rates set forth in the Compensation Plan, unless the program mandates another rate of pay.

Employees, whose pay may be funded in part by State or Federal programs subject to approval by Town Meeting, may be supplemented in an amount recommended by the Human Resources Director, which is necessary to properly relate them to the appropriate job title and pay grade in which they are to perform.

### **5.3.4 COOPERATIVE, TRAINING FOR SEASONAL EMPLOYEES**

Cooperative or placement training college students and seasonal employees serving the Town shall be compensated at rates established by the Human Resources Department and the Finance Director in conjunction with Department Heads.

### **5.3.5 STARTING PAY RATES**

Individuals shall be paid no less than the minimum pay rate of the applicable grade. Consideration of a starting salary above the minimum must be based on skill and/or experience. Starting pay rates that exceed Step 4 must have prior approval by the Finance Director and Town Manager.

### **5.3.6 OUT OF CLASSIFICATION PAY**

An employee who is assigned in writing by the Department Head or the Town Manager to perform all of the job duties, and not merely individual tasks of a higher position, and replaces an absent employee for more than five (5) consecutive work days, shall be paid at the lowest step in the grade of the absent employee that does not result in a loss of pay. *Please consult your CBA for any deviations.*

## SECTION 6                    BENEFITS AND WORKING CONDITIONS

### 6.1      SICK LEAVE

Each permanent non-union employee who works a minimum of 20 hours per week shall accumulate sick leave for personal illness at the rate of 1 day for each month of service or 12 days per year, prorated to regular hours scheduled. Union employees, please refer to your CBA for details. Sick leave will accumulate to a maximum of 65 days. Sick leave is for the protection of employees against loss of pay because of illness and shall not be included in termination pay. If you are out sick, you may be compensated at your regular rate of pay for absences not more than three consecutive workdays, if the supervisory authority is satisfied that the absence was caused by the employee's illness.

Sick leave with pay will be allowed for more than three consecutive working days only upon submission of a doctor's note satisfactory to the Town Manager. Such note will also be filed with the department head or Human Resources Department. Such payment for sick leave may not exceed the employee's accrued sick leave benefit.

Accrued sick leave may be used to supplement worker's compensation payments in each pay period not to exceed his/her regular after-tax income.

When an employee is on sick leave and accrued sick leave expires or if he/she is receiving benefits under worker's compensation and accrued sick leave expires, he/she may request an unpaid leave of absence.

Under some collective bargaining agreements, employees who have exhausted their sick leave and have serious medical situations may borrow against a sick leave bank with the approval of their appointing authority. In addition, an employee may be eligible for the Family Medical Leave Act (FMLA, *See Personnel Policy: 9.5 – FMLA Leave*). For more information on these options, please contact the Human Resources Department. *See Personnel Policy: 9.2 – Sick (Non Occupational) and Personal Leave* or your union collective bargaining agreement.

### 6.2      LONGEVITY

In recognition of length of service, the Town of Ashland pays an annual longevity payment to many employees upon completion of 5 years' full-time service in Ashland with increases for each successive 5 years of full-time service. Generally, these longevity payments are made in accordance with collective bargaining agreement or Town policy. *See Personnel Policy: 10.8 – Longevity Pay (Non-Union)* or your union collective bargaining agreement.

### 6.3      BEREAVEMENT

Generally, employees will be granted paid time off to attend the funerals or memorial services of family members. *See Personnel Policy: 9.6 – Bereavement Leave* or your union collective bargaining agreement.

### 6.4      MILITARY LEAVE

An employee called to Reserve or National Guard duty will be compensated for the difference between his/her military pay and the regular (base) pay for the training period, not to exceed 17 days in any year, upon satisfactory evidence of completion of the training period. Military pay shall be considered all pay received for the entire fourteen-day period, including Saturdays and Sundays. Military leave shall not be charged to vacation time.

## 6.5 JURY SERVICE

If an employee is called for jury duty, he/she shall be paid the difference between compensation for serving on jury duty and his/her regular (base) pay. Employees serving on jury duty should make every reasonable attempt to report for work on the days on which they serve. Proof of actual service of jury duty must be presented to the supervisory authority in order for this compensation to be paid.

## 6.6 HOLIDAYS

Holiday pay for union employees is governed by the applicable collective bargaining agreement.

Holidays for non-union employees who work full-time or a minimum of 20 hours per week, whose holidays shall be prorated, shall be as follows:

New Year's Day	Columbus Day
Martin Luther King Day	Labor Day
Presidents' Day	Veterans Day
Patriots' Day	½ day before Thanksgiving
Memorial Day	Thanksgiving Day
Juneteenth	Day after Thanksgiving
Independence Day	Christmas Day

½ day before Christmas except when December 25 falls on a Sunday or a Monday; ½ day before New Year's Day except when January 1 falls on a Sunday or a Monday; the day before Christmas and July 4<sup>th</sup> when either falls on a Tuesday; and, the day after Christmas and July 4<sup>th</sup> when either falls on a Thursday.

When one of the foregoing holidays falls on a Sunday, the holiday will be observed on the following Monday. When one of the foregoing holidays falls on Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a regularly scheduled day off, or when a permanent town employee is scheduled to work on a holiday, an additional day off with pay shall be granted or he/she shall receive straight time pay for the hours actually worked in addition to regular pay.

Some of the Town's collective bargaining agreements, noticeably the Public Safety collective bargaining agreements, require covered employees to work on holidays. These collective bargaining agreements specify alternate holiday arrangements. *See Personnel Policy: 9.8 – Holidays*, or your union collective bargaining agreement.

## 6.7 VACATION

Vacation time is your opportunity to rest and refresh, an important component in maintaining balance and general wellness. All permanent employees working 20 hours or more per week are eligible for vacation accrual. The schedule of the accrual may vary between collective bargaining agreements, as well as with Town policy.

Since vacation is so important, it should be used and not saved or carried over at the end of the calendar year. Limited vacation carryover is permitted in accordance with Town policy or collective bargaining agreement. However, once the maximum of accrual and carryover has been attained, the employee will cease to accrue additional leave.

The minimum allowable time to be charged to annual vacation time leave is a one-half day scheduled day increment of the employee. Employees are credited with earned vacation on July 1<sup>st</sup> of each year, subject to a maximum vacation accrual cap. The Department Manager shall approve vacation leave requests in advance. *See Personnel Policy: 9.3 - Vacations* or your collective bargaining agreement.

## **6.8 PERSONAL LEAVE**

Employees who work full-time or a minimum of 20 hours per week are eligible for personal days. Employees working more than twenty (20) hours but less than a full time schedule shall receive a prorated personal day benefit. Full time employees shall receive thirty-two (32) hours of personal time on July 1<sup>st</sup> of each new fiscal year. New employees shall receive personal time pro-rated from July 1 of the fiscal year in which they start.

Personal time shall not be “carried over” into the next fiscal year. Personal days shall be considered as a privilege that should be used to take care of personal business or to address special instances or emergencies. Personal days shall be taken in one-half day or full day increments. *See Personnel Policy: 9.2 – Sick (Non-Occupational) and Personal Leave.*

Personal days cannot be used in conjunction with vacation, holidays or sick days unless with approval of the departmental supervisor. Personal days shall not be considered hours worked. Unused personal days shall not be reimbursed upon termination for any reason.

## **6.9 FLEXIBLE SPENDING ACCOUNTS**

Via pre-tax payroll deduction, an employee can open up a medical or dependent care flexible spending account (FSA). The medical FSA is used to pay for medical expenses not paid for by insurance such as deductibles, co-payments, co-insurance, dental and vision expenses, among other medical related items. A medical FSA cannot pay for health insurance premiums, cosmetic items, cosmetic surgery, or items that improve "general health". All items must be intended to treat or prevent a specific medical condition; this can be as significant as diabetes or pregnancy, or as minor as skin cuts. Generally, allowable items are the same as those allowable for the medical tax deduction, as outlined in IRS publication 502.

Dependent Care FSAs can also be established to pay for certain expenses to care for dependents that live with you. While this most commonly means child care, it can also be used for adult day care for senior citizen dependents that live with you, such as parents. It cannot be used for

summer camps (other than "day camps") or for long-term care for parents that live elsewhere (such as in a nursing home).

#### **6.10 GROUP HEALTH AND LIFE INSURANCE**

All eligible employees are entitled to participate in the health insurance programs offered by the Town. Eligibility is in accordance with these policies, M.G.L. c.32B and various federal and state laws. Employees must comply with notice requirements regarding dependents and selection of benefits.

The Town will provide and may amend a package of group health and life insurance benefits to its regular full time and regular part time employees who work twenty (20) or more hours per week. Employees have a right to choose from among available medical benefits or may decline such benefits.

The Town recognizes the validity of a coalition bargained agreement dealing with the subject of group health and life insurance, and the Town and its employees recognize that, unless there is a change in State statutes to the contrary, they are bound by this agreement as it may be modified through the coalition bargaining process from time to time.

#### **6.11 DENTAL INSURANCE**

The Town offers Dental plans for employees through pre- or post-tax payroll deduction. The entire cost of the plan is borne by the employee. Information packets are available at the Human Resources Department.

#### **6.12 EMPLOYEE DEVELOPMENT**

It is the policy of the Town of Ashland to encourage employee development on the part of regular full time and regular part time employees when the employee development will enable them to perform their current jobs better, and when it will prepare them for advancement and promotion within the Town.

Employee development may include conferences, seminars, non-accredited courses, accredited college courses, college courses while enrolled in a degree program and enrichment programs offered by the Town.

In order to encourage employee development, the Town will pay for costs reasonably related to the programs included in the definition of continuing education. These costs may include tuition, registration, books and publications. Parking, mileage or other transportation, meals and lodging, if the program is away from the immediate area, will be evaluated on a case-by-case basis, and may be paid when the employee development is directly related to the existing job of the employee and is not part of a degree program. An employee development program that is directly related to a current job held by an employee may be taken during working hours.

Attendance at employee development programs is dependent upon the following:

1. The employee must have completed the probationary period;

2. The employee development program must be related to the employee's current job or a job that can reasonably be expected to be available with the Town in the near future;
3. Adequate appropriation in the Municipal Budget dedicated to employee development;
4. The Department Head must feel that attendance at the program will not adversely affect the functioning of the Department in the employee's absence;
5. Application to attend the program must be made in writing and approved by the Department Head and the Human Resources Department in advance of the beginning of the program;
6. The employee must complete the program with a grade of "B" or better with satisfactory completion of the course if the course is ungraded.

### **6.13 COMPENSATORY TIME**

A supervisor may approve compensatory time. Use of compensatory time shall be in accordance with the Fair Labor Standards Act. Managerial or exempt employees are not eligible for overtime pay or compensatory time. *See Personnel Policy: 9.1 – Compensatory Time.*

### **6.14 FLEXIBLE SCHEDULES**

A "Flexible" schedule for employees (excluding schools) may be considered in accordance with the Town policy on Flexible Schedules. However, work schedules are subject to change at the discretion of department heads and approval of the Town Manager. *See Personnel Policy: 9.4 – Flexible Schedules.*

### **6.15 RETIREMENT**

Employees who are hired to work twenty hours or more per week throughout the year (1,040 hours) shall be required to join the Middlesex County Retirement System. Contribution rates and eligibility is further defined within M.G.L. c.32.

Employees who are not required or eligible to contribute to the Retirement System will be required to contribute to an Omnibus Budget Reconciliation Act (OBRA) account.

### **6.16 HEALTH REIMBURSEMENT ARRANGEMENT**

As part of the Town's efforts to keep medical benefit costs as affordable as possible, the Town is pleased to sponsor a Health Reimbursement Arrangement (HRA). This plan (plan year) runs on Fiscal year from July 1 to June 30 the following year. Eligible expenses must be incurred within the plan year.

Eligibility is limited to employees (and retirees) and their dependents that are participating in a Town sponsored Health Plans. Eligible expenses for reimbursement, after individual/family thresholds have been met, are CO-PAYS for following services:

- Office visits/primary care

- Office visits/specialists
- Emergency Room visits
- In-Patient hospitalization
- Same-day surgery
- Diagnostic imaging
- Physical Therapy
- Prescription drugs/retail
- Prescription drugs/mail order

Once you have incurred an eligible expense simply, submit a copy of your receipt along with a claim form, a copy of which is attached, to Cafeteria Plan Advisors, Inc. at the address below. All payments will be made directly to the participant. All expenses must be submitted no later than AUGUST 1, after plan year-ends. As the Administrator for this Plan, should you have any questions please contact Cafeteria Plan Advisors, Inc. at:

Cafeteria Plan Advisors, Inc.  
 420 Washington Street, Suite 100  
 Braintree MA 02184  
 Phone: 781-848-9848

#### **6.17 EMPLOYEE ASSISTANCE PROGRAM**

The Town is committed to supporting our employees through difficult times. Job performance and attendance may be negatively affected by issues outside of the workplace, including problems with children, aging parents, finances, alcohol or drug addiction or other life issues. The Town encourages you to seek assistance from AllOne Health, the Town's Employee Assistance provider. This is a free and confidential service. AllOne Health can be reached 24 hours per day, 7 days per week at (800) 451-1834.

#### **6.18 DEFERRED COMPENSATION PLAN**

The Town offers A 457(B) deferred compensation plan for employees through a pre-tax payroll deduction. Information packets are available at the Human Resources Department. The program is offered through Massachusetts SMART Plan ([mass-smart.com](http://mass-smart.com)).

#### **6.19 HEALTH INSURANCE INCENTIVE WAIVER PROGRAM**

Employees participating in Town sponsored family and individual health insurance plans have the option to drop their health insurance coverage and participate in a Health Insurance Incentive Waiver program.

To be eligible to participate in the Health Insurance Incentive Waiver program, current employees must have been enrolled as a subscriber in a Town sponsored health insurance plan for the immediate 12-month period prior to applying for the waiver payment. Employees enrolled in a Town sponsored health plan as of July 1, 2015 must have been enrolled for a period of 12 months before applying for the incentive waiver. The health insurance waiver incentive program is intended to reduce the Town's health insurance costs. The Town will make rules and regulations required to implement and administer the program.

The Town reserves the right to make additional reasonable rules and regulations to maintain the program. This Health Insurance Incentive Waiver program shall comply with all applicable state and federal laws pertaining to health insurance. If the program does not generate sufficient cost-savings, the program may be terminated at midnight on June 30 of each fiscal year of the program, at the sole discretion of the Town. Participating employees shall be given sufficient notice of such termination in order to permit participating employees sufficient time to elect coverage through a Town sponsored plan during the Town/GIC open enrollment period. For program details including requirements and payments, please see ***Personnel Policy: 7.9 – Health Insurance Incentive Waiver Program Policy.***

# **TOWN OF ASHLAND PERSONNEL POLICIES**

## **SECTION 7 – EMPLOYMENT & HIRING POLICIES**

### **POLICY: 7.1 RECRUITMENT & HIRING**

#### **1. Purpose and Scope**

The purpose of this policy is to establish the procedural requirements for the recruitment and hiring of candidates for Town positions (excluding school positions).

#### **2. Applicability**

This policy applies to all departments of the Town of Ashland (excluding those under the supervision and control of the School Committee). Positions governed by collective bargaining agreement and seasonal recreation staff members are subject only to those portions of this policy that are not specifically regulated by law, agreement or established policy.

#### **3. Policy**

The Town endeavors to fill vacancies with the most qualified candidates available. In this pursuit, the Town will adhere to the principles of Affirmative Action and Equal Employment Opportunity.

Departments having a vacant position to be filled must first complete a Personnel Requisition Form (PRF) and forward it to the Town Manager's Office for the necessary approvals. The Department then needs to comply with the procedures set forth in this policy for advertising/posting the position, recruitment and hiring in accordance with the Town's commitment to equal opportunity in employment.

For the purpose of this policy, the term "Appointing Authority" will refer to the Town Manager.

#### **4. Procedures**

The recruitment process may not commence until a submitted PRF forwarded to the Human Resources Department and approved.

**4.1** Preparation of the Personnel Requisition Form (PRF). The first step in the hiring process is the receipt of approval to fill the position. This is achieved with the PRF.

**4.1.a** Recruitment for Budgeted Positions with Adequate Funding: If a department has positions (filled and unfilled) and sufficient funds within their final approved budget, a staff member may be replaced or reclassified when the department head obtains the approval of the Town Manager on the PRF. The form is then forwarded to the Human Resources Department to begin the recruiting or reclassification process. Internal or external recruitment will commence only following Human Resources' receipt of this completed and approved form.

**4.1.b** Recruiting without Budgeted Positions or Adequate Funding: if a department does not have the vacant position(s) listed in their budget and sufficient funds within their final approved budget, no new hires or

reclassification may occur. If a department believes that a new position or reclassification is needed to operate the department or accurately reflect the duties and responsibilities of a position, the PRF should be completed and forwarded, along with an appropriate explanation of the critical need for this change to the Town Manager. The Town Manager or designee will work with the department to review potential funding options and to seek appropriate authorization. If a suitable funding plan for such position is not identified, the position request will not be approved.

**4.2** Conversion of part-time/temporary/on-call employees to regular full-time or permanent part-time status in excess of six consecutive months will be considered either additions or replacements as the situation dictates and will require approvals as noted in these guidelines.

**4.3** Actions Requiring a Personnel Requisition Form

- New Hire (to fill new position or to replace existing employee – full- and part-time)
- Rehire (to fill new or existing positions – full- and part-time)
- Position Reclassification for filled or vacant positions
- Conversion of part-time/on-call/temporary position to regular full-time or permanent part-time position (20 hours or more/benefit eligible)

## **5. Posting and Advertising Procedures and Resources**

Recruitment and advertising efforts are to be coordinated with the Human Resources Department to ensure compliance with the Town's policy on equal employment opportunity, affirmative action, and applicable federal/state regulations. A variety of methods can be used to develop both internal and external candidate pools when recruiting for specific positions.

**5.1** The position description or specification presently on file in the Human Resources Department is the official description of the duties of the position.

**5.2** The department recruiting for the vacant position will prepare a draft job posting based on the official job description, grade and current salary range information. All postings and advertisements shall include the following information:

- a. position title
- b. salary or salary range
- c. a brief description of the duties
- d. minimum qualifications
- e. name and address to which to send application
- f. last day for filing applications
- g. an AA/EEO statement

**5.3** All job postings and external advertisements must be submitted to and reviewed by the Human Resources Department for accuracy and consistency. The Human Resources Department will place all ads bearing a cost and/or fees to the Town. Advertising costs and fees related to the recruitment of new employees must be approved in advance by Human Resources and, in most cases, advertising costs will be paid by the Human Resources Department.

**5.4** All positions will be posted on the Job Opportunities section of the web site.

**5.5** Internal Job Openings will be posted by the Human Resources Department on all general government Town building bulletin boards for ten calendar days. Internal applicants will be considered for the position prior to external candidates if in the

judgment of the Appointing Authority or Department Manager an internal applicant offers qualifications equal to those of any external applicants.

**5.6** To expand and diversify the candidate pool for an external job posting, it may be necessary to advertise beyond the internal posting. Various advertising resources exist to identify qualified candidates. Print ads and internet postings are viable alternatives to reach potential applicants. Trade journals and associations can also serve as useful tools in publicizing professional job vacancies. Contact the Human Resources Department for recommended ad placement and development of an advertising strategy.

**5.7** The Town may, in some circumstances, post positions concurrently with external postings or advertisements.

## **6. Screening and Interviews**

Human Resources and the department recruiting for the vacant position will screen resumes. Resumes and applications will be screened based on criteria given by the Appointing Authority and/or Department Manager and as those criteria relate to the qualifications listed in the job description.

The following standard procedures will be followed when screening resumes and conducting interviews. The following are general guidelines:

- a.** Human Resources and the department recruiting for the vacant position will screen resumes for minimum entrance requirements;
- b.** Appointing Authority and/or Department Manager selects candidates for interview. Human Resources will send notice to applicants not selected for an interview;
- c.** Human Resources will assist the Appointing Authority and/or Department Manager to devise interview questions. The same questions will be used for all candidates;
- d.** Human Resources will notify candidates of selection for an interview. Human Resources may participate in the interview process along with the Appointing Authority and/or Department Manager. Interviews conducted by Town Boards, Commissions, and sub-committees, regardless of the number of members, are subject to the provisions of the Open Meeting Law, but may be subject to executive session;
- e.** If necessary, the Appointing Authority and/or Department Manager will select candidates for final (or second) interview and conduct final interviews. Final interviews conducted by Town Boards and Commissions and sub-committees must be conducted in open session;
- f.** Appointing Authority and/or Department Manager will select his/her preferred candidate. Human Resources will conduct employment, education, CORI/SORI (where applicable) and reference checks. No offer of appointment shall be made without first receiving approval from the Town Manager or designee.
- g.** Appointing Authority and/or Department Manager will review proposed offer to approved candidate with Town Manager and Human Resources Director and secure further approvals if salary offer is higher than the minimum entrance rate or additional benefits are greater than Town policies state;
- h.** The Human Resources Director will send out a written conditional offer of employment for the candidate to sign and return; and
- i.** Human Resources will notify unsuccessful candidates by mail.
- j.** After acceptance, Human Resources will work with the Town Manager's Office on appointment.

## **7. Employment Applications**

All applicants for employment who will be interviewed must complete the official Application for Employment. Resumes may be accepted as supplements to the application, but not as substitutes.

Applicants for positions, which require degrees, licenses, etc., must provide copies of those materials prior to beginning employment.

Applicants who claim special status as a result of military history must provide a copy of the appropriate discharge notice.

All such materials will be kept in the employee's official personnel file in the Human Resources Department.

## **8. Hiring Documentation and Orientation**

Upon the Human Resources Department's receipt of favorable reference checks, education verifications, and CORI/SORI checks (where applicable), the department of hire will be contacted and will forward completed the Hiring Checklist Form to the Human Resources Department with the necessary approvals. Such approvals must include the signature of the Department Manager and/or the Appointing Authority.

- All new employees must report to the Human Resources Department to complete the following documentation prior to the employee's first day of work: Employment Eligibility Form (I-9). Procedures for complying with federal employment eligibility regulations are in accordance with the Immigration Reform and Control Act of 1986.
- Procedures for complying with the Town's pre-employment physical examination requirements (where applicable.)
- State and Federal W-4 or W-4A tax withholding form.
- Retirement Form or OBRA mandatory withholdings.
- Social Security Form SSA 1945
- Insurance Acceptance/Waiver Form
- Form indicating receipt of Employee Handbook.
- Swearing in by Town Clerk (where applicable.)

New employees must also report to the Human Resources Department for orientation. Benefit eligible employees have between ten (10) and thirty (30) days from date of hire to enroll in various insurance and benefits programs offered by the Town.

Policy Updated: February 16, 2017

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## **POLICY: 7.2 CORI PROCESSING**

### **1. Purpose and Scope**

The purpose of this policy is to establish the procedural requirements for obtaining criminal offender record information for employees, volunteers and contractors whose work for the Town brings them in contact with youth, the elderly and disabled people.

### **2. Applicability**

This policy applies to all departments of the Town of Ashland (excluding those under the supervision and control of the School Committee).

### **3. Policy**

The Town endeavors to ensure the safety of the public, which it serves, while protecting the civil rights of its employees, volunteers and contractors. Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or contracting purposes, Town departments will proceed in accordance with the rules set forth by the Department of Criminal Justice Information Services (DCJIS).

### **4. Procedures**

**4.1** CORI checks will be conducted by the Human Resources Department or designated departments, and as authorized by DCJIS. All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.

**4.2** Because an informed review of a criminal record requires adequate training, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by DCJIS.

**4.3** Any and all decisions not to hire an employee or engage the services of a volunteer or contractor based on an adverse CORI report will be made in concurrence with the Town Manager or designee.

**4.4** Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.

**4.5** If a criminal record is received from DCJIS, the authorized individual will closely compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

**4.6** If the Town is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the organization's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record.

**4.7** Applicants challenging the accuracy of the policy shall be provided a copy of DCJIS's Information Concerning the Process in Correcting a Criminal Record. If the CORI record provided does not exactly match the identification information provided by the applicant, the Town will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Town may contact DCJIS and request a detailed search consistent with DCJIS policy.

**4.8** As prohibited in section 4.4, if the Town reasonably believes the record belongs to the applicant and is accurate, then a determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- (a) Relevance of the crime to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;

- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof;
- (i) Any other relevant information, including information submitted by the candidate or requested by the hiring authority.

**4.9** The Town will notify the applicant of the decision and the basis of the decision in a timely manner.

Policy Updated: February 16, 2017

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## **POLICY: 7.3 PROMOTION & LATERAL TRANSFER**

### **1. PURPOSE AND SCOPE**

The purpose of this document is to outline the Town of Ashland’s policy and the related procedural requirements for promotions and lateral transfers.

### **2. APPLICABILITY**

All general government departments and employees (except schools) are subject to the provisions of this policy. Positions covered by collective bargaining agreements comply with the applicable terms and conditions of the agreement and the provisions of this policy when the collective bargaining agreement is silent or compatible.

### **3. DEFINITIONS**

Promotion Movement from a position of lower classification/compensation grade to a position with greater responsibilities and in a higher classification/compensation grade or to a different classification/compensation plan.

Lateral Transfer A change from one position to another of the same grade within a classification/compensation plan.

Classification Plan The official structure of the Town of Ashland’s non-union positions is based on evaluation and categorization of jobs according to the nature of the work performed, level of education, experience, knowledge, skills, abilities and other qualifications that may be required of incumbents.

### **4. POLICY**

#### **Promotion & Lateral Transfer:**

If, after following the provisions of *Personnel Policy 7.1 Recruitment & Hiring*, a Department Manager determines that an internal applicant offers qualifications equal to or better than the qualifications that could be reasonably expected of external applicants, and the required approvals have been obtained, the selected employee will serve up to a six month probationary period (based on CBA or position) and shall be placed within the applicable classification/compensation plan and grade as follows:

#### **Probationary Period:**

An employee who is either laterally transferred or promoted will be subject to a six-month probationary period. Upon completion of the six-month period, the employee will receive a performance evaluation from her/his supervisor to provide a benchmark of the employee's performance in the new position. If it is determined that the employee is not performing satisfactorily, or there is little reason to believe s/he will be able to do the job with additional time and training, diligent effort will be made to move the employee to a more appropriate position within the Town. However, there is no guarantee that the employee will be able to retain employment with the Town. See CBA for specific variations. (Note: Full time police officers shall serve a one (1) year probationary period following successful completion of the full time police academy program.)

**Lateral transfer:**

The employee shall enter the new position at the same step as his/her prior position. Provided the employee satisfactorily completes the probationary period, if applicable, the employee will be eligible to receive a step/merit increase. The last date of the six-month probationary period will become the employee's new anniversary date for future performance based step/merit increases.

**Promotions:**

The employee shall enter the new position at the minimum rate of the grade or range of the new position or the step rate in the grade or range of the new position immediately above the employee's rate prior to the promotion, whichever is higher. With the Town Manager's approval, the incumbent may be granted an additional step(s) upon reclassification. The effective date of the promotion will become the employee's anniversary date for future performance based step/merit increases. At the discretion of the Town Manager, an employee who is serving in an "acting" capacity prior to promotion may be assigned the anniversary date of the "acting" assignment.

**5. PROCEDURES**

Department Managers must forward verification of compliance with Policy 7.1 – Recruitment & Hiring, and the required documents, if not already on file, including completed PRF Forms with the necessary signature approvals (Department Manager, Town Manager and, in specific situations, Appointing Authority) to the Human Resources Department for processing of all promotions and transfers.

**6. CONSIDERATIONS**

The Human Resource Director will work closely with Department Managers to identify internal candidates for transfer and promotion whenever a new position is created or a vacant position is being filled.

Policy Updated: February 16, 2017

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## **POLICY: 7.4 CIVIL SERVICE**

On March 4, 1957, the Town of Ashland accepted the provisions of Section 48 of Chapter 31 of the Massachusetts General Law, known as “Civil Service”, for applicability to the Ashland Police Department by town ballot.

On July 26, 2023, the Town of Ashland revoked the Town's acceptance of Chapter 31 of the General Laws (Civil Service law) in 1957 for all officers below the rank of Chief within the Police Department by town ballot.

Policy Updated: November 1, 2023

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## **POLICY: 7.5 RECLASSIFICATION**

### **1. PURPOSE AND SCOPE**

The purpose of this policy is to establish a process, which will maintain viable, appropriate and competitive classification/compensation plans and position descriptions in response to the changing needs of the Town and the requirements to achieve departmental goals.

### **2. APPLICABILITY**

All non-school, general government departments and employees are subject to the provisions of this policy. Positions covered by collective bargaining agreements comply with the applicable terms and conditions of the agreement and the provisions of this policy when the collective bargaining agreement is silent or compatible.

### **3. DEFINITIONS**

Reclassification A change made to the ranking of a position within a classification/compensation plan or to a different classification/compensation plan because of a change in duties and responsibilities required to be performed or a change in the requirements to accomplish the duties and responsibilities.

Classification Plan The official structure of the Town of Ashland’s non-union positions is based on evaluation and categorization of jobs according to the nature of the work performed, level of education, experience, knowledge, skills, abilities and other qualifications that may be required of incumbents. The Town has two Classification schedules presented at the end of this policy.

### **4. POLICY**

4.1 The Town of Ashland will periodically review and update job descriptions to reflect changes in duties and responsibilities. When these updates entail significant changes in the requirements to perform the job, a position will be considered for reclassification. Upon the review and recommendation of the Human Resources Director and the approval of the Town Manager, any position judged to have measurably changed in its assigned duties or responsibilities, or altered the qualifications necessary to achieve said duties, responsibilities, or any other qualified job factor change, shall be evaluated. If the position evaluation

process results in placing the position in a different classification, the position will be re-assigned to the appropriate grade or range in the applicable classification/compensation plan.

4.1.1 When any position is reclassified to a higher grade/range within the classification/compensation plan or to a different classification/compensation plan, the incumbent shall be placed at the minimum rate of new grade/range or at the step rate in the new grade/range that is immediately above the incumbent's rate prior to the reclassification, whichever is higher. With the Town Manager's approval, the incumbent may be granted an additional step upon reclassification. The incumbent shall retain her/his existing anniversary date for purposes of future performance based increases, i.e. step rate.

4.1.2 When any position is reclassified to a title of a lower grade/range within the classification/compensation plan and the new classification's maximum salary range is less than the incumbent's current salary, the affected incumbent will retain her/his rate of pay. However, the employee will not be eligible for step/merit increases while s/he remains in the classification, but will be entitled to receive general wage increases (cost of living) if applicable. Employees hired after the reclassification will be placed in a new grade/range of the applicable classification/compensation plan.

## **5. PROCEDURES**

5.1. A Department Manager shall request the reclassification of a position through notice to the Human Resources Director with a copy to the Town Manager. The Department Manager must cite specific reasons why s/he believes that the current classification of a position is incorrect by demonstrating how the position or the minimum qualifications to function effectively in the position have fundamentally changed.

5.2. The Human Resources Director shall interview the Department Manager and any incumbent in the position in order to obtain further details relevant to the request. If the Human Resources Director determines that there may be relevant changes to the position, s/he will establish a draft job description to which the Human Resources Director will apply the position evaluation process.

5.3. Based upon the results of the position evaluation process, the Human Resources Director shall recommend to the Town Manager either reclassifying the position or maintaining the current placement of the position.

5.4. After consultation with the Town Manager, the Human Resources Director shall inform the Department Manager of the Town Manager's decision.

5.4.1 The Department Manager may request reconsideration through a meeting with the Town Manager, the Human Resources Director and her/himself. The Department Manager must provide substantive reasons why s/he believes the decision regarding reclassification to be inaccurate.

5.4.2 In the event that the reconsideration is approved by the Town Manager, the Human Resources Director shall amend the job description to incorporate any agreed upon changes and reapply the position evaluation process. The Human Resources Director will present her/his recommendations to the Town Manager who will then make a final decision.

5.4.3 If it is determined that the position will maintain its current classification, the Department Manager may petition for reclassification no sooner than one year from the Town Manager's final decision.

## **6. CONSIDERATIONS**

- 6.1. This policy is applicable to existing positions that may be reviewed and potentially changed. The policy is not applicable to the creation of new, previously un-staffed, un-approved positions.
- 6.2 The application of this policy is dependent upon available funding as determined by the Town Manager.
- 6.3 Positions that have been approved for a higher reclassification will not be considered for reclassification more than once in two consecutive years, unless extreme, unforeseeable circumstances arise and the Town Manager authorizes consideration.

Policy Updated: February 16, 2017

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## **POLICY: 7.6 PERFORMANCE EVALUATION**

### **1. PURPOSE AND SCOPE**

The purpose of this policy is to outline the Town of Ashland's performance review and evaluation program. The performance review and evaluation program has been developed to accomplish several goals: to continuously improve the effectiveness and efficiency of Town services; to provide an opportunity for two-way communication and planning between employees and reviewing managers/boards; to assist employees in increasing the effectiveness of their job performance; to provide a mechanism for the establishment of individual and departmental goals; to serve as the basis for acknowledging employees' accomplishments and recognizing employees' potential need for guidance, training and/or support; and to provide documentation of employees' performance to serve as the basis for salary adjustments and other personnel-related actions.

### **2. APPLICABILITY**

This policy applies to all non-represented management, administrative, clerical, technical, professional and support employees of the general town government. This policy does not apply to union, school, seasonal or temporary employees.

### **3. POLICY**

It is the policy of the Town of Ashland that all non-represented, full-time and permanent part-time (20 or more hours per week) employees will be reviewed and evaluated on an annual basis. Permanent part-time employees working less than twenty hours per week shall be reviewed and evaluated upon the completion of every one thousand forty (1040)-work hours. Additionally, employees who are nearing the end of a probationary period will be reviewed and evaluated by management to determine whether the employee should be retained on a permanent basis.

### **4. PROCEDURES**

#### **A. Coordination**

The performance review and evaluation system will be coordinated and monitored by the Human Resources Department. Coordination will include the following tasks:

1. Informing department heads/supervisors about which employee reviews need to

- be completed;
2. Providing direction to supervisors relative to the performance review forms and guidelines needed to complete the reviews;
  3. Monitoring the completion of reviews;
  4. Monitoring the implementation of performance based wage/salary adjustments;
  5. Distributing copies of the completed review to the reviewing supervisor – a copy(s) for the supervisor(s) and one copy for the supervisor to give to the employee;
  6. Keeping employee reviews in a secure file to protect confidentiality; and
  7. Regulating access to employee review and evaluation files.

#### B. Forms

Supervisors will review and evaluate all eligible employees using the appropriate classification evaluation form and will follow the applicable instructions. The Human Resources Department will forward the evaluation form, supervisor and employee instructions and the employee's job description to the supervisor at least one week in advance of the employee's review date.

#### C. Implementation

Employees will be reviewed at the beginning of the fiscal year to set up annual goals. The review should be conducted early enough to allow for organizing priorities and plans. A mid-year evaluation will be conducted to review the goals set at the beginning of the year and allow for adjustments, input on any issues, updates to schedules, etc. prior to a year-end review. This review should be done prior to May of the end of the fiscal year.

Supervisors shall provide the employee with the following: a clean copy of the evaluation form; the employee instruction sheet; and a copy of the job description. These materials should be provided at least a few days prior to the scheduled review dates.

Supervisors shall follow all the steps of the applicable supervisor instructions.

A performance evaluation form is complete when:

1. all assessments are completed;
2. all future plans and objectives are delineated;
3. all comments are provided;
4. all signatures are secured; and, after employee signs off on the evaluation,
5. all recommendations are included.

#### D. Compensation

The Town Manager shall review all completed performance evaluation forms, take into account the reviewer's recommendations, and make the final determination of whether or not to award a merit increase.

In cases where a merited step(s) increase is deemed appropriate, the Town Manager will determine the actual step increase to be awarded.

##### 1. Step Increase:

Typically, employees whose jobs fall within the schedule will receive one-step increase for satisfactory performance and completion of set goals. (The supervisor will take into consideration any goals not completed due to mitigating circumstances.) In unusual cases, an employee may be awarded up to two steps for one review period.

Employees on this schedule whose salary is on or above the midpoint will receive a percent increase to be determined by the Town Manager. In general, that percent increase will range from 0 to 3%.

Step/Merit increase payments are effective on the first day of the new fiscal year.

2. Bonus:

Bonus awards and award amounts will be determined solely by the Town Manager. The award of a bonus will be considered during the evaluation period. Bonuses are not added to the base pay and are typically awarded to:

- a. Employees who have worked on a specific project, which is beyond the expectations of the employee's particular job description. (This will be considered once the project, or the portion of the project for which the employee was responsible, is completed);
- b. Employees who have worked in an office that has been short-staffed due to a prolonged position vacancy or absence; or
- c. Employees who are top performers, but at the maximum of the salary schedule and therefore ineligible for a merit increase.

6. **COMPLAINT RESOLUTION PROCESS**

If an employee disagrees with his or her review, he or she may offer comments in the space provided on the Performance Evaluation Form. If the disagreement cannot be resolved within the department, the supervisor and employee shall meet with the Human Resources Director to discuss the matter.

7. **CONSIDERATIONS**

The relevant forms and instructions accompanying this policy are the official documents to be provided in the "Performance Evaluation Assistance" portion of this policy to assist in the process.

**PERFORMANCE EVALUATION  
PREPARATION ASSISTANCE**

**Guidelines for Goal Setting**

**What is a goal:**

- A goal is a statement of intention.
- A goal is a target with a point of completion.
- A goal is an agreed upon, measurable level of output.

**Goals should be:**

1. **Specific** Define precisely the objective or outcome you want.
2. **Measurable** Define objectively how you will know when you have attained it.
3. **Realistic** The goal should be achievable within the appropriate period.
4. **Written** The goal must be written in clear, concise language and reviewed on a regular basis.
5. **Time-limited** Set a specific date or deadline for reaching your goal.
6. **Positive** Goals should be stated in positive terms.

7. **Action-based** Use action verbs to describe the steps needed to achieve the goal.
8. **Consistent** The goal must not conflict with another goal, and must be congruent with each and every one of the organization's values, purpose, vision and mission.

### **Performance Evaluation Tips**

1. Schedule the performance review meeting with the employee several days in advance.
2. Reserve a private room for the meeting where you will be undisturbed.
3. Review the employee's job description and note any changes, which need to be discussed.
4. Provide the employee with a copy of the performance review form, job description and evaluation employee instructions prior to the meeting.
5. Review any notes from regular supervisory sessions with the employee, any incident file, any special achievements or problem areas, and obtain input from other departments as needed.
6. Honestly analyze your own performance as a supervisor during the review period.
7. Specifically define any problem areas and possible solutions prior to presenting them to the employee.
8. Outline the meeting format beginning with positive recognition for areas of strength.
9. Focus on job performance and behavior, not personality, as you evaluate each employee. It is your job to be fair and equitable, and to listen to the employee's point of view.

### **The Performance Review Meeting**

1. Be on time and devote your complete attention to this meeting.
2. Share with the employee the outline of the meeting, noting areas for discussion.
3. Ask the employee if there are any specific questions/problems that he/she would like to discuss and add items to the agenda.
4. Review the previous year's Performance Evaluation Form, any mid-year discussions or special achievements, or other unique circumstances with the employee.
5. Compliment the employee on specific job accomplishments and strengths, but be careful not to inflate the rating or your assessment of the employee's performance.
6. Review the completed Performance Evaluation Form with the employee if you have prepared it in advance. Some department managers/supervisors prefer to complete the form after the meeting. In either case, you should provide the employee an opportunity to respond to the form after you have met and given a hard copy to him/her.
7. Present specific areas for improvement and discuss them with the employee. Listen carefully to the employee's point of view and his/her suggestions for how the problem could be resolved. Also, ask the employee how you may assist him/her in this process.
8. Mutually agree on goals for improving problem areas and schedule a follow-up meeting to discuss progress within one month (if applicable).
9. Discuss any changes in job responsibility/career plans with the employee and consider advancement opportunities and training needs of the employee.
10. Have the employee sign the Performance Evaluation Form and comment as needed. Supervisor will then submit the form, and if applicable, suggest changes to the job description to Human Resources.
11. Regular on-going meetings with your employees and coaching sessions with employees experiencing problems will facilitate smoother review meetings with each of your

employees since you will both be up-to-date on performance issues.

### **Coaching Questionnaire for Supervisors**

Coaching is a process used by supervisors to help an employee improve job performance. This questionnaire is designed to help supervisors clarify the specific job performance problem and determine a useful strategy prior to beginning the coaching process.

1. Identify the specific behavior that causes the unsatisfactory job performance. Link the behavior to the employee's job description.
2. Is the job performance problem important enough to warrant your time and energy to correct it? If not, then do not waste your time on it. Consider the implications of the behavior on other employees – will they be allowed the same latitude? Will it affect morale or set a bad example? If yes, let your employee know that his/her performance is unsatisfactory and that both of you are going to work towards resolving the problem.
3. Does the employee agree that there is a job-performance problem in this area? If not, refer the employee to his/her job description or workplace procedures and clarify the expected standards of performance. If yes, ask the employee for a commitment to resolve the problem.
4. Prior to the coaching interview, ask yourself the following questions:
  - a. Are there obstacles outside of the employee's control that prevent him/her from performing the desired behavior?
  - b. Does the employee have the ability to perform the desired behavior? Is the employee motivated to do so?
  - c. Has the employee received enough or appropriate training?
  - d. What will be the consequences if the employee does not resolve the problem?
  - e. If the employee resolves the problem and achieves satisfactory work performance, what will be reward/positive recognition?

#### **Interview Steps for Coaching Meeting with Employee**

##### **Step One**

In a private meeting with the employee, introduce the problem in a positive manner, acknowledging the employee's strengths on the job. Use the Employee Conference Form (below) for Coaching Meeting as a guide.

1. Be specific in describing the problem, using examples.
2. Ask the employee to verify and clarify the problem.
3. Negotiate a mutual agreement on the exact problem and the exact behavior required on the job. Do not continue until you have reached agreement.

##### **Step Two**

Identify and write down all possible solutions to the problem together making sure to address the causes of the problem. Listen carefully to the employee's input and objections.

##### **Step Three**

Agree on a solution to the problem and develop an action plan. Write down the specific actions that each of you will take, and include completion dates.

##### **Step Four**

Schedule a follow-up meeting within one week; include the date, time and how progress will be measured. Another follow-up meeting in one month is advisable.

##### **Step Five**

Reinforce and review all written agreements and be clear with the employee about the consequences for failure to reach resolution of the issue. Try to close the meeting on a positive note.

#### **Guidelines for Employee Conference Coaching Meeting**

1. Describe the job performance issue to be discussed. Mutually agree on the specifics of the problem and the desired behavior required to resolve it.
2. Discuss solutions that could improve the job performance problem.
3. Select one solution and write out the actions steps and completion dates.
4. Confirm follow-up meeting dates.

Policy Updated: February 16, 2017

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### **POLICY: 7.7 EMPLOYMENT OF MINORS**

MGL Chapter 149 Section 66 & 67 governs the employment of those under the age of 18. Following are guidelines as to hours worked and permits needed for those employees under the age of 18. All questions should be referred to the Human Resources Director or the Town Manager.

#### **II. HIRING MINORS, 13 AND UNDER**

Employees who are under the age of 14 may not be hired under any circumstance.

#### **III. HIRING MINORS, 14 & 15 YEAR OLDS**

Those employees whose ages are 14 & 15 at the time of hire shall be required to submit to the Town an employment permit that is obtainable from the school district in the Town in which the employee resides.

These employees are only allowed to work under the following conditions:

- 1) Hours must be scheduled between the hours of 7:00 am and 7:00 pm. Hours may not be worked outside this timeframe except for July 1 through Labor Day when they can work until 9:00 pm.
- 2) Can work no more than 6 days per week.
- 3) Can work no more than 40 hours per week when school is not in session.
- 4) Can work no more than 3 hours per day during school weeks, not more than 8 hours per day during weeks when school is not in session.
- 5) Can work no more than 18 hours per school week EXCEPT in approved work experience and career exploration programs, in which case, they may work 23 hours.
- 6) Cannot operate any power equipment whatsoever.
- 7) Must be under direct supervision of employees 18 years or older.
- 8) Cannot work in shop related departments such as DPW.

Under no circumstances, may these provisions be relaxed or violated.

#### **IV. HIRING MINORS, 16 & 17 YEAR OLDS**

Those employees whose ages are 16 & 17 at the time of hire shall be required to submit to the Town an educational certificate that is obtainable from the school district in the Town in which

the employee resides.

These employees are only allowed to work under the following conditions:

- 1) Hours must be scheduled between the hours of 6:00 am and 10:00 pm. Hours may not be worked outside this timeframe.
- 2) Can work no more than 6 days per week.
- 3) Can work no more than 48 hours per week.
- 4) Can work no more than 9 hours per day
- 5) Cannot operate dangerous power equipment including riding mowers. A push mower is not classified as dangerous. Prior to the operation of power equipment, please check with the Town Manager as to its classification.

Under no circumstances, may these provisions be relaxed or violated.

## **V. SAFETY FOR SEASONAL EMPLOYEES**

### **A. GENERAL**

Due to the provisions of our workers compensation policy, the following guidelines must be adhered to for employees classified as seasonal and temporary. These are not intended to preclude other safety regulations of the Town, but are intended to be used in conjunction with other safety policies and procedures.

### **B. SAFETY EQUIPMENT & CLOTHING**

- 1) Proper equipment and clothing shall be worn by all employees.
- 2) Employees in labor positions shall wear safety shoes or a good work boot, properly laced and tied, at all times. Sneakers are prohibited in laboring positions.
- 3) Safety vests will be worn in all heavy traffic areas.
- 4) Shorts are prohibited in laboring positions. Proper long leg pants are to be worn.
- 5) Proper protective clothing including long sleeved shirts and gloves shall be worn around poison ivy.
- 6) Proper headgear shall be worn when working overhead.
- 7) Proper eye protection shall be worn when using power equipment such as chainsaws and weed whackers.

### **C. VEHICLES**

- 1) All seasonal employees are prohibited from operating Town motor vehicles without prior review by department heads. This review will include inspection of driving history and confirmation of valid MA driver's license. If under 18, seasonal employees are prohibited from operating town motor vehicles except in the case of emergency. In cases where a vehicle must be used in the normal course of duties, contact the Town Manager for further details.
- 2) No one will be permitted to ride on the back (cargo area) of dump trucks or pick-up trucks.
- 3) Seat belts shall be worn at all times while riding in Town vehicles.

## **VI. EMPLOYEE ACCEPTANCE OF WORK RULES**

Each seasonal employee shall receive a copy of the following Work Guidelines and Safety Regulations form. Each seasonal employee shall sign the form acknowledging receipt indicating

he/she understands and will abide by the regulations. The form shall be filed with the Human Resources Department prior to commencement of employment.

Policy Updated: February 16, 2017

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## **POLICY: 7.8 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT**

The Town will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town shall limit the use of and access to Protected Health Information, which is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.

To assure this commitment to compliance, the Town Manager designates a Privacy Contact (Benefits Coordinator) who shall have the responsibility:

1. To ensure that the Human Resources Department is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
2. To ensure that documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that the Town's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
4. To ensure that any protected health information disclosures are tracked;
5. To ensure that authorizations for disclosure and use of protected health information are properly processed;
6. To resolve complaints from participants about possible privacy violations;
7. To ensure that appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;
8. To ensure that all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
9. To monitor the Town's compliance with HIPAA privacy regulations on a regular basis.

Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.

As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care

costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.

The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities, which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants), must enter into a business associate agreement with the Town committing to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. What unauthorized protected health information was released;
2. Who received the protected health information and/or is knowledgeable of the protected health information;
3. When the protected health information was released and/or when the complainant became aware of the unauthorized knowledge of the protected health information; and
4. What was the result of the release of the unauthorized protected health information?

The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting, the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of Town management and, if necessary, legal counsel. The Privacy Contact will provide a written report of his/her findings and recommended action, if warranted, to the Town Manager and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason, the Privacy Contact is unable to conduct this meeting and/or investigation the Town Manager shall appoint an alternate senior manager to perform these duties.

Complainants may also contact the Federal Department of Health and Human Services for assistance.

The Town will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination.

Policy Updated: February 16, 2017

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## **POLICY: 7.9 HEALTH INSURANCE INCENTIVE WAIVER PROGRAM**

### **POLICY STATEMENT**

The health insurance waiver incentive program is intended to reduce the Town's health insurance costs. The Town will make rules and regulations required to implement and administer the program. The Town reserves the right to make additional reasonable rules and regulations to maintain the program. This Health Insurance Incentive Waiver program shall comply with all applicable state and federal laws pertaining to health insurance.

If the program does not generate sufficient cost-savings, the program may be terminated at midnight on March 1 of each fiscal year of the program, at the sole discretion of the Town. Participating employees shall be given sufficient notice of such termination in order to permit participating employees sufficient time to elect coverage through a Town sponsored plan during the Town/GIC open enrollment period.

### **GUIDELINES**

- 1) Employees participating in Town sponsored family and individual health insurance plans have the option to drop their health insurance coverage and participate in a Health Insurance Incentive Waiver program.
- 2) To be eligible to participate in the Health Insurance Incentive Waiver program, current employees must have been enrolled as a subscriber in a Town sponsored health insurance plan for the immediate 12-month period prior to applying for the waiver payment. Employees enrolled in a Town sponsored health plan as of July 1, 2015 must have been enrolled for a period of 12 months before applying for the incentive waiver.
- 3) Employees who opt to participate in the program agree not to exercise their option to enroll in a Town sponsored health insurance through June 30, 2018.
- 4) In order to participate in the program, employees must complete the attached Health Insurance Waiver Incentive application and provide proof of actual health insurance from another provider.
- 5) Employees who opt-out of Town sponsored health insurance to begin on July 1, 2015 and who provide proof of coverage will be eligible to receive a waiver incentive as follows:

An employee subscriber with a Family Plan will receive an incentive of four thousand dollars (\$4,000) per year paid as follows:

52 Weekly installments of \$76.93

(bi-weekly 12 mo.) – 26 installments of \$153.86

An employee subscriber with an Individual Plan will receive an incentive of eighteen hundred dollars (\$1,800) per year as follows:

52 Weekly installments of \$34.62

(bi-weekly 12 mo.) – 26 installments of \$69.24

6) Employees applying for the waiver after July 1, 2015 will be eligible for a prorated waiver amount based upon their date of acceptance into the program. Employees who wish to enter the program prior to July 1, 2015 and with approval by town management, will be eligible to receive a prorated waiver amount, however they must agree to stay opted out of the town sponsored health insurance program until June 30, 2018.

7) This waiver incentive is subject to taxes and withholdings as required by law.

8) The first waiver installment will be paid with the first pay period in Fiscal year 2016 or the first pay period after acceptance into the program. Installments will continue until such time as the program concludes, the employee is no longer eligible for the program, or until an employee re-enrolls in a Town sponsored health insurance plan due a qualifying event (see below). Employees who re-enroll in a Town sponsored health insurance plan during this 3–year period due to a qualifying event as described below will not receive any further incentive installments following re-enrollment in a Town sponsored health insurance plan for the remainder of the program.

9) Where spouses are employed by the Town and/or the School Department, or anytime during the three-year period, where one spouse is eligible for family health insurance coverage, neither spouse shall be eligible to participate in the incentive waiver program.

10) Employees who apply for an incentive waiver after July 1, 2015 will be considered for acceptance at the discretion of Town Management.

11) Employees who choose to participate in the waiver program may re-enroll in a Town sponsored health insurance plan during the waiver period only if the employee has a qualifying event as recognized in the plans' underwriting rules. The qualifying events are as follows:

Marriage or divorce

Birth or adoption of a child

Death of a family member

Lack of coverage through no fault of the employee or subscriber

Change in hours which results in a change of employment status.

12) In order to re-enroll in a Town sponsored health insurance plan, an employee must notify the Benefits Coordinator within 30 days of the qualifying event(s) and provide written documentation of the same. When an employee re-enrolls in a Town sponsored health insurance plan, all waiver incentive installments shall cease. Annual open enrollment periods shall not be considered to be a qualifying event.

13) If an employees' position becomes ineligible for health insurance benefits, they will no longer be eligible to participate in the waiver program.

14) The Town is responsible for resolving any issues or disputes that arise regarding the waiver program, its rules, etc. The determination made by the Town shall be final and binding on all parties.

Health Insurance Waiver form can be found in Appendix.

Policy Updated: February 16, 2018

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## **POLICY: 7.10 EMPLOYEE REFERENCE PROCESSING**

### **1. Purpose and Scope**

The purpose of this policy is to establish the procedural requirements for obtaining employee reference based on employment with the Town of Ashland.

### **2. Applicability**

All general government departments are subject to the provisions of this policy.

### **3. Policy**

Employees, supervisors and department heads are prohibited from providing references for current or former employees. The verification of employment with respect to position(s) held, duties performed and dates of employment is permitted by department heads and/or the payroll administrator. All other reference inquiries are to be forwarded to the Human Resources Department.

Policy Updated: February 16, 2017

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## **SECTION 8 – EQUAL EMPLOYMENT OPPORTUNITY POLICIES**

### **POLICY: 8.1 NON DISCRIMINATION**

#### **1. PURPOSE AND SCOPE**

The purpose of this document is to outline the Town's policy of non-discrimination in all areas of employment for present and prospective employees, and to ensure compliance with applicable federal laws, state statutes, and Town bylaws. The duty to provide equal employment opportunity and to pursue affirmative action arises from Title VI and VII of the U.S. Civil Rights Act of 1964, M.G.L. c. 151 (B), Executive Order #11246 (as amended), and Executive Order #227.

#### **2. APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee), vendors, contractors, officials and members of the municipal community.

### **3. DEFINITIONS**

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

**Equal Employment Opportunity** -- a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, active military status or disability.

**Americans with Disabilities Act** -- the federal law enacted in 1990 to ensure nondiscrimination in employment against qualified individuals with disabilities.

**Discrimination** -- unequal treatment or categorization of individuals on a basis other than individual merit such as race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, active military status or disability.

**Individual with a Disability** -- an individual who has a physical or mental impairment that substantially limits one or more of his or her major life activities or who has a record of such an impairment, or who is regarded as having such an impairment. An individual who currently uses drugs illegally, or is a practicing addict or alcoholic, is not considered an individual with a disability.

**Major Life Activities** -- activities that an average person can perform with little or no difficulty, such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, or working.

**Minority** -- the term minority means a person with permanent residence in the United States who is defined as a minority by the federal government.

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

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

**Sexual Harassment** -- unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

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

#### **4. POLICY**

The Town of Ashland recognizes the right of individuals to work and advance based on merit, ability and potential without regard to race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, gender identity, active military status or disability. Non-discrimination and equal opportunity will be the policy of the Town in all of its employment programs and activities.

Toward this end, the Town of Ashland commits itself to take affirmative measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. The Town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds.

**4.1** All Town employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity, not only in the internal affairs of Town departments and agencies, but also in their relations with the public, including those persons and organizations doing business with the Town. The policy of the Town of Ashland is to:

- Recruit, hire and promote in all job classifications without regard to race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, active military status or disability.
- Make decisions about employment so as to encourage the development of a diverse workforce.
- Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, gender identity, active military status or disability.
- Prohibit any kind of harassment based on race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, active military status or disability.
- Prohibit use of both direct and indirect derogatory language regarding race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, active military status, or disability.

#### **4.2 Sexual Harassment**

The Town of Ashland will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from M.G.L. c. 151B and from Title VII of the U.S. Civil Rights Act of 1964, which includes sexual harassment as a form of unlawful discrimination.

#### **4.3 Americans with Disabilities**

The Town of Ashland will not discriminate against people with disabilities in any employment practices or in terms or conditions of employment, including, but not limited to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff, recall, termination, compensation, leaves or benefits.

## **5. PRE-EMPLOYMENT PROCEDURES**

In accordance with the Town's Recruitment and Hiring Policy, all prospective candidates will have the opportunity to self-identify as disabled or as a member of a protected group.

**5.1** Self-identification Forms may be used by the hiring department in order to promote equal employment opportunity. The hiring department will not keep a copy of the Self-identification Form.

**5.2** Hiring managers shall be mindful of the goal of fostering diversity during the hiring process.

## **6. COMPLAINT RESOLUTION PROCESS**

**6.1** The purpose of this procedure is to encourage local resolution of complaints concerning employment. It is important to note that someone is not required to exhaust the Town's procedures prior to filing a state/federal complaint, or taking court action.

**6.2** Anyone who feels that he or she has been discriminated against by the Town of Ashland on the basis of race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, gender identity, active military status or disability in employment practices may file a complaint.

**6.3** The complaint should be in writing and should contain information about the alleged discrimination, including name, address, phone number of grievor and location, date and description of the problem. Reasonable accommodation, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

**6.4** **The complaint should be submitted** in writing to:  
Human Resources Director  
Town Hall  
101 Main Street  
Ashland, MA 01721  
508-881-0100

**6.6** Within fifteen (15) calendar days after receipt of the complaint, the Human Resources Director will meet with the person filing the complaint to discuss the grievance and possible resolutions. Within fifteen (15) calendar days after the meeting, the Human Resources Director will respond in writing, or, where necessary, in a format accessible to the complainant. The response will explain the position of the Town of Ashland and may offer options for substantive resolution of the grievance.

**6.7** If the response by the Human Resources Director does not satisfactorily resolve the issue, the complainant may appeal the decision of the Human Resources Director to the Town Manager by filing a written appeal within fifteen (15) calendar days of receipt of the decision of the Human Resources Director.

- 6.8** Within fifteen (15) calendar days of receipt of the appeal, the Town Manager will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting with the Town Manager, the Town Manager will respond in writing, or, where necessary, in a format accessible to the complainant with a final resolution of the grievance.
- 6.9** All documentation resulting from the complaint resolution process will be kept in the Town of Ashland Human Resources Department. Such documents will remain as confidential as circumstance and/or the law will permit.
- 6.10** This complaint resolution process is meant to be informal, and cannot be legally binding on either party. Any grievance or complaint involving existing or threatened civil or criminal litigation may not be addressed using this informal procedure.

## **7. COMPLAINANT PROTECTION**

No retaliatory action will be taken against those persons who file complaints of sexual harassment or discrimination (believed by them to be true) on the basis of race, sex, age, color, religion, marital status, national origin or ancestry, genetics, sexual orientation, gender identity, active military status or disability, or against individuals who cooperate in such investigations. Anyone knowingly making false accusations or filing complaints for the purpose of malicious intent will be subject to disciplinary action.

## **8. SANCTIONS**

Violation of this policy by Town employees will lead to appropriate disciplinary action up to and including termination from Town service.

### **Attachment A**

#### **Affirmative Action Officer**

Town Manager  
Town Hall  
101 Main Street  
Ashland, MA 01721  
508-881-0100

#### **Affirmative Action Officer Designee**

Human Resources Director  
Town Hall  
101 Main Street  
Ashland, MA 01721  
508-881-0100

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint resolution process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

### **Massachusetts Commission Against Discrimination**

MCAD  
One Ashburton Place  
Room 601  
Boston, MA 02108  
617-994-6000

**United States Equal Employment Opportunity Commission**

EEOC Boston Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
617-565-3200  
617-565-3204 (TTY)

Policy Updated: February 21, 2017

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**POLICY: 8.2 HARASSMENT**

**1. PURPOSE AND SCOPE**

The purpose of this document is to outline the Town's policy on harassment in the workplace, to ensure compliance with applicable federal laws, state statutes, town by-laws and generally agreed upon standards of acceptable, appropriate workplace behavior and to deal effectively and quickly with any incident that might occur.

**2. APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) , vendors, contractors, officials and members of the municipal community.

**3. DEFINITIONS**

Harassment – Unlawful conduct which subjects an employee to unwelcome verbal or physical conduct because of race, religious beliefs, color, national origin or ancestry, gender, mental or physical disability, marital status, family status, source of income, genetics, gender identity, active military duty or sexual orientation. Examples of unlawful harassment that will not be tolerated are:

- verbal or physical abuse;
- threats;
- demeaning, insulting, intimidating or derogatory remarks, jokes, innuendo or taunts about any individual's beliefs, appearance, dress or body;
- the display of demeaning, insulting, offensive, intimidating or suggestive objects, signs or images; or
- demeaning, insulting, intimidating, suggestive or derogatory written, recorded, or electronically transmitted messages.

**4. POLICY**

The Town of Ashland will not tolerate unlawful harassment in the workplace and is committed to maintaining a work environment that is safe, productive and free from all forms of unlawful harassment. Harassment based on race, religion, national origin, sex, disability or sexual orientation is unlawful and prohibited in operations of the Town of Ashland. Retaliation against an individual who files a harassment complaint, or who cooperates in an investigation of a harassment complaint, is against the law and will not be tolerated by the Town.

## **5. PROCEDURES**

### **A. Supervisor Responsibilities**

Department managers and appointing authorities are responsible for the following:

1. disseminating this policy to employees under their supervision;
2. informing employees that harassment is prohibited conduct which will not be tolerated or condoned, and that disciplinary action will be taken against any person who engages in harassment;
3. informing vendors, contractors, and members of the municipal community that harassment is prohibited conduct which will not be tolerated or condoned and that action will be taken to protect employees from such harassment;
4. advising employees, et al. of their right to complain to the Town's Human Resources Director;
5. informing employees, et al. that it is advisable to report conduct which the employee believes to be harassment in a timely manner; and
6. assisting employees, et al. in the complaint resolution process.

### **B. Employee, Vendor, Contractor, Town Officials Responsibilities**

Each individual is personally responsible for:

1. ensuring that his/her conduct does not unlawfully harass any other employee, applicant for employment, or other individual in the workplace;
2. cooperating in any investigation of a report or complaint of alleged harassment;
3. cooperating with the Town's efforts to maintain a work environment free from such unlawful and/or unacceptable discrimination;
4. telling the harasser his/her behavior is unwelcome and asking him/her to stop;
5. keeping a record of incidents (not necessary to file a complaint, but a record can strengthen a case); and
6. filing a complaint, reporting the problem to the department manager, the Human Resources Director or the Town Manager.

### **C. Sanctions**

Any employee found to have engaged in harassment in violation of this policy will be subject to disciplinary action up to and including termination from Town service.

Any vendor, contractor or member of the municipal community found to have engaged in harassment in violation of this policy will be subject to actions, which will prevent further such conduct and protect employees from exposure to an intimidating, offensive or hostile work environment, up to and including the termination of contracts or alteration of service provisions.

## **6. COMPLAINT RESOLUTION PROCESS**

- A. Any individual who believes that he/she has been unlawfully harassed in violation of this policy should report or complain about the situation as soon as possible. The report or

complaint should be made to the department manager, the Human Resources Director or the Town Manager or his/her designee. It is the responsibility of the department manager to immediately inform the Human Resources Director or Town Manager of all reports/claims of harassment.

- B. All such complaints shall be handled promptly and investigated by the Human Resources Director, Town Manager or his/her designee in an impartial manner and kept as confidential as possible. Documents pertaining to such complaints will not be included in the personnel file of the employee filing the complaint. Employees, officials, contractors and vendors are required to cooperate in any investigation. Retaliation against any individual for filing a complaint or participating in an investigation is strictly prohibited.
- C. The Human Resources Director, Town Manager, or his/her designee, shall prepare a written report of the findings of the investigation. If disciplinary action against an employee is deemed warranted, such action will be instituted by the Town Manager if the employee is under his/her jurisdiction. If not under the Town Manager's jurisdiction, the Town Manager shall forward his/her findings to the appropriate appointing authority. If the complaint is against a vendor, contractor or member of the Ashland community, and is deemed warranted the Town Manager shall discuss the matter with the harasser and institute appropriate action(s) to prohibit future incidents.
- D. Any complaints of unlawful harassment against an elected or appointed official shall be submitted to the Town Manager. If, in the opinion of the Town Manager, the complaint cannot be resolved informally between the parties, the Town Manager shall designate a third party to investigate the complaint, prepare a report of the findings and recommendations, and discuss those recommendations with the complainant and the elected or appointed official. The Town Manager may also exercise this third party option in any other harassment complaint scenario if such an option would be the most efficient, effective means of resolution in the best interest of the Town of Ashland and the complainant. The third party shall be an individual who is a human resource professional or lawyer with requisite experience and training in such investigations.
- E. Any employee, supervisor or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. Any contractor, vendor or member of the public who is found to have violated the harassment policy will be subject to appropriate action, up to and including contract termination or other sanctions. The Town of Ashland strictly prohibits any form of retaliation against anyone for bringing bona fide complaints or providing information about harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to appropriate disciplinary action and/or sanction.

## **7. CONSIDERATIONS**

The Town of Ashland has a separate and distinct policy regarding sexual harassment (see: Personal Policy 8.3 Sexual Harassment or speak with the Human Resources Director for assistance). The Town of Ashland has also adopted a policy against violence in the workplace and discrimination (see Personal Policy: 8.5 Workplace Violence and/or 8.1 Non-Discrimination Policy or speak with the Human Resources Director for assistance).

## **POLICY: 8.3 SEXUAL HARASSMENT**

### **1. PURPOSE AND SCOPE**

The purpose of this document is to outline the Town's policy on sexual harassment, and to ensure compliance with applicable federal laws, state statutes, and town by-laws.

### **2. APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) , vendors, contractors, officials and members of the municipal community.

### **3. DEFINITIONS**

Sexual Harassment - That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Hostile Work Environment - pervasive and sexually hostile working conditions which unreasonably interfere with an employee's ability to do his or her job.

Quid Pro Quo ("something for something") - situation in which tangible job benefits are granted or withheld in exchange for sexual favors.

### **4. POLICY**

The Town of Ashland will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from M.G.L. Chapter 151(B), and from Title VII of the U.S. Civil Rights Act of 1964 that includes sexual harassment as a form of unlawful discrimination. Retaliation against an employee who files a sexual harassment complaint, or who cooperates in an investigation of a sexual harassment complaint, is against the law and will not be tolerated by the Town of Ashland.

### **5. PROCEDURES**

#### **A. Supervisor Responsibilities**

Department managers and appointing authorities are responsible for the following:

1. disseminating this policy to employees under their supervision;
2. informing employees that sexual harassment is prohibited conduct which will not be tolerated or condoned, and that disciplinary action will be taken against any person who engages in sexual harassment;
3. advising employees of their right to complain to the Town's Human Resources Director, the Massachusetts Commission Against Discrimination (MCAD), and/or the U.S. Equal Employment Opportunity Commission (EEOC);
4. informing employees that it is advisable to report conduct which the employee believes to be sexual harassment in a timely manner; and
5. assisting the employee in the complaint resolution process.

#### **B. Employee Responsibilities**

Each employee is personally responsible for:

1. ensuring that his/her conduct does not sexually harass any other employee, applicant for employment, or other individual in the workplace;
2. cooperating in any investigation of a report or complaint of alleged sexual harassment; and
3. cooperating with the Town's efforts to maintain a working environment free from such unlawful discrimination.

#### **C. Sanctions**

Any employee found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action up to and including termination from Town service.

#### **6. COMPLAINT RESOLUTION PROCESS (See Attachment A)**

It is the goal of the Town of Ashland to encourage employees to report incidents of sexual harassment immediately so that they may be addressed promptly. The process is designed to promote the sensitive handling of employee issues and the thorough investigation of complaints. Not all situations call for a full-scale investigation. Sometimes it will be sufficient and most desirable to the employee complaining for a supervisor to inform the offender that certain behavior is in fact offensive. Sometimes formal complaints leading to disciplinary action will be appropriate. In either event, the person complaining must be able to receive the advice and support that he or she wants, and the Department Head must receive the assistance he or she needs in addressing the complaint. At the same time, the rights of the person against whom the complaint is being made must also be protected.

Toward these ends, the Town Manager hereby designates the Human Resources Director to serve as the Sexual Harassment Coordinator for Town and the Town Clerk as the secondary Sexual Harassment Coordinator. The Coordinator will be available as a resource to all Department Heads in preventing and addressing sexual harassment, and will coordinate or perform all investigations into complaints. The Coordinator should also be made aware of issues that are handled by supervisors or Department Heads in an informal manner so that the general environment within each Department is being monitored and more training on sexual harassment can be provided to employees of the Department when necessary

- A. Any individual who believes that he/she has been harassed in violation of this policy should report or complain about the situation as soon as possible. The report or complaint should be made to the department manager or the Human Resources Director if the complaint involves the department manager.
- B. All such complaints shall be handled promptly and investigated by the Human Resources Director in an impartial manner and kept as confidential as possible. Documents pertaining to such complaints will not be included in the personnel file of the employee filing the complaint. Employees are required to cooperate in any investigation. Retaliation against any individual for filing a complaint or participating in an investigation is strictly prohibited.
- C. The Human Resources Director shall prepare a written report of the findings of the investigation with recommendations to the Town Manager. If disciplinary action against an employee is deemed warranted, such action will be instituted by the Town Manager if the employee is under his/her jurisdiction. If not under the Town Manager's jurisdiction, the Town Manager shall report the findings of the Human Resources Director to the appropriate appointing authority.
- D. An employee who is unwilling to make a complaint to the Human Resource Director may file a complaint directly with the MCAD or EEOC. These agencies may investigate the situation and may or may not issue a complaint.

## **7. CONSIDERATIONS**

Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee, or by a supervisory employee to a subordinate employee. The Town's view of sexual harassment includes, but is not limited to, the following considerations:

- A. A man as well as a woman may be the victim of sexual harassment, and a woman may be the harasser.
- B. The harasser does not have to be the victim's supervisor. (S)he may be a supervisory employee who does not supervise the victim, a co-worker, or even a non-employee, such as a board member, member of the public, or a vendor to the Town.
- C. The victim does not have to be of the opposite sex from the harasser.
- D. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. (S)he may also be someone who is affected by such conduct when it is directed toward another person. The sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another employee, or may unreasonably interfere with the co-worker's performance.
- E. Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. Improper sexual advances, which do not result in the loss of a promotion by the victim, or the discharge of the victim, nonetheless constitute sexual harassment by unreasonably interfering with the victim's work or by creating a hostile or offensive work environment.

F. “Quid pro quo” harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. It occurs when:

submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or

submission to or rejection of such conduct by an individual is used as the basis for employment decisions, including hiring, firing, promotions, compensation, etc., affecting that individual.

Therefore, it is sexual harassment if an employee is told, or reasonably led to believe, that engaging in sexual conduct will have a positive effect on his or her employment situation or that failure to engage in sexual conduct will have a negative effect on his or her employment status.

G. “Hostile environment sexual harassment” exists when:

The unwelcome sexual conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or of creating an intimidating, hostile, humiliating or offensive working environment.

Among the things that can contribute to a hostile workplace or environment are:

- discussions of individual employee’s sexual activities and/or interests;
- magazines, books, posters, screensavers, etc., that display men or women in various stages of undress or in provocative poses;
- birthday or farewell parties or other celebrations that feature cards, cakes, other food items or performances of a sexual nature;
- touching or commenting on any traditionally sexual part of a person’s body;
- continuing to invite an individual to engage in social or sexual activities after being informed that the individual is not interested;
- continuing to refer to an individual using demeaning or inappropriate language after being asked to stop;
- continuing to touch an individual in a nonsexual area of the body after being informed that such contact is not welcome;
- leering at a person’s body; and
- jokes or stories of a sexual nature.

Whether behavior creates a hostile environment and thus constitutes sexual harassment will ultimately turn on the facts of the situation. Different people may view the same facts in a different light. Since it is not possible to define exactly what would and would not be found to be sexual harassment, all employees would be well advised to avoid behavior that comes close to the line.

Supervisors and managers need to be particularly aware that even behavior that appears to be accepted or tolerated can cause offense to those directly involved, or to those who

might overhear or learn of such behavior. Asking whether people are offended is unlikely to satisfactorily address the problem since individuals may not feel comfortable speaking their minds. All such conversation should stop immediately if there is any indication from anyone that it is unwelcome or offensive.

## **8. SANCTIONS**

Violation of this policy by Town employees will lead to appropriate disciplinary action up to and including termination from Town service.

### **WHAT TO DO IF YOU BELIEVE YOU HAVE BEEN SEXUALLY HARASSED**

#### **FOR INFORMAL RESOLUTION OF YOUR SEXUAL HARASSMENT CONCERNS**

1. You can raise the issue in your Department with either your Supervisor or the Department Manager.

OR

2. You can go to the Human Resources Director, designated as the Sexual Harassment Coordinator, whose telephone number at Town Hall is 508-881-0100.

OR

3. You can go to the Town Manager, who can be reached at the Town Hall by calling 508-881-0100.

Wherever you go, attempts will be made to resolve the matter to your satisfaction.

#### **FOR PROCEEDING WITH A FORMAL COMPLAINT OF SEXUAL HARASSMENT**

1. You can file a written complaint through your Department with your supervisor or with the department manager,

OR

2. You can go to the Human Resources Director who will counsel you and then, as needed and appropriate, undertake an investigation into your complaint.

You are encouraged to bring your reports of sexual harassment to your supervisor or to your Department Head at the earliest opportunity. If for any reason, however, you do not want to report the matter to your supervisor or to your Department Head, you should feel free to report the harassment to the Human Resources Director or directly to the Town Manager. The Human Resources Director can advise you of your rights, assist, and support you through the complaint process.

State and federal laws protect all employees from retaliation for filing a complaint of sexual harassment, or for cooperating in an investigation of a complaint of sexual harassment.

For more information, you can contact:

MCAD (Massachusetts Commission Against Discrimination)  
One Ashburton Place, Boston, MA 02108  
(617) 994-6000

Policy Updated: February 16, 2017

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## **POLICY: 8.4 PROFESSIONAL CONDUCT**

### **1. PURPOSE AND SCOPE**

The purpose of this document is to outline the Town's policy on conduct in the workplace, to ensure compliance with applicable federal laws, state statutes, and town by-laws and to define standards of acceptable, appropriate workplace behavior.

### **2. APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) , vendors, contractors, officials and members of the municipal community. Employees whose service is governed by collective bargaining agreement are subject only to those portions of this document, which are not specifically regulated by agreement and/or policy.

### **3. POLICY**

The intent of this policy is to ensure that: 1) employees meet the Town's legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and 3) disciplinary action initiated against an employee is fair and appropriate.

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times having 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 required 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; to maintain all qualifications necessary for the performance of their duties legally and efficiently; to conduct themselves professionally and not gossip or malign another person's character; and to ensure full compliance with federal and state laws and Town policies pertaining to public employment in the Town of Ashland.

### **4. SANCTIONS**

An employee who violates this policy may be subject to discipline, up to and including termination.

## **POLICY: 8.5 WORKPLACE VIOLENCE**

### **1. PURPOSE AND SCOPE**

The Town of Ashland maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the public, and/or anyone who conducts business with the Town. The Town aims to provide a workplace, which is free from intimidation, threats, or violent acts.

### **2. DEFINITIONS**

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the expression of an intention 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. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property, which includes property owned by the Town, employees, or others.

### **3. APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) , vendors, contractors, officials and members of the municipal community.

### **4. POLICY**

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, providing a reporting hierarchy within which to report incidents of violence without fear of reprisal; and prohibiting all employees who are not sworn officers of the Police Department from possession of a firearm, or other dangerous weapon as listed in Chapter 269, Section 10 of the Massachusetts General Laws, on Town property or in a Town vehicle.

### **5. PROCEDURES**

**5.1** Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the Department Manager. The Department Manager will assess and investigate the incident and determine the appropriate action to be taken. The Department Manager will inform the Town Manager of all reported incidents of workplace violence and will inform the employee who is victimized of their right to have the Police Department notified. The Department Manager will commit to writing the facts surrounding any incident of violent behavior.

**5.2** In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly

notified. As necessitated by the seriousness of the incident, the Town Manager may assemble a Management Response Team that consists of staff from the Department subjected to the act or threat of violence, Human Resources Department, Town Counsel, and may include the Employee Assistance Program, Police Department and others as deemed necessary.

The Management Response Team is responsible for establishing the prescribed actions to be taken in order to address a threat or violent incident. Such actions may include, but are not limited to:

- evaluating the potential violence problems,
- assessing an employee's fitness for duty (through mental health professionals),
- establishing a plan for the protection of co-workers and other potential targets,
- coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel,
- referring victims to appropriate assistance and community service programs,
- assuring that immediate (within 24 hours) and on-going counseling is available to traumatized employees.

**5.3** 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 Department Manager and/or Human Resources Director for investigation and decision regarding proper action.

**5.4** On an as needed basis, the Department Manager may request a security audit from the Police Department to identify appropriate workplace security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

**5.5** The Human Resources Director, or his/her designee, will orient all new employees to procedures set forth in this policy regarding reporting incidents of violence, what to do if the employee is threatened and/or if an incident of violence actually takes place, and steps for dealing with the after effects of an act of violence.

**5.6** Department Managers may offer additional referral services from the Town's Employee Assistance Program to any employee who becomes the victim of an incident of workplace violence.

## **6. SANCTIONS**

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the Town Manager, Department Manager, or Police to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Policy Updated: February 16, 2017

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## **POLICY: 8.6 WHISTLEBLOWER PROTECTION**

### **PURPOSE AND SCOPE:**

In addition to whistleblower protections provided by federal and state laws, this policy provides that retaliation against employees is prohibited.

No appointing authority or supervisor shall initiate or administer any disciplinary action, deny a promotional opportunity, write an adverse job performance evaluation or in any way adversely affect an employee on account of the employee's disclosure of information. This section shall not apply to:

1. An employee who discloses information that the employee knows to be false or who discloses information with disregard for the truth or falsity of the information.
2. An employee who discloses information from public records that are closed to public inspection pursuant to the Massachusetts Public Records Law.
3. An employee who discloses information that is confidential under any other provision of law.

It shall be the obligation of an employee who discloses information under this part to make a good faith effort to provide to their supervisor or appointing authority or the Finance Director, the information to be disclosed prior to its public disclosure.

#### **SECURITY AND CONFIDENTIALITY**

All work products of the Town's investigations, including but not limited to working papers, notes, interviews, and other information relating to investigations will not be shared, discussed, or given to anyone without an absolute need to know or pursuant to Court Order. The Town Manager will provide a secure environment for the storage of all work-in-process regarding investigations, subject to law.

Policy Updated: February 16, 2017

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### **SECTION 9 – LEAVE ADMINISTRATION (NON-UNION)**

#### **POLICY: 9.1 COMPENSATORY TIME**

##### **1. PURPOSE AND SCOPE**

The purpose of this document is to establish management guidelines for granting overtime compensatory leave in lieu of overtime pay and to outline the circumstances in which municipal non-exempt employees may be authorized to receive compensatory leave.

##### **2. APPLICABILITY**

All employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) are subject to the provisions of these guidelines. Employees whose service is governed by collective bargaining agreement are subject only to those portions of this document, which are not specifically regulated by agreement. Exempt employees are not eligible to receive compensatory time or overtime pay.

### **3. DEFINITIONS**

Compensatory Leave: Time off in lieu of wages for hours worked in excess of an employee's normally scheduled work hours per week over 40 hours.

Non-exempt Employees: Those employees who are entitled to receive overtime compensation in accordance with the U. S. Fair Labor Standards Act (FLSA), as determined by the Human Resources Director (generally non-management and support staff).

Exempt Employees: Those employees who are typically excluded from overtime compensation in accordance with the U.S. Fair Labor Standards Act (FLSA), as determined by the Human Resources Director (generally management, administrative and professional staff).

Overtime: Approved hours worked in excess of 40 (scheduled hours) per week.

Overtime Payment: The payment at a rate of one and one-half of an employee's regular rate of pay to compensate for approved hours in excess of forty (40) hours per week with the exception of firefighters who work a contractual 42-hour week based on an eight (8) week cycle.

### **4. POLICY**

- Department Managers are responsible for managing the annual personal services budget to which their Department must adhere. Compensatory leave is not to be awarded as a means to circumvent budgetary obligations; it should be allowed only when absolutely necessary and should be monitored by the Department Manager to ensure an employee does not carry an excessive or prolonged leave balance.
- No Department Manager may allow an employee to accumulate in excess of 32 hours of compensatory time without the express written approval of the Town Manager or designee.
- Department Managers are required to submit reports of accumulated compensatory time for all eligible departmental employees as part of the payroll process

Earning of Compensatory Time:

- Department Managers are responsible for authorizing any additional hours worked by staff members and crediting them to the employee's compensatory leave.
- Non-exempt employees must request compensatory time in lieu of payment. Department Managers, at their sole discretion, may decide to pay the employee, rather than grant compensatory time. Non-exempt employees working in excess of their scheduled hours have the prerogative to require that they be paid rather than be granted compensatory time.

Use of Compensatory Time:

- Department Heads are responsible for approving when accumulated compensatory hours can be used to cause the least disruption in the operation of the department.

### **5. TERMINATIONS**

Per FLSA, upon termination, an employee must be paid for all unused compensatory time at his/her regular rate of pay in force at the time of termination. This payment is charged to the department's salary line-item account.

## **POLICY: 9.2 SICK (NON-OCCUPATIONAL) AND PERSONAL LEAVE**

### **1. PURPOSE AND SCOPE**

The purpose of this document is to set forth the Town's policy and procedures governing the use and accumulation of non-occupational sick and personal leave.

### **2. APPLICABILITY**

This policy applies to all non-union, full-time and permanent part-time General Government employees (excluding school employees) who regularly work a minimum of 20 hours per week. Employees whose service is governed by collective bargaining agreements are subject only to those portions of this policy, which are not specifically regulated by the applicable collective bargaining agreement.

### **3. DEFINITIONS**

*Absence:* Any period during which an employee is not at work for which the employee is scheduled to work.

*Leave Without Pay:* An absence, which may not be charged, to accumulated leave. Such absences are either authorized leave of absence without pay that are approved by the Department Manager; or absence without leave for which no authorization has been given.

*Sick Leave (Non-occupational):* The conditional benefit for an employee's approved use during periods of non-work-related illness, as outlined below.

*Personal Leave:* The conditional benefit for an employee's approved use for the purpose of attending to personal business, which unavoidably conflicts with the employee's work schedule, such as attending a memorial service for a person not covered under the Town's bereavement policy, or to observe religious holidays, and the like. Personal days are meant to provide some flexibility in the employee's balance of work, home life and personal matters. Personal days must be pre-approved by your supervisor. Personal days will not be approved for frivolous endeavors, such as shopping, or for the purpose of extending or increasing vacation time.

### **4. POLICY**

Regular full-time and permanent part-time employees who regularly work a minimum of 20 hours per week are eligible to accrue and use non-occupational sick leave for non-work related illness and specified personal use as provided hereunder. In the event of an emergency, such as a pandemic or other public health and public safety related situations, the Town Manager may grant sick leave to an otherwise non-eligible employee.

### **5. PROCEDURES**

#### **5.1 Accrual**

5.1.1 Regular, full-time employees shall be eligible to accrue sick leave with pay on the basis of one (1.00) working day for each full month of service for a total of twelve (12) days per year of continuous employment until a maximum of ninety (90)

days of sick leave is accrued, i.e. employees may not accumulate more than sixty-five (90) days of sick leave.

- 5.1.2 Part-time, permanent employees who work a regular schedule of twenty (20) hours or more per week shall be entitled to sick leave accruals pro-rated based on regular hours scheduled. That is, if an employee regularly works twenty (20) hours per week, then her/his monthly accrual would be based on a 20/40 hour workweek and accrue 4 hours per month for a total potential of 48 hours per 12 months. However, on a day an employee uses sick leave, the employee will be charged the actual number of hours leave for which s/he is normally scheduled.
  - 5.1.3 Sick leave credit shall accrue to employees on the first day of the month following completion of required service.
  - 5.1.4 An employee will not accrue sick leave credits for any calendar month in which he/she was on leave without pay, absent without pay, or receiving workers' compensation for more than ten (10) days.
  - 5.1.5 In the event of an emergency, such as a pandemic or other public health and public safety related situations, the Town Manager may advance a new employee's sick leave to be credited back to the Town once as the employee accrued sick leave as stated in section 5.1.1 of this policy.
  - 5.1.6 Employees who work full-time or a minimum of 20 hours per week, whose personal days shall be prorated, shall receive thirty-two (32) hours of personal time on July 1<sup>st</sup> of each new fiscal year. Personal time shall not be "carried over" into the next fiscal year.
  - 5.1.7 Personal days shall be considered as a privilege, which should be used to take care of personal business or to address special instances or emergencies. Personal days shall be taken in one-half day or full day increments. Personal days cannot be used in conjunction with vacation, holidays or sick days unless with approval of the departmental head.
  - 5.1.8 Personal days shall not be considered hours worked. Unused personal days shall not be reimbursed upon termination for any reason.
- 5.2 Use
- 5.2.1 Employees may use non-occupational sick leave when they are incapacitated from the performance of duties by personal illness, leave as part of the Domestic Violence Leave Act, injury or quarantine by public health authorities.
  - 5.2.2 Employees may also use up to five (5) days of sick leave (non-occupational) per fiscal year (if available) to provide care for an ill parent, spouse or child of the employee or for dental or medical appointments. At the discretion of the Town Manager, additional use of sick leave may be granted due to extenuating circumstances. Such leave used under this section will count toward any Small Necessity Leave the employee may be eligible to receive.

- 5.2.3 The Department Manager or the Town Manager may require the employee to submit medical documentation by a practicing medical professional to substantiate the use of sick leave for the purpose of care provision or preventive/wellness measures or medical/dental appointments.
- 5.2.4 A Department Manager and/or the Town Manager may require proof of illness. An absence for more than three (3) consecutive workdays or five days in a fiscal year shall be substantiated by a physician's certification or explanation by the employee satisfactory to the Department Manager and/or the Town Manager.
- 5.2.5 Sick leave shall be allowed for use in the instances stated above and shall not be used to extend or increase vacation or any other leave time.
- 5.2.6 Vacation leave may be used for absence due to illness when accrued sick leave has been exhausted.
- 5.2.7 An employee whose absence from duty is the result of criminal misconduct shall not be entitled to sick leave and shall not be paid for the period of such absence.

### 5.3 Notification

- 5.3.1 Prior to the time set for the beginning of an employee's regular duties, if possible, and not more than one-half hour after such time for beginning work, an employee must notify his or her Department Manager if he or she is unable to report for work because of sickness.
- 5.3.2 Employees using the allowable allocation of personal leave must obtain prior authorization from the Department Manager or Town Manager at least seventy-two hours in advance, except in special circumstances where the Department Manager or Town Manager may waive advanced notification.
- 5.3.3 Failure of the employee to provide such notification may be sufficient grounds to deny the use of non-occupational sick leave even if the employee is genuinely ill. The employee must be granted the opportunity to provide a satisfactory explanation as to why he/she did not call within the stated time-frame.
- 5.3.4 Except in emergency situations or in situations with prior Department Manager or Town Manager approval, the employee must call the work location him/herself, on each day of the absence.

### 5.4 Suspected Abuse

- 5.4.1 The following conduct may be considered abuse of sick leave: excessive absenteeism, pattern sick leave, or engaging in other employment while on sick leave. Whenever a Department Manager has reason to believe that an employee is abusing sick leave, the Department Manager or the Town Manager may require the employee(s) to provide written medical verification of illness as outlined in Section 5.5. Requests for medical verification should generally be made during or immediately following the absence in question.

- 5.4.2 Any employee who abuses or violates the policy, procedures or considerations of this document shall be subject to disciplinary action up to and including termination.

5.5 Medical Verification/Fitness for Duty

5.5.1 Medical verification of illness must be satisfactory in the judgment of the Department Manager and/or Town Manager. To be satisfactory, the information may include (but need not be limited to) the following: the date the employee was seen; the nature of the incapacity; the estimated time for which the employee (or family member) will be incapacitated; and a certification that the employee is unable to work on the day(s) for which verification is requested.

5.5.2 Medical verification documents must be signed by the health care provider who has examined the employee.

5.5.3 An employee who fails to provide medical verification within seven (7) calendar days of a request shall be denied payment for non-occupational sick leave for the relevant period, and may be subject to disciplinary action.

5.5.4 In order to ensure fitness to perform the essential functions of their positions, employees may be required to submit medical verification of their current ability to perform their essential job functions upon return to work following use of sick leave in excess of ten (10) consecutive work days, or after hospitalization or surgery.

5.6 On the job injury

Any absence from duty, which is caused by an accident, or injury that occurred while the employee was on duty shall not be charged against the accrued sick leave of the employee, unless the period of absence is not compensable under Workers' Compensation standards.

5.7 Payment of Accumulated Sick Leave

There is no payment of accumulated sick leave.

**6. CONSIDERATIONS**

An employee who has been granted personal medical leave under the Family and Medical Leave Act shall use accrued sick leave, to the extent available. An employee taking care of a family member under the Family and Medical Leave Act may use accrued sick leave as allowed in 5.2.2 above.

Policy Updated: July 1, 2023

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**POLICY: 9.3 VACATION LEAVE**

**1. PURPOSE AND SCOPE**

The purpose of this document is to outline the Town’s policies on vacation use and accrual, and to ensure that employees’ vacation benefits are implemented equitably and consistently.

**2. APPLICABILITY**

This policy applies to all General Government, non-union permanent full-time and part-time employees who regularly work twenty (20) or more hours per week.

**3. DEFINITIONS**

Anniversary date: date employee began permanent full-time or part-time employment (20 hours or more per week) with the Town of Ashland, unless otherwise stipulated by relevant policy.

**4. POLICY**

It is the policy of the Town of Ashland to grant employees vacation leave for service performed for the Town. Employees are credited with earned vacation on July 1<sup>st</sup> of each year, subject to a maximum vacation accrual cap. Vacation leave requests shall be approved in advance by the Department Manager.

**5. PROCEDURES**

5.1 Accrual

5.1.1 Vacation leave shall be provided on July 1<sup>st</sup> of each year based on length of continuous service from the anniversary date of eligible employment at the following annual rates and based upon the number of hours in the employee’s regular workweek:

**Non-Union Employees:**

**Years of Service\***

<u>At least</u>	<u>but less than</u>	<u>Leave</u>
1 years	7 years	15 days
7 years	14 years	20 days
14 years	20 years	25 days
21 years		26 days
22 years		27 days
23 years		28 days
24 years		29 days
25 years		30 days

**Department Heads:**

**Years of Service\***

<u>At least</u>	<u>but less than</u>	<u>Leave</u>
0 months**	5 years	15 days
5 year	10 years	20 days
10 years	15 years	25 days
16 years		26 days
17 years		27 days
18 years		28 days
19 years		29 days

20 years

30 days

\*The years of service must have been completed prior to July 1<sup>st</sup> in any year to have earned vacation leave in the next fiscal year.

\*\*Vacation accruals will be prorated at hire. Full vacation accrual on July 1<sup>st</sup>.

5.1.2 Those employees hired prior to November 1, 2006 with 20 + years of experience shall earn one additional day up to a maximum of 30 days of annual vacation leave.

5.1.3 An employee who reaches his/her anniversary date, which would entitle the employee to additional vacation leave, will receive one additional vacation day for each seventy-three day period between the employee's anniversary date and the following June 30<sup>th</sup>.

Formula:  $(\text{June } 30^{\text{th}} - \text{anniversary date}) \div 73 = \# \text{ of additional vacation days rounded down the nearest whole number.}$

5.1.4 Vacation leave shall accrue for permanent part-time employees who work twenty (20) or more hours per week on a prorated basis, i.e. vacation time shall accrue in the same proportion that his or her part-time service bears to full-time service.

5.1.5 An employee may carry forward no more than one-half of their annual vacation allotment into the next fiscal year; provided, however, that the limit shall be extended for a maximum of sixty (60) days if departmental scheduling or other extenuating circumstances relating to the functioning of the department preclude the use of vacation leave at the time at the discretion of the Town Manager. Vacation leave not used, unless subject to this section, shall be lost by the employee.

5.1.5.a In extreme, unforeseeable circumstances, when it would be impractical for an employee to take her/his vacation leave (such as employee illness, staff turnover or departmental workload, etc.) an employee, with the approval of her/his department manager, may petition the Town Manager for a waiver of the maximum accrual cap (section 5.1.5 above) and may be granted said waiver. Waiver or temporary increase in the maximum accrual cap, may be granted only on an annual basis and in no instance for more than two consecutive years.

5.1.6 The Town Manager may approve an accelerated vacation accrual rate as part of an employment agreement for new professional staff based upon previous service in a similar position. Such an accelerated rate may be granted in whole year increments.

## 5.2 Use

5.2.1 Employees become eligible to use accrued vacation leave after six (6) months of continuous employment with the Town of Ashland. Exceptions may be granted upon request to the Department Head or supervisor with Town Manager approval.

5.2.2 Employees must schedule vacation leave through department managers and at the convenience of the Town. Whenever possible, employees shall be granted the requested vacation leave, however, should two or more employees request the same vacation leave time and in the opinion of the department manager, or Town Manager, the requirements of coverage or service cannot accommodate more than one scheduled leave, the department manager shall determine which employee shall be granted the vacation leave taking into consideration which employee first submitted the vacation request and/or the urgency of the need for vacation.

5.2.3 Should a holiday occur during an employee's vacation leave, the pay for that day shall be charged to holiday pay, not vacation leave accrual.

5.2.4. The department manager may, in her/his discretion, choose to apply an employee's vacation accrual in lieu of authorizing the employee to take an unpaid leave.

5.2.5 Pay in lieu of vacation is not allowed except in the case of employee termination.

5.2.6 The minimum allowable time to be charged for annual vacation time leave is one-half day. A regularly scheduled day is determined by dividing regularly scheduled hours per day. For example, if an employee regularly is scheduled for an eight hour shift, they would be allowed to charge four hours to take a half day off as vacation time. If the employee would like to take a half day off on a day where they are regularly scheduled to work 11 hours, they would be charged five and a half hours.

5.3 Termination: When an employee leaves Town of Ashland service for any reason, s/he will be paid an amount equal to the vacation allowance accrued but unused, as of the date of termination.

## **6. CONSIDERATIONS**

6.1 Workers' compensation leave or non-occupational sick leave with pay shall not break continuity of service, and the time the employee is out on such injury or illness leave shall be included in computing years of service for vacation purposes.

6.2 Leave of absence for military service, when such service is required to meet the current national or state needs or requirements for minimum training of citizens, shall not break the continuity of service and the time of such leave shall be included in computing years of service for vacation purposes.

6.2.1 An employee on a leave of absence for military service for more than six (6) months will cease to accrue vacation leave. Upon return to work, the accruals will resume.

6.2.2 An employee who would lose accumulated vacation leave while on extended military service due to reaching the maximum accrual shall be allowed to carry forward all vacation leave accrued but not used as of the day of the commencement of extended military service. However, such additional leave shall be taken within one full year of the employee's return to work.

6.3 Family medical leave or an extended medical leave shall not result in a break in continuity of service and the time of such leave shall be included in computing years of service for vacation purposes. Employees utilizing accrued vacation, personal or sick leave while on FMLA or extended medical leave shall continue to accrue vacation while receiving leave pay during the leave. Employees on unpaid leave will not accrue vacation leave until the employee resumes work.

6.4 In the event that other circumstances arise which result in a break in continuity of service, such as a person resigns and then comes back to the employment of the Town, service prior to the break will not be counted in computing time for vacation purposes unless stipulated under another applicable Town of Ashland personnel policy or circumstances determine eligibility for Town Manager waiver.

Policy Updated: July 1, 2023

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## **POLICY: 9.4 FLEXIBLE SCHEDULES**

### **1. Purpose and Scope**

To allow full-time employees flexibility in scheduling their work hours where it is reasonable and practical to do so and where operational needs will not be adversely affected.

### **2. Applicability**

This policy applies to all departments of the Town of Ashland (excluding those under the supervision and control of the School Committee). Positions governed by collective bargaining agreement and seasonal recreation staff members are subject only to those portions of this policy that are not specifically regulated by law, agreement or established policy.

### **3. Definitions**

**Flexitime:** a schedule by which an employee may work an alternate work schedule within specific limits dictated by the needs of the job, and is subject to management review, approval and revocation.

**Exempt Employee:** an employee whose position exempts her/him from overtime pay. Exempt employees are not eligible for compensatory time but may be eligible for “flex time.”

**Non-Exempt Employee:** an employee whose position makes her/him subject to overtime pay when the employee works over forty hours in a given work week. Non-exempt employees may be eligible for compensatory time (see Compensatory Time policy).

**Peak Hour Flexitime:** This flexitime schedule shifts daily work hours while still working a 7.5 or 8-hour day. For instance, instead of the normal 8:00-4:00 day, an employee could work from 7:00 – 3:00, 7:30-3:30, 9:00-6:00, etc. Working any arrangement of hours amounting to a 7.5 or 8-hour day constitutes a valid workday. It is important to remember that the level of service must be maintained during peak hours, which are from 8:00 AM to 4:00 PM. Therefore, supervisors will need to coordinate the schedules of all flexitime participants to ensure ample coverage during these hours.

**Adjusted Lunch Period:** This flextime schedule allows employees to adjust the length of their lunch period, while still working a 7.5 or 8-hour day. An employee can take a minimum of 30 minutes and a maximum of two hours for lunch. For instance, an employee might want to go to the gym every day from 11-1 and consequently leave work at 5:30 rather than 4:00.

**Compressed Work Week:** To maintain this flextime arrangement, an employee works a full 37.5 or 40-hour workweek at an altered schedule. For instance, an employee may work on a two week rotating basis; one week an employee would work a regular 8:00 AM - 4:00 PM, five day week (40 hour week) and the next they work a compressed schedule, which is four, 9.25-hour days and one 3.0-hour day.

**Peak Hours:** Hours established by the Town Manager are the hours during which all employees must be on the job with the exception of lunch breaks.

**Band Width:** Established by the Town Manager and is the span of time beginning at the earliest time an employee may start work and ending at the latest time an employee may stop work.

#### **4. Policy**

Department managers shall ensure that flextime is administered consistently and equitably within the department, and that flextime arrangements conform to Town policies. Department Managers shall also ensure that staffing is always available to meet the operational requirements of the department.

The employee plans and organizes his or her time to meet the job requirements established by the Department Manager.

#### **5. Procedures**

The Town Manager must approve the Department Manager's proposed flextime schedule(s). With the Town Manager's approval, the Department Manager may, at her/his discretion, implement, continue, discontinue or modify flextime work schedules. At the Town's discretion, the employee may be returned to a standard work schedule.

Non-exempt, full-time employees shall complete a minimum of thirty seven and one-half (37.5) or forty (40) hours of work in a one-week period (depending upon the position's defined schedule.) The flex schedule shall not result in the employee being paid for additional hours at either the straight or overtime rate.

Exempt, full-time employees who are scheduled to work thirty-seven and one-half (37.5) or forty (40) hours should regularly work their scheduled hours in a given workweek. However, in light of early morning, evening and weekend meetings and events, exempt employees can flex their hours to acknowledge the extra hours worked during normally off hours within reason and with prior approval from the Department Manager and/or Town Manager.

**Computation of Vacation/Overtime/Sick Leave:** The accrual of these benefits is the same for employees working flextime as for those working a standard schedule.

Departments wishing to implement flextime schedules for their employees should begin the flextime arrangement with a three-month pilot program. During the pilot, the department manager should gather data to evaluate any significant effects resulting from the flextime schedule(s). It is recommended the information include data on the following:

- Public feedback regarding changes in customer service
- Changes in absenteeism
- Decreased or increased turnover
- Changes in punctuality
- Increases in non-exempt straight pay overtime and premium overtime
- Workload issues such as increased or decreased work product or trouble meeting deadlines

Upon completion of the pilot program, the Department Manager should review the data for any inconsistencies or problem areas. The Department Manager should also survey the opinions of all staff. The data from the pilot evaluation and the opinion survey should be presented to the Town Manager and used to determine whether to continue the program.

Flextime schedules should also be evaluated on an annual basis to see that they are still viable and are still meeting department and employee needs.

Policy Updated: February 16, 2017

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## **POLICY: 9.5 FAMILY AND MEDICAL LEAVE ACT**

It is the policy of the Town of Ashland to provide leave in accordance with the Family and Medical Leave Act of 1993. The Family and Medical Leave Act (FMLA) is a federal law that provides unpaid leave for eligible employees who need extended time away from work due to their own or a family member's serious health condition(s) or the birth or adoption of a child. Eligible employees may take up to 12 weeks of FMLA leave during any 12-month period. The Massachusetts Parental Leave Act, formally MMLA, allows for up to eight (8) weeks of unpaid leave for an employee with at least three (3) months of service. Any parental leave, which qualifies under both state and federal laws, will be used concurrently to the extent permitted by those laws.

### **Eligible Employee:**

Individuals who have worked for the Town for at least 12 months and provided at least 1,250 hours of service during the twelve months before the leave commences.

This policy applies to all departments of the Town of Ashland (excluding those under the supervision and control of the School Committee). Positions governed by collective bargaining agreement and seasonal recreation staff members are subject only to those portions of this policy that are not specifically regulated by law, agreement or established policy.

### **Qualified Reasons for FMLA leave:**

- o Serious Health Condition: A “serious health condition” which prevents the employee from performing the functions of his/her job.
- o Birth, Adoption or Foster Care: The birth of a child and to care for the child or the adoption or placement for foster care of a child under 18 or over 18 if the child has a physical or mental disability and is unable to care for him/herself (age 23 for the Massachusetts Parental Leave Act, formally MMLA for the adoption of a child with a physical or mental disability).
- o Family Illness: To care for a child, parent or spouse who has a serious health condition.

**Definitions:**

*Child:* Biological, adopted or foster children, stepchildren or the child of a person with legal guardianship or who has day-to-day responsibilities to care for and financially support a child, even if there is no biological or legal relationship.

*Concurrent Leave:* State and federal mandated leave entitlements normally run concurrently with each other and with leave provisions under any applicable collective bargaining agreement or policy.

*Health Care Provider:* A doctor of medicine or osteopathy authorized to practice medicine or surgery by the State in which the doctor practices; a clinical social worker or a Christian Science practitioner or any other person determined by the Secretary of Labor, to be capable of providing health care services as defined under FMLA regulations.

*Intermittent Leave:* Time away from the job taken in separate blocks of time due to a serious health condition.

*Parent:* The biological parent, or persons who have day-to-day responsibility to care for and financially support a child. Parents-in-law are NOT included.

*Reduced Leave Schedule:* Reduction in the number of hours per workday or workweek.

*Serious Health Condition:* An illness, injury, impairment or physical or mental condition that involves:

- o Treatment as an inpatient – in a hospital, hospice or residential medical care facility; or
- o A health condition that requires continuing treatment by a health care provider.

Continuing Treatment includes:

- Two or more treatments by a health care provider; or
- Two or more treatments by a health care practitioner on referral from, or under the direction of a healthcare provider; or
- A single visit to a health care provider that results in a regimen of continuing treatment under the supervision of a health care provider, or
- A health condition that requires continuing treatment by or under the supervision of a health care provider for a chronic or long term health condition that is incurable or so serious, that if untreated, would likely result in an absence from work of more than three days.

*Examples of serious health conditions include:* Heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical

procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, diabetes, epilepsy, asthma, alcoholism, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accident on or off the job, the need for prenatal care, childbirth and recover from childbirth.

*Twelve Month Period:* The “rolling” twelve-month period measured backward from the date any employee uses any FMLA leave.

*Spouse:* Defined in accordance with applicable State law. Unmarried domestic partners do not qualify for FMLA leave to care for their partner. In addition, married couples that work for the Town are limited to a combined 12 workweeks during the 12-month period if leave is taken for birth or placement for adoption or foster care of a child or to care for a sick parent. Such leave to care for birth or placement for adoption or foster care of a child must be taken within 12 months beginning on the date of birth or placement for adoption or foster care.

**Procedure:**

*Notice of Intent to Use Leave:*

Eligible employees will provide written notice of their intent to use FMLA leave to the Town Manager or Human Resources Director, thirty days in advance when the leave is foreseeable. For example, the birth or placement of a child for adoption or foster care, or planned medical treatment. When unforeseen events occur that require FMLA leave the employee or representative of the employee must, provide written notice as soon as both possible and practical but in no event later than one or two working days of learning the need for the leave except in extraordinary circumstances. The notice will include the reason for the leave, the date the leave shall begin and the intended date of return.

While planning medical treatments, employees should “consult” with the Town when giving notice and make reasonable efforts to schedule the leave so as not to unduly disrupt the Town’s operations.

**Medical Certification:**

Leave to care for an employee’s seriously-ill family member, or leave due to a serious health condition that makes the employee unable to perform the essential functions of the employee’s job, must be supported by certification by a health care provider. Employees must provide the certification within fifteen calendar days. If the need for leave was not foreseeable, the employee must still provide the certification as soon as both possible and practical thereafter. Certification shall include;

- o Identification of the practitioner and the type of medical practice.
- o The date of the serious health condition commenced and the probable duration of the condition.
- o Diagnosis of a serious health condition.
- o Statement of the regimen of treatment prescribed for the condition (including estimated number of visits, nature frequency and duration of treatment, including referred or ordered treatment to other health care providers and whether inpatient hospitalized is required) for intermittent leave or leave on a reduced leave schedule, a statement of the medical necessity for such leave.

- o In instances of the employee's serious health condition: statement that the employee is unable to perform work of any kind,
- Or
- o Statement that employee is unable to perform the essential functions of his/her position (as determined by the Town)

In instances of care for a family member:

- o Statement that the family member is in need of the employee's assistance for basic medical, hygiene, nutritional needs, safety or transportation, or
- o Statement that the employee's presence would be beneficial or desirable for the care of the family member.

Medical certification forms are available in the Town Manager's office. If the Town has reason to doubt the validity of a medical certification, the employee may be required to obtain a second opinion from a health care provider designated by the Town at the Town's expense. If the two opinions differ, the Town may require a third opinion, which will be final and binding, from a health care provider mutually agreed upon by the employee and the Town and at the Town's expense.

Recertification by the health care provider is required every thirty days. Recertification must include the same information contained in the initial certification.

Recertification may also be required in the following instances:

- o The employee requests an extension of leave;
- o Changed circumstances occur regarding the illness or injury;
- o The Town's reception of information, which casts doubts upon the continuing validity of the certification.

**Notice of Intent to Return to Work:**

An employee will be required to report periodically to the Town on his or status and intent to return to work.

**Intermittent Leave/Reduced Schedule:**

FMLA leave may be taken on an intermittent or reduced leave schedule. Employees requesting an intermittent or reduced leave schedule must make a reasonable effort to schedule treatment so as not to unduly disrupt the Town's operations and administration, especially when the leave is foreseeable. The Town may require a temporary transfer to an alternative position with equivalent pay and benefits. If the employee is qualified for the position, to better accommodate the recurring periods of leave.

Leave for birth or placement of a child may not be taken on an intermittent or reduced leave schedule basis.

**Paid Leave and Benefits:**

In all circumstances, accrued vacation and personal leave, as well as compensatory time, must be used for qualified FMLA leave. In addition, after other leave is exhausted, sick leave must also be used to care for the employee's own serious health condition. Use of paid sick leave for FMLA leave granted for the illness of a family member, or any FMLA leave not caused by the

employee's illness or medical condition is limited to five (5) days per year. Upon depletion of the available accrued paid leave, FMLA leave becomes unpaid leave. It is the total of this time that will equal the twelve weeks of FMLA leave. During any portion of FMLA leave which is unpaid, the employee will not accrue benefits and seniority.

The Town will continue the contribution to the employee's group health plan during the FMLA leave unless the employee advises that he/she would not be returning to work. The employee will have his/her contribution deducted from the applied paid leave. Upon the depletion of said leave, the employee must arrange to pay his/her contribution to the health premiums. These arrangements must be made in advance of the leave, especially if the leave is foreseeable. If the employee's premium payment is more than thirty (30) days late, his/her health coverage will be canceled. Employees experiencing severe financial hardship may petition the Town Manager for consideration of alternatives for payment of employee premium. This may include but not limited to; payment of employee's health insurance premiums by the Town while on unpaid leave and subsequent double deductions of health insurance premiums upon the employee's return to work. This petition must be made within the thirty days noted previously. The Town Manager will make a recommendation to the Board of Selectmen or their designee for final determination.

The Town will recover from the employee premiums paid during any period of unpaid FMLA leave if the employee fails to return to work after the FMLA leave entitlement has expired, except in the instances of continuation, reoccurrence, or onset of qualifying FMLA leave circumstances or other circumstances beyond the control of the employee.

When circumstances allow the Town to recover health insurance premium payments made from a non-returning employee, the Town may deduct the amount due from any sums owed to the employee. Examples of such sums owed could include vacation or final paychecks.

**Restoration to Position:**

An eligible employee who takes FMLA leave is entitled to be restored to the same position that the employee held when the leave started, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment, provided the employee returns to work at the conclusion of leave of 12 work weeks or less.

Employees on FMLA leave due to their own serious health condition must submit certification from the health care provider that the employee is able to resume work, i.e., is fit for duty, before they can return to work.

**Denial:**

Conditions under which FMLA leave and/or reinstatement may be denied including, but not limited to:

- o Ineligibility of employee;
- o Unqualified for leave under the FMLA;
- o Employee fails to give timely advance notice for foreseeable leave (temporary denial up to thirty (30) days after employee provides notice of need);
- o Employee fails to provide in a timely manner, requested medical certification (temporary denial up to time of submittal);
- o Employee fails to supply fitness-for-duty certification (up to time of submittal);

- o If employee's job is eliminated during period of leave;
- o Employee unequivocally advised Town of Intent not to return to work;
- o Fraudulent acquisition of FMLA leave, and
- o Employment with another employer while on FMLA leave.

**All notifications, certifications and questions relating to this policy, must be submitted to the Town Manager or Human Resource Director. Forms are available in the HR Department.**

Policy Updated: February 1, 2017

## **POLICY: 9.6 BEREAVEMENT LEAVE**

### **1. PURPOSE AND SCOPE**

The purpose of this document is to set forth the Town's policy and procedures governing the use of Bereavement Leave.

### **2. APPLICABILITY**

This policy applies to non-school, permanent full-time and part-time employees who work twenty (20) or more hours per week. Employees whose service is governed by collective bargaining agreement are subject only to those portions of this document that are not specifically regulated by agreement and/or policy.

### **3. POLICY**

Eligible employees are entitled to bereavement leave without loss of straight time pay for normally scheduled work hours, as follows:

- 3.1 Employees are entitled to five (5) working days, which will begin no earlier than the date of death for the employee's father, mother, stepfather, stepmother, father-in-law, mother-in-law, spouse, child, stepchild, grandchild, sister, step-sister, brother, step-brother, significant other or any person who normally resides in employee's household;
- 3.2 Three (3) scheduled working days for the employee's grandparents, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or,
- 3.3 One (1) scheduled working day, if the day of service falls on the employee's regular scheduled day of work for the employee's niece, nephew, aunt, uncle, aunt-in-law, uncle-in-law, or cousin-in-law.
- 3.4 In the case of out-of-state travel, or where the employee must have additional time to make arrangements regarding the estate of the deceased, the Department Head may grant the employee an additional day with pay. Such additional day shall be charged against the employee's sick accrual.
- 3.5 Additional bereavement days may be granted by the Department Manager or Town Manager but will be charged to the employee's accrued vacation leave.

#### **4. PROCEDURES**

- 4.1 The employee must notify his/her supervisor of the death and request bereavement leave, and provide the supervisor with a copy of the death notice if required to do so.
- 4.2 The supervisor will approve the bereavement leave if satisfied with the legitimacy of the request, or deny the request if he/she does not receive satisfactory documentation.

Policy Updated: February 16, 2017

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### **POLICY: 9.7 DOMESTIC VIOLENCE LEAVE ACT**

#### **I. PURPOSE AND SCOPE**

This Policy describes the eligibility and procedural requirements relating to the administration of leave taken pursuant to the Massachusetts Domestic Violence Leave Act, G.L. c. 149, § 52E (“DVLA” or “the Act”).

#### **II. APPLICATION**

This Policy applies to all employees of the Town of Ashland excluding those employees under the supervision and control of the School Committee (if applicable). Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

#### **III. POLICY**

The Town of Ashland is committed to complying with the DVLA, as it may be amended from time to time. In the event of any conflict between the Ashland’s DVLA policy and the state law and any applicable regulations, the state law/regulations applicable to the Town and its employees shall prevail.

#### **IV. PROCEDURES**

##### **A. Eligibility**

To qualify for domestic violence leave under the DVLA, an employee or a covered family member must be the victim of “*abusive behavior*.”

*Abusive behavior* includes any of the following behaviors: domestic violence, stalking, sexual assault or kidnapping.

*Domestic violence* is abuse against an employee or a covered family member by a current or former spouse, a person with whom the victim shares a child, a person cohabitating with or who has cohabitated with the victim in the past, a relative by blood or marriage, or a person with whom the employee or family member has or had a dating or engagement relationship.

*A Covered family member* includes a spouse, parent, stepparent, child, stepchild, sibling, grandparent, grandchild, persons in a substantive dating relationship or who reside together,

persons having a child in common, or persons in a guardian relationship. In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

#### B. Duration of Leave

If an employee or a covered family member of the employee is a victim of abusive behavior, he/she may take up to fifteen (15) days of unpaid leave in any 12-month rolling period. Depending upon the circumstances, DVLA may run concurrently with the Family Medical Leave Act.

Under the statute, DVLA is unpaid leave; however, an employee may request or be required to use accrued sick leave/personal leave (in accordance with the current sick/personal leave policy or governing collective bargaining agreement) vacation leave or compensatory time during an authorized Domestic Violence Leave.

#### C. Reasons for Requesting Leave

Employees may request leave to address issues directly related to the abusive behavior. This includes seeking medical attention, counseling or victim services. Leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law enforcement personnel. It is not a requirement of the Act that the employee maintain contact with the alleged abuser before being eligible for leave.

#### D. Notice

Employees must provide sufficient advance notice of the decision to use domestic violence leave, unless there is a threat of imminent danger to the health or safety of the employee or a member of the employee's family. An employee who does not give advance notice must notify the employer within three (3) workdays that leave is being taken pursuant to the DVLA. Certain specified individuals other than the employee may provide the notice.

If an unscheduled absence occurs, the employee has thirty (30) calendar days to produce documentation of the need for leave, in accordance with paragraph E, below.

#### E. Documentation

Employees taking leave pursuant to the DVLA may be required to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. If requested, an employee is required to provide such documentation within a reasonable period after the request is made. An employee can satisfy this requirement by providing any one of the following documents:

- A protective order issued by a court as a result of abusive behavior against the employee or employee's family member;
- A document under the letterhead of the court, provider or public agency, which the employee attended for the purposes of acquiring assistance as it, relates to the abusive behavior;
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior;
- Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts in court, or has been convicted of any offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement provided by a counselor, social worker, or health care worker who has assisted the employee or the employee's family member; or

- A sworn statement from the employee attesting that the employee has been the victim of abusive behavior.

#### F. Return to Work

Employees who take leave pursuant to the DVLA will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status. The Town shall not retaliate against an employee for exercising his/her rights under the DVLA.

#### G. Confidentiality

With limited exceptions set forth by law, information related to the employee's leave shall remain confidential.

Policy Updated: February 1, 2017

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### **POLICY: 9.8 HOLIDAYS**

#### **1. PURPOSE AND SCOPE**

The purpose of this document is to set forth the Town's policy and procedures governing holiday designations and leave.

#### **2. APPLICABILITY**

This policy applies to non-school, permanent full-time and part-time employees who work twenty (20) or more hours per week. Employees whose service is governed by collective bargaining agreement are subject only to those portions of this document that are not specifically regulated by agreement and/or policy.

#### **3. POLICY**

Eligible employees are entitled to holiday pay. Holiday pay for union employees is governed by the applicable collective bargaining agreement.

Holidays for non-union employees who work full-time or a minimum of 20 hours per week, whose holidays shall be prorated, shall be as follows:

New Year's Day	Labor Day
Martin Luther King Day	Veterans Day
Presidents' Day	½ day before Thanksgiving
Patriots' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Columbus Day	

½ day before Christmas except when December 25 falls on a Sunday or a Monday; ½ day before New Year's Day except when January 1 falls on a Sunday or a Monday; the day before Christmas and July 4<sup>th</sup> when either falls on a Tuesday; and, the day after Christmas and July 4<sup>th</sup> when either falls on a Thursday.

When one of the foregoing holidays falls on a Sunday, the holiday will be observed on the following Monday. When one of the foregoing holidays falls on Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a regularly scheduled day off, or when a permanent town employee is scheduled to work on a holiday, an additional day off with pay shall be granted or he/she shall receive straight time pay for the hours actually worked in addition to regular pay.

Some of the Town's collective bargaining agreements, noticeably the Public Safety collective bargaining agreements, require covered employees to work on holidays. These collective bargaining agreements specify alternate holiday arrangements.

Policy Updated: February 21, 2017

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## **SECTION 10 – PERSONNEL ADMINISTRATION**

### **POLICY: 10.1 ACCESS & USE TELECOMMUNICATIONS SYSTEMS**

#### **1. PURPOSE AND SCOPE**

The purpose of this policy is to convey the Town's standards for the use of the Town's information technology resources (ITR) and telecommunications systems including telephones, electronic mail (e-mail, texting, instant messaging, etc.), facsimile machines, the Internet, wireless communication devices (WCDs), audio and video equipment.

#### **2. APPLICABILITY**

All general government employees are subject to the provisions of this policy. Employees in the School Department who have access to the MUNIS software and/or the shared drives on the Town network are also subject to those sections of this policy that are applicable.

#### **3. POLICY**

The Town of Ashland provides staff with the ability to send messages and information through voice mail, facsimile, electronic mail and through the Internet. The purpose of this technology is to allow the Town to serve the public more effectively. Therefore, it is the Town's policy that the use of these capabilities and equipment is subject to the same management oversights as any other employee activity. All business conducted on behalf of the Town using any form of telecommunication system must be in compliance with all pertinent laws and regulations and must be professional and appropriate in form.

#### **4. PROCEDURES**

- 4.1** Town computers, Town issued WCDs and software are owned and maintained by the Town of Ashland. In order to protect this equipment and to maintain any warranties, no hardware or software may be added to or significantly modified on the Town's computers or WCDs unless installed by the Manager of Information

Systems or his/her designee. All non-standard software and hardware will be reviewed by the Manager of Information Systems and approved by the Town Manager or designee prior to the purchase and issuance of said software or hardware.

- 4.2 E-mail, related on-line services, and Town WCD telecommunication plans are the property of the Town and are to be used for business-related purposes. While sending and retrieving personal messages is not expressly prohibited, any personal use of the system must be at a level that will not interfere in any way with the system's ability to serve its intended official purpose, or with individual employee performance. Employees should use discretion in utilizing this resource, and should generally do so before or after normal working hours or during designated lunch periods. Use of the system for any commercial activity for personal gain is prohibited. Abuse of this privilege could result in loss of the privilege for the individual and/or disciplinary action.
- 4.3 Employees must be aware that the Secretary of State's office has determined that most voicemail messages, emails, text messages, communications transmitted on behalf of the Town and internet postings are public records and, therefore, may not be confidential. While the Town acknowledges that Town WCD devices may be used for personal communications by employees on a limited basis, there is no right of privacy for any such communication, and employees should be aware that the Town has full and unlimited access to all such communications.
- 4.4 Notwithstanding the Town's right to retrieve and read any voice mail or e-mail messages or Internet postings for business purposes, such messages should be treated as confidential by other employees and should be accessed only by the intended recipient. Employees are not authorized to retrieve or read any messages that are not sent to them unless the intended recipient gives express permission.
- 4.5 The telecommunications systems should not be used to create any offensive or disruptive messages or images, which contain comments that offensively addresses someone's race, color, gender, age, sexual orientation, genetics, religious or political beliefs, national origin or ancestry, gender identity, active military status or disability.
- 4.6 The telecommunications systems should not be used for any lewd or illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission or viewing of obscene, defamatory, or threatening material, or the propagation of any type of criminal or inappropriate activity.
- 4.7 Access to the internet is intended to conduct Town business. However, the internet may be used for incidental personal use before or after normal working hours or during designated lunch periods. During work hours, surfing the web or using social media for personal purposes is not acceptable and anyone found to be using the internet beyond incidental personal use may be subject to disciplinary action.

- 4.7.1 Even if your social media activities take place completely outside of work, as your personal activities should, what you say can have an influence on your ability to conduct your job responsibilities, your colleagues' abilities to do their jobs, and the Town of Ashland's interests.

Employees should not claim or appear to represent the Town of Ashland on their personal social media pages or communications. This includes, but is not limited to, taking a political stand as a Town of Ashland employee or wearing an identifiable Town uniform on your social media page.

- 4.8 Any attempts to tamper with or violate the computer and/or network security systems implemented by the Town of Ashland or such security systems of other public and private organizations is strictly prohibited.
- 4.7 Upon the request of the Department Manager, and subject to the approval of the Town Manager, the monitoring of telecommunications systems usage may be authorized. Reasons for monitoring include, but are not limited to, review of employee productivity, communications, investigations into possible disciplinary actions, claims of possible criminal activity, and investigations into violations of this policy.
- 4.8 All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. The MIS department may from time to time impose additional restrictions or regulations on the importing of remote files and such restrictions or regulations shall be considered part of this policy.
- 4.9 Public records laws guarantee citizen access to governmental processes and require governmental accountability. Employees are to report all public records requests to the Records Access Manager (Town Clerk) immediately.
- 4.10 For security purposes, employees should either power off when leaving for the day or revert back to a password screen saver when leaving their computer for an extended period of time. All electronic media should be kept away from magnets including those found in telephone receivers and paper clip holders.
- 4.11 E-mail and Internet users shall not give the impression, unless authorized, that they are representing, giving opinions, or otherwise making statements on behalf of the Town. Neither should they construct a communication so it appears to be from someone else (false identity).
- 4.12 The Town Manager or designee shall determine which positions will be assigned use of a Town owned WCDs or which positions will receive a plan allowance for the use of their personal WCD for Town business. The Town Manager will determine the allowance rate for anyone authorized for such an allowance.

- 4.13** Department Managers who request a WCD (new, replacement or upgrade) or plan allowance (new or enhanced) to positions not currently provided shall submit in writing a request for a WCD/allowance justification. Prior to authorizing the assignment of a Town WCD or plan allowance, the Town Manager or designee will consider if the job duties and responsibilities of the position meet the minimum standards for issuance of a WCD or a plan allowance.
- 4.14** Department Managers or designees will be responsible for department WCD use, and monitoring usage.
- 4.15** Department Managers are responsible for ensuring that all their employees using the Town's telecommunications system have read this policy and understand its applicability to their activities.
- 4.16** Personal Use of Town Owned WCD  
Employees who are provided WCDs predominately for business purposes and are on call beyond normal business hours or are reimbursed for business use of their personal cell phones (must provide itemized bill showing work related calls) will not be assessed imputed income tax.

Employees authorized for minimal personal use of their Town WCD will provide the Finance Department each December 1, documentation that the WCD was used for business purposes only and will sign an affidavit confirming that they will not use their WCD for personal communications outside of working hours and will not exceed 60 minutes personal use per week during working hours.

Employees issued a Town owned WCD are responsible for the care of the device.

Employees who use a Town WCD for personal telecommunications in excess of 60 minutes per week will be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the WCD use (namely the personal telecommunications) to be income for the purposes of income taxation. The employee will be assessed twenty-five percent of the monthly cost of the Town plan as imputed income.

Employees receiving a WCD allowance will be taxed on the allowance in accordance with state and federal tax codes.

- 4.17** Retirement Computation  
The assessment of monetary value for the personal use of an employer-supplied WCD as regular compensation for retirement purposes will be applied in accordance with Public Employee Retirement Administration Commission (PERAC) regulations. At the time this policy was amended, it was determined that the value of an employer-supplied WCD is not considered regular compensation for retirement purposes.

## **5. SANCTIONS**

The use of the Town's telecommunications systems constitutes employee consent to monitoring of systems and is conditioned upon strict adherence to this policy. Any employee who violates this policy or uses the Town's telecommunications system for improper purposes shall be subject to discipline, up to and including discharge.

Policy Updated: March 1, 2017

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## **POLICY: 10.2 VEHICLE USE**

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to set forth the guidelines for reimbursement or compensation for employee use of personal vehicles; the guidelines under which Town vehicles will be assigned to Town personnel; and the guidelines under which Town vehicles may be used.

### **II. APPLICABILITY**

This policy applies to all General Government employees. The Police and Fire Chiefs, and employees whose employment is regulated by collective bargaining agreement, are subject only to those provisions of this policy not specifically regulated by contract or agreement.

### **III. DEFINITIONS**

- A. "Authorized driver" means a Town of Ashland employee who holds a current, valid license to operate a motor vehicle in Massachusetts and who has complied with all provisions of Section IV of this policy.
- B. "Authorized passenger" means a Town of Ashland employee or any other person accompanying a Town of Ashland employee in a Town vehicle in furtherance of official Town business, not to include children, family members and other non-business passengers.
- C. "Personal vehicle" means a vehicle owned and insured by the employee that has been authorized to be used for Town of Ashland business.
- D. "Automobile allowance" is the dollar amount approved by the Town Manager to compensate an employee for regular and routine use of a personal vehicle. The allowance is considered a salary item and, as such, is subject to taxation.
- E. "Designee" means the ATM or a Department Manager.
- F. "Employee" means any person who is in the employ of the Town of Ashland.
- G. "Expense reimbursement" means payment for approved expenses relating to personal automobile use upon receipt of written documentation. Expense reimbursement is not considered a salary item.
- H. "Intermittent use" is when an employee uses his/her personal vehicle for town-related business, and the employee is not receiving a personal automobile allowance.
- I. "Municipal vehicle" means those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town of Ashland and licensed for travel on a public way. Municipal vehicles will be assigned municipal plates and, when deemed appropriate by the Town

Manager, will exhibit the Town seal or logo identifying the vehicle as a Town of Ashland vehicle.

#### **IV. POLICY**

Employees whose duties require transportation continuously and regularly may be provided with a municipal vehicle or receive a stated automobile allowance in lieu of reimbursement for the use of their personal vehicle. Intermittent use of personal vehicles shall be reimbursed for actual, reasonable and necessary expenses incurred by and for themselves as a result of approved travel in connection with their duties or office. The Town Manager, or designee, may authorize exceptions to this policy under mitigating circumstances.

##### **A. Municipal Vehicles**

Certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. The Town Manager shall approve in writing which positions are assigned 24-hour access to municipal vehicles. The Town Manager shall review said authorization whenever the position has been vacated. Nothing in this policy shall preclude the Town Manager from revoking the assignment of a municipal vehicle to an employee.

Municipal vehicles are not personal vehicles and are not for personal use. Vehicle use is limited to travel to and from the residence and place of work. Municipal vehicles should always be viewed as belonging to the citizens of Ashland and are assigned solely for purposes consistent with providing services to those citizens.

##### **B. Automobile Allowance**

In the event that an employee is required to use his or her personal automobile extensively on a year-round basis, and that employee has not been assigned a municipal vehicle, the Town Manager may authorize the payment of an automobile allowance. Such allowance may be rescinded with thirty (30) days' notice, and will not be paid in combination with personal automobile expense reimbursement unless authorized by the Town Manager.

##### **C. Expense Reimbursement**

The Town of Ashland will reimburse employees for reasonable and validated expenses, such as mileage, tolls, and parking costs incurred as a result of personal automobile use on behalf of the Town. Employees must complete a travel reimbursement form and submit it with corresponding receipts to the Department Manager for approval.

#### **V. PROCEDURES**

##### **A. Expense Reimbursement**

1. Expense Reimbursement is intended for work-related travel beyond an employee's commuting needs. Travel to and from work or other regular work locations is not considered a reimbursable expense.
2. When an employee is authorized to use a personal automobile for intermittent use for work-related travel, he or she shall be reimbursed at a rate established by the Town Manager. The mileage rate is intended to include the costs of gasoline, repairs, insurance, and general wear and tear on the automobile.
3. The Town will also reimburse employees authorized for work-related travel, driving personal or municipal vehicles, for tolls and reasonable parking expenses, when receipts

are provided. Employees will not be reimbursed for tolls that would normally be paid by the employee during his or her normal commute to work.

4. The Town Manager retains the right to require employees who are reimbursed for work-related travel, or who receive an automobile allowance, to show proof of the following minimum levels of insurance coverage:
  - a. Bodily Injury: \$100,000/\$300,000
  - b. Property Damage \$100,000
5. An employee using his or her personal automobile for intermittent use to travel from home to a temporary assignment, rather than his or her regularly assigned work location, shall be allowed personal automobile expenses between home and the temporary assignment, or between the temporary assignment and the regular work location, whichever is less.
6. Automobile Accidents - In the event that an employee's personal vehicle is damaged during an approved, work-related trip, and the damage is not due to the gross negligence of the employee or the employee was deemed not to be at fault, the Town will reimburse the employee, upon receipt of verification of payment of a deductible (comprehensive or collision) to cover part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence.

**B. Assignment of Municipal Vehicles for 24 Hour Use (Vehicle Use Approved for Commuting Purposes).**

1. The assignment of vehicles for 24-hour use will be made in writing by the Town Manager or designee, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria which will be used in the determination of eligibility for 24-hour vehicle use include:
  - o Officially designated on-call status;
  - o Requirement for frequent emergency availability;
  - o Issuance of a pager or other communication device;
  - o Emergency or other equipment contained in the vehicle; and/or
  - o No Town facility is available for garaging the vehicle in a safe and convenient location.

The Town Manager or designee may rescind such assignment in writing at any time.

2. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.
3. Whenever a position becomes vacant, the authorization for 24-hour use shall be re-evaluated. Employees assigned vehicles for 24-hour use involving a commute of more than 25 miles one way shall reimburse the Town for the additional fuel cost as determined by the Town Manager. This provision shall be effective only for those employees assigned municipal vehicles after the effective date of this policy.
4. There will be no out of state use of the vehicle without the prior approval of the Town Manager or designee.
5. Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.

### **C. Imputed Income Taxation**

1. Employees who are assigned marked and unmarked police vehicles, and/or vehicles designated as “qualified non-personal use vehicle” will not be subject to imputed income taxation because of the vehicle assignment.
2. Other employees authorized to commute in a Town vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Finance Department or designee shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st.

### **D. Retirement Computation**

1. The assessment of monetary value for the personal use of an employer-supplied motor vehicle as regular compensation for retirement purposes will be applied in accordance with Public Employee Retirement Administration Commission (PERAC) regulations. At the time this policy was amended, it was determined that the value of an employer-supplied motor vehicle is not considered regular compensation for retirement purposes.

## **VI. LICENSE REQUIREMENTS**

Verification of License. Employees must provide proof they hold a current, valid license to operate a motor vehicle in Massachusetts prior to being assigned as an authorized driver of a municipal vehicle. Employees may be required to provide proof of valid motor vehicle license once every six (6) months.

CDL drivers must comply with all applicable D.O.T regulations, including successful completion of medical, drug and alcohol evaluations.

Loss of License: Town of Ashland municipal vehicle operator privileges or personal automobile allowances are invalid upon revocation, suspension or expiration of the employee's license to operate a motor vehicle in Massachusetts and/or by the state of their current residence. An authorized driver must report the suspension or revocation of his or her license by the State of Massachusetts or state of current residence to the Town Manager or designee immediately when practicable, but in no case later than 24 hours. If notice of revocation, suspension or expiration is given to the designee, the designee must report the revocation, suspension or expiration to the Town Manager.

## **VII. OCCUPANCY OF VEHICLES**

Authorized Use: Town of Ashland vehicles may be occupied only by authorized drivers and authorized passengers. Town of Ashland employees are authorized to use municipal vehicles only in the furtherance of official Town business.

Unauthorized Use: An authorized Town of Ashland employee who permits a Town vehicle to be driven by an unauthorized driver or who transports or permits the transportation of an unauthorized passenger shall have his or her Town vehicle operator privileges suspended or revoked and may be held personally liable to the extent permitted by law for any liability for any

personal injury, death or property damage arising out of the unauthorized use or occupancy of the Town of Ashland vehicle.

Special Need: In cases of special need, the Town Manager or designee may authorize a person who would not qualify as an authorized driver to drive a municipal vehicle or a person who would not qualify as an authorized passenger to occupy a municipal vehicle. The authorization must be in writing and must be obtained before such person drives or occupies a Town vehicle.

Emergency Need: In cases of emergency need, the Town Manager or designee may verbally authorize a person who would not qualify as an authorized driver to drive a municipal vehicle or a person who would not qualify as an authorized passenger to occupy a municipal vehicle. In the case the authorization is given by the designee, a timely written explanation for making the exemption must be forwarded to the Town Manager.

Emergency Aid: Nothing in this section shall be construed to prohibit the use or occupancy of a Town of Ashland vehicle to render emergency aid or assistance to any person.

### **VIII. SMOKING**

In accordance with MGL, Chapter 270, Section 22, smoking is prohibited in Town of Ashland vehicles.

### **IX. INTOXICATING LIQUOR AND DRUGS**

Use of Liquor, Illegal Drugs and Prescription Drugs or Medication that may interfere with the employee's ability to operate a vehicle safely are prohibited. Transport of alcohol in municipal vehicles is prohibited.

Penalty for Traffic Citation: A Town of Ashland employee who receives a traffic citation for driving a Town vehicle while under the influence of intoxicating liquor or drugs will have his or her vehicle operator privileges suspended or revoked by the Town Manager or designee, and may be subject to disciplinary procedures up to and including termination from employment. Any passengers who are authorized drivers may also have their Town vehicle operator privileges suspended or revoked.

Penalty for DWI Conviction: A Town of Ashland employee who is convicted of driving a municipal vehicle while under the influence of intoxicating liquor or drugs may be terminated from employment with the Town. Any Town of Ashland employees who were passengers in the vehicle also may be terminated from employment where it is shown that such employees knew or should have known that the driver was under the influence of intoxicating liquor or drugs and did not take reasonable action to prevent the driver from driving the vehicle.

### **X. TRAFFIC LAWS AND SEAT BELTS.**

Traffic Laws: The failure to obey any applicable traffic law while driving or occupying a municipal vehicle may result in suspension or revocation of vehicle operator privileges.

Seat Belts Required: All occupants of municipal vehicles must wear seat belts. The failure of any person to wear a seat belt while driving or occupying a municipal vehicle may result in the suspension or revocation of the vehicle operator privileges or other disciplinary action.

Responsibility for Traffic Citations: A Town of Ashland employee who receives a traffic citation or parking ticket while using a municipal vehicle or his/her personal vehicle for town-related business will be personally responsible for the citation or ticket.

## **XI. CARE OF VEHICLES - ACCIDENTS - LIABILITY**

Care of Vehicle: Prior to being assigned a municipal vehicle, a qualified automotive mechanic shall determine that the vehicle is functioning properly and passes inspection standards. If unsafe or hazardous conditions are noted, the vehicle must not be driven until a qualified automotive mechanic can make any necessary repairs. The employee assigned the use of the vehicle shall be responsible for the ongoing regular maintenance of the vehicle and shall report any problems or unsafe conditions immediately to his/her Department Manager. The employee shall also ensure the vehicle contains all necessary equipment and documentation such as, an inflated spare tire, first aid kit, vehicle registration, vehicle owner's manual, etc. In no case will a Town of Ashland employee continue to operate a municipal vehicle if continued operation could endanger any person or property. The Town's fuel tanks located at the Public Works garage shall supply fuel for Town vehicles. The expense for maintenance and safety of municipal vehicles falls within departmental budgets.

Leaving the Vehicle: A Town of Ashland employee will turn off the ignition, close all windows, and lock the doors and trunk of a Town vehicle whenever the vehicle is left unattended. Vehicles should be cleaned of items not belonging in the vehicle (trash, personal items, etc.). Vehicles operating under emergency conditions may be exempt from this provision.

Cell Phones: Operators should refrain from using hand held communication devices while driving an assigned vehicle. Operators shall park the vehicle in a safe location prior to using hand held communication devices unless a bona fide emergency exists prohibiting the operator from coming to a full stop prior to use of a hand held communication device.

Accidents: If a municipal vehicle is involved in an accident, the employee shall notify the Town Manager or designee and submit a complete accident report (available from the Town Manager's Office), including whether the accident resulted in bodily injury or property damage, immediately when practicable, but in no case later than 24 hours. Failure to comply with this subsection may result in suspension or revocation of the municipal vehicle operator privileges.

Reporting Loss, Theft or Damage: Employees shall notify the Town Manager or designee of any loss, theft or damage to the vehicle immediately when practicable, but in no case later than 24 hours after the event.

Liability for Loss or Damage: A Town of Ashland employee will not abuse or misuse a Town vehicle. Authorized employees may be assessed for the loss or damage of a Town vehicle if the loss or damage was caused by:

1. driving while under the influence of intoxicating liquor or drugs;
2. reckless driving;
3. inappropriate transport of materials; or
4. unauthorized use of the vehicle.

Penalty for Negligence: The vehicle operator privileges of a Town of Ashland employee may be suspended or revoked by the Town Manager or designee if a Town vehicle is damaged or

destroyed due to the negligence of the employee. Other disciplinary action may be taken at the discretion of the Town Manager or designee.

## **XII. POLICY COMPLIANCE**

The Town Manager or designee may suspend or revoke an authorized driver's Town of Ashland vehicle operator privileges or personal automobile allowance for failure to comply with any provision of this policy. The Town Manager or designee will notify an authorized driver when his or her Town of Ashland vehicle operator privileges or personal automobile allowance has been revoked. This policy is meant to address most situations regarding Town vehicle use. The Town Manager retains the discretion to address any circumstances not addressed by this policy or to waive any certain requirements if there are mitigating circumstances.

Policy Updated: February 16, 2017

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### **POLICY: 10.3 ANTI-FRAUD**

#### **PURPOSE**

To establish procedures to follow for fraud prevention and detection.

#### **BACKGROUND**

This Town Fraud Prevention and Detection Policy (Anti-Fraud Policy) is established to facilitate the development of controls, which will aid in the prevention and detection of fraud against the Town. It is the intent of the Town to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Furthermore, the purpose of this document is to confirm that the Town supports and fosters a culture of zero tolerance towards fraud in all of its forms.

#### **AUTHORITY**

This Policy is created on the recommendation of the Office of the Inspector General in its “Guide to Developing and Implementing Fraud Prevention Programs.”

#### **APPLICABILITY**

This Policy applies to the Board of Selectmen and all other elected Town officials; their appointees; all employees of the Town of Ashland (excluding those under the supervision and control of the School Committee), including all enterprise operations and all members of its Boards, Committees or Commissions.

This Policy also applies to any other person “acting on behalf of the Town,” vendors and contractors, consultants, volunteers, temporary and casual employees and grant sub-recipients.

#### **SCOPE**

This Policy applies to any suspected fraud, abuse, or similar irregularity against the Town.

#### **OBJECTIVE**

This Policy is set forth to communicate the Town's intentions regarding prevention, reporting and investigating suspected fraud, abuse and similar irregularities. The Town desires to create an environment in which employees and/or citizens can report any suspicions of fraud.

Further, this Policy is set forth to communicate the Town's desire to protect the assets, resources and reputation of Ashland. It is through this policy that the Town also seeks to protect all officials, employees and associated parties from false or erroneous allegations by providing them with sufficient knowledge and training relative to the Town's fraud prevention policies and procedures to ensure that they fully understand the culture of the environment they are operating within.

This Policy provides management with specific guidelines and responsibilities regarding appropriate actions in conducting investigations of alleged fraud and similar improprieties.

## **RESPONSIBILITIES**

The Town has a responsibility to investigate and report to appropriate governmental authorities, as required, any violations of compliance with Town policy, State and Federal Laws and regulations, internal accounting controls and questionable accounting matters.

Town Management is responsible for establishing and maintaining policies and controls that provide security and accountability for the resources entrusted to them. Internal controls are intended to aid in preventing and detecting instances of fraud and related misconduct.

Management is also expected to recognize risks and exposures inherent in their area of responsibility and be aware of indications of fraud or related misconduct. Responses to such allegations or indicators should be consistent.

Every employee has the responsibility to assist the Town in complying with policies and legal and regulatory requirements, and in reporting known violations. It is the policy of the Town to encourage the support and cooperation of all employees in meeting the Town's commitment and responsibility to such compliance.

## **REPORTING**

Employees should report suspected instances of fraud or irregularity to their immediate supervisor or their next appropriate management level. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Town Manager (if the Employee's supervisor has committed the alleged fraud.)

It is the responsibility of a supervisor or relevant manager to ensure that the suspicion of fraud and/or irregularity that is reported to them is reported as soon as practical to the Town Manager. The written or verbal report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. In the event that Town Manager is the subject of, or otherwise identified as involved in the acts underlying such report, the person making the report may notify and forward such report to the Chair of the Board of Selectmen who will then lead the investigation into the allegations made.

Town employees are not to initiate investigations on their own. However, anyone may report suspected violations or concerns by letter to the Town Manager and should indicate that he or she is an employee of the Town. The report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. Mark the envelope "Confidential and Private". It is the

policy of the Town that anyone who reports a violation may make such report confidentially and offsite.

There shall be no retaliation by the Town's employees against any employee who makes a report pursuant to this policy even if after investigation the Town Manager determines that there has not been a violation of any applicable Town policy, State or Federal laws and regulations or internal accounting controls. However, employees who make reports or provide evidence that they know to be false or, without a reasonable belief in the truth and accuracy of such information, may be subject to disciplinary action.

### **ANONYMOUS ALLEGATIONS**

The Town encourages individuals to put their names to allegations. Concerns expressed anonymously are difficult to investigate; nevertheless, they will be followed up at the discretion of management. This discretion will be applied by taking into account the following:

- Seriousness of the issue raised;
- Credibility of the concern; and
- Likelihood of confirming the allegation.

### **FALSE ALLEGATIONS**

Employees or other parties must understand the implications (resources and costs) of undertaking investigations and should therefore guard against making allegations, which are false and made with malicious intent. Evidence of malicious intent will result in disciplinary action, and may include termination.

### **TRAINING, EDUCATION, AND AWARENESS**

In order for the Policy to be sustainable, it must be supported by a structured education, communication and awareness program.

It is the responsibility of management to ensure that all employees and other parties are made aware of, and receive appropriate training and education with regard to this Policy, and the related policies and procedures of the Town.

### **INVESTIGATION**

It is the Town Manager's intent to fully investigate any suspected acts of fraud, abuse, or similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service, or relationship with the Town of any party involved in such an investigation. In conducting investigations, the Town Administrator will consult with and receive guidance from Town Counsel, the Ashland Police Department and others they identify.

### **MEDIA ISSUES**

Any staff person contacted by the media with respect to an audit investigation is encouraged to refer the media to the Town Manager as its Public Information Officer. The alleged fraud or audit investigation should not be discussed with the media by any person other than those trained to do so. The Town Manager will consult with the management of the department involved and assist them in responding to any media requests for information or interview.

### **REPORTING TO EXTERNAL AUDITORS**

The Town Manager will report to the external auditors of the Town all information relating to fraud investigations, in accordance with Statement on Auditing Standard 99 - Consideration of Fraud in a Financial Statement Audit, as issued by the Financial Accounting Standards Board.

Policy Updated: February 16, 2017

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## **POLICY: 10.4 DRUG & ALCOHOL FREE WORKPLACE**

### **PURPOSE**

The Town of Ashland (the “Town”) is subject to the drug-free workplace requirements for all of its employees under the United States Drug-Free Workplace Act of 1988 (pl 100-690; 41 USC. s. 701-707). It is also the Town’s policy to try to provide a drug-free workplace. Any employee that is found to be impaired while on duty due to the use of illegal narcotics, legal prescription drugs, alcohol or any combination thereof shall be subject to disciplinary action, up to and including termination.

### **APPLICABILITY**

Accordingly, the Town hereby notifies every employee that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited when in the employ of the Town.

The possession or use of alcohol while at work or the reporting for work under the influence or effect of alcohol is prohibited. Violation of this policy shall result in a disciplinary action, up to and including discharge.

The purpose of establishing a drug-free workplace is to inform Town employees about:

- (a) the serious danger of drug abuse in the workplace;
- (b) the Town's policy of maintaining a drug-free workplace;
- (c) the availability of drug counseling, rehabilitation, and employee assistance programs; and
- (d) the consequences of employee drug use in the workplace (see paragraph 4, above).

The Town establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy; and that each employee must notify his or her supervisor within five days (5) of any conviction for violation of any Federal or State criminal drug law occurring in the workplace.

The Town may require the employee to participate in an approved drug abuse rehabilitation program. All employees will be given a copy of this policy to retain and review. The Town will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement. Employees having any questions concerning this policy are invited to contact his or her supervisor to discuss their concerns.

### **EMPLOYEE ASSISTANCE PROGRAM**

The Town recognizes alcohol abuse and drug dependency as illnesses and major public health problems. The Town's objective is to prevent the workplace manifestations of alcohol and substance abuse or conviction for drug or alcohol related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Employee Assistance Program, or the Human Resources Director, or their health insurance provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job.

## **CONSIDERATIONS**

Employees in safety-sensitive and Department of Transportation authorized alcohol and drug-testing positions are subject to further requirements and procedures as specified in collective bargaining agreements and position specific policies.

In recognition of the immense potential for alcohol and substance abuse as threats to the safety and security of persons, property and equipment, employees found to be in violation of this policy may be subject to immediate and severe disciplinary action.

Policy Updated: February 1, 2017

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## **POLICY: 10.5 DRUG & ALCOHOL TESTING**

The purpose of this Policy is to outline:

- 1) The responsibilities of employees, supervisors and managers with regard to drug and alcohol use in the workplace
- 2) The testing of employees for drug and alcohol use
- 3) The testing of employees in safety-sensitive positions for drug and alcohol use in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988 and Massachusetts law.

## **II. DEFINITIONS**

Words or phrases used in this Policy are defined in 49 CFR 382, 107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

Safety-sensitive - For the purposes of this Policy, safety-sensitive shall refer to all employees required by the United States to obtain and retain a Commercial Driver's License.

## **III. GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE**

The Town firmly believes that the use of any illegal drugs or non-prescribed controlled substances or alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment.

- 1) In accordance with the Federal Drug Free Workplace Act, the use, sale or possession of any illegal drugs or controlled substances while on the job or when reporting to work on Town property is prohibited and an offense warranting disciplinary action up to and including termination.
- 2) Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers' safe and efficient job performance. Such conditions will be the basis for disciplinary action up to and including termination of employment.
- 3) The use of legal drugs, prescribed by a licensed physician for a specific treatment purpose, may not result in disciplinary action. Some prescription medications, however, can have a direct impact on vigilance, judgment, and coordination. It is important, particularly in safety-sensitive assignments, for the Town to assure itself that there is not a threat to safety because of such medication. Therefore, any employee who must use prescribed drugs during work, and whose performance or behavior could be affected by such use, must report this fact to his or her supervisor and provide acceptable medical documentation of such use, prior to commencing work. Failure to report such use or to provide such medical documentation may subject the employee to discipline under this Policy.
- 4) Any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, sells or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, may be placed on administrative leave or suspended immediately pending further investigation. If use, sale, or possession is substantiated, disciplinary action, up to and including termination will be imposed.
- 5) The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems who disclose beforehand such problems, and encourages employees to come forward voluntarily and seek assistance for those problems.
- 6) If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a direct result of seeking treatment, where such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

#### **IV. DRUG AND ALCOHOL TESTING PROCEDURES**

##### **A) CDL Holders**

- 1) It is the policy of the Town to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and

alcohol testing issued by the U.S. Department of Transportation (“DOT”). This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of the Town.

- 2) Under the regulations, performance of DOT safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol at work or being at work within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.
- 3) Use of drugs by safety-sensitive drivers is prohibited.
- 4) A driver is performing a safety-sensitive function at the following times:
  - a) All time on Town property, public property, or other property waiting to be dispatched or driven.
  - b) All time inspecting, servicing or condition of any commercial motor vehicle at any time.
  - c) All driving time.
  - d) All time other than driving time in or upon any commercial motor vehicle.
  - e) All time loading or 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;
  - f) All time spent performing driver requirements relating to accidents;
  - g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### B) Non-CDL Holders

It is the policy of the Town to test applicants for designated positions that do not require a Commercial Driver’s License and to test employees where probable cause exists for such testing for drug and alcohol use.

#### C) Types of tests for CDL applicants and employees

To the extent practicable, all tests will be conducted during employees’ normally scheduled work hours. The following tests are required:

- 1) Pre-employment (Pre-use) -- All applicants for employment in positions requiring a Commercial Driver’s License (pre-employment), or candidates for transfer or promotion to such a position (pre-use), are subject to screening for use of controlled substances.
- 2) Post-Accident -- conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not

cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.

- 3) Reasonable Suspicion -- conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug use. If a driver's behavior or appearance suggests alcohol or drug use, a test must be conducted. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours and may be placed on administrative leave. Testing for alcohol abuse must be based upon suspicion, which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion.
- 4) Random -- conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs for CDL drivers. Each year, the number of random alcohol tests conducted by the Town must equal at least 10% of all the safety-sensitive drivers. Random drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
- 5) Return to Duty and Follow-up -- conducted when an individual who has violated the alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

D) Types of tests for non-CDL applicants and employees

- 1) Pre-employment – With their consent, all applicants for employment in designated positions that do not require a Commercial Driver's License (pre-employment), are subject to screening for use of controlled substances.
- 2) Probable Cause – conducted when a trained supervisor or manager observes behavior or appearance that gives probable cause of alcohol or drug use. If facts and circumstances warrant a reasonable belief that a non-CDL employee more probable than not has used alcohol or drugs, a test must be conducted.

E) Conducting Tests

Tests will be conducted in accordance with DOT and U.S. Department of Health and Human Services rules and procedures.

**V. CONSEQUENCES**

**A. Refusal to Submit to Testing.**

Refusal to submit to an alcohol or controlled substances test as authorized by this policy means that an applicant or employee:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy
3. Engages in conduct that clearly obstructs the testing process.

**B. Testing Positive.** An employee who tests positive may be subject to dismissal.

**C. Returning to Work.** An employee subject to testing under Section IV above may be subject to random testing upon returning to work after a positive drug test to verify recovery from a substance use problem. Refusal to take or failure to pass these random tests may subject the employee to immediate termination of employment.

**VI. INFORMATION/TRAINING**

A. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse.

B. All supervisors and managers must attend at least two hours of training on alcohol and drug use symptoms and indicators used in making determinations for alcohol or drug testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.

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

D. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

**VII. RECORD KEEPING**

A. The Town shall keep detailed records of its alcohol and drug prevention program.

B. Alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the Town, the substance abuse professional and any arbitrator of a grievance. Any other release of this information may only be made with the employee's consent, or in response to a court order or subpoena.

**VIII. PRE-EMPLOYMENT REFERENCES**

A. The Town must obtain and review the following information from each employer that the prospective CDL driver worked for, in a safety-sensitive position, during the previous two years:

1. information about a test in which the employee's blood alcohol was 0.04 or greater
2. information about a positive drug test
3. information about any refusal to participate in the alcohol and drug-testing program.

B. The prospective employee must provide the former employer with a written release allowing the release of this information to the Town or he/she will not be hired.

C. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.

D. The Town should provide the same information to subsequent employers of current Town employees when provided with a written release by the employee.

## **IX. QUESTIONS**

Any employee with questions regarding this Policy should contact his or her supervisor.

## **X. RULES OF PROCEDURE**

The Town Manager may issue rules of procedure to implement and carry out this Policy.

Policy Updated: February 16, 2017

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## **POLICY: 10.6 INCLEMENT WEATHER/EMERGENCY**

### **PURPOSE AND SCOPE**

The purpose of this policy is to set forth the guidelines to be followed in the event that snow, other weather-related events, or emergency situations cause the closing or limited staffing of municipal departments.

### **APPLICABILITY**

This policy applies to general government management, administrative, professional and support personnel, regardless of work location. It does not apply to school departments, essential public safety personnel, library, or non-administrative Department of Public Works personnel.

### **POLICY**

It is the policy of the Town of Ashland to compensate employees who cannot report for work when the municipal building they work in is closed due to snow or other weather related event.

The Town Manager may, at his discretion, close any or all offices of the Town because of inclement and/or severe weather or other emergency issues. This may include closing early, opening late or not opening at all. This policy is in place for all “non-essential” employees.

## **PROCEDURES**

### Snow, Other Weather-Related Event, or Emergency That Begins Before Working Hours

Employees are directed to call 508-881-0104 for emergency closing messages. This message will be updated no later than 6:30 AM for an impending event.

If a snow or other weather-related event occurs before or during morning commute hours, employees should take a reasonable amount of time necessary to arrive at work safely.

Unless the municipal building is closed by the Town Manager/designee, employees who do not report to work at all shall not be compensated for hours not worked. However, they may use their own vacation or compensatory accumulated leave for all hours they were scheduled to work for the day with the approval of the Town Manager. Any employee that feels that it is unsafe to travel to work due to severe weather may elect to stay home and utilize vacation or personal leave.

Employees will be compensated for the period that the municipal building in which they work is closed. However, employees who were previously scheduled to be on vacation, sick, or other leave for that period will be charged the appropriate leave.

If an employee has reported to work and is sent home, he/she will be paid for his/her regular pay for the day. Likewise, if delayed opening is approved the employee will be paid for his/her scheduled hours.

### Limited Workforce

When an event begins during the day and is forecast to impact driving conditions, or otherwise impact operation of the facility, the Town Manager/designee may call for a Limited WorkForce. This shall mean that, if possible, at least one employee in each department should remain in the office until the close of business, or until the building is closed by the Town Manager/designee.

As a practical matter, employees who live the farthest driving distance away, who are most at risk of injury during a snow or other weather-related event, or who must arrive somewhere at a specified time, such as to a child care facility, or who are otherwise concerned about driving, should be the first employees to be released. Employees so released will be paid for the remainder of their regular workday. To the extent possible, the Limited Work Force should rotate.

When the Town Manager/designee designates a Limited Work Force, non-exempt employees who are required to work when other employees are released will be entitled to receive, in addition to their regular pay for that day, banked compensatory time at their straight rate for all time worked after the designation.

The Town Manager/designee, at his or her discretion, may close certain offices during a Limited Work Force situation. If the office is closed at the discretion of the Town Manager/designee, no employees of any closed office need remain during the Limited Work Force designation.

## **CHANGES**

The Town Manager may make reasonable changes in this policy based on weather and/or emergency conditions or the needs of the Town.

Policy Updated: February 16, 2017

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## **POLICY: 10.7 SOCIAL MEDIA/NETWORKING**

### **1. PURPOSE AND SCOPE**

This policy is meant to address the fast-changing landscape of electronic communications and the way these communication resources serve residents, the Town and other stakeholders. The Town of Ashland uses social media/networking/networking tools to reach a broader audience and maintain a higher level of transparency regarding policy making, implementation of policy and the daily operations of the Town.

The Town of Ashland has a preeminent interest and expectation in deciding what is conveyed on behalf of the Town on social media/networking sites. This policy establishes guidelines for the use of social media/networking representing the views of the Town government.

### **2. APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) , vendors, contractors, officials and members of the municipal community.

### **3. DEFINITIONS**

**Social Media:** Social media is content created by sanctioned individuals using accessible and scalable technologies through the Internet. Examples of social media include Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, Flickr, etc.

**Social Networking:** Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of internet technology to make the interaction a rich and robust experience. For the purpose of this policy, the term Social media/networking will be used.

**Blog:** (an abridgment of the term web log) is a Town of Ashland website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

**Town of Ashland Author:** An authorized Town of Ashland official that creates and is responsible for posted articles and information on social media/networking sites (see “Article” below).

**Article:** An original posting of content to a Town of Ashland social media/networking site by a Town of Ashland author.

**Commenter:** A Town of Ashland official or member of the public who submits a comment for posting in response to the content of a particular Town of Ashland article or social media/networking content.

**Comment:** A response to a Town of Ashland article or social media/networking content submitted by a commenter.

**Town of Ashland Moderator:** An authorized Town of Ashland official, who reviews, authorizes and allows content submitted by Town of Ashland authors and public commentators to be posted to a Town of Ashland social media/networking sites.

#### **4. POLICY**

- 4.1** All Town of Ashland social media/networking sites shall be (1) approved by the Town Manager and the requesting Department Manager; (2) published using approved Town social media/networking platform and tools; and (3) administered by the Town Manager or designee(s).
- 4.2** The Town may utilize social media/networking and social media/network sites to further enhance communications with various stakeholder organizations in support of Town goals and objectives. Town officials and Town organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting Town business. Social media/networking facilitates further discussion of Town issues, operations and services by providing members of the public the opportunity to participate in many ways using the various venues.
- 4.3** All Town of Ashland social media/networking sites shall adhere to applicable state, federal and local laws, regulations and policies including all Record Retention laws and other applicable State regulations and Town policies. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the approved Town platforms and tools.
- 4.4** Freedom of Information Act and e-discovery laws and policies apply to social media/networking content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
- 4.5** All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- 4.6** Content submitted for posting that is deemed not suitable for posting by a Town of Ashland social media/networking moderator because it is not topically related to the particular social media/networking site objective being commented upon, or is deemed prohibited content based on the criteria in Policy –Item 4.9. of this policy (see below), shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.
- 4.7** The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
- 4.8** Each Town of Ashland social media/networking site shall include an introductory statement that clearly specifies the purpose and topical scope of the social media/network

site. Where possible, social media/networking sites should link back to the official Town of Ashland internet site for forms, documents and other information.

- 4.9** Town of Ashland social media/networking content and comments containing any of the following forms of content shall not be allowed for posting:
- 4.9.1** Comments not topically related to the particular site or blog article being commented upon;
  - 4.9.2** Profane language or content;
  - 4.9.3** Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance or the military, gender identity, national origin, physical or mental disability or sexual orientation;
  - 4.9.4** Sexual content or links to sexual content;
  - 4.9.5** Solicitations of commerce;
  - 4.9.6** Conduct or encouragement of illegal activity;
  - 4.9.7** Information that may tend to compromise the safety or security of the public or public systems; or
  - 4.9.8** Content that violates a legal ownership interest of any other party
- 4.10** All Town social mediator/networking moderators shall be trained regarding the terms of this Town of Ashland policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. Only Town social mediator/networking moderators can respond to public postings and/or correct public postings of misinformation.
- 4.11** All social media/networking sites shall clearly indicate they are maintained by the Town of Ashland and shall have Town of Ashland contact information prominently displayed.
- 4.12** Where appropriate, the Town Telecommunication policy shall apply to all social networking sites and articles.
- 4.13** Employees approved to represent the Town government via social media/networking outlets must conduct themselves at all times as a representative of the Town and in accordance with all human resource policies.
- 4.14** Non-authorized employees are prohibited from officially or unofficially representing the Town of Ashland through any social media/networking venues whether on or off duty. The Town of Ashland recognizes that employees may use social media outside of work hours. However, what you publish on the internet may reflect on the Town of Ashland. Employees who use social media/networking for personal purposes should:
- 4.14.1** Use a disclaimer anywhere there may be uncertainty about the capacity in which they are acting on their own sites. A disclaimer, such as: "The postings on this site are my own and do not represent the views or opinions of my employer" can help protect you;
  - 4.14.2** Recognize that anything posted on the internet is there for good. Even if you attempt to delete the post, photo, comment, etc., it is likely that it has been stored in any number of other places. Content posted to the Internet should be thought of as permanent;

- 4.14.3 Avoid sharing government material in a personal space. Keep your personal online presence and your work online presence separate. Do not use any Town domain or email address for personal commentary;
  - 4.14.4 Respect copyright and fair use;
  - 4.14.5 Recognize that if you publish inappropriate comments that reflect badly on the Town of Ashland in your personal space, on your personal time, that disciplinary action could follow;
  - 4.14.6 False and/or disrespectful comments regarding Town officials, departments or employees undermine public confidence in the Town's ability to effectively deliver service to our residents and are examples of inappropriate comments that reflect poorly on the Town as a whole, and could lead to disciplinary action, even if posted when the employee is not on duty;
  - 4.14.7 Use should be limited to hours off duty or with permission by Department Manager; and
  - 4.14.8 Above all, use common sense.
- 4.15 Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

Policy Updated: February 16, 2017

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**POLICY: 10.8 NON-UNION LONGEVITY**

**1. PURPOSE AND SCOPE**

The purpose of this policy is to establish eligibility and procedural requirements relating to the administration of the longevity pay program.

**2. APPLICABILITY**

This policy applies to permanent, full-time, non-union Town of Ashland employees (excluding those employees under the supervision and control of the School Committee) or a minimum of 20 hours per week, whose longevity pay shall be prorated. This policy does not apply to employees with separate employment contracts. Employees whose service is governed by collective bargaining agreement are subject only to those portions of this document, which are not specifically regulated by agreement and/or policy.

**3. DEFINITIONS**

Longevity pay: regular compensation within the meaning of Massachusetts General Laws, Chapter 32, Section 1.

**4. POLICY**

In addition to base pay, eligible employees shall receive compensation for completion of continuous, permanent, full-time service in the employ of the Town of Ashland as follows:

As of July 1:	
- more than 5, but less than 10 years of service	\$1,000 per year
- more than 10, but less than 15 years of service	\$1,100 per year
- more than 15, but less than 20 years of service	\$1,200 per year

- more than 20, but less than 25 years of service                      \$1,300 per year
- more than 25 years of service    \$1,400 per year

## **5. PROCEDURES**

- 5.1 Successful completion of a probationary period by an employee shall result in the service actually completed during the probationary period being included for Longevity Pay purposes.
- 5.2 Transfers between departments when the only time lost from a full schedule is the result of time required fitting the employee into the working schedule of the new department or for vacation time properly taken by the employee shall not break the continuity of service.
- 5.3 Time lost from service as the result of a duly authorized unpaid leave of absence shall not break the continuity of service, but such time shall not be included in the service required for eligibility.
- 5.4 Time lost from service as the result of military leave, sick leave or injury leave to which the employee may be entitled shall not breach the continuity of service nor shall it be excluded from service required for eligibility.
- 5.5 Any employee whose service with the Town is broken by resignation, by discharge, by voluntary transfer from full to part-time work, may not count such service for Longevity Pay purposes at any subsequent date upon re-employment or transfer to full-time service.
- 5.6 In any case not herein provided for, the Town Manager shall determine the circumstances under which such Longevity Pay may be approved.
- 5.7 Longevity pay shall be paid annually as a lump sum in the first payroll in September.

Policy Updated: February 17, 2017

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## **POLICY: 10.9 OUTSIDE EMPLOYMENT**

Town employment shall be considered the primary employment and no employee may engage in outside employment without prior approval from the Town Manager or his/her appointing authority. Upon proper written notification to and at the discretion of the Town Manager, employees may engage in outside employment.

A Town employee shall not engage in outside employment or business activity during regularly scheduled work hours for the Town unless using pre approved vacation or personal Days. If you engage in employment outside of your regular working hours, you will be subject to being called to perform your regular Town duties first.

However, you may not engage in additional employment that in any manner interferes with the proper and effective performance of the duties of your position, results in a conflict of interest, or

if it is reasonable to anticipate that, such employment may subject the Town to public criticism or embarrassment.

If the Town Manager determines that such outside employment is disadvantageous to the Town, upon notification in writing by the Town Manager, the employee will be given the option to resign from either Town employment or the second job.

In no respect, will the Town be liable nor grant sick leave or disability leave in case of injury to you while engaged in outside employment, nor in the case of occupational illness attributable to the outside employment.

No compensated municipal employee who holds outside employment shall engage in, solicit business for, or otherwise promote said business, while performing his/her duties for the Town of Ashland.

For purposes of this policy, any contract work, self-employment, or other hired employment shall constitute "outside employment." Town employees are reminded that this policy is not intended to, and does not, replace or substitute for any state, federal or local law, including but not limited to the Conflict of Interest Law, G.L. c.268A. Compliance with this policy does not ensure, therefore, that an employee is in compliance with the requirements of any other applicable law.

The employee shall be responsible for complying with any state general law, regulation or local bylaw that regulates his/her specific position.

Policy Updated: February 17, 2017

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## **POLICY: 10.10 DISCIPLINARY ACTION**

### **PURPOSE AND SCOPE**

The purpose of this policy is to ensure that employees meet the Town's legitimate expectations in the areas of performance and behavior; that employees whose performance and/or behavior are deemed deficient are provided with the necessary assistance to meet the Town's expectations; and that disciplinary action initiated toward an employee is fair and appropriate.

### **APPLICABILITY**

All General Government departments are subject to the provisions of this policy. Positions governed by collective bargaining agreement are subject only to those portions of this policy, which are not specifically regulated by law, agreement or established policy. The principle of progressive discipline shall be utilized for all full-time and regularly scheduled part-time employees. Intermittent, seasonal, and temporary employees shall not be covered by this policy.

### **POLICY**

The Town of Ashland will discipline employees whose performance and/or behavior do not fulfill the expectations of the Town, do not conform to applicable standards of conduct, or violate law, regulation or policy. Whenever possible, the principle of progressive discipline shall be

followed. However, the principles of progressive disciplinary action shall not bind the Town in instances of extreme behavior or blatant disregard of law, regulation, policy or the safety and security of persons or property.

Department managers and their designee are responsible for communicating to employees expected job performance and acceptable behavior and the possible consequences for failing to meet these expectations. However, employees are assumed to know that their job performance must remain, at minimum, satisfactory and that they should not engage in any egregious behavior.

In general, the principle of progressive discipline establishes a succession of disciplinary actions from relatively mild to increasingly severe. Progressive discipline is to be initiated from the first violation of a standard through any subsequent violations until either the employee has corrected the deficiency or employment is terminated. The primary goal of each step of the disciplinary process is to correct a problem, not to establish a basis for more severe disciplinary action.

Even though probationary employees may be terminated without cause, they should be afforded an opportunity to improve their performance prior to being terminated.

#### **PROCEDURES:**

Prior to initiating disciplinary action, department managers and their designee must consider the following standards:

1. There must exist sufficient cause to discipline the employee.
2. The harshness of the penalty must fit the seriousness of the action.
3. The employee must be given full opportunity to explain his/her actions and to reform or rehabilitate himself/herself.
4. The situation must be fully documented (unless it is a severe infraction that may be cause for immediate dismissal).

At every level of discipline, the employee must receive clear and unequivocal warning stating the precise areas in which his/her performance or behavior is unacceptable, and the probable consequences of the continuation of such performance or behavior.

If, after consideration of the standards, the appropriate authority determines that disciplinary action is warranted, the authority will initiate the appropriate procedure from the following:

#### **Oral Reprimand**

The oral reprimand may be initiated by the employee's department manager or designee. It is highly recommended that the person giving the reprimand include in the meeting another member of management staff, or in smaller departments, the Human Resources Director should be in attendance. In all cases, the department manager must be informed of the reprimand. The oral reprimand is the least severe form of disciplinary action, and in most cases, it is the first form of disciplinary action taken against an employee. After meeting with the employee to communicate the warning, the department manager or designee should prepare a written summary that is presented to the employee and may be placed in the employee's official personnel file.

Both the oral reprimand and the written summary should contain as many elements listed below as are appropriate to the type of disciplinary problem involved:

- a. Rule, Regulation or Policy Involved – The written summary should generally start with a specific reference to the standard of performance or behavior involved.
- b. Facts Showing Deviation from Standard – The department manager or designee should outline in detail the manner in which the employee failed to meet the standard. (Who, What, When, Where and How?)
- c. Consequence to the Town/Department – The department manager or designee should outline the consequences that occurred due to the employee's failure to comply with the standard.
- d. Expected Performance or Behavior – The department manager or designee should communicate to the employee the expectations of the Department.
- e. Plan for Improvement – The department manager or designee should devise a specific plan for assisting the employee in improving his/her performance, and may schedule more frequent supervisory meetings to provide additional assistance.
- f. Follow-up – The department manager or designee should set the time frame within which the employee is expected to demonstrate improvement. The period must be long enough to provide a fair opportunity for the employee to improve, and short enough so that the Department does not have to tolerate unsatisfactory performance for an unreasonable length of time.
- g. Warning – The final element of the reprimand is the warning. The department manager or designee should outline for the employee the next step in the disciplinary process, which will be initiated if the employee fails to improve sufficiently during the review period.
- h. Additional Information—The summary must contain the date, time and place that the department manager or designee met with the employee and provided the warning.

### **Written Reprimand**

The employee's department manager or designee may initiate the written reprimand. In all cases, the department manager must review and approve the written reprimand. In most cases, this formal warning will be initiated only after an informal or oral warning has failed to bring about sufficient improvement. In some cases, in which the employee commits a serious offense, such as insubordination, the written reprimand may be the first disciplinary action taken. As with the oral reprimand, the written reprimand should be issued following a meeting with the employee.

A copy of the written reprimand shall always be sent to the Human Resources Director to be placed in the employee's official personnel file. It must contain all of the relevant elements of the oral reprimand listed above, and when applicable, the date of the issuance of the oral reprimand.

### **Suspension**

The department manager or designee may initiate suspension only after discussion with the Human Resources Director. Suspension is the temporary and involuntary separation of an employee from his/her employment. The purpose of a suspension is to serve as a final warning to an employee that continued misbehavior or poor performance may result in discharge. Suspension is generally imposed only when prior warnings or reprimands have not caused the employee to bring his/her performance or behavior up to the expected standard. In some cases involving serious misconduct, suspension may be the first disciplinary action taken.

Except in cases of serious misconduct, one or more suspensions should precede the discharge of any tenured employee. A probationary employee need not be suspended prior to discharge.

All suspensions shall be reduced to writing including all of the reprimand elements listed above, and, when applicable, the dates of prior oral and/or written reprimand(s) and shall be forwarded to the Human Resources Director for inclusion in the employee's official personnel file.

### **Discharge**

The Town Manager or his /her designee may initiate discharge. Discharge is the permanent and involuntary separation of a person from his/her employment with the Town. Because of its severity, action to discharge an employee is generally initiated only after the oral and written reprimand processes and one or more suspensions have failed to bring about the employee's conformance with the requisite standards of performance or behavior.

Action to discharge a probationary employee will generally not be initiated until the employee has been clearly warned that his/her continued poor performance or inappropriate behavior could lead to his/her discharge and until the employee has been given a fair opportunity to improve following the warning.

In cases involving serious misconduct (e.g. theft, assault) discharge may be initiated without any prior warnings or suspensions.

In all cases in which the department manager and Town Manager determine that discharge may be warranted, the Human Resources Director shall give the employee a hearing prior to the imposition of such discharge. If discharged, the employee will be given a written notice stating the reason(s) for the discharge and the effective date of termination of employment with the Town. Such notice shall be included in the employee's official personnel file.

### **COMPLAINT RESOLUTION PROCESS**

Employees may choose to follow the process for Dispute Resolution (*Personnel Policy 10.11*) to contest the issuance of written reprimands or suspensions. Employees in positions covered by collective bargaining agreement may choose to initiate action using the grievance procedure stipulated in the agreement or the Dispute Resolution Policy, but may not use both.

### **CONSIDERATIONS**

#### *A. Alternatives to Suspension or Discharge*

Prior to the initiation of action to suspend or discharge an employee, consideration can be given to other alternatives such as demotion or reassignment to other duties. These alternatives will be used only when the employee's deficiencies are the result of not being able to satisfactorily perform the essential functions of the job due to a limited skill set, and provided there is a vacant position in the Town that suits the skills of the individual.

#### *B. The Disciplinary Interview*

Whenever possible, a meeting between the employee and department manager or designee should precede the initiation of any disciplinary action against the employee. It is highly recommended that the person giving the reprimand include in the meeting another member of management staff, or in smaller departments, the Human Resources Director should be in attendance. Bargaining Unit employees who so request are entitled to union representation at any meeting, which the employee perceives to be of a disciplinary nature. However, the department manager or designee may speak directly to the employee and request that the employee answer

questions. The department manager should allow such employees a reasonable amount of time to secure union representation.

### *C. Supervisory Responsibility*

It is generally not sufficient for supervisors or department managers to assume that the employee is aware of the Town's expectations; nor is it generally sufficient to assume that an employee knows that his/her performance is deficient or that his/her employment may be in jeopardy. At each step, the standard should be reiterated, and the employee offered any appropriate and reasonable assistance as well as provided with the opportunity to discuss any reasons for the inability to meet the expectations.

Policy Updated: February 17, 2017

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## **POLICY: 10.11 DISPUTE RESOLUTION**

### **PURPOSE AND SCOPE**

The purpose of this policy is to foster and maintain professional and respectful relations among and between employees of the Town of Ashland and to establish an equitable and peaceful procedure to review, investigate and conclude matters of disagreement and/or grievances alleging improper application of Town policies or procedures. This policy is not a substitute for dealing with allegations of sexual harassment, harassment, workplace violence or any other egregious affront that may be in violation of state or federal statutes or regulations, or may interfere with an individual's civil rights.

### **APPLICABILITY**

All General Government departments and non-represented employees (excluding schools) are subject to the provisions of this policy. Represented employees are subject to the grievance procedures provided in their respective collective bargaining agreements.

### **POLICY**

In order to promote and maintain effective operations and fair application of policies and procedures in the pursuit of Town of Ashland business and to encourage positive employee morale, the Town of Ashland provides the Dispute Resolution Procedure to address and settle complaints, disputes or controversies in a just and civil manner.

### **PROCEDURES**

Employees are encouraged to bring any problems or complaints regarding their work or day-to-day relations to the attention of their supervisors. Issues should be brought to the attention of the supervisor as soon as possible to prevent solvable, minor incidents from having a major negative effect on employees and the work environment.

If an employee feels unable to discuss the matter with his/her supervisor or if discussion with the supervisor does not resolve the issue, the employee should contact the Human Resources Director in writing. The Human Resources Director shall discuss the matter with the employee and others who may be involved, collect relevant facts and information, and attempt to reach a satisfactory understanding and resolution of the problem. The Human Resources Director shall

provide a written resolution within fifteen (15) business days after conclusion of an investigation, unless additional time is needed due to extraordinary circumstances.

If any party to the problem or dispute believes that the matter is not satisfactorily resolved, the matter may be appealed to the Town Manager in writing within ten (10) days after the receipt of the Human Resources Director's resolution. The Town Manager shall review the record, collect additional facts/ conduct further investigation as needed and, at his/her discretion hold an informal hearing with respect to the matter.

The Town Manager shall issue his/her determination no later than thirty (30) days after the receipt of the written submission to the Town Manager unless additional time is needed due to extraordinary circumstances.

The decision of the Town Manager is final.

## **5. CONSIDERATIONS**

It is the intent of the policy and procedure to investigate, mediate and resolve issues internally, through an informal and cooperative process. However, an employee is free to pursue alternative methods available under law or regulation without fear of retaliation.

Policy Updated: February 16, 2017

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## **POLICY: 10.12 CONFLICT OF INTEREST**

### **PURPOSE AND SCOPE**

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch. 268A, the Massachusetts Conflict of Interest Law, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below. The outline below is intended to provide a summary of the Conflict of Interest Law and is not intended to provide a complete explanation of that law. Any employee or official having a question regarding the Conflict of Interest Law should contact the Ethics Commission for guidance. ((617) 371-9500)

### **APPLICABILITY**

This policy applies to all employees of the Town of Ashland (excluding those employees under the supervision and control of the School Committee) , vendors, contractors, officials and members of the municipal community.

### **POLICY**

Town employees and officials may not:

A. Ask for or accept anything (regardless of its value) if it is offered in exchange for your agreeing to perform or not perform an official act.

B. Ask for or accept anything worth \$50 or more 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. Take 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. Take 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. Have 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. Represent 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 disclose confidential information, data, or material, which you gained or learned as a public employee.

J. Take 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.

K. Use 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 you officially to propose private business dealings.

L. Use public resources for political or private purposes. Examples of “public resources” include: computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.

M. After leaving public service, take a job involving public contracting or any other particular matter in which you participated as a public employee.

**Mandatory Training**

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A.

Policy Updated: February 16, 2017

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