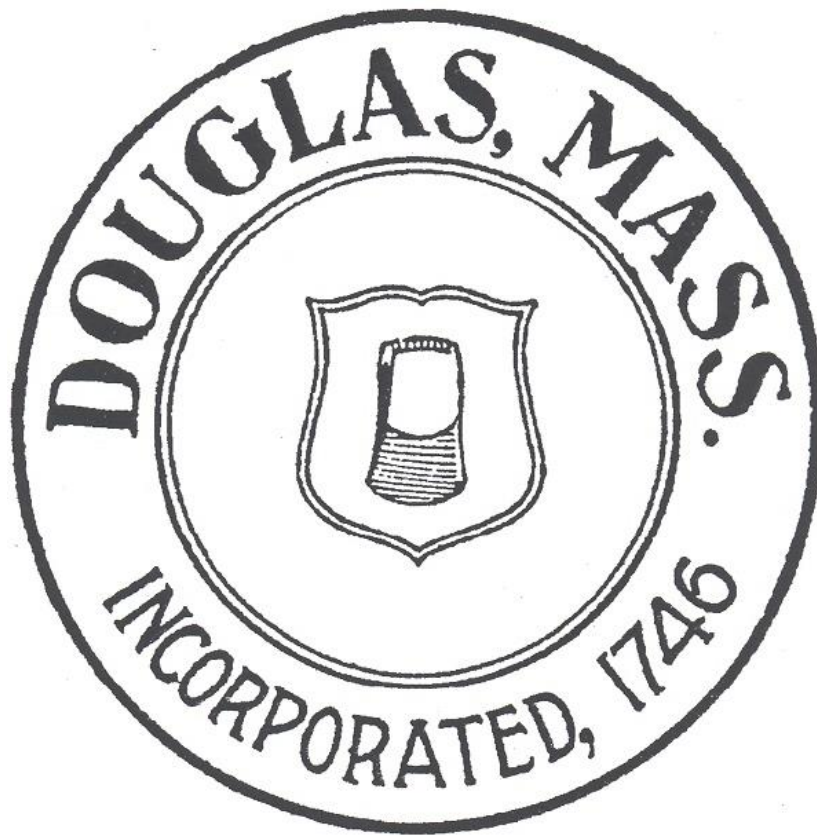


PERSONNEL POLICIES AND PROCEDURES

FOR THE

TOWN OF Douglas, MA



Adopted: January 1, 2012
Amended: April 21, 2015

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1.0 General Provisions

1.1 Authorization

These policies are promulgated in accordance with the authority granted by the Personnel Bylaw.

1.2 Purpose

The purpose of these policies is to establish a fair and equitable system of personnel administration based on merit principles that ensure a uniform, fair, and efficient application of personnel policies. The contents of this Personnel Policy and Procedures manual for the Town of Douglas does not constitute the terms of a contract of employment and should not be construed as a guarantee of continued employment with the Town. Employment with the Town of Douglas is on an at-will basis.

1.3 Definitions

The following definitions shall apply:

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 antidiscrimination laws.

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration: the alcohol in a volume of breath, expressed as grams of alcohol per 210 liters of breath, as indicated by an evidential breath test such as a breathalyzer.

Alcohol use: the consumption of a beverage, mixture, or preparation, including medications, containing alcohol.

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

Appointing Authority: any board or official authorized by General Law, or otherwise, to employ personnel to perform services for the Town.

Automobile Allowance: that amount compensated to an employee for approved work related use of a personal vehicle. Automobile allowance is considered to be a salary item and, as such, is subject to taxation.

Board: the Personnel Board of the Town of Douglas.

Breath Alcohol Technician (BAT): an individual who instructs individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.

Bylaw: the Personnel Bylaw adopted by the Town.

Confirmation Test - Alcohol: a second test, following a screening test with a result of 0.02 or greater that provides quantitative measurement of alcohol concentration.

Concentration Test - Drug: a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a

different technique and chemical principle from that of the alcohol-screening test.

Controlled Substances: used interchangeably with the term “drugs” and, unless otherwise provided, refers to marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines).

Department Head: the officer responsible for supervising a department's operations and activities. A department head may be an appointing authority.

Discharge: an involuntary, permanent separation of employment for cause or inability to perform duties of the job. A discharged employee is not entitled to any termination pay (see Termination release).

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, sexual orientation, disability, political affiliation or veteran status.

Emergency Response Employees: those employees whose work regularly involves the activities of dispatching emergency vehicles and personnel, rescue work, and ambulance services.

Employee: any individual who performs services for and under the control and direction of an employer for wages or other remuneration.

Employee - Contracted: an employee whose terms of employment is negotiated by their supervising authority.

Employee - Full-Time: an employee regularly scheduled to work a minimum of thirty (30) hours per week for fifty-two (52) weeks per year.

Employee - Limited Part-Time: an employee that works fewer than twenty (20) hours weekly.

Employee - Part-Time: an employee working twenty (20) to twenty-nine (29) hours per week.

Employee - Temporary/Seasonal: an employee whose fixed tenure of service is stipulated at the time of hire, and generally for a period not to exceed six (6) consecutive months.

Employer: the Town of Douglas.

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, color, national origin, sex, age, religious or political affiliation, physical disability, sexual preference, or veteran status.

Evidential Breath Testing (EBT) Device: a device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

Expense Reimbursement: payment for approved work-related expenses.

Fair Information Practice Act: MGL Chapter 66, Section 10 that governs public access to records.

General Laws: the General Laws of the Commonwealth of Massachusetts.

Health Care Provider: a doctor of medicine or others capable of providing health care services as defined by the Department of Labor Family and Medical Leave Act rules.

Improper Governmental Action: any action by a city/town officer or employee:

- A. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- B. That:
 - a. Is in violation of any federal, state or local law or rule;
 - b. Is a substantial and specific danger to the public health or safety;
- C. Improper governmental action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of applicable collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any other personnel action taken under authority of state law.

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 impairment, or who is regarded as having such impairment. An individual who currently uses drugs illegally is not considered to be an individual with a disability.

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

Involuntary Retirement: retirement by superannuation, ordinary disability, or accidental disability.

Keeper of the Records: person who has custodial authority over certain records, such as the Treasurer/Collector for payroll data.

Major Life Activities: activities that an average person can perform with little or no difficulty.

Management Employees: employees who are responsible for a Department and/or who are expected to work the required number of hours to fulfill the responsibilities of their positions.

Medical Review Officer (MRO): licensed physician.

Minor: a person below the age of 18 years of age.

Minority: a person with permanent residence in the United States who is Black, Hispanic, Native American, Alaskan Native, Asian or Cape Verdean.

Municipal Vehicle: automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town and registered for travel on a public way.

Non-Smoking Area: any area that is defined by state law where smoking is prohibited.

Overtime: approved hours earned in excess of forty (40) hours per week.

Pay - Compensatory Leave: time off in lieu of wages for hours worked in excess of a non-exempt employee's normally scheduled work hours, per day or per week, depending upon work location.

Pay - Exempt Employees: those employees who are paid by salary, not hourly and are excluded from overtime compensation in accordance with the U.S. Fair Labor Standards Act.

Pay - Overtime: payment of time and one half an employee's regular rate of pay for approved hours earned in excess of forty hours per week.

Pay - Non-Exempt Employees: employees who are paid by an hourly rate and are entitled to receive overtime compensation in accordance with the U.S. Fair Labor Standards Act.

Personal Automobile: automobile owned or available for private use by the employee.

Personnel Assistant: Town Administrator of his/her designee.

Post-Employment Documentation: information, forms, or other similar documentation submitted by or about an employee after he/she begins employment with the Town.

Pre-Employment Documentation: information, forms, or other similar materials submitted by a candidate prior to his/her beginning employment with the Town.

Probationary Period: the first 90 days of employment.

Promotion: a change from a position of lower classification and compensation grade to a position in the same department and with similar work, but with greater responsibilities and in a higher classification and compensation grade.

Protected Class: identified groups that are specifically protected by statute against employment discrimination.

Public body:

- A. the United States Congress, any state legislature, including the general court, or any popularly elected local government body. or any member or employee thereof;
- B. any federal, state, or local judiciary, or any member or employee thereof, or any grand or petit jury;
- C. any federal, state or local law enforcement agency, prosecutorial office, or police or peace officer; or
- D. any division, board, bureau, office, committee, or commission of any of the public bodies described in the above paragraphs of this subsection.

Public Records: records defined in MGL Chapter 4, Section 7, including all records made or received by the Town to serve a public purpose, unless exempted.

Public Safety Employees: employees whose work regularly involves the activities of law enforcement, firefighting, or related activities.

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.

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

Reduced Leave Schedule: a reduction in the number of hours per work day or work week.

Regular Employee: employee who has completed the probationary period and whose tenure of service is unlimited, except as provided by law, regulation, by-law or this policy.

Resignation: a voluntary, permanent separation of employment initiated by the employee.

Retaliatory Action: the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee.

Retirement: a voluntary permanent separation of employment of a regular employee who has satisfied the county/state requirements for retirement benefits.

Rule: means any order, directive, or regulation, the violation of which subjects a person to a penalty or administrative sanction.

Screening Test - Alcohol: test to determine if an employee has a prohibited concentration of alcohol in his or her system.

Screening Test - Drug: a screen to eliminate 'negative' urine specimens from further consideration.

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

- A. incapacity or treatment as an inpatient in a hospital, hospice or residential medical care facility, or
- B. incapacity requiring absence from work or other activities for more than three (3) calendar days and involves continuing treatment of a health care provider, or
- C. continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or if left untreated would result in incapacity for more than three (3) calendar days.

Sexual Harassment: unwelcome conduct of a sexual nature, as defined in 5.5.1.

Substance Abuse: the patterns of substance use that result in health consequences or impairment in social, psychological, and occupational functioning.

Substance Abuse Professional: a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Supervisor: any individual to whom an employer has given the authority to direct and control work performance.

Tardiness: reporting to work after the customary reporting time has passed.

Termination Release: a permanent separation of employment caused by elimination of the job. The person who is released will be given first consideration for any current or future Town job vacancy for which that employee is qualified. Regular employees who are released will be entitled to termination pay, not to exceed the current pay period (see Discharge).

Town: the Town of Douglas, Massachusetts.

Twelve Month Period: a period measured backward from the date an employee uses any family and medical leave.

Workplace: any area in which an employee/employees perform services for their employer, including employee lounges, rest rooms, conference rooms, hallways, stairways, entrance ways and town-owned vehicles.

1.4 Amendments

The Personnel Board has the authority to establish and amend the Personnel Policies and Procedures for the Town subject to the approval of the Town Administrator and final approval by the Board of Selectmen. The Personnel Board prior to such amendments to the Personnel Policies and Procedures becoming effective will hold a public hearing.

1.5 Personnel Assistant

The Town Administrator or his/her designee shall serve as the personnel assistant for the Town responsible for administration of the personnel system. The personnel assistant shall provide assistance and training to appointing authorities and department heads to ensure that recruitment, selection, appointment and retention of employees, maintenance of the classification plan and salary schedule, application and periodic review of personnel policies, and administration of a problem resolution system are accomplished in ways that are consistent with the Bylaw and these policies. The personnel assistant shall supervise the maintenance of a personnel record keeping system. The personnel assistant shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies.

2.0 Recruitment

2.1 Posting and Advertising of Vacancies

Subject to the Town Administrator's approval, job vacancy notices for vacant positions shall be developed by the appointing authority based on the most recent job description on file with the Town Administrator. The Personnel Board shall be given copies of all job descriptions for placement in the pay/classification schedule. Job vacancy notices shall not be required for temporary appointments or for the temporary replacement of incumbents on approved leave status.

The position description on file with the personnel assistant is the official description of the duties of the position. The appointing authority/department head will prepare the job posting based on the official job description, grade, and current salary range information. All postings and advertisements shall include:

- A. position title
- B. salary range information
- C. a brief description of the duties
- D. minimum qualifications
- E. name and address to which to send applications
- F. last day for filing applications

G. an AA/EEO statement

Internal applicants will be considered prior to external candidates if they meet minimum entrance requirements. When recruiting external candidates, appointing authorities must post job openings with the Town Clerk and may request that positions be advertised. The appointing authority should prepare the text of the classified advertisement and forward it to the Town Administrator for review prior to posting.

The Town Administrator/designee shall review and approve the content of all job notices prior to posting and the content and funding availability of all job advertisements prior to publication.

Job notices shall be posted for ten (10) days. Job advertisements shall be placed in local newspapers, trade journals, or other media as appropriate after consultation with the Town Administrator.

2.2 Equal Employment Opportunity/Affirmative Action

The Town recognizes the right of individuals to work and advance on the basis of merit, ability, and potential without regard to race, sex, color, disability, religion, national origin, sexual orientation, age, or any other category under state or federal law. Non-discrimination and equal opportunity are the policy of the Town in all of its hiring programs and activities.

Toward this end, the Town commits itself to take affirmative measures to ensure equal opportunity in the recruitment and hiring, rate of compensation, and all terms and conditions of employment. The Town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, political affiliation, age and veteran status.

All Town employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity.

3.0 Hiring

3.1 Screening/Interviewing

The appointing authority will screen resumes and applications based on criteria established prior to receipt of resumes. The appointing authority should follow standard procedures when screening resumes and conducting interviews. The appointing authority shall consult with the Town Administrator regarding resume review and how to conduct an interview. The Town Administrator shall observe all interviews conducted of prospective employees. The following are general guidelines:

- A. Devise standard selection questions which are not gender or race biased, and use the same questions for all candidates.
- B. Screen resumes for minimum entrance requirements and select candidates for interview
- C. Notify successful candidates of selection (by telephone) and then interview those candidates (interviews conducted by Town Boards and Committees are subject to the provisions of the Open Meeting Law).
- D. Select candidates for final (or second) interview, contact references, and conduct final interviews.
- E. Select final candidate.
- F. Present a conditional offer of employment to the candidate in writing pending CORI check and physical if applicable (the cost of which shall be borne by the hiring department).

- G. Notify unsuccessful candidates by mail. All rejection letters shall be presented to the appointing authority for review prior to dispatch.

3.2 Employment Applications

All applicants for employment will complete an official employment application form that shall be retained by the appointing authority. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form. Resumes may be accepted as supplements to the application, but not as substitutes. (*Attachment A*)

3.3 Reference and Background Checks

It is the policy of the Town to check references of all potential employees. It is the responsibility of the appointing authority to conduct reference checks on the final candidates they are considering to hire. The job applicant will be asked to provide at least three professional references. The appointing authority/designee will make at least one attempt to contact each reference and keep careful written records of having done so. The appointing authority/designee may request any information about a job applicant from a previous employer, family member, or other source.

Candidates should be informed that reference checking may be extended to their current and any or all of their previous employers, even though they may not be on their reference list. (Please be sensitive to coordinating the checking of the current employer's reference with the candidate. We do not want to jeopardize their current position). If a candidate tells you not to contact a specific person or employer, please respect that request. The candidate is not required to provide this authorization, but checking references should be considered a very important part of the selection process and the appointing authority should be very cautious about hiring a new employee who will not provide adequate reference checking authorization.

Before making reference calls, the appointing authority/designee will prepare a set of questions that are related to the position and help with the hiring decision. The appointing authority should describe to the reference the position that the candidate has applied for and describe what he/she is looking for in the ideal candidate.

When calling a reference, introduce yourself, state that you are checking the reference on (name), a candidate for (state the position) and you have the candidate's permission to talk with the reference. If they refuse to provide a reference, ask them what their policy is on providing references for current or past employees to assess whether the issue is their blanket policy on providing references or the fact that they will not provide a reference for this particular employee (or former employee). Questions regarding attitude, skills, experience, and performance should be asked. (*See Appendix A for Sample Reference Check Questions.*)

While the employer has the right to check employment references, state and federal laws protect candidates and employees from unreasonable intrusions by prospective employers into their private, non-job related activities and status. (There are a few exemptions to this rule, for example, law enforcement candidates).

3.4 Employment Eligibility

The Town's policy with respect to employment eligibility is set forth in accordance with the Immigration Reform and Control Act of 1986 that requires that employers verify the employment eligibility of prospective employees. This law sets for the requirements for eligibility to work in the United States.

It is the policy of the Town that new employees must provide proof of authorization to work in the United States on the first day of employment with the Town or within three (3) business days as mandated by federal law. After making an offer of employment, the department head/designee should verify the candidate's eligibility to work in the United States, using the "Employment Eligibility Form" (I-9 Form).

The department head/designee should outline the purpose of the form and give the candidate the Employment Eligibility Information Sheet. The department head/designee should complete the I-9 form and verify the documentation submitted as instructed on the form.

Prospective employees must sign the I-9 form and provide the appropriate documentation on the first day or prior to beginning work. The department head should stress during the interview that all offers of employment are contingent on the candidate's providing the Town with the appropriate documentation prior to being placed on the payroll. This statement should be included in the offer letter, where applicable. Documentation provided with the I-9 should be photocopied and attached to the I-9. Such documentation will not become a part of the employee's personnel file but will be maintained by the Treasurer/Collector in chronological order. This form will be part of the new hire packet given to the employee by the Treasurer/Collector's Office.

3.5 Offer of Employment

An appointing authority shall provide a conditional offer of employment in writing (pending CORI check and physical if applicable) to any prospective employee that contains the rate of pay, hours of work, starting date for employment and other relevant information. The CORI check and physical shall be conducted prior to the commencement of employment. No employee shall commence employment with the Town unless and until the CORI check is complete and the employee has passed a physical, when applicable. Each new employee shall be directed to consult with the Treasurer/Collector during the first week of employment to ensure compliance with all legal requirements and facilitate enrollment in health insurance plans and the retirement system, as appropriate.

3.6 Hiring Documentation

The following documentation will be supplied by the Treasurer/Collector along with the Application for Employment and resume, if applicable, prior to the employee's first day of work:

- A. Payroll Authorization Form
- B. Employment Eligibility Form (I-9)
- C. Pre-Employment Physical Examination Form, if applicable
- D. Confidential Employee Information Form
- E. Work Permit for Employees under eighteen (18) years

On the first day of employment, or at latest, during the first three (3) business days of employment, the employee will be required to submit the following documentation:

- A. W-4 or W-4A tax withholding form;
- B. Applicable retirement form and supporting documentation
- C. Employment Eligibility Form (I-9)
- D. Basic and optional life insurance enrollment form or waiver;
- E. Health insurance enrollment form or waiver;
- F. Annuity/deferred compensation enrollment form (optional);
- G. Section 125 ("Cafeteria Plan") benefit waiver; and
- H. Statement concerning Your Employment in a Job Not Covered by social Security

- I. New Employee Form
- J. Drug Free Workplace act and Sexual and Other Harassment policy

3.7 Pre-Employment Physicals

Once an offer of employment has been made, an employer may condition that offer on the results of a medical examination conducted solely for the purpose of determining whether the employee is capable of performing the essential functions of the job.

3.8 Probationary Period

For all employees, the first ninety (90) days of employment shall be a probationary period. Probationary employees shall have no rights to contest the termination of their employment during the probationary period.

3.9 Temporary and Seasonal Employment

Subject to available funds, the appointing authority may appoint temporary and seasonal employees to titles contained in the Classification Plan in accordance with procedures outlined herein. Temporary and seasonal employees are not entitled to benefits such as health insurance, paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week. Temporary and seasonal appointments must not exceed six (6) consecutive months.

3.10 Employment of Minors

The Town will comply with all laws of the United States and the Commonwealth of Massachusetts in the area of child labor. Department heads should pay strict attention to the procedures and requirements listed below in order to insure compliance with the law and the safety of children who may work for the Town.

Minors sixteen (16) and seventeen (17) years of age may not work more than nine (9) hours per day, nor more than forty-eight (48) hours per week. Such minors may not work between 10:00 p.m. and 6:00 a.m. Such minors must submit an educational certificate that they have obtained from their school or the Superintendent of Schools in the town where they live. Minors sixteen (16) and seventeen (17) years of age may perform most types of work, except work involving hazardous occupations as established by the State and Federal Secretaries of Labor (*see Attachment B*).

Minors fourteen (14) and fifteen (15) years old must have on file and “Employment Permit” from their school or the Superintendent of Schools in the Town where they live. Such minors may not be employed during school hours (unless as part of a qualifying “work experience program”). Such minors may not be employed between 7:00 p.m. and 7:00 a.m. during the school calendar year. Such minors may not be employed:

- More than three (3) hours per day on school days;
- More than eighteen (18) hours per week in school weeks;
- More than eight (8) hours per day during a period of not more than nine (9) consecutive hours on non-school days;
- More than forty (40) hours per week; or
- More than six (6) days in a week.

Minors of fourteen (14) and fifteen (15) years are prohibited from working in the occupations listed in (*Attachment C*).

The Town must keep posted in a conspicuous place, in the room where such minors are employed or report to work, a printed notice or schedule stating the number of hours such minors are required or permitted to work on each day of the week, the total number of scheduled hours for the week, the hours commencing and stopping work, and the hours when the time allowed for meals begins and ends for every day of the week.

4.0 General Administration

4.1 Classification Plan and Salary Schedule

The Board shall forward recommended updates to the Towns uniform system for approval by the Board of Selectmen, which appears as *Attachment D* to these Policies, for the classification of positions based on similarity of duties performed and the responsibilities assumed so that the same qualifications may reasonably be required, and the same schedule of pay may be equitably applied to all positions in the same class.

The classification plan shall cover and include all Town departments and positions in the Town service other than positions under the direction and control of the School Committee and positions filled by popular election and positions under contract. The Town Administrator with the approval of the Board of Selectmen may establish temporary classifications and compensation for positions when needed.

The Town Administrator shall establish, maintain, and, as needed, amend written job descriptions for each class of positions. The job description shall describe the essential character of the duties and responsibilities of positions properly allocated to the class with illustrative examples of work where desirable and shall state the minimum qualifications for entrance to positions of the class. The Board, using standard uniform practices, will assign positions to classifications, subject to the approval of the Town Administrator.

The minimum qualifications for all classes of positions shall be prescribed by the Personnel Assistant and shall be based upon:

- A. the minimum qualifications established by department head
- B. an examination of work content of positions allocated to the class
- C. a study of comparable positions in the service of other municipalities

The Personnel Board shall review and rate submitted job descriptions.

4.2 Reclassification and Salary Adjustments

Department heads may request the Personnel Board to consider changes in the classification of positions or changes in the compensation of Town personnel covered by these Policies. No position shall be reclassified, nor may any class be assigned to a different compensation grade, until the Personnel Board has determined such reclassification or reassignment is consistent with the classification plan.

4.3 Hours of Work and Work Schedules

Establishment of regular working hours are subject to the approval of the Town Administrator and the Board of Selectmen. These hours shall be forwarded to the Treasurer/Collector who in turn will determine in hours; vacation, sick and personal allowances, the balance of which will appear on each pay stub. The Town Administrator or the appointing authority, at their sole discretion, may grant flex/compensatory time to salaried employees where appropriate.

4.4 Time Recording:

Hourly Employees: A weekly, written record shall be kept by all hourly employees, which shall include the starting time, the time the employee starts any lunch break, the time the employee finishes the lunch break, and the time the employee finishes working for the day, as well as overtime, vacation days, personal days, sick days, holidays and other leaves granted by the Bylaw. If the employee has to stop working for other reasons and returns to work later, these times shall also be recorded. These time records shall be signed by the

employee and his/her supervisor. They shall be kept, in accordance with M.G.L. Ch151, s15, for at least two (2) years after the entry date of the record.

Salaried Employees: A bi-weekly written time record shall be kept by all salaried employees documenting days worked and any vacation days, sick days, holidays, and other leaves granted by the Bylaw. These time records shall be signed by the employee and a copy submitted to their supervisor. They shall be kept, in accordance with M.G.L. Ch151, s15, for at least two (2) years after the entry date of the record.

All employees must submit a signed time record to their supervisor to be used to complete the payroll voucher. The original payroll voucher shall be submitted to the Finance Director and a copy to the Treasurer Collector for payroll processing. The Town Administrator and Finance Director may adopt and from time to time amend a time record form and pay voucher for use by employees covered by the Bylaw. Compensation for hourly employees shall be based on actual hours worked, which shall not include lunch breaks.

4.5 Performance Appraisal

The Town will utilize its established Performance Appraisal system in order 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 supervisors; to assist employees in increasing the effectiveness of their job performance; to provide a mechanism for the establishment of individual and department goals; to serve as the basis of acknowledging employee's accomplishments and recognizing employee's potential need for guidance, training, and/or support; and to provide documentation of employee performance to serve as the basis for salary adjustments and personnel actions.

The Performance Appraisal system will apply to all non-union employees. It is the policy of the town that all full-time and permanent part-time employees will be evaluated on an annual basis. A performance review is not a guarantee for a salary adjustment. *{Sample Performance Appraisal Process is included in Appendix B}*

4.6 Promotions and Transfers

It is the policy of the Town to foster the advancement of its employees. It's goal is to ensure maximum opportunity for promotion from within, consistent with the commitment to the Town's needs and equal opportunity. A promotion is defined as advancement to a different position within a department or to another department which has increased responsibilities and classification to a higher wage grade. Any employee who has successfully completed the probationary period, who are qualified for the position and who express interest in an open position in writing are eligible to be considered for the promotion.

Process

- Employee application. Current employees may submit requests to be considered for new positions to the Department Head. They must have the motivation, experience, ability and skills to meet requirements described in the job description.

Criteria for Selection

- Past performance including performance appraisals, corrective action, and attendance records.
- The employee's ability to perform essential job functions.
- Qualifications including former experience and education.
- Department Head recommendations.
- Interview with the Department Head and Town Administrator.

Job posting requirements and/or external advertisement may be waived with the approval of the Town Administrator.

Each employee in a position for which step rates are provided may be considered for an increase in compensation to a higher rate for that position after completion of the required period of continuous service and an annual performance evaluation of M (meets expectation), E (exceeds expectation), or CE (consistently exceeds expectation).

When an employee is promoted or transferred to a higher-rated position, he/she shall enter it at the minimum rate for that position. If his/her existing rate is higher than the minimum rate of the new position, he/she will advance to the next step above his/her present rate. He/she may also receive a one-step increase at the time of promotion, if the department head recommends, in writing, that qualifications and performance warrant it and if the Town Administrator approves it.

If an employee is transferred to a lower-rated position, he/she shall enter it at his/her rate in the position from which he/she is transferred. The pay rate of such employee shall be adjusted to the appropriate rate for his/her new position within one (1) year by such adjustments as the Town Administrator shall determine.

4.7 Personnel Records

A centralized personnel file shall be kept for each employee in the Town Administrator's Office. Such files shall include applications, evaluations, reports, and records pertinent to an employee's employment. To ensure the uniformity and confidentiality of employee personnel files, content of and access to files is limited and shall be controlled in accordance with this policy. A separate pay roll file for each employee shall be kept by the Treasurer/Collector for all payroll and benefit information.

It is the policy of the Town that all employees shall comply with the laws governing public records (MGL Ch 66, s10) and confidential information. No employee shall knowingly or willingly release confidential personnel information, nor shall employees refuse to provide public information.

4.7.1 Content

Pre-employment documents such as applications, resumes, required licenses, offer of employment letters, copies of transcripts or diplomas, military discharge documentation, and other similar materials shall be included in the personnel file.

Post-employment documents such as performance appraisals, disciplinary action notices, commendations, Civil Service promotional certifications, copies of information sent to the employee, or to third parties about the employee, etc. shall be included in the personnel file. When post-employment information is inserted into an employee's personnel file, he/she shall be given a copy of such material by the appointing authority/designee or the Town Administrator.

The appointing authority/designee at his/her discretion shall determine whether a report or record will be placed in the employee's personnel file, except for information submitted by the employee him/herself in rebuttal. Any material submitted by a person other than the appointing authority or the employee (excluding routine paperwork) shall be forwarded to the appointing authority for his/her approval prior to insertion into the file. The appointing authority must notify employees within ten (10) days of placing any information in their personnel file that is, has been or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation, or the possibility that the employee will be subject to discipline.

Medical-related information shall be kept segregated.

4.7.2 Removal

Once inserted into an employee's personnel file, documents may only be removed if there is a clear and compelling reason to do so. The employee or his/her appointing authority must make such requests in writing, with a clear explanation of the compelling reason. The employee should forward a request to his/her appointing authority. The appointing authority shall forward the request, and a letter of support or denial, to the Town Administrator.

The Town Administrator will make a determination as to whether or not the material in question should be removed from the employee's personnel file.

4.7.3 Location and Security

Employee personnel files will be maintained in the Town Administrator's Office at the Municipal Center under the supervision of the Town Administrator who will be responsible for their safety and security. It is the responsibility of the appointing authority/department head to forward all relevant documents to the Town Administrator for inclusion in the official file. Department heads may keep duplicate copies of personnel records. However, these personnel records maintained in remote locations are considered to be part of the employee's personnel record and must be shown to the employee upon request.

4.7.4 Access

An employee, upon written or verbal request and in the presence of the Town Administrator or designee, may review, add rebuttal to a particular document, or be provided with a copy of all or part of his/her personnel file. The appointing authority has five (5) business days to comply with the request. An employee now or formerly in the employment of the town may see and or receive a copy of his or her own personnel records by asking in writing.

The appointing authority is not required to allow an employee to review the employee's personnel file on more than two (2) occasions within a calendar year. However, review of an employee personnel file does not count toward the two (2) permitted reviews when it is triggered by a negative information notification.

Other individuals authorized access to employee personnel files include: the Town Administrator and/or designee; attorneys or union representatives of the employee who have written authorization from the employee; the department head and appointing authority who supervise the employee; attorneys or their agents representing the town; and third parties in response to a court order.

A subpoena or court order requires the appearance of the named individual, such as the keeper of records, and may also require those individuals to bring to a court appearance certain employee records which they have in their possession. Any employee who receives a subpoena or court order requiring personnel or payroll information should contact the Town Administrator immediately. The Town will only release confidential personnel information in response to a court order. The employee will be notified by the Town Administrator in the event that confidential employee data is released in response to a court order.

Authorized employees may respond to requests for verification of employment from

banks, mortgage companies, credit card agents, etc. by providing basic public information such as length of service and salary rate. Employees who receive requests for personnel information other than employment verification, even that which is public record, should refer such requests to the Town Administrator or his/her designee.

4.8 Weather and Emergency Events

It is the policy of the Town to compensate employees who cannot report for work when the municipal building they work in is closed due to snow or other emergency events. The town will compensate non-exempt employees at the rate of their regular rate of pay if required to remain at work or report to work after the municipal building in which they work has been closed. Employees working in excess of forty (40) hours per week will be paid for over-time.

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. Employees who prefer to use Personal or Vacation time, in lieu of reporting to work, should be allowed to do so.

Unless the town buildings are closed by the Town Administrator/designee, employees who do not report to work at all must use their own accumulated personal or vacation leave for the day.

In the event that a decision is made by the Town Administrator/designee not to open the building, or to schedule a late opening, employees will be notified as soon as possible prior to the start of their work day. Employees will be compensated for the period that the municipal building in which they work is closed, unless they were previously scheduled to be on vacation, sick, or other leave for that period.

When an event begins during the day and is forecast to impact driving conditions, or otherwise impact operation of the facility, the Town Administrator/designee may call for a Limited Work Force. This shall mean that 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 building administrator.

4.9 Meal Expense Reimbursement

The Town will reimburse for meal expenses associated with work related travel. (*See Appendix I*).

5.0 Standards of Conduct

5.1 General Conduct and Standards

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; and, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

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.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated 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 alleged violation. *{Guidelines for Disciplinary Procedures are included as Appendix D}*

5.2 Non-Discrimination

The Town recognizes the right of individuals to work and advance on the basis of merit, ability, and potential without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age any other classifications protected under federal/state law. Non-discrimination and equal opportunity are the policy of the Town in all of its employment programs and activities.

Toward this end, the Town commits itself to take affirmative measures to ensure equal opportunity in the areas of recruitment, hiring, promotion, demotion or transfer, layoff or termination, rates 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, races, genders, abilities, religious beliefs, sexual orientation, and ages.

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 the Town departments and agencies, but also in their relations with the public, including those persons or organizations doing business with the Town. The policy of the Town is to:

- A. Recruit, hire, and promote in all job classifications without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age.
- B. Make decisions about employment so as to encourage the development of a diverse workforce.
- C. Ensure that employment and promotion decisions are made in accordance with the principles of equal opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- D. 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, color, disability, religion, national origin, sexual orientation or age.
- E. Prohibit any kind of harassment based on race, sex, color, disability, religion, national origin, sexual orientation, or age.

No retaliatory action against those persons who file complaints of discrimination or against individuals who cooperate in such investigations will be tolerated. Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town Service.

Anyone who feels that he or she has been discriminated against by the Town on the basis of race, sex, color, religion, national origin, sexual orientation or age in employment practices may file a grievance in accordance with the procedures described in Section 4.3 of this document.

5.3 Americans with Disabilities Act

It is the policy of the Town to comply with requirements of the regulations contained in the U.S. Americans with Disabilities Act of 1990. This policy applies to all employees of the Town excluding those employees under the supervision and control of the School Committee.

The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges 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.

The Town has and will continue to establish occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety. Such standards are job related and consistent with business necessity.

The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee unless such accommodation will impose undue hardship on the Town. The Town will provide reasonable accommodation:

- To ensure equal employment opportunity in the application process.
- To enable a qualified individual with a disability to perform the essential functions of the job.
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.
- The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
- The duty to provide reasonable accommodation is on-going, and may arise any time an employee's job changes.
- It is the obligation of the individual with the disability to request the accommodation.
- If the cost of providing the accommodation is determined to meet the criteria of undue hardship on the Town, the affected individual will be offered the opportunity to provide the accommodation or partial accommodation him or herself.

No pre-employment inquiries may be made about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess such qualifications and to ensure health and safety on the job. Before making a job offer, the Town may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The Town may not make inquiries about specific disabilities.

If an applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others, if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Town Administrator or his/her designee after careful review of the circumstances.

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

The Town's grievance procedure for discrimination based on disability is contained in Section 5.4 below.

5.4 Discrimination Grievance Procedure

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that a grievant is not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action. Anyone who feels that he or she has been discriminated against on the basis of race, sex, color, disability, religion, national origin, sexual orientation or age in employment practices may file a grievance.

Grievances must be in writing and include information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the alleged problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

The grievant should file the grievance with the Town Administrator. The Town Administrator will investigate the grievance pursuant to Section 5.5.2 of these Personnel Policies and Procedures.

All grievances received by the Town Administrator and responses from same, will be kept by the Town for at least three (3) years. Such documents will remain strictly confidential and be kept in the employee's personnel file.

This grievance procedure is meant to be informal, and cannot be legally binding on either party.

No retaliatory action will be taken against those persons who file a grievance under this section or otherwise participate in the investigation of a grievance filed under this section.

5.5 Sexual Harassment

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

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

While this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment as outlined below.

5.5.1 Definition

In Massachusetts, the legal definition of sexual harassment is as follows: Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

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

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

5.5.2 Complaint Procedure

If an employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the town either in writing or verbally. An employee wishing to file a complaint should contact the Town Administrator and/or the Personnel Board. The Personnel Board shall notify the Town Administrator within twenty-four hours of the receipt of a complaint.

When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include a private interview with the person filing the complaint and with witnesses. The Town will also interview the person alleged to have committed sexual harassment. When the investigation is completed, the Town will inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. If it determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

In addition to the above, if an employee believes he or she has been subject to sexual harassment, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim. (The EEOC is 300 days; the MCAD is 6 months).

The U.S. Equal Employment Opportunity Commission
One Congress Street
10th Floor
Boston, MA 02114
(617) 565-3200

The Massachusetts Commission Against Discrimination – Worcester Office
22 Front Street
Fifth Floor, P.O. Box 8038
Worcester, MA 01641
(508) 799-6379

5.6 Commercial Driver’s License (CDL) Alcohol and Drug Testing Policy

The following is the policy of the Town regarding testing associated with alcohol misuse and drug use by those employees operating motor vehicles which require a Commercial Drivers’ License. The terms alcohol misuse, drug use, and substance abuse are used interchangeably herein. Definitions for specific terms used within this policy can be found in the definitions section under General Provisions.

This policy applies to all employees subject to the regulations of the Federal Highway Administration, Department of Transportation Alcohol and Drug ruling that include every person who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver’s license requirements of Part 383.

5.6.1 Safety - Sensitive Functions

Regulations are based on the delineation of safety-sensitive functions that are defined as including any of the following circumstances and or activities:

- A. At a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the employer;
- B. Inspecting service brakes, including trailer brake connections, parking (hand) brakes, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguishers, spare fuses, or warning devices for stooped vehicles;
- C. Inspecting, servicing, or conditioning any CMV in operation;
- D. At the driving controls of a CMV in operation;
- E. While in or upon a CMV, except when resting in a sleeper berth;
- F. Supervising or assisting in loading or unloading a vehicle;
- G. Attending a vehicle being loaded or unloaded;
- H. While in readiness to operate the vehicle;
- I. When giving or receiving receipts for shipments loaded or unloaded;
- J. Performing the driver requirements of sections 392.40 and 392.41 of Part 392, Driving Motor Vehicles, relating to accidents;
- K. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

5.6.2 Alcohol Prohibitions

The following prohibitions are established by the DOT relative to alcohol use for performance of safety-sensitive functions:

- A. 1. driver may not report for duty or stay on duty:
 - 2. with a blood alcohol concentration of 0.02 or greater;
 - 3. if in possession of alcohol, unless it is being transported as cargo (this

- includes any product, medication, or food containing alcohol regardless of the alcohol content);
- 4. if using alcohol;
- 5. within four hours of using alcohol;
- B. A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first;
- C. Drivers cannot refuse to submit to alcohol testing;
- D. Employers who know about any of the above acts cannot permit the driver to perform a safety sensitive function.

5.6.3 Drug Prohibitions

The following prohibitions are established by the DOT relative to drug use for performance of safety-sensitive functions:

- A. The Federal Highway Administration bans the use of controlled substances by drivers.
- B. Drivers may not report for duty or stay on safety-sensitive duty while using any controlled substance. There may be an exception to this ruling if a physician has prescribed a substance and has advised you that it does not interfere with your ability to operate a vehicle in a safe manner.
- C. Drivers may not report for duty or stay on duty if they have tested positive for a controlled substance.
- D. Employers who know about either of the above acts cannot permit the driver to perform a safety-sensitive function.
- E. Employers may require drivers to report the use of any therapeutic drugs.

5.6.4 Alcohol and Drug Testing

Testing to determine the presence of alcohol and/or drugs can and may be performed in any of the following situations:

- A. Pre-Employment: Before a new hire can perform any safety-sensitive duties or when a person transfers into a safety-sensitive function from elsewhere in the municipality (no person will be considered for a Driver's position who has had a positive drug and/or alcohol test within two years of his or her application).
- B. Post-Accident: Following an accident where a life was lost or the driver was cited for a moving traffic violation. Post-accident alcohol testing shall be done within two hours of the accident, or not at all. Post-accident drug testing shall be done within 32 hours, or not at all.
- C. Random: Unannounced random testing is required on a certain percentage of drivers each year. The random selection process used shall ensure that each driver has an equal chance of being tested each time selections are made. Drivers are randomly selected from the pool. Random testing for alcohol shall be completed just before, during or immediately after performing safety-sensitive work. Random testing for drugs may be done at any time you are at work. Once notified that you have been selected for random testing, you must proceed immediately to the test site. Random testing is done as follows:
 - 1. 25% of all drivers shall be randomly tested for alcohol during the first year of the testing program. The number to be randomly tested in following years depends on the percentage of positive tests for the entire industry.
 - 2. 50% of drivers shall be randomly tested for controlled substances during each year of the testing program.
- D. Reasonable suspicion: If your supervisor has reason to believe that your behavior or appearance may indicate alcohol or drug abuse, he or she may require you to be tested. Testing for reasonable suspicion is based on:
 - 1. The observances of a trained supervisor

2. Specific, clearly stated observations concerning the driver's appearance, behavior, speech or body odor.

Observations made for alcohol testing shall be made just before, during or just after the performance of safety-sensitive function. The supervisor who makes the observation and determines that reasonable suspicion testing should be done may not conduct the alcohol test on the driver. Alcohol testing for reasonable suspicion must be done within two hours of the observation. Tests that cannot be done within eight hours of the observation shall not be done. You cannot report for duty or stay on the job while under the influence of alcohol or while impaired by alcohol as shown by behavior, speech or performance that indicates alcohol misuse. You will not be allowed to continue to perform safety-sensitive duties until your alcohol concentration is less than 0.02 or 24 hours have passed from the time of initial observation. Action regarding alcohol misuse cannot be taken against a driver unless an alcohol test was administered or was refused by the driver.

- E. Return to duty and follow-up: Return to duty testing is required for drivers who violate prohibitions and are returning to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required. Follow-up testing is required when a driver returns to a safety-sensitive function. A minimum of six tests shall be performed during the first year back in a safety-sensitive position. However, follow-up testing may continue for up to five years.

As part of the alcohol and drug rule and this policy, you must submit to alcohol and drug testing as required. If you refuse to be tested, you cannot continue on the job. Refusal to be tested is considered to be any time you either fail to provide enough breath for alcohol testing or enough urine for controlled substance testing without a valid medical reason after being notified of the testing requirements, or if you clearly obstruct the testing process.

All alcohol testing is done by a certified Breath Alcohol Technician (BAT) in a private setting where no one but you and the BAT can see or hear the test results. An evidential breath testing (EBT) device approved by the NHTSA must be used. The BAT will ask for identification. You may ask the BAT for identification as well.

To complete the test you must blow forcefully into the mouthpiece of the testing device. The BAT must show you the test result on the testing device. A screening test is done first. If the reading is less than 0.02, you will sign the certificate and fill in the date on the form. The test will be reported as negative to the employer.

If the reading is 0.02 or greater, a confirmation test must be done (after 15 minutes but within 20 minutes of the first test). You will be asked not to eat, drink, belch or put anything in your mouth. These steps prevent the buildup of mouth alcohol which could lead to an artificially high result. If the screening and confirmation test results are not the same, the confirmation test result is used.

Drug testing is done by analyzing a urine sample, which is collected in a private location. Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called 'primary' and 'split,' are sent to a testing laboratory certified by the Department of Health and Human Services (DHHS).

At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive. If the first test is positive, the Medical Review Officer (MRO) will notify you to find out if there is a medical reason for the drug use. If you can document why the substance is being taken and the MRO finds it is a legitimate medical use, the test may be reported as negative to the employer.

After being notified that the first test was positive, you have 72 hours to request a test of the split specimen. If you make this request, the split specimen is sent to another DHHS-certified lab for the test. If you do not contact the MRO within 72 hours, but can prove to the MRO that you had a legitimate reason for not doing so, the MRO can order the split specimen tested. Removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.

If the analysis of the split sample does not confirm the presence of a drug, the MRO cancels the test and reports this to the DOT, to the employer, and to you.

5.6.5 Violation of Policy

Consequences for violating the alcohol or drug prohibitions are as follows:

- A. Alcohol violations:
 - 1. Removal from safety-sensitive functions.
 - 2. Prohibition from return to safety-sensitive duties until an evaluation has been done and any recommended treatment is completed.
 - 3. Employees with an alcohol concentration of 0.02 or greater are prohibited from returning to safety-sensitive duties for at least 24 hours.
- B. Drug violations:
 - 1. Removal from safety-sensitive functions.
 - 2. Prohibition from return to safety-sensitive duties until an evaluation had been done, recommended therapy is completed, and a verified negative drug test is produced.

The alcohol and drug rule requires that the Town, as the employer, provide you with an opportunity for treatment. The ruling does not, however, require the Town to hold a job open for you or to pay for rehabilitation. If you violate an alcohol or drug prohibition you must be evaluated by a substance abuse professional to determine what help is needed. If you would like further information on alcohol or drug issues, you may do so on a confidential basis through our Employee Assistance Program. The following person should be contacted for assistance with drug and/or alcohol problems:

FIRST CALL FOR HELP
508 755-1233

24 HOUR A DAY INFORMATION AND REFERRAL SERVICE FOR HEALTH AND
HUMAN SERVICES WWW.UNITEDWAYCOM.ORG

5.7 Vehicle Use Policy

The purpose of this policy is to set forth the guidelines under which town vehicles will be authorized to Town personnel and the guidelines under which Town vehicles may be used.

The provisions of this policy apply to all General Government employees, excluding the

Police Chief and the Fire Chief. Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by agreement.

It is the policy of the Town that certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purposes consistent with providing services to those citizens.

The assignment of municipal vehicles during work time is based upon job description. Appointing authorities who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by the Town Administrator or appointing authority/department head.

The assignment of vehicles for 24-hour use will be made in writing by the Town Administrator, 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:

- Officially designated on-call status;
- requirement for frequent emergency availability;
- issuance of a pager or other communication device;
- emergency or other equipment contained in the vehicle; and/or
- no town facility is available for garaging in a safe and convenient location.

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. Whenever a position becomes vacant, the authorization for 24-hour use shall be re-evaluated.

Employees authorized to commute in a Town vehicle may be subject to imputed income tax 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 Treasurer/Collector 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. Employees who are assigned marked and unmarked police vehicles, and/or marked municipal vehicles carrying tools and meeting certain other eligibility criteria will not be subject to imputed income taxation as a result of the vehicle assignment.

Rules Governing Use

- A. Municipal vehicles may only be used for legitimate municipal business.
- B. Municipal vehicles will not be used to transport any individual that is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Town vehicles.
- C. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
- D. Employees are expected to keep municipal vehicles clean, and to report any

- malfunction or damage to their supervisor immediately.
- E. Employee's assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.
 - F. Employees (both driver and passengers) must wear seatbelts in vehicles so equipped during operation of the vehicle.
 - G. All operators of vehicles that require a CDL license must be tested for drugs and alcohol as provided by US DOT regulations and the Town drug/alcohol policy.
 - H. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
 - I. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once every six (6) months.
 - J. All drivers must consent to a motor vehicle record check prior to driving any town owned vehicle. This record check will be done every other year thereafter. An adverse drug record, regardless of what vehicle it occurred in, may result in revocation of an employee's privilege to operate municipal vehicles. If operating a municipal vehicle is an essential job function, reclassification or termination could result.
 - K. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
 - 1. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the town is approved by the Town Administrator.
 - 2. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
 - 3. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
 - L. No employee may use a municipal vehicle for out of state use without advance approval of the Department Head.
 - M. Under NO circumstances will any person ride in the body of a truck, or in a trailer or bucket of a loader or backhoe.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.

5.8 Tardiness and Failure to Report to Work

The purpose of this policy is to ensure proper coverage in all offices and work locations in order to maintain the highest level of service to the taxpayers of the Town. This policy defines the Town's expectations of employees and describes management's course of action in monitoring and controlling tardiness and failure to report to work.

This policy applies to all paid appointed positions in Town service excluding those employees under the supervision and control of the School Committee. This policy does not apply to management employees who are required to work as many hours per week as

may be required by the Appointing Authority. Employees who are covered by collective bargaining agreement are subject only to those portions of this policy which are not specifically regulated by law or agreement.

It is the policy of the Town that all employees assume their assigned duties at the start of the regularly scheduled work day. Tardiness and failure to report to work are viewed as unacceptable job performance and may be grounds for progressive disciplinary action.

An employee who anticipates that he or she will arrive after the start of the work day or shift must notify the work location and speak directly to his/her supervisor or the supervisor in charge to inform him/her of the delay and expected time of arrival. The employee should call the work location prior to his/her expected time of arrival, if possible. Employees will be required to provide a reasonable explanation of their tardiness, and may be required to provide documentation, if appropriate.

If an employee exhibits a pattern of repeated tardiness, he/she may receive a verbal reprimand. Subsequent tardiness may result in a written reprimand or further disciplinary action. If an employee is tardy for more than two (2) consecutive hours without cause, he/she may receive a written reprimand without having received a prior verbal reprimand. Subsequent tardiness may result in further disciplinary action.

If an employee does not report for his/her scheduled work hours/shift, and fails to notify the work location of the absence by the end of the regularly scheduled shift, the employee shall be considered on unauthorized leave without pay for the day and may be subject to disciplinary action, unless the absence resulted from an emergency. The employee may be required to provide documentation of the emergency. Further incidents of this nature may result in subsequent disciplinary action up to and including termination of employment. Failure by an employee to report to work without permission and without notice for seven (7) or more consecutive days may result in the employee being considered to have voluntarily and permanently separated him/herself from Town service.

5.9 Drug Free Workplace

It is the policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited.

Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent that such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.

Employees who are arrested, charged, or convicted of controlled substance-related violations, or who plead guilty or no contest to such charges, must inform their department head or appointing authority within 5 days of such arrest, charge, conviction, or plea. Department heads or appointing authorities shall notify the Town Administrator immediately.

Employees who are convicted, or who plead guilty or no contest to such drug-related violations may be required to successfully complete a drug abuse or similar program as a condition of continued employment or re-employment.

All employees must sign a statement indicating that they have been informed of the rules and requirements of the Drug Free Workplace Act.

The Town recognizes that drug dependency is an illness and a major health problem. The Town's objective is to prevent conviction for drug related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Personnel Director, Public Health Nurse, or their health insurance provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job, and will not be noted in any personnel record.

A violation of any and all provisions of this policy may result in disciplinary action, up to and including the termination of employment. An employee found to be in violation of this policy on more than one occasion will be terminated from employment.

5.10 Membership in Professional Associations

The purpose of this policy is to convey the Town's expectations for professional and management employees concerning membership in professional associations, including appropriate use of Town time and expenses related to association business. All non-union employees are subject to the provisions of this policy.

The Town supports and encourages employees to join and participate in organizations or associations related to their municipal position or professional discipline. It is the policy of the town that a reasonable amount of Town expense and work time may be devoted to such organizations, subject to the procedures set forth below.

5.10.1 Dues

Subject to appropriation, department heads may authorize payment of dues to professional associations for themselves or for staff members. Dues for organizations (excluding any union dues) which were created to encourage professional development for members are appropriate.

5.10.2 Conferences or Meetings

Subject to appropriation, department heads may authorize payment of registration fees, expenses, and paid leave from work for attendance at in-state conferences held to promote the training, education or the professional development of participants.

5.10.3 Publication

All employees are encouraged to publish articles in professional, technical and scholarly journals. To protect the integrity of Town government, all such articles should bear the following caveat: "This article represents the opinions and conclusions of the author and not necessarily those of the Town of Douglas."

Employees are prohibited from using their office and professional title when expressing opinions of a political nature.

Any employee who violates this policy shall be subject to disciplinary action, up to and including suspension or discharge.

5.11 Smoking in the Workplace

In accordance with the Massachusetts Smoke-Free Workplace Law (MGL Ch 270, s22) it is the policy of the Town that smoking in the workplace is prohibited.

Any employee who continues to knowingly violate this policy may be subject to disciplinary action.

5.12 Conflict of Interest/Financial Disclosure

The purpose of this policy is to ensure that Town employees comply with the requirements of Chapter 268A of the Massachusetts General Laws 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. The Town Clerk will distribute a written summary of M.G.L. Chapter 268A to all town employees on an annual basis.

Town employees 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 and “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, as 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 including all relevant facts.
- 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 your official authority to propose private business dealings.
- L. Use public resources for political or private purposes. Examples of “public resources” include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms and official seals.
- M. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

5.13 Dress Code

Employees should dress in an appropriate manner which is consistent with their work environment. Department heads are responsible for determining appropriate work attire within their department. Employees who violate dress code standards may be subject to appropriate disciplinary action.

5.14 Workplace Violence

The Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town and this department/division to provide a workplace that is free from intimidation, threats, or violent acts.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. 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.

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, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

An employee found to be in violation of this policy will be subject to immediate termination of their employment with the Town.

5.15 Anti Fraud/Whistleblower Policy

This policy in accordance with the Massachusetts Whistleblower Protection Act, 1992, MGL c149 (the “Act”) and is designed specifically to protect such conduct and provided such remedies as are set forth in the Act. It is the policy of the Town:

- A. To encourage the reporting by its employees of improper governmental action taken by city/town officers or employees; and
- B. To protect city/town employees who have reported improper government actions in accordance with this policy.

The Town of Douglas is committed to and requires its employees (which includes officers, board, committee, and commission members and other persons acting on its behalf) to comply with all applicable Town policies, State and Federal Laws and regulations and internal accounting controls. The Town of Douglas will investigate any report of fraudulent acts or related misuse of Town resources or property, including but not limited to revenue, property, information, and any other assets. Any individual found to have engaged in fraudulent acts or related misconduct, as defined in this policy, is subject to disciplinary action by the Town, which may include dismissal, as well as, prosecution by appropriate law enforcement authorities.

Definitions:

5.15.1 Misappropriation of Assets

- A. Forgery, alteration or misappropriation of checks, drafts, promissory notes or securities
- B. Unauthorized use, or disposition of funds or property (for example, misuse of town owned computer hardware, software, data and other records; use of town owned equipment, vehicles or work time for non town purposes)
- C. Embezzlement
- D. Theft
- E. Falsifying time sheets or payroll records
- F. Falsifying travel or entertainment expenses and/or utilizing town funds to pay for personal expenses or for personal benefit
- G. Fictitious reporting of receipt of funds

5.15.2 Fraudulent Financial Reporting

- A. Improper revenue recognition
- B. Improper expense/expenditure recognition
- C. Overstatement of assets
- D. Understatement of liabilities

5.15.3 Expenditures and Liabilities for Improper Purposes

Payments in money or other property, including but not limited to such things as jobs for families and friends, use of vacation properties, discounted or free services in exchange for benefits and other things of value, bribes and kickbacks

5.15.4 General Policy and Responsibility

- A. It is the Town's intent to fully investigate any suspected acts of fraud or other 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 who might be involved in or be the subject of such investigation.
- B. Each elected or appointed official, department head, and manager is responsible for instituting and maintaining systems of internal control to provide reasonable assurance of the prevention and detection of fraud, misappropriation, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- C. The Town Administrator has primary responsibility for the investigation of all activity defined in this policy.
- D. The Town Administrator will notify the Board of Selectmen and the Town Accountant of a reported allegation of fraudulent or irregular conduct upon the commencement of the investigation to the extent practical. Throughout the investigation they shall be kept informed of pertinent investigative findings.

- E. In all circumstances where there are reasonable grounds to indicate that a fraud may have occurred, the Town Administrator, subject to the advice of Town Counsel, shall contact the office of the District Attorney and/or the Douglas Police Department.
- F. Upon conclusion of the investigation, the results will be reported to the Board of Selectmen, Town Counsel, and others as determined necessary.
- G. Town Counsel will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the Town's losses from the offender, or other appropriate source.

5.15.5 Procedures

A. All Employees

- 1. Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that their supervisor may be involved or does not feel comfortable reporting the occurrence to their supervisor, the employee shall immediately notify the Town Administrator.
- 2. Employees have a duty to cooperate during an investigation. Employees who knowingly make false allegations will be subject to discipline.

B. Town Management/Elected Officials

- 1. Upon notification from an employee of suspected fraud, or if management has reason to suspect that a fraud has occurred, they shall immediately notify the Town Administrator.
- 2. Upon notification of discovery of a suspected fraud, the Town Administrator will promptly investigate the suspected fraud. In all circumstances, where there are reasonable grounds to indicate that a fraud may have occurred, the Town Administrator will inform Town Counsel. Subject to the advice of Town Counsel, the Town Administrator will contact the office of the District Attorney and/or the Douglas Police Department.

C. Security of Evidence

- 1. Once a suspected fraud is reported, the Town Administrator, in consultation with Town Counsel, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the audit investigation can begin.

D. Confidentiality

- 1. All participants and all persons questioned in a fraud investigation (including all executive sessions) shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.
- 2. No elected or appointed official or town employee will discuss the details of any ongoing fraud investigation (including all executive sessions) with the media that may compromise the integrity of the

investigation.

3. Any Town employee contacted by the media with respect to an audit investigation shall refer the media to the Town Administrator.
4. All public announcements concerning an investigation shall respect the rights of all individuals under federal and state law as recommended by Town Counsel.

E. Personnel Actions

1. If a suspicion of fraud is substantiated by the investigation, disciplinary action shall be taken by the Appointing Authority in accordance with the Personnel Bylaws and applicable state and federal laws after consultation with Town Counsel.

F. Documentation

1. At the conclusion of the investigation, the results will be reported to the Board of Selectmen, Town Counsel, and other as determined necessary.

G. Completion of the Investigation

1. Upon completion of the investigation, including all legal and personnel actions, any records, documents, and other evidentiary material will be returned to the appropriate department.

H. Reporting to External Auditors

1. All information relating to investigations will be available to the external auditors of the Town.

I. Whistle-Blower Protection

1. No employer or person acting on behalf of the Town shall:
 - be dismissed or threatened with dismissal;
 - be disciplined, suspended, or threatened with discipline or suspension;
 - be penalized or any other retribution imposed, or
 - be intimidated or coerced,

Violation of this section of the Policy may result in disciplinary action, up to and including dismissal in accordance with the applicable federal, state, and local administrative laws.

J. Distribution

1. Upon adoption, this policy shall be distributed to all currently serving elected and appointed officials and to all existing employees. All newly-elected and appointed officials and all newly-hired employees shall be given a copy of the Town's Fraud Policy at the time of swearing-in or hiring.

5.16 Technology Use Policy

Town-owned computer equipment and applications are the property of the Town. The Town reserves the right to monitor individual use by employees, including e-mails, and review and retrieve any information stored on or transmitted with Town-owned computer and technological equipment. The users of the network are responsible for respecting and adhering to local, state and federal laws. This policy applies to every employee, board member (elected or appointed), contractor or remote user who is provided access to the Town's computers and network resources. Employees are prohibited from sharing computer and system passwords and access codes. If an employee violates this section,

they shall be subject to discipline, up to and including termination of employment.

Internet access through the Town-provided network is intended for business use, including finding vendor information, government information, research, and communicating with colleagues and residents for government-related purposes. All Internet usage may be monitored.

At no time may users access inappropriate web sites, such as those hosting pornography, obscene materials or gambling enterprises.

As with all of the Town's assets, the e-mail system is intended to be used for work-related purposes, and in ways consistent with the Town's overall policies. The system may not be used in any way that is disruptive to the operation of the Town or offensive to others.

Under no circumstances shall employees use cell phones during the use and/or operation of heavy equipment or Town-owned vehicles, with the exception of emergency personnel while performing official duties. Excessive personal and/or cell phone calls while during business hours may be subject to disciplinary action up to and including termination.

E-mails have been deemed a public record and employees need to take into consideration that the applicability of the public records law when using the Town's e-mail system.

5.17 Dispute Resolution

Employees are encouraged to bring any problems or complaints regarding their work or other day-to-day relations with the Town to the attention of their supervisors or appointing authority.

If an employee has a particular request or a problem, he or she should discuss the matter with his or her immediate supervisor.

If the matter remains unresolved after the discussion with the employee's immediate supervisor, the employee should contact their appointing authority in writing. The appointing authority shall discuss the matter with the employee, as well as others who may be involved and attempt to reach a satisfactory understanding and resolution of the problem.

If the dispute remains unresolved more than two (2) weeks after the submission in writing to the appointing authority, the employee may appeal to the Board. The Board shall take the question under advisement, collecting such facts relating thereto as may seem helpful and it may, in its discretion, hold public or private hearings with respect to the question, subject to the provisions of the Open Meeting Law.

No later than thirty (30) days after receipt of the written submission of the matter, the Board shall render its decision and thereafter promptly take such action as may be appropriate relative to the problem. If the decision rendered by the Board is unsatisfactory to any party to the problem or dispute, he or she may appeal for relief to the Board of Selectmen.

5.18 Fair Labor Standards Act "FLSA"

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State and local governments. Covered nonexempt workers are entitled to a minimum wage as set by State Law. Overtime pay at a rate of not less than

one and one-half (1 ½) times their regular rates of pay is required after forty (40) hours of earned time in a workweek. An employee's use of sick, vacation, and personal time will be counted towards the forty (40) hours when calculating an employee's entitlement to overtime compensation.

5.19 Retirement

The Town of Douglas has a retirement program under General Laws, Chapter 32, Sections 1-28, and other special acts of the Commonwealth of Massachusetts. An employee must be working a minimum of twenty (20) hours a week to qualify for the retirement program.

6.0 Leave Policies

6.1 Civic duty leave

A full-time or part-time employee whose service as a juror makes it impossible or impractical to work the hours necessary to earn his or her normal week's pay may make application to the department head for the difference between jury duty pay and the employee's normal weekly earnings. The Town agrees to pay this difference upon presentation of proof of the amount of jury pay received by the employee.

6.2 Military leave

All permanent full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding seventeen (17) days per calendar year in order to receive military training. The Town Administrator may extend military leave beyond seventeen (17) days for extenuating circumstances. At least sixty (60) days prior to departure, employees shall provide notice of the date of departure and date of return, and shall provide confirmation of the satisfactory completion of such training upon his or her return to work.

Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation, sick leave or other employment benefits.

Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than ten working days per calendar year. The Town Administrator, at his/her sole discretion, may extend the time granted to employees for Military Leave under this section.

6.3 Unpaid Leave of Absence

The Town Administrator may grant an employee, excluding those classified as seasonal or temporary, leave of absence without pay for a period exceeding fifteen (15) calendar days, but not to exceed ninety (90) calendar days.

Upon expiration of a regularly approved leave without pay the employee shall be offered a position comparable to that held at the time the leave was granted, if a vacant position exists in the Town.

Failure of an employee on leave to report for duty at the date designated and approved initially or upon renewal shall constitute resignation.

6.3.1 Criteria for Granting Leave

Leave without pay shall not be considered as a privilege, but shall be granted only when it serves to promote the mutual benefit and interests of the employee and the Town.

Leave of absence for training or study to enable the employee to render more valuable service to the Town may be deemed by the appointing authority as serving to promote mutual benefit and interest.

The Town Administrator, upon the recommendation of the department head, may approve or disapprove such request on the basis of the operational requirements of the department, availability of temporary substitute employees, the performance and attendance record of the individual and the reason for the request.

6.3.2 Procedure in Requesting Leave of Absence

An employee requesting a leave of absence for any reason must present the request in writing to the department head, who shall submit a recommendation for review by the Town Administrator. Requests other than for sick leave shall be made in advance to allow for the department to re-assign or reorganize the work of the department.

6.3.4 Fringe Benefits During Leave

During any leave of absence without pay, all benefits including vacation, sick, and personal day accruals, and seniority calculations that are normally accrued shall be frozen until the employee returns to work. All insurance benefits paid by the Town shall terminate during an unpaid leave of absence. The employee may retain membership in the Town's plans for health and life insurance for the duration of an approved leave of absence without pay, with the approval of the Town Administrator. The employee shall be responsible for paying the full cost of the monthly premium, including the premium percentage normally paid by the Town. An exception to this would be employees on an approved FMLA leave of absence shall continue to receive health insurance, with the Town continuing to provide its share of the premiums.

6.4 Maternity Leave

In accordance with General Laws c.149, §105D and 804 Code of Massachusetts Regulations 8.0, a female employee who has completed her probationary period shall be entitled to leave for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of 18, or under 23, if the child is mentally or physically handicapped. In order to be eligible for leave under this section, the employee is required to give two weeks' notice in advance of the anticipated date of departure, stating her intention to return and anticipated date of return. Upon her return to work, the employee is entitled to be restored to her previous position, or to a similar position which has the same status and pay as her previous position, and to the length of service credit and seniority as of the date of her leave. Leave under this section shall be unpaid, unless the employee is eligible to apply other leave, such as sick leave or vacation, to which she is entitled. Any leave taken under this section shall be deemed leave taken under the provisions of Family and Medical Leave.

6.5 Family and Medical Leave

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible for Family and Medical Leave.

Eligible employees will be granted leave in accordance with FMLA regulations for:

- A. family leave due to the birth, adoption or placement of a child (foster care),
- B. medical leave due to an employee's serious health condition,
- C. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition.
- D. to care for a member of the Armed Forces who is undergoing medical treatment,

recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

At least thirty (30) days in advance, the employee shall submit to the department head or appointing authority, if there is no department head, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days notice is not possible, the employee shall give notice as soon as practical. In connection with family leave, employees shall, upon request by the department head or appointing authority, provide proof of birth, adoption or placement of a child. In connection with medical leave, employees shall upon request of the department head or appointing authority provide medical certification which shall include:

- A. in the case of the employee's illness, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the provider has personally examined the employee, identification of the serious medical condition unless it is confidential in nature with date of onset and probable duration, and stating that the employee is unable to perform his or her duties due to the specific illness or injury on the days in question;
- B. in the case of care for a spouse, child or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question.

Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so.

Employees may be required to provide re-certification including the employee's affirmative commitment to return to work and anticipated date of return after each thirty (30)-day period of medical leave, or at shorter intervals if the employee requests an extension of leave; if there are significant changes from the original certification circumstances; or if the Town receives information which casts doubt on the validity of the certification.

Employees may request medical leave on an intermittent leave, or reduced work, schedule if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

Leave under this section shall be unpaid unless an employee applies other paid leave benefits leave that may be available, such as vacation leave or sick leave. Use of such paid leave will not extend the total length of leave time available under this section beyond twelve (12) weeks in a twelve (12)-month rolling period.

Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays the required employee share of premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee the cost incurred in maintaining insurance coverage for the duration of the employee's leave.

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

6.6 Sick Leave (Approved by BOS April 21, 2015)

Pursuant to Section 5(C) of the Personnel Bylaw,

Employees will begin accruing sick leave from their date of hire, however, employees will not be eligible to utilize sick leave until completion of their probationary period. Subsequent accrual will be based on a fiscal year. Sick leave shall be credited monthly at a rate of 1.25 days per month after each month of employment and may be rolled over from fiscal year to fiscal year at a maximum of 120 days. Employees who are off the payroll for more than one day in the month shall not be credited with sick leave for that month, unless under the provisions of FMLA.

Sick leave gives an employee continued compensation during times of absence due to (1) personal illness, or (2) illness of a spouse, a child, a parent, or a person residing in the immediate household.

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's spouse, child, parent or person living in the employee's household when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation. The Town reserves the right to review an employee's use of sick leave at any time, and, if the Town determines that the use of sick leave shows a pattern of abuse, the employee may be subject to discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon returning to work, after an absence of four (4) or more days, employees shall complete a To/From memo addressed and submitted to their Department Head/supervisor which contains the following:

- Dates of the sick leave,
- Identify whether the sick leave is for personal or family use, and
- State the reason – (within the limits of HIPPA)
- Confirmation that the employee can safely return to work without restrictions.

The department head shall forward a copy of the memo to the Town Administrator.

If an employee is out sick for four (4) or more consecutive working days, the Town Administrator shall require verification of the sickness, as well as written confirmation that the employee may return to duty be provided by a physician/doctor

before an employee may return to duty.

An employee who has more than five (5) occurrences where sick leave is utilized for a day or more during a fiscal year, either consecutively or inconsecutively, is required to submit a doctor's note substantiating each future use of sick leave for the remainder of the fiscal year.

6.7 Sick Leave Bank (*approved 11-15-01 Special Town Meeting*)

6.7.1 ESTABLISHMENT: The Sick Leave Bank is designed for use by non-union municipal employees who are undergoing a prolonged illness or disability or who must care for an immediate family member with an extended or catastrophic illness or injury. Prolonged illness or disability is construed to be an absence of twenty (20) consecutive working days or more. All transactions for the Sick Leave Bank shall be processed in increments of one (1) hour or more. Donors and recipients of the Sick Leave Bank must be permanent full or part time employees. The Sick Leave Bank shall be administered by the Personnel Board on a case-by-case basis and shall have the right to waive requirements or establish additional criteria.

6.7.2 ELIGIBILITY: Employees are eligible to participate in the Sick Leave Bank if they are permanent full or part-time employees with at least one year of service, and have exhausted all of their own sick leave benefits, vacation days, personal days and compensatory time and who intend to return to work immediately after the prolonged illness or disability ceases. To be eligible, the employee must not be receiving workers compensation benefits or other disability or retirement benefits. If the recipient's situation qualifies for family and medical leave under the Family and Medical Leave Act (FMLA), any leave granted will be counted toward his/her FMLA leave entitlement. The employee must submit at his/her own expense a medical verification from a licensed physician with the application for the Sick Leave Bank and must submit monthly medical progress reports from a licensed physician (unless waived by the Personnel Board) for the duration of the leave. Only employees who contribute to the Sick Leave Bank are eligible to receive benefits from it.

6.7.3 JOINING: Any permanent full or part-time employee who has accrued a minimum of 8 sick days may join the Sick Leave Bank at its inception or during the annual benefits open enrollment period (February 1st – March 1st). New employees may join after their 7th month of employment or during the annual benefits open enrollment period and must have accrued a minimum of 8 sick days. Upon joining, the employee must immediately contribute a minimum of three (3) sick days (or the equivalent of three (3) work days) and at least one (1) sick day per year. The total contribution per employee shall be at his/her discretion. Prior to retirement, an employee may donate a maximum of twenty (20) days. Employees shall be considered members of the Sick Leave Bank for as long as they contribute the minimum sick days or until written notice of withdrawal is sent to the Personnel Board. No donated sick days shall be returned to the employee upon his/her withdrawal from the Sick Leave Bank. (*Attachment F*)

6.7.4 RECIPIENTS: Any eligible employee may apply to the Sick Leave Bank after exhausting all of their benefits. Employees must use the standard "Sick Bank Utilization Request Form" form (*Attachment G*) and submit it to the Personnel

Board. Each submittal must be accompanied by a verification notice from a licensed physician along with monthly progress reports from said physician for the length of the benefit period. No employee may receive more than fifty (50) additional sick leave days in one calendar year and a maximum of eighty (80) additional sick leave days in two consecutive calendar years. Anyone receiving benefits from the Sick Leave Bank is responsible for all medical and other payroll deductions. Recipients must sign a Sick Leave Bank Agreement in which he/she states their intent to return to service immediately after the prolonged illness or disability.

6.7.5 DEFAULT: Employees using the benefits of the Sick Leave Bank must sign a Sick Leave Bank Agreement in which he/she states their intent to return to service immediately after the prolonged illness or disability for a minimum length of Sick Leave and to meet all the terms of the bylaw requirement. Default of this signed Agreement for reasons other than death or retirement of the employee, will result in refunding by the employee to the Town of Douglas in full the amount of the salary represented by the sick leave from the Sick Leave Bank.

APPEALS: Anyone who has been denied benefits from the Sick Leave Bank by the Personnel Board may request a review by the Selectmen if they would like to present new information or discuss extenuating circumstances.



Attachment A

Town of Douglas
APPLICATION FOR EMPLOYMENT

Date of Application _____

Position(s) Applied for _____ salary desired _____

Referral Sources: [] advertisement [] employment agency [] job posting
[] friend / relative [] walk-in [] other

PERSONAL

Name Last First Middle

Address Number Street City State Zip Code

Mailing Address (if different) Number Street City State Zip Code

Phone Number: _____ Email address: _____

In case of emergency notify: _____

GENERAL INFORMATION

If employed and you are under 18,

Can you furnish a work permit? [] yes [] no

Have you filed an application here before? [] yes [] no If yes, give date: _____

Have you ever been employed here before? [] yes [] no If yes, give date: _____

Are you employed now? [] yes [] no May we contact you present employer? [] yes [] no

Can you, after employment, submit verification of your legal right to work in the United States? [] yes [] no

EDUCATION, TRAINING & EXPERIENCE

Source Name & Location of School Diploma/Degree Certificate
High School
Business, Technical, or Correspondence
College & Graduate Schools

Special Courses, Training
Manual: List licenses you possess (Motor Vehicle Operator, CDL, Class I II III, Hoisting, Engineer, etc.)
Clerical: List office machines you can operate (computer/programs, fax, etc.)

The Town of Douglas is an Equal Opportunity Employer. Applicants are considered for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation or any other legally protected status.

ADDITIONAL INFORMATION

Other Qualifications

Please list any other skills or qualifications you may have acquired from other employment or experience.

REFERENCES

Please list the names of three (3) persons, not related to you, whom you have known at least one year.

1.

Name	Address	Phone	Years Known

2.

Name	Address	Phone	Years Known

3.

Name	Address	Phone	Years Known

AGREEMENT

The information provided in this application for employment is true and complete to the best of my knowledge. In the event of employment, I understand that false or misleading information given in my application or interview may result in discharge. Further, if hired I agree to take a physical exam as required under the Town's Personnel Bylaw if applicable to my employment. I understand that any offer of employment may be contingent upon the physician's opinion. I also understand that any employment offer is conditional on my ability to establish eligibility under the Immigration Reform and Control Act of 1986. I authorize investigation of all statements contained in this application and the release of information regarding education and past employment.

Signature

Date

Attachment B

Prohibited Hazardous Occupations for Minors under age Eighteen (18)

1. Manufacturing and storing explosives;
2. Motor vehicle driving;
3. Coal mining;
4. Logging and saw-milling;
5. Operating power-driven wood working machines;
6. Operating power-driven hoisting apparatus;
7. Any work causing exposure to radioactive substances;
8. Operating power-driven metal-forming, punching and shearing machines;
9. Mining, other than coal mining;
10. Slaughtering, or meat packing, processing or rendering;
11. Operating power-driven bakery machines;
12. Manufacturing brick, tile, and similar products;
13. Operating power-driven paper product machines;
14. Operating power-driven circular saws, band saws, and guillotine shears;
15. Wrecking, demolition and ship-breaking;
16. Roofing;
17. Excavating;
18. Working in railway operations;
19. Working in foundries, or working in or about blast furnaces;
20. Buffing or polishing equipment;
21. Handling, serving or selling alcoholic beverages;
22. Working as a firefighter or engineer on any boat or vessel;
23. Manufacturing white or yellow phosphorous matches; and
24. Working at any occupation over thirty five feet above ground, floor or water level (including washing windows in a public or commercial building if the window is more than ten feet above the ground or floor level, or the roof of an adjoining building).

Attachment C

Prohibited Occupations for Fourteen (14) and Fifteen (15) Year Old Minors

1. Manufacturing of any kind;
2. Mining of any kind;
3. Processing, such as filleting fish, dressing poultry, or cracking nuts;
4. Laundering as performed by commercial laundries and dry cleaning;
5. Working in workrooms or workplaces where goods are manufactured, mined or otherwise processed;
6. Working for a public messenger service;
7. Operating or tending hoisting apparatus or any power-driven machinery (other than office machines or machines in retail, food service and gasoline service establishments);
8. Working in any occupations found and declared to be hazardous by official designation;
9. Working in connection with:
 - a. The transportation of persons or property by rail, highway, air, water, pipeline or other means;
 - b. Warehousing and storage;
 - c. Communications and public utilities; or
 - d. Construction (including repair), except in office and sales work in connection with these four categories as long as such office and sales work is not performed at the site of prohibited work;
10. Working in or about boiler or engine rooms;
11. Maintaining or repairing buildings, machines, or equipment;
12. Outside window washing that involves working from window sills;
13. Working on ladders, scaffolds, or their substitutes;
14. Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;
15. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers;
16. Working in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas);
17. Loading and unloading goods to and from trucks, railroad cars, or conveyers;
18. Working in warehouses except office and clerical work;
19. Working in any billiard or pool room;
20. Working in the theatrical trades, unless approval is obtained from the State Commissioner of Labor and Industries;
21. Working at an occupation involving industrial homework; and
22. Working in any of the occupations prohibited for all minors under the age of eighteen (18) as listed in Attachment B.

Attachment D

Classification Plan

Management Classification Schedule			
Grade	Position	Grade	Position
M-1		M-4	Fire Chief
M-2	Principal Assessor Muni Facilities Maint. Mgr.		System Manager – Water/Sewer Town Accountant
M-3	Building Commissioner Library Director Planning/Conservation Agent Director Senior Center Treasurer/Collector	M-5	Town Engineer Hwy Superintendent

Office Administration Classification Schedule			
Grade	Position	Grade	Position
OA-1	Library Assistant Jr. Clerk Assessor Meeting Minute Taker	OA-3	Asst. Tax Collector Asst. Treasurer Asst. to the Town Accountant Assessors' Admin. Asst. Adm. Sec/Comm. Development
OA-2	Admin. Sec. to the BOS Principal Clerk – Fire, Bldg., And Assessors Senior Clerk Highway Clerk	OA-4	Adm. Secretary Admin./Supervisor/BOH Asst. Town Clerk
		OA-5	Admin Asst. to Twn Adm./BOS

Public Works Classification Schedule			
Grade	Position	Grade	Position
PM-1	Truck Driver/Laborer	PM-4	Group Leader
PM-2	Asst. W/S Operator Hwy. Laborer Operator	PM-5	Water Operator Chief Operator Hwy Mechanic
PM-3			

Miscellaneous Classification Schedule			
Grade	Position	Grade	Position
MS-1	Senior Center Clerk Transfer Station Employee	MS-3	
MS-2	Assessor Lister	MS-4	Senior Outreach Coordinator

Public Safety Classification Schedule			
Grade	Position	Grade	Position
PS-1		PS-5	Asst. Fire Chief Deputy Fire Chief
PS-2	Basic Call Fire Fighter Lt. Fire Fighter Part-time Dispatcher*	PS-6	Part-time EMT (on call)
PS-3	Part-time Reserve Clerk Part-time Reserve Officer* Captain Fire Fighter	PS-7	Part-time Nurse Full-time 9/11 Trainer
PS-4	Full-time Dispatcher	PS-8	Full-time Fire/EMT
		PS-9	Admin. Sec/Dispatcher

* Police part-time positions have a one year probationary period.

Attachment E

TOWN OF DOUGLAS

SICK LEAVE BANK ENROLLMENT FORM

PLEASE CHECK THE APPROPRIATE BOXES:

- I WANT TO PARTICIPATE IN THE SICK LEAVE BANK. PLEASE SUBTRACT _____ DAYS (3 DAY MINIMUM FIRST YEAR) (_____ HOURS/ # OF HOURS PER DAY X # OF DAYS DONATED) FROM MY ACCUMULATED SICK TIME, EFFECTIVE MARCH 1, 2005.
I UNDERSTAND THAT I MUST DONATE 1 DAY MINIMUM EACH FOLLOWING YEAR.

- I WISH TO DONATE MORE THAN 1 DAY EACH YEAR—PLEASE SUBTRACT _____ DAYS (_____ HOURS) EACH YEAR.

SIGNATURE _____ DATE _____

THIS AUTHORIZATION SHALL REMAIN IN EFFECT UNTIL THE PERSONNEL BOARD IS NOTIFIED IN WRITING NO LATER THAN MARCH 1ST OF EACH YEAR. ALL CHANGES MUST BE MADE IN WRITING.

Any permanent full-time or permanent part-time employee who has accrued a minimum of 8 sick days may join the Sick Leave Bank and must contribute a minimum of 3 days (or hours equivalent to 3 normal work days) during their initial enrollment year and at least 1 sick day (or equivalent hours) per year thereafter. New employees are eligible to join after 7 months of employment if they have accrued 8 sick days. The total contribution of sick days is at the discretion of each employee. *No contributed sick days shall be returned to the employee upon withdrawal from the Sick Leave Bank.*

PLEASE RETURN THIS FORM TO YOUR DEPARTMENT HEAD. ***EACH DEPARTMENT HEAD IS RESPONSIBLE FOR KEEPING TRACK OF SICK DAYS DONATED BY EMPLOYEES IN THEIR DEPARTMENT AND VERIFYING THEIR ELIGIBILITY.*** THE PERSONNEL BOARD WILL BE IN CHARGE OF ADMINISTERING THE SICK BANK.

DEPARTMENT HEADS SHOULD FORWARD THIS FORM TO THE PERSONNEL BOARD, KEEPING A COPY FOR THEIR RECORDS.

SICK BANK UTILIZATION REQUEST

Applicant's Name: _____

Position: _____ Date of Hire: _____

Last day of work: _____

Expected duration of leave: _____

_____ I am a member of the sick bank and have contributed a minimum of three (3) sick days to the bank

_____ I have submitted the appropriate paper work (doctor's notes, progress reports, etc.) to my supervisor

Date forms were submitted to supervisor: _____

I agree to abide by all provisions of the Sick Bank (Section V, C) of the Personnel Bylaw and understand that any compensation received from my insurance company for lost wages shall be reimbursed to the Town of Douglas and the sick days used will be reinstated to the Sick Bank.

Signature Date

please print name

address

home phone cell phone

Supervisor's Signature Date

Appendix A

Sample Reference Check Questions

- Please describe the position the candidate held (or holds) in your organization. Review:
 - a. duties, reporting relationships, scope of responsibility, level of autonomy;
 - b. how long they were in the position and what other positions they held in the organization;
 - c. confirm dates of employment, job title, salary and dates in current or last position.
- What were the candidate's strongest skill areas?
- Using a 1-5 scale, with 5 being the high, how would you rate the candidate in the following areas: (List the specific knowledge, skills, abilities, or tasks that are pertinent to your position.)
- Please describe how the candidate interacted in the workplace with: subordinates, peers, immediate supervisors and management (use each one that is appropriate for your position).
- Was the candidate a person whom you had to motivate or were they internally motivated?
- What aspects of candidate's job did (he/she) do well? In what aspects of their job did they require a higher level of supervision or seem to struggle with?
- Describe the candidate's quality and quantity of work.
- Did the candidate understand, follow and respect workplace rules and administrative processes?
- Please describe areas that the candidate either struggles with or should continue to work on developing?
- Was the candidate a "team player"?
- Based on the description of the position that the candidate has applied for and reviewing their current or past job description, can you foresee any problems with the candidate being able to perform the duties of the position for which they have applied?
- Would you re-hire the candidate if given the opportunity?
- Is there anything else relevant to the candidate's performance and attitude in your workplace of which I should be aware?
- Would you recommend the candidate for this position?

For Supervisor/Manager candidates also consider asking:

- How long has the candidate been a supervisor/manager?
- Please describe the number and title of the employees that the candidate supervised directly.
- Please describe the number of people indirectly supervised by the candidate (number of people reporting through other supervisors to the candidate).
- Did the candidate do the following: (Clarify as to whether they had the authority and had actual experience in each of these areas.)
 - a. Hiring
 - b. Establishing job duties
 - c. Recommending pay increases
 - d. Evaluating
 - e. Disciplining
 - f. Firing
 - g. Supervising/managing in an union environment
- Describe the candidate's supervisor/management/ leadership style (You should clarify and evaluate if it was an effective style).

Appendix B

Sample Performance Appraisal Process

General Procedures

Coordination

The performance review system will be coordinated and monitored by the Town Administrator. Coordination will include the following tasks:

- Informing department heads about which employee reviews should be completed;
- Providing supervisors with the performance review forms needed to complete the reviews;
- Monitoring the completion of reviews;
- Placing the completed reviews in employees' official personnel files;
- Keeping employee reviews in a secure file to protect confidentiality; and
- Regulating access to employee review files.

Forms

All non-management administrative, clerical and professional employees will be evaluated using the Performance Appraisal Form.

Timing

All employees will be evaluated prior to the conclusion of the probationary period, and annually thereafter on their anniversary/step date.

Meetings

All supervisors are expected to hold a private meeting with each of their employees to complete annual reviews.

Compensation

Department heads must complete a Payroll Authorization Form as well as the Performance Evaluation Form and forward them to the Town Administrator as soon as the review is completed. The Personnel Department will then process a step raise request, if applicable.

Employee Response

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 should refer the employee to the appropriate grievance or appeal procedure in the collective bargaining agreement or by-law.

Evaluation Process

Evaluation of Previous Review Period

The evaluator should comment on the employee's performance with regard to each of the performance criteria listed on the form. A narrative description of the employee's performance must be included under each category. If the employee's performance in any of the criteria warrants improvement, indicate the level of performance which would be acceptable and the method by which the employee may improve his/her performance. *{Sample Performance Criteria are outlined in Appendix C.}*

Evaluation of Goals for Previous Review Period

The supervisor and the employee should review the goals set the previous year. Each employee should have at least 3 goals per year, which may be modified during the mid-year review, if necessary. If a particular goal was not achieved due to mitigating circumstances, the evaluator should indicate that fact in the space provided.

Goal Setting for Next Review Period

The evaluator and the employee should mutually agree on the goals to be set for the coming year. Each goal should be a concise statement of the objectives to be attained within the performance period, and should have a specific target date. Some objectives will be on-going “maintenance” objectives and some will be unique to the evaluation period.

Overall Evaluation for the Review Period

In the space provided, or on attached sheets if necessary, the evaluator should prepare a brief narrative detailing his/her overall evaluation of the employee for the previous review period. The evaluator should take into account the eight key performance criteria as well as the completion of the goals for that period. It is up to the evaluator’s discretion as to how to weight the value of the performance criteria against the achievement of goals (or lack thereof).

Employee Comments

Any employee who wishes to comment may have the opportunity to do so before the evaluation is placed in his/her personnel file. This is not mandatory; it is entirely at the employee’s discretion.

Appendix C

Sample Performance Criteria for Performance Appraisals

1. Job Knowledge
 - a. Understanding of department rules, procedures, workflow, policies and operations.
 - b. Special skills required for the department, willingness and initiative taken to acquire additional knowledge and assume new tasks.
 - c. General understanding of Town operations; knowing when to answer a question and when and how to refer questions to someone else.
 - d. Understanding one's own job responsibilities and how those responsibilities fit into department operations; initiative in learning the responsibilities of other department positions, when appropriate.
2. Quality of Work
 - a. Organizational skills; ability to pace workflow and schedule time; timeliness of work.
 - b. General appearance of finished work products.
 - c. Accuracy of work – number of errors or corrections.
 - d. Number and nature of complaints or problems received from the public and/or other department staff due to work errors.
 - e. Degree of thoroughness applied to tasks; ability to follow work through to completion.
 - f. Ability to accept and understand criticism and to take appropriate action to correct and improve performance.
3. Quantity of Work
 - a. Quality of output viewed in terms of the general volume of activity in the department; amount of work assigned versus amount produced; amount of work back-logged; volume of output compared to other staff.
 - b. "Interruptability quotient" – ability to immediately resume work on one task after being interrupted to perform another task.
4. Dependability
 - a. Acceptable attendance level.
 - b. Consistently punctual; appropriate use of "breaks."
 - c. Dependable when supervisor is away from the office.
 - d. Willingness to take on extra work when required by circumstances.
 - e. Performs work in such a fashion that the supervisor can rely on the work as accurate and timely.
5. Interpersonal Skills/Customer Service
 - a. Ability to get along with others in the department; ability to avoid or handle minor office conflicts without the intervention of the supervisor.
 - b. Consistent attention to and patience with the public; tolerance of diversity; willingness to go out of one's way to assist the public and other employees; projecting a consistently pleasant manner.
 - c. Ability to effectively handle complaints and problems both on the phone and in person.
 - d. Propensity for resolving conflict rather than creating animosity.
 - e. Willingness to cooperate with peers and supervisor; ability to give and receive help; offering assistance to other departments when work flow allows.
6. Judgment
 - a. Ability to identify the appropriate circumstances under which to make a decision.
 - b. Willingness to make effective decisions and to keep supervisor adequately informed.
 - c. Capacity to identify and evaluate available options and make appropriate decisions.

- d. Ability to learn from decision making.
 - e. Ability and willingness to evaluate and change work methods to improve efficiency and operations.
7. Communication
- a. Clarity and appropriateness of oral and written communication with employees and customers.
 - b. Providing the appropriate level of information flow to supervisor and other employees.
 - c. Listening skills, the ability to understand questions and obtain additional information needed to answer correctly.
8. Supervision
- a. Management skills – success in planning and organizing work and achieving goals within scheduled time and fiscal limits.
 - b. Motivation of Employees – success in gaining cooperation and high level of performance from employees supervised.
 - c. Development of Employees – success in training employees in skills required for assigned duties as well as providing for flexibility in back-up.

Appendix D

Guidelines for Disciplinary Procedures

The Town's disciplinary policy is, in most cases, one of progressive discipline. Employees must know what is expected of them, and what the consequences are for failing to meet these expectations. In general, the disciplinary process is set up below. The Town reserves the right to discipline any employee at any level set out below based upon the severity of the incident giving rise to the discipline:

- a. **Verbal Reprimand:** May be initiated by the employee's immediate supervisor or department head. In all cases, the department head should be informed of the reprimand. The verbal reprimand shall be reduced to writing and placed in the employee's personnel file.
- b. **Written Reprimand:** May be initiated by the employee's department head. In all cases, the department head must review and approve of the written reprimand. A copy of the reprimand shall be placed in the employee's personnel file.
- c. **Suspension and Discharge:** May be initiated by the appointing authority or Town Administrator. Discharge and suspension issues must be discussed with the Town Administrator prior to action.

In most cases, any disciplinary action initiated for an employee's first violation of a standard will be limited to informal counseling of the employee or a verbal reprimand. Should such action be insufficient to cause the employee to comply with the standard, subsequent disciplinary action becomes progressively more severe until the employee has either corrected the deficiency or, because of the continuation of the offending conduct, the employee is separated from employment.

At each step the standard should be reiterated, and the employee offered any appropriate and reasonable assistance. The primary goal of each step in the disciplinary process is the correction of the problem. The goal is not to establish a basis for more severe disciplinary action.

In some areas, the Town's expectations are obvious. Employees are expected to know that they may not steal, assault members of the public or other employees, or abuse their authority for private gain. Other than such obvious examples, it is generally not sufficient for supervisors or department heads 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. All supervisors are obliged to communicate openly and honestly with their employees, and to ensure that all employees have read and understand the Personnel Policies, by-laws, civil service laws, and all other rules and regulations governing their employment.

General Procedures

The standards to issue discipline are as follows:

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 receive clear and unequivocal warning stating the precise area in which his/her performance of behavior is unacceptable, and the probable consequences of the continuation of the behavior.
4. The employee must be given full opportunity to explain his/her actions and to reform or rehabilitate himself/herself.
5. The situation must be fully documented.

Specific Procedures

1. Verbal Reprimand

The verbal reprimand (or warning) is the least severe form of disciplinary action. 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 head should prepare a written summary that is presented to the employee and will be placed in the employee's official personnel file.

Both the oral reprimand and the written summary should contain as many elements as listed below as are appropriate to the type of disciplinary problem involved:

- a. Rule, Regulation or Policy Involved
- b. Facts Showing Deviation from Standard
- c. Consequence to the Town/Department
- d. Expected Performance or Behavior
- e. Plan for Improvement
- f. Time Frame for Compliance and Follow-Up Measures
- g. Next Step if Improvement/Compliance not Forthcoming
Rebuttal from employee

2. *Written Reprimand*

The written reprimand shall be placed in the employee's official personnel file. It contains all of the elements of the oral reprimand as listed above. In most cases, a written reprimand will be initiated only after informal counseling or a verbal warning has failed to bring about sufficient improvement. In some cases, 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.

3. *Suspension*

A 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 will 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 a suspension may be the first disciplinary action taken.

In cases where the Department head recommends that an employee should be suspended for a period of more than five (5) days, the employee shall be granted a hearing before the Town Administrator prior to the imposition of the suspension. The hearing shall be closed to the public. All suspensions shall be reduced to writing and served on the employee, and shall be placed in the employee's official personnel file.

4. *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 suspension has 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 head recommends that discharge may be warranted, the employee shall be given a hearing before the Town Administrator prior to the imposition of the discharge. The hearing shall be closed to the public. 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.

c. *Alternatives to Suspension or Discharge*

Prior to the initiation of action to suspend or discharge an employee, consideration should be given to other alternatives such as demotion or reassignment to other duties. These alternatives will be appropriate only in a small percentage of cases. Their use as disciplinary measures will be strictly scrutinized. Demotion or reassignment should be considered only when the employee has previously demonstrated an ability to perform the duties of the position to which demotion or reassignment is contemplated.

The Disciplinary Interview

The Town reserves the right to interview employees in connection to an allegation of misconduct. The interview will be conducted by a designee of the Town Administrator and will be tape recorded or recorded by stenographic transcript. Bargaining Unit employees who so request are entitled to union representation at an interview that may result in disciplinary action being taken against the employee.

The Town reserves the right to place an employee on paid administrative leave during the pendency of an investigation regarding misconduct.

Appendix E

Department of Employment and Training Notices

Massachusetts General Laws, Chapter 151A Section 62 contain several requirements regarding the availability of Unemployment Insurance Benefits to employees through the Massachusetts Division of Employment and Training (DET). Details regarding these requirements can be found on the DET website at www.detma.org. The specific items to be posted or disseminated are listed below and these materials can also be found and downloaded through the DET website.

The DET poster entitled “Information on Employee’s Unemployment Insurance Coverage” (Form 2553-A, Rev.4- 02) must be displayed at each site operated by an employer in a conspicuous place accessible to all employees. The poster must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This Form can be found at: <http://www.detma.org/forms/empforms1.htm>.

Under the state’s Employment and Training Law, employers are required to give a copy of the pamphlet entitled “How to File for Unemployment Insurance Benefits” (Form 0590-A, Rev. 02-03) to each employee who is separated from work, permanently or temporarily for seven or more days. The pamphlet must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This form can be found and downloaded at: <http://www.detma.org/forms/empforms1.htm>.

The DET website also contains a listing of all DET TeleClaims numbers and Walk-in Service Center locations throughout the Commonwealth which can be provided to employees. It also contains a direct link to Chapter 151A of the General Laws of Massachusetts governing how the unemployment insurance program operates in Massachusetts.

TOWN OF DOUGLAS EDUCATIONAL ASSISTANCE REQUEST

Section 1 - Employee Information:

Name: _____ SS#: _____
 Position: _____ Department: _____
 Dept. Head: _____ Date of Hire: _____

Section 2 - Educational Information:

Name of Educational Institution _____
 Course/Test Dates Start Date: _____ End Date: _____
 Course/Exam Title/#: 1) _____ Credits: _____
 Course/Exam Title/#: 2) _____ Credits: _____
 Degree or Certification Program: _____

Section 3 – Financial Information

Course 1 – Tuition \$ _____ Books \$ _____ Covered Fees \$ _____
 Course 2 – Tuition \$ _____ Books \$ _____ Covered Fees \$ _____

Section 4 – Employee Acknowledgement.

I have received a copy of the Town of Douglas tuition Assistance Policy and agree to abide by its terms and conditions. I understand that I must be an active, full-time employee of the town of Douglas on the date reimbursement for costs listed above are paid. I further understand that if I resign or am terminated for cause within twelve (12) months of receiving educational assistance, I will be required to reimburse the town in full for the amount received in that time period. Further, I acknowledge that such reimbursement may be deducted from any monies owed.

Employee Signature: _____

Section 5 – Approvals:

Courses Approved: _____ Yes _____ No
 Department Head: _____ Date: _____
 Town Administrator: _____ Date: _____

TOWN OF DOUGLAS EDUCATIONAL REIMBURSEMENT REQUEST

Section 1- Employee Information:

Name: _____ SS#: _____
 Position: _____ Department: _____
 Dept. Head: _____ Date of Hire: _____

Section 2 - Educational Information:

Name of Educational Institution _____
 Course/Test Dates Start Date: _____ End Date: _____
 Course/Exam Title/#: 1) _____ Grade: _____
 Course/Exam Title/#: 2) _____ Grade: _____

A copy of the official school documentation indicating grade for each course of exam must be attached in order for reimbursement request to be processed.

Section 3 – Financial Information

Course 1 – Tuition \$ _____ Books \$ _____ Covered Fees \$ _____
 Course 2 – Tuition \$ _____ Books \$ _____ Covered Fees \$ _____

Itemized receipts for all items must be attached in order for reimbursement to be processed.

Section 4 – Employee Acknowledgement.

I have received a copy of the Town of Douglas tuition Assistance Policy and agree to abide by its terms and conditions. I understand that I must be an active, full-time employee of the town of Douglas on the date reimbursement for costs listed above are paid. I further understand that if I resign or am terminated for cause within twelve (12) months of receiving educational assistance, I will be required to reimburse the town in full for the amount received in that time period. Further, I acknowledge that such reimbursement may be deducted from any monies owed.

Employee Signature: _____

Section 5 – Approvals:

Courses Approved: _____ Yes _____ No
 Department Head: _____ Date: _____
 Town Administrator: _____ Date: _____

Appendix H

TOWN OF DOUGLAS TRAVEL POLICY

The Town of Douglas will reimburse officials and employees for reasonable travel costs incurred in the carrying out of official duties and attendance at conferences and meetings. Expenditures are to be planned so that costs do not exceed budgetary limitations.

1. The Department Head must approve all travel reimbursements in advance for all employees. Additionally, employee conferences and meetings for which the total costs are estimated to exceed \$500 per person must also be approved by the Town Administrator. The Town Administrator must approve travel reimbursements in advance for all Department Heads.
2. Employees must complete and submit the attached travel approval form prior to submitting requests for travel reimbursements.
3. An original conference brochure or other documentation detailing dates, times, and locations must be attached to the request for approval.
4. Cash advances are not issued for any travel expenses.
5. Employees must complete and submit the Time, Activity and Mileage – Extended Form and attach original itemized vendor invoices, along with proof of payment within 60 days upon return from travel. If payment was made by a credit card, the slip must be attached. If payment was made by a personal check, a copy of the cancelled check must be attached.
6. Reimbursements will only be made for invoices and receipts consistent with the approved dates and locations.
7. Reimbursements for meals will be paid in accordance with the Meal Expense Reimbursement Policy.
8. Expenses paid directly to the vendor prior to the travel must not be duplicated on expense reimbursements: i.e., employees must not submit meal reimbursements if the pre-paid conference included meals.
9. The Town will reimburse the following types of travel:
 - a. Air Fare: Coach Class/Lowest Class only (Employees may fly first-class, but will only be reimbursed for coach class/lowest class fare). A statement from the airline certifying the rate of a coach fare must be submitted
 - b. Train: Sleeper travel only where overnight travel is required
 - c. Bus: Coach Class/Lowest Class only
10. Reimbursement for overnight stay will be approved as follows:
 - a. Conferences that are two or more days in length: The Department Head or Town Administrator, as required by policy, will determine if the location requires overnight stay.
 - b. Conferences one day in length or more and a distance of 120 miles or greater: The Town Administrator will determine the number of nights that will be reimbursed.

11. Mileage reimbursement for the use of your personal vehicle on authorized official business will be paid in accordance with the Mileage Reimbursement Policy.
12. Actual costs for toll receipts, detailed meal slips, taxi cabs, rental cars, parking garages, shuttle buses, etc. are reimbursed with original receipts. If you do not have original detailed receipts you will not be reimbursed.
13. The Town does not reimburse expenses for alcoholic beverages. M.G.L. Ch 44§58 strictly prohibits a city or town from paying a bill incurred by any official thereof for wines, liquors or cigars.
14. The employee must pay all costs for spouse and children; i.e., the Town of Douglas pays the single hotel/motel rate and the employee pays the additional costs above the single rate. Additional hotel/motel charges other than room occupancy must be independently approved.
15. Request for reimbursement will be submitted with the original copy of the pre-approved conference and meeting form, as well as, the Time, Activity and Mileage Report – Extended Form. All original receipts must be attached to the form. Reimbursement will be made for original receipts and only up to the amount pre-approved. If reimbursement is requested for an amount greater than the pre-approved amount, additional authorization to pay is required by the Town Administrator and may be denied.
16. Reimbursement will be made only to the employee incurring the original costs.
17. If this policy conflicts with any contractual obligation of the Town, then the terms of the contract shall prevail.

**TOWN OF DOUGLAS
CONFERENCE AND MEETING COST APPROVAL AND REIMBURSEMENT FORM**

Date submitted: _____

Approval is requested for conference/meeting costs for Town of Douglas related work as follows:

Employee Name: _____
 Department: _____
 Title/Position: _____
 Purpose: _____
 Destination: _____

Conference Dates: Beginning _____ Ending _____
 Departure Date _____ Return Date _____

Estimated Expense: (attach conference brochure or meeting notice)	
Mileage (_____ miles)	\$ _____
Transportation (air, bus, taxi, car rental, tolls and parking)	\$ _____
Accommodations (hotel/motel)	\$ _____
Registration Fees	\$ _____
Meals	\$ _____
Other	\$ _____
Total estimated conference and meeting cost	\$ _____

Comments: _____

 Employee's Signature

The above conference and meeting plan has been evaluated and approved.

Maximum reimbursement allowed \$ _____

 Department Head*

 Town Administrator**

- * approval required for all employee conference and meeting costs
- ** approval required for all Department Head costs and all employee costs > \$500

TO BE SUBMITTED AFTER RETURNING FROM TRAVEL (DUE 60 DAYS AFTER RETURN). ORIGINAL ITEMIZED VENDOR RECEIPTS AND/OR ORIGINAL CANCELLED CHECK MUST BE ATTACHED.

Actual Expense:	
Mileage (_____ miles)	\$ _____
Transportation (air, bus, taxi, car rental, tolls and parking)	\$ _____
Accommodations (hotel/motel)	\$ _____
Registration Fees	\$ _____
Meals	\$ _____
Other	\$ _____
Total actual conference and meeting cost	\$ _____

 Department Head*

 Town Administrator**

Original pre-approved reimbursement form submitted to Accounting along with Time, Activity and Mileage Extended Form and original receipts.

Appendix I

Meal Expense Reimbursement Policy

The policy stated below does not apply to events where meals are included in the registration fee. Events must take place out of town unless otherwise mentioned.

OUT OF TOWN ONE DAY EVENTS:

The event must have prior authorization by the employee's Supervisor.

The meal allowance will be as follows:

Lunch \$10.00 Maximum (included only if out of town for 6 hours or more)

Any additional meal expenses over and above this total will be the responsibility of the Employee and are not reimbursable.

OUT OF TOWN MULTI-DAY EVENTS:

These events must have prior authorization by the Employee's Supervisor and must include at least one overnight stay; otherwise the one day policy applies.

The meal allowance is as follows:

Day One - Lunch \$10.00 maximum, Dinner \$20.00 maximum.

Middle day (s) (*if applicable*) - Total not to exceed \$35.00

Last Day - Breakfast \$5.00 maximum, Lunch \$10.00 maximum. Dinner will not be included unless the day is 8 hours or more. If 8 hours or more, the dinner meal expense would be a \$20.00 maximum.

Any additional meal expenses over and above the total allowed will be the responsibility of the Employee and are not reimbursable. All Meal reimbursement limits include gratuities.

OTHER:

There will be no meal allowances for events taking place in town with the following exceptions:

1. Upon the approval of the Highway Superintendent, Town employees who are conducting snow removal operations during or immediately after a snowstorm shall be authorized to expend a total of \$15.00 per person for every 10 consecutive hours of work.
2. During a public safety emergency, meals may be provided to public safety personnel at the discretion of the Police Chief, Fire Chief, Highway Supt., and Emergency Management Coordinator.
3. Food and beverages may be provided to citizens and town employees at Special Events that are open to the public and which have the prior approval of the Board of Selectmen.
4. Food and beverages may be provided to election workers during local/state locations.

Any exemptions to this policy must receive the prior approval of the Town Administrator.

Note: Receipts must be presented for reimbursement.

Appendix J

Town of Douglas

Mileage Reimbursement Policy

When any employee, elected official or appointed official uses his/her personal vehicle in performing official duties for the town, he/she will be reimbursed at the current rate of the Federal Standard Mileage Allowance per mile. If the same trip is being made by more than one employee, elected official or appointed official, only one car is to be used.

Appendix K

TOWN OF DOUGLAS
WORKERS' COMPENSATION POLICY
APPROVED October 2, 2007
ADMINISTRATIVE PROCEDURES FOR
PUBLIC SAFETY EMPLOYEES (POLICE AND FIRE) AND
METHODS FOR CALCULATING PAY SUPPLEMENTS AND SICK LEAVE FOR ALL OTHER
EMPLOYEE'S ON WORKERS' COMPENSATION

Town of Douglas Public Safety Employees (Police and Fire):

Governing statute for Public Safety employees: M.G.L. Chapter 41, § 100,111F.

Administrative Procedures:

- When a public safety employee is injured on duty (IOD) they must complete (with their supervisor) an Initial Injury Report. The Report should be completed as soon as reasonably possible after the incident resulting in the injury. If circumstances prevent the employee from completing the injury report, the supervisor should complete the Report.
- This Report is to be returned to the Board of Selectmen's office.
- The Report is then reviewed, a file will be started, and the Report is then submitted to the Cabot Risk Insurance Company for claim processing.

The Town of Douglas does not pay any claim directly. The entire claim is processed through the insurance company.

General Information:

G.L. c. 41, §111F benefits are payable to police officers or firefighters who are incapacitated for duty as a result of an injury sustained in the performance of their duties and without fault of their own. Emergency services personnel such as EMT's or paramedics are not covered by the law.

Injured on Duty pay begins from the first day that the public safety employee is incapacitated for duty.

During the period of incapacity public safety employees will receive 100% of their base weekly earnings. This amount does not include regular overtime or detail pay.

Public safety employees do not continue to accrue vacation and sick leave benefits while they are receiving IOD pay unless provided for in the Collective Bargaining Agreement.

Medical Certifications and Fitness for Duty Physicals

Prior to placing an employee on paid injury leave, the Town may require the employee to provide adequate medical evidence that the employee is incapacitated for duty and that the injury or illness is job related and/or require the employee to be examined by a Town appointed physician.

The Town may also require the employee to be examined by a Town appointed physician at reasonable intervals to determine whether the employee remains incapacitated. The Town will bear the cost of any examination by a Town appointed Physician.

All other Town of Douglas Employees (including the School Department):

Governing Statute: M.G.L. Chapter 152 - Workers' Compensation Act

Administration and Compliance: Department of Industrial Accidents

General Information:

The Town of Douglas is currently on a premium based Workers' Compensation plan through Massachusetts Interlocal Insurance Association (MIIA) Workers' Compensation Group, Inc.

MIIA administers the Workers' Compensation program with the Town of Douglas and is managed by the Board of Selectmen's office, for Municipal Employee's and the School Business Office for School Employees.

When a non-public safety town employee is injured, or alleges an injury, the supervisor must complete a Supervisor's Report of Accident – Intake form and a Medical Authorization form. The Supervisor's Report of Accident – Intake form must be returned to the Selectmen's Office or School Business Office as applicable, as soon as possible but no later than 48 hours after the accident. The employee should give the health provider the Medical Authorization form.

An employee who is injured on the job and is partially or totally incapacitated and not able to earn full wages for five or more days, whether or not the days are consecutive, may be eligible for Workers' Compensation benefits. If this situation occurs the Selectmen's Office or School Business Office, as applicable must be notified. The Selectmen's Office will then have the Treasurer's Office fill out a Form 117 – Average Weekly Wage Computation Schedule.

Note: It is the responsibility of the employee to report an alleged injury to his/her supervisor. It is the responsibility of the supervisor to fill out the paperwork and report it to the Selectmen's Office or School Business Office as applicable.

The report is then reviewed, a file will be started, and the Report is then submitted to MIIA.

All bills / statements the employee receives must be turned into the Selectmen's Office or School Business Office as applicable, to be forwarded to MIIA. If the employee supplies his health care provider with a Medical Authorization form, bills / statements will go directly to MIIA.

Administrative Procedures and Information Pertaining to Pay Supplements

Workers' Compensation is calculated on a seven day work week. The State dictates this to ensure there is uniformity for all workers, regardless of an employee's work schedule. In any given pay period when an employee has lost time due to a work related injury, all supplemental pay and sick leave used will also be calculated on a seven day basis.

The Workers' Compensation rate is based on an employee's average weekly earnings. The average weekly earnings is calculated by taking an employee's total earnings for the 12 month period immediately preceding the date of the injury and dividing it by 52 weeks. Earnings includes amounts received as base salary as well as other compensation such as longevity and overtime pay and could include weekend or holiday overtime work. Average weekly earnings are different from an employee's base pay or normal pay for a week's work. This weekly average is multiplied by 60% and divided by seven to determine a daily Workers' Compensation rate. Workers' Compensation has maximum and minimum amounts which can be paid regardless of actual earnings. These rates are set each year on October 1st by the Commissioner of the Department of Employment and Training, as defined in M.G.L. c 152, sec. 1. As of

October 1, 2006, the maximum weekly rate is \$1,000.43 and the minimum weekly rate is \$200.09 (which is 20% of the maximum rate per statute).

If the insurer approves the claim, the injured employee will receive compensation for his or her lost wages for days he or she is incapacitated for work after the first five days. Injured employees are not compensated for the first five days unless they are out for a total of 21 or more days. Injured employees who are totally incapacitated are eligible to receive 60% of their average weekly wage. The employee is also entitled to reasonable and necessary medical care, subject to the insurer's approval.

An employee incapacitated for at least five days, but less than twenty-one days, who wishes to be compensated for the first five days of his/her incapacitation, may opt to use sick time or other allowed accrued time, i.e., vacation, personal, or comp. time, if available. If not, the employee will lose five full days of pay at his normal rate of pay, based on a five day week. Workers' Compensation Benefits are not payable for this initial five day period unless the employee is out for at least twenty-one (21) days. Should the employee be out for more than 21 days, the employee will be paid Workers' Compensation benefits for the first five days, retroactively, at the 60% rate. In this case, if the employee has already been paid in full for these five days, the employee must reimburse the Town of Douglas the amount received from Workers' Compensation for that week.

In no case should the Town require an employee to sign over the Workers' Compensation check to the Town.

Once the employee's Workers' Compensation pay begins, Town of Douglas employees have the option to supplement their Worker's Compensation by using sick leave (or other accrued time), if available, as follows:

1. Calculate the employee's base pay rate (A);
2. Subtract the Worker's Comp. Weekly Rate (B); and
3. This equals the dollar amount of the weekly supplement using sick leave (or other accrued time) (C).

Definitions:

- A. Base pay does not include overtime, longevity, or shift differentials. When a person is on Workers' Compensation, he/she would not be available for overtime. Therefore, overtime is not included.
- B. Weekly Workers' Compensation Rate is 60% (if within the maximum established by statute) of an employee's earnings for the 12 months immediately preceding the injury divided by 52 weeks. This amount includes overtime and other premium pay.
- C. This is the supplement to Workers' Compensation which an employee may choose to use. This is optional and at the discretion of the employee.
- D. The employee's accrued vacation or sick time will be reduced in hourly increments based on the rate of 40% of his/her base pay for each day used, The 40% is time used and is not based upon the dollar amount of the supplement or the employee's hourly rate of pay.

Earning Capacity

When an employee is given an earning capacity by the Town's Workers' Compensation Administrator, his/her worker's comp. check will be reduced by this capacity to earn. If the employee does not return to work for the Town and chooses to use sick leave to supplement his/her pay, the supplement will be used to make up the normal base pay as described above, using the full Workers' Compensation rate for the Worker's Comp. Time charged will be 40% of the normal sick time converted to hours for each day used.

When an employee is given an earnings capacity by the Town's Workers' Compensation Administrator, and by mutual agreement between employee and employer, returns to work for the Town on a part-time basis, the following procedure will be used:

1. The employee's Workers' Compensation check will be reduced by the capacity to earn. If the employee chooses to use sick time to supplement his/her pay, the supplement will be used to make up normal base pay (i.e. the difference between the normal base pay and what is earned through the town for the part-time work plus the worker's comp. reduced check amount).
2. Sick time charged will equal 40% of the hours of the normal work week not worked.

The Department Head along with the Town Accountant will calculate Workers' Compensation supplemental pay consistently and according to the procedures established above and as may be amended, from time to time, by the legislature. Time used (sick time or other time) will be calculated consistently for all Town and School Departments with procedures established by the Personnel By-Laws and or Union Contracts.

All general questions should be directed to the Board of Selectmen's Office.

Appendix L

Acknowledgement of Receipt of Personnel Policies

The undersigned hereby acknowledges that he/she has received and read the Personnel Policies And Procedures of the Town of Douglas on this the _____ day of _____ (month), 20 _____, and agrees to abide by all policies and procedures contained herein.

Signature

Date

Print Name

Witness Signature

Date

Print Name of Witness

Title of Witness