

Town of Manchester-by-the-Sea Employee Handbook



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(978) 526-2000

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WELCOME TO THE TOWN!

We have always emphasized that outstanding people are the key to our success and are proud to have all employees as part of the Town of Manchester-by-the-Sea team.

A key part of an employee's success is a work environment that allows employees to concentrate on their job. With this in mind, the Town of Manchester-by-the-Sea has established a variety of programs and policies, and valuable and comprehensive benefits designed to be fair to all. This handbook will serve as an introduction to these programs and the Town.

The more productively we work together to meet our residents and vendors needs, the more successful the Town of Manchester-by-the-Sea will be. An employee's individual success and the personal satisfaction derived from their association with the Town of Manchester-by-the-Sea are integral parts of achieving these goals. There is no question that our most valuable asset is our people. The Town of Manchester-by-the-Sea strives to provide employees with a positive work experience. Together we can make a work environment that demands our best while leaving room for fun and personal fulfillment.

We feel it is important that employees understand our employment and workplace policies and procedures. This handbook will familiarize employees with the various aspects of working with the Town of Manchester-by-the-Sea. If employees have any questions, they should not hesitate to ask them of their Supervisor or any member of the Town of Manchester-by-the-Sea management team.

This employee handbook is written to acquaint employees with some basic information about the Town of Manchester-by-the-Sea, to outline for them our current benefits, and to familiarize them with our general policies and procedures. We have attempted to provide employees with as much information as possible on the Town's policies so that they can more effectively perform their assigned work. An employee's Supervisor will assist them with information and details concerning their individual job responsibilities.

Our goal must be to work together to maintain an efficient operation. Consequently, from time to time, new or revised policies will be developed by management to keep in step with modern trends and philosophies. Significant changes or additions will be communicated to employees as timely as possible.

Best wishes to all employees and thank you for taking this first step in knowing our Town.

Town Administrator

PREFACE

The policies, statements, and information contained in this employee handbook are provided to inform and guide employees.

The benefits, policies, and procedures contained in the employee handbook have been written to provide guidance for employees. **This handbook is not a contract, and does not make any promises or guarantees. Policies set forth in this handbook are not intended to create a contract nor are they to be construed to constitute contractual obligations of any kind.** The provisions of the handbook have been developed at the discretion of the Board of Selectmen and may be amended or canceled at any time, at the Town's sole discretion. Further, the Town reserves the right to modify or suspend these guidelines in specific circumstances.

All employees are employed at-will with continuation of employment being within the full discretion of the Town and/or the employee. Employment with the Town of Manchester-by-the-Sea is voluntarily entered into, and the employee is free to resign at-will at any time, with or without cause. Similarly, the Town of Manchester-by-the-Sea may terminate the employment relationship at-will at any time.

This policy is not intended to infringe upon an employee's right to engage in certain union activities. Employees have the right to discuss terms and conditions of employment and mutual work related concerns. Union contract stipulations precede this handbook, as applicable.

Employees should initially contact their Supervisor when further interpretation of policies, procedures, or benefits is needed. Specific information regarding any benefit plan can be obtained from the applicable vendor. All vendor contact information is available in the Treasurer's office. In the event of a conflict or perceived conflict between the specific provisions of a plan and any interpretation of information contained in the employee handbook, the specific provisions of the plan shall apply.

Please note that the policies contained in this handbook are reviewed and updated in compliance with Massachusetts and federal law.

STANDARDS AND PRE-EMPLOYMENT

Employment-at-Will

Nothing in this handbook should be taken to establish or imply a contract of employment or a guarantee of continued employment. The Town of Manchester-by-the-Sea values all employees and hopes that they will have a rewarding career at the Town of Manchester-by-the-Sea. However, all employment with the Town of Manchester-by-the-Sea is “at-will”, which means that employment can be terminated with or without cause, and with or without notice, at any time, at the option of either the Town of Manchester-by-the-Sea or the employee, except as otherwise prohibited by law. Nothing in this handbook or in any document or statement shall limit the right of the Town or the employee to terminate employment-at-will. No Supervisor or employee of the Town may enter into any agreement for employment for any specified period of time or make any agreement, implied or expressed, for employment other than on an at-will-basis. Only the Town Administrator of the Town of Manchester-by-the-Sea has the authority to make any such agreement, and then, only in writing.

Equal Employment Opportunity

The Town of Manchester-by-the-Sea, Massachusetts, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, gender, color, disability, creed, religion, national origin, ancestry, age, genetics, military status, sexual orientation, gender identity/expression, pregnancy, handicap or participation in discrimination complaint-related activities (retaliation) resolves to take necessary measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment.

Non-discrimination and equal opportunity are the policies of the Town of Manchester-by-the-Sea, Massachusetts in all of its programs and activities. To that end, all employees and elected or appointed representatives of the Town shall take steps to ensure equality of opportunity in the internal affairs of all departments, as well as their relations with the public, including those persons and organizations doing business with any agent of the Town. Each department, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity. The Town will undertake every possible effort to effectuate the mandates of Executive Order #227 (Governor’s Code of Fair Practices) and the Commonwealth’s civil rights laws and regulations.

The policy requires the elimination of discriminatory barriers regarding race, gender, color, disability, creed, religion, national origin, ancestry, age, genetics, military status, sexual orientation, gender identity/expression, pregnancy, handicap and participation in discrimination complaint-related activities (retaliation). It must also include positive and aggressive measures to ensure equal opportunity in internal personnel practices and in those programs which can affect persons inside as well as outside of town government. This policy includes efforts necessary to address the effects of present or past discriminatory patterns and action necessary to guarantee equal opportunity for all people.

Valuing and Managing Diversity

The Town of Manchester-by-the-Sea believes that workforce diversity is essential to the Town's growth and long-term success. By valuing and managing differences at work, the Town of Manchester-by-the-Sea can maximize the skills, knowledge, and abilities of all employees while increasing employee and customer satisfaction. By recognizing and celebrating each employee's unique contribution toward meeting the Town's objectives, the Town of Manchester-by-the-Sea will achieve superior individual and group performance.

Recruitment and Appointment

Recruitment Policy

The Town shall be aggressive in the recruitment of candidates for Town positions. Individuals responsible for recruitment and selection will actively seek the most qualified individual while taking positive steps to ensure compliance with national, state, and local affirmative action and equal employment opportunity policies and guidelines.

The Town Administrator, or other appointing authorities, with the participation of Department Heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans or union contracts.

Notice of Vacancies

Department heads, upon the identification of a vacancy or on the authorization of a new position, shall notify the Town Administrator or other appointing authority of their intention to fill the position. The Town Administrator or other appointing authority shall review and approve filling all vacancies prior to commencement of recruitment activities to ensure that the advertised salary conforms to the existing Town policies.

Posting and Advertisement of Job Vacancy Notices

Department heads and the appointing authorities shall ensure that notices of vacant positions be posted on a bulletin board in Town Hall and be advertised at least once in a printed publication and/or online media which include Manchester-by-the-Sea in its regular circulation area. Said advertisement shall identify the position, duties and salary range.

Examinations

The appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position.

References

The appointing authority as part of the selection process may contact a candidate's former employers, Supervisors, and other references. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment, in accordance with law.

Application Records

The application, documentation of reference checks, and related documents submitted shall be maintained in the employee's personnel file. Upon appointment of an employee, the appointing authority shall maintain all applications of those applicants not selected for employment for the period required by law. The appointing authority, and the Department Heads, to the extent possible, shall maintain the confidentiality of all applications.

Appointments

All appointments shall be made in writing by the appointing authority after the candidate has successfully passed a pre-placement medical examination, as required. The appointing authority shall be the Town Administrator or the Board of Library Trustees for Library employees. The appointment of Department Heads by the Town Administrator shall also require a vote of the Board of Selectmen. The written notice of appointment shall include the salary, the starting date, any unique or unusual conditions of employment and appropriate additional information. Copies of the letter of appointment shall be provided to the Department Head prior to start date.

Pre-Placement Medical Examination

All potential new employees regularly scheduled to work twenty hours per week or more and all seasonal employees (i.e. summer laborers, lifeguards, etc.), before beginning work, may undergo a pre-placement medical examination, at the discretion of the Department Head. Results may impact employment opportunities.

Failure to Report

An applicant who accepts an appointment and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined the appointment and the offer of employment shall be withdrawn.

Anti-Harassment Policy and Complaint Procedure

It is the goal of the Town of Manchester-by-the-Sea to promote a workplace that is free of harassment based on race, color, religion, creed, national origin, sex, age, ancestry, sexual orientation, genetics, pregnancy, marital status, gender identity/expression, disability, handicap, military obligations, veteran status, participation in discrimination complaint-related activities or any other category protected by law ("protected class status"). Harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about

harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because we take allegations of harassment seriously, we will respond promptly to complaints of 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 up to and including termination where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of 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 or other harassment.

Definition of Sexual Harassment

In Massachusetts, the legal definition of “sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- 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,
- 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 any worker may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;

- Discussion of one's sexual activities; and
- Dissemination in the workplace of sexually-explicit voice mail, e-mail, graphics, downloaded material or websites.

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 by the Town.

Complaints of Harassment

If any employee believes that they have been subjected to harassment, the employee has the right to file a complaint with the Town. Employees may also seek advice from and/or file an Informal Complaint with the Town Administrator and/or Human Resources, who will be available to discuss any concerns you may have and to provide information to you about our policy on harassment or our complaint process.

If you desire, the Town Administrator and/or Human Resources will work with you to find a way to resolve your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is possible. If this option does not resolve the complaint, you may proceed through our Formal Complaint procedure.

Any Town employee, or elected or appointed representative of the Town, who believes that he or she has been subjected to any type of harassment has the right to file a Formal Complaint with the Town. This may be done in writing or orally to the supervisor, union steward, Town Administrator and/or Human Resources.

Individuals who are not employees or Town representatives who believe that they have been subjected to harassment by an employee or other Town representative may file a complaint with either the Town Administrator or the Board of Selectmen. The appointing authority or recipient of the complaint will then investigate the allegation in a fair and expeditious manner. The investigation will include a private interview with the person filing the complaint and with witnesses. They will also formally notify and interview the person alleged to have committed the harassment. The investigator may, if necessary, request written statements in addition to the private interviews.

If the investigation reveals that harassment did occur, the appointing authority will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose disciplinary action which could include termination from employment. In addition, when the investigation is completed through Formal or Informal procedures, the investigator will inform the person filing the complaint and the alleged harasser of the results of that investigation, including allegations that have not been sustained.

Disciplinary Action

If harassment has been committed by a town employee, or an elected or appointed representative of the Town, the appointing authority will take such action as is appropriate under the circumstances. Such actions may include: sensitivity training, counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment in the case of employees, reprimands, written or verbal

warnings, censure or removal from office in the case of appointed Town representatives, or censure of an elected official.

State and Federal Remedies

In addition to the above, if employees believe they have been subjected to unlawful harassment, they may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit them from filing a complaint with these agencies.

Each of the agencies has a short time period for filing a claim (EEOC and MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”)
475 J.F.K. Federal Building
Government Center
Boston, MA 02203-0506
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (“MCAD”)
Boston Office: Springfield Office:
One Ashburton Place – RM 601 436 Dwight Street, Suite 220
Boston, MA 02108 Springfield, MA 01103
(617) 727-3990 (617) 739-2145

New Bedford Office: Worcester Office:
Demello International Center Worcester City Hall
128 Union Street, Suite 206 484 Main Street Rm 320
New Bedford, MA 02740 Worcester, MA 01608
(774) 510-5801 (508) 453-9630

Reasonable Accommodation

The Americans with Disabilities Act (ADA) protects disabled individuals from discrimination in employment. The ADA defines a “qualified individual with a disability” as an individual with a disability who can, with or without reasonable accommodation, perform the essential functions of the job that such individual holds or desires.

Reasonable accommodations to the known physical or mental limitations of the employee will be provided unless the accommodations impose an undue hardship on the operation of the Town of Manchester-by-the-Sea or the individual is incapable of performing the job functions without creating a substantial risk of harm either to himself, herself, or others. Accommodation suitable for individual employees will be determined on a case-by-case basis by the Town of Manchester-by-the-Sea in consultation with the individual and perhaps medical experts. The Town will engage in an interactive process with the employee and determine the feasibility of the requested accommodation, considering various factors, including but not limited to, whether the accommodation is effective, the nature and cost of the accommodation, the availability of outside resources, the overall financial resources of the organization and the accommodation's impact on the operation of the business.

Employees who are disabled and believe an accommodation is necessary to enable them to perform the essential functions of their job should advise management of the disability and suggest the nature of the accommodation they believe is necessary to enable them to perform their job. All information concerning disabilities will be kept confidential and will be distributed on a need-to-know basis. Anyone found to be engaging in any type of unlawful disability discrimination will be subject to disciplinary action, up to and including termination.

The Town may require that the individual requesting the accommodation provide adequate medical certification and a job related functional assessment. It may, under certain circumstances, request and finance an independent medical examination. Also, in some instances, the Town may not approve the accommodation requested by the employee but may provide an alternate accommodation. Generally, the employee will be informed of the decision on the accommodation request by the Department Head, Town Administrator and/or Human Resources.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Town asks that employees not provide any genetic information when submitting their requests. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Grievance Procedures

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies of the provision of services, activities, programs, or benefits by the Town of Manchester-by-the-Sea.

The complaint shall be in writing and contain information about the alleged discrimination such as name, address, telephone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint shall be submitted by the grievant and/or a designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

*ADA Coordinator
(978) 526-2000
Town Hall, Room 3
Manchester-by-the-Sea, MA 01944
Attention: Board of Selectmen*

Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the ADA Coordinator shall respond in writing, and where appropriate, in a format

accessible to the complainant, such as large print or audio tape. The response will explain the position of the Town and offer options for substantive resolution of the complaint.

If the response by the ADA coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision of the ADA Coordinator within fifteen (15) calendar days after receipt of the response to the Board of Selectmen or its designee.

Within fifteen (15) calendar days after receipt of the appeal, the Board of Selectmen or its designee shall meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting the Board of Selectmen or its designee shall respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Accommodations Related to Pregnancy

It is the Town of Manchester-by-the-Sea's goal to promote a workplace that is free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. Further, the Town strives to provide employees with reasonable accommodations for conditions related to pregnancy. The Town will not:

- Take adverse action against an employee who requests or uses a reasonable accommodation under this policy, including but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position when the need for a reasonable accommodation ceases;
- Deny an employment opportunity to an employee based on the Town's obligation to make a reasonable accommodation for any known condition related to the employee's pregnancy;
- Require an employee affected by pregnancy or a condition related to the employee's pregnancy to accept an accommodation if it is unnecessary to enable the employee to perform the essential functions of the job;
- Require an employee to take a leave of absence if another reasonable accommodation may be provided without undue hardship to the Town; or
- Refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation that would not impose an undue hardship to the Town.

Reasonable Accommodation for Employee's Pregnancy or Condition Related to Pregnancy

The Town will strive to provide reasonable accommodations requested for an employee's pregnancy or a condition related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child. A reasonable accommodation is an action that would enable an employee or prospective employee to perform the essential functions of a job but which does not result in an undue hardship to the Town. Under this policy, such an accommodation may include, but is not limited to: more frequent or longer paid or unpaid breaks; time off to attend to a pregnancy complication or recover from childbirth with or without pay; acquisition or modification of equipment or seating; temporary transfer to a less strenuous or hazardous position; job restructuring; light duty; private non-bathroom space for expressing breast milk; assistance with manual labor; or a modified work schedule.

The Town will engage in a timely, good faith, and interactive process to determine the feasibility of a requested accommodation. The Town will consider various factors, including but limited to, the nature and cost of the needed accommodation, the overall financial resources of the Town, the overall size of the business of the Town with respect to the number of employees and the number, type and location of its facilities, and the effect on expenses and resources or any other impact of the accommodation on the Town's program, enterprise or business.

The Town may require that a person requesting the accommodation provide documentation from an appropriate health care or rehabilitation professional about the need for a requested accommodation or the need to extend an accommodation. However, the Town will not require such documentation if the person has requested more frequent restroom, food, or water breaks; seating; limits on lifting over twenty (20) pounds; or private, non-bathroom space for expressing breastmilk.

For purposes of this policy, "an appropriate health care or rehabilitation professional" shall include, but not be limited to, a medical doctor (including a psychiatrist), a psychologist, a nurse practitioner, a physician assistant, a psychiatric clinical nurse specialist, a physical therapist, an occupational therapist, a speech therapist, a vocational rehabilitation specialist, a midwife, a lactation consultant, or another licensed mental health professional authorized to perform specified mental health services.

Lactation Accommodation

The Town of Manchester-by-the-Sea will provide a reasonable unpaid time for female employees to express milk. The employee will be provided with a private location, other than a restroom, that is shielded from view and free from intrusion. Mothers should work with their Supervisor to determine how best to accommodate their nursing needs.

Immigration Law Compliance

The Town of Manchester-by-the-Sea is required by the federal Immigration Reform and Control Act of 1986 (IRCA) to verify the identity and legal authorization to work of all individual applicants and employees.

In keeping with this obligation, the Town of Manchester-by-the-Sea must inspect documentation that shows each person's identity and legal authorization to work in the United States, and each employee must attest to their identity and legal authorization to work by completing a federal government form (known as Form I-9), which will be supplied upon hire at the Town. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three (3) years or if their previous I-9 is no longer retained or valid.

All offers of employment and continued employment are conditional upon an individual's being able to furnish the Town with satisfactory evidence of both their identity and legal authorization to work on behalf of the Town in the United States.

Criminal Background Check Policy

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns in certain positions. Where Criminal Offender Record

Information (CORI) and other criminal history checks may be part of a general background check for employment or volunteer work, the following practices and procedures will be followed.

Conducting CORI Screening

CORI checks will only be conducted as authorized by law and only after an authorization form has been completed. If a new CORI check is to be made on a subject within a year of signing the Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.

Access to CORI

All CORI obtained is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring Supervisors, staff submitting the CORI requests, and staff charged with processing job applications. A list will be maintained of each individual authorized to have access to, or view, CORI.

CORI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the Massachusetts Department of Criminal Justice Information Service (DCJIS).

Use of Criminal History in Background Screening

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

Verifying a Subject's Identity

If a criminal record is received, the information is to be closely compared with the information on the Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

Inquiring About Criminal History

In connection with any decision regarding employment or volunteer opportunities, the subject shall be provided with a copy of the criminal history record prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

Determining Suitability

If a determination is made that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- Relevance of the record to the position sought;
- The nature of the work to be performed;
- Time since the conviction;
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

Secondary Dissemination Logs

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

Motor Vehicle Record Check Policy

The Town of Manchester-by-the-Sea seeks to safeguard employees and others when the operation of a motor vehicle is required in the course of conducting Town business.

Town Driving Permit Procedures

The Town of Manchester-by-the-Sea conducts motor vehicle record checks on all job applicants in safety sensitive positions, such as those operating a town-owned vehicle or a personal vehicle for business use, following a conditional offer of employment. Motor vehicle record checks are also conducted annually for all employees for which driving a motor vehicle is an essential function of their job, or when employees must obtain and drive rental vehicles during the course of conducting town business. The

Town Administrator and/or Human Resources will review motor vehicle records and make a determination as to the drivers' status for applicants and employees, according to the Town-wide classification system listed below:

- The individual is eligible to drive while conducting Town business. The driving record indicates no, or no more than one (1), moving violations in the past twelve (12) months.
- The individual is eligible to drive while conducting Town business with the stipulation that the individual's motor vehicle record will be checked periodically over a period of probation. The driving record indicates more than one (1) moving violation in the past twelve (12) months, but no more than two (2) moving violations in the past twenty-four (24) months.
- An applicant for employment for a position that requires the operation of a motor vehicle will not be hired if his or her driving record reflects:
 - Suspended or revoked license;
 - Three (3) or more moving violations in the past thirty-six (36) months;
 - One (1) or more instances of driving under the influence (DUI) or driving while intoxicated (DWI) within the past twenty-four (24) months;
 - At fault in a fatal accident within the past five (5) years;
 - Leaving the scene of an accident within the past thirty-six (36) months; or
 - Reckless driving within the past twelve (12) months.

The motor vehicle record check will include review of all states listed on the individual's employment application and resume. If an applicant does not have a valid driver's license, the applicant may not be hired, subject to the individualized assessment described above. If an applicant has a driving record that falls at or below the criteria listed unacceptable status, as defined above, the applicant may not be hired.

The Town of Manchester-by-the-Sea will check the motor vehicle records annually for all current employees subject to the town's driving permit procedures. Any covered employee without a valid driver's license will not be allowed to operate a town owned vehicle or drive on The Town of Manchester-by-the-Sea business. If driving is an essential job function, and the employee cannot be reasonably accommodated, the employee will be terminated. If an existing employee has a valid driver's license, but the employee's driving record falls at or below probationary status criteria, as defined above, the employee will be placed on probationary status and will be subjected to the requirements of that status until the end of the probation. If during a subsequent periodic motor vehicle record check, the employee's record indicates further violations; The Town of Manchester-by-the-Sea will review the specific circumstances surrounding the individual and determine appropriate action.

Pre-employment Physical Examination

All safety sensitive job offers are conditioned upon successful completion of a pre-employment physical. The Town of Manchester-by-the-Sea pays for the examination. If the candidate fails to complete the physical, that action will be treated as a rejection of the conditional job offer.

All applicants will be required to sign the standard consent and release form permitting the physician to disclose to the Town whether the applicant is able to perform the job in question and whether any

restrictions apply. The essential functions of the position will be given to the physician. Any medical recommendation not to hire the individual must specifically state that the individual is not able to perform the essential functions of the position, even with reasonable accommodation. The essential functions that cannot be performed shall be identified. If the applicant questions the results of the physical, they will be given an opportunity to comment, submit additional information including statements from other physicians, and/or request another physical.

All medical information provided to the Town will be maintained in confidence in accordance with the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), and any other applicable law. No candidate will be permitted to report to work until satisfactory completion of the physical.

Substance Abuse

The Town is committed to protecting the health, safety, and well-being of its employees and residents. Employees who use or are under the influence of illegal drugs, alcohol, or other dangerous substances on Town premises or on Town time compromise the Town's interests, endanger their own health and safety and the health and safety of others, can cause a loss of efficiency and productivity, and give rise to a disruptive work environment.

Therefore, the Town will not tolerate the use of illegal drugs, alcohol, or other dangerous substances on the Town premises or on the Town time. Furthermore, employees will not be permitted to work if they are under the influence of illegal drugs, alcohol, or other dangerous substances.

- Illegal drug means: (1) any drug or controlled substance whose use or possession is not legal under state and/or federal law, or (2) any drug that is legally obtainable but has not been legally obtained.
- Dangerous substance means any drug, intoxicant, or similar substance other than illegal drugs or alcohol which, when used by an employee, may interfere with the employee's ability to safely and effectively perform any aspect of their job.

If an employee is lawfully taking medication (including prescribed medication, home remedy, or over-the-counter medication) that may interfere with the employee's ability to safely and effectively perform any aspect of their job, the employee must inform their Supervisor before undertaking any work activities. In such cases, the employee may be required to take time off during the period that the medication is being used and/or provide medical documentation confirming their ability to safely and effectively perform their job duties, notwithstanding use of the medication.

No employee may possess, sell, purchase, manufacture, or distribute illegal drugs, drug paraphernalia, or alcohol while on Town premises or on Town time. **To prevent illegal drugs, drug paraphernalia, alcohol, and/or other contraband from being brought onto Town premises, the Town may, at its discretion, inspect any locker, package, purse, tool box, or other personal belongings brought onto the Town premises.** All employees are expected to cooperate in all such investigations.

An employee who observes any behavior that would constitute a violation of this policy should report it to their Supervisor. Violation of this policy will result in disciplinary action up to and including immediate termination.

Employees suffering from addiction may request reasonable accommodations, such as time off for treatment. If an employee has a drug or alcohol problem, the Town urges the employee to report the matter to their Supervisor before work-related problems occur.

Employees who lawfully use medication (including medical marijuana) to treat a medical condition may also request reasonable accommodations.

Substance Abuse Testing

The Town requires drug testing as a condition of employment and continued employment in the following circumstances:

- Post-offer, pre-employment testing of candidates in safety-sensitive positions;
- Testing of any employee who the Town has reasonable suspicion to believe is under the influence of illegal drugs, alcohol, or other dangerous substances while on the Town premises or on the Town time;
- Post-accident/injury testing only where there is a reasonable possibility that the use of illegal drugs, alcohol, or other dangerous substances was a contributing factor to a reported workplace accident/injury; and
- Random testing of employees in certain safety-sensitive positions, as designated by the Town.

The Town's testing policies and procedures comply with applicable state and federal laws.

Post-Offer, Pre-Employment Testing

As a condition of employment, all candidates for safety-sensitive positions must submit to drug testing at a time and place designated by the Town, prior to commencing employment. The Town will pay for the cost of such testing. The candidate must receive a negative test result in order to become employed by the Town. Failure to timely submit to drug testing or receipt of a positive test will generally result in revocation of the employment offer.

Reasonable Suspicion Testing

When the Town has reasonable suspicion to believe that an employee is using or is under the influence of illegal drugs, alcohol, or other dangerous substances while on the Town Premises or on the Town time, the Town may require the employee to submit to drug and/or alcohol testing. When reasonable suspicion testing is appropriate, it must occur as soon as possible after a reasonable suspicion determination but not later than: eight (8) hours after the determination (for alcohol testing) or thirty-two (32) hours after the determination (for drug testing). Failure to timely submit to a test or receipt of a positive test will result in disciplinary action up to and including termination.

Post-Accident/Injury Testing

Unless mandated otherwise by state or federal law, the Town will require drug and alcohol testing following a work-related accident or injury only where there is a reasonable possibility that the use of illegal drugs, alcohol, or other dangerous substances was a contributing factor to the reported accident or injury. When post-accident/injury testing is appropriate, it must occur as soon as possible after the incident but not later

than: eight (8) hours after the incident (for alcohol testing) or thirty-two (32) hours after the incident (for drug testing). Failure to timely submit to a test or receipt of a positive test will result in disciplinary action up to and including immediate termination. The same standard shall apply whether or not an injury resulted from the accident.

Random Testing

The Town requires employees in certain safety-sensitive positions, as designated by the Town, to undergo drug and alcohol testing on a random basis. Such employees will be selected randomly to participate in testing, and, when notified of selection, the Town may immediately transport the employee to a collection site for testing. Failure to timely submit to a test or receipt of a positive test will result in disciplinary action up to and including termination.

Testing Practices and Procedures

Prior to any testing under this Policy, the employee will be required to sign a medical consent and general release form (referred to as the "Consent Form") acknowledging that they received notice of the Policy and consents to drug and/or alcohol testing pursuant to the Policy. Employees who refuse to sign the Consent Form will be subject to discipline, up to and including immediate termination. Candidates who refuse to sign the Consent Form will have their employment offer rescinded.

Since lawfully used medications may result in a positive test result, employees and candidates subject to testing under this policy will be given an opportunity before being tested to specify on a confidential drug disclosure form any medications – including legally prescribed controlled substances (i.e. medical marijuana) – which they may have taken during a reasonable period prior to testing.

Any employee or applicant who initially receives a positive test result will be automatically given a reliable confirmatory test from the sample already submitted, separate and independent from the initial test. If the confirmatory test is also positive (a "confirmed positive" result), the confidential drug disclosure form will be opened to permit an examination of possible legitimate explanations for the result. If the test result is confirmed positive and there is no legitimate explanation for the confirmed positive test result, the result will be reported as positive and shall identify the substance(s) for which the test was positive. If there is a legitimate explanation for the result or if the test is negative, the confidential drug disclosure form will be destroyed and the test result will be reported as negative.

The results of a drug or alcohol test will be communicated to an employee or candidate subject to testing, provided the results were positive.

Any employee or candidate who refuses to undergo a properly requested drug or alcohol test under this policy, fails to provide a specimen in accordance with the testing procedures, or leaves the testing area prior to the completion of the testing procedure shall be considered to have received a positive test result.

Compliance with this Policy is a Condition of Employment and Continued Employment

Full compliance with this Policy is a condition of employment and continued employment with the Town. Any employee who violates this Policy or who receives a positive test result will be subject to disciplinary action up to and including immediate termination. In lieu of, or in addition to, discipline, any employee who

violates this policy or receives a positive test result may, at the discretion of the Town, be referred to an appropriate treatment program at the employee's expense.

Reasonable Accommodation

Candidates and Employees who lawfully use medication (including medical marijuana) to treat a medical condition may request reasonable accommodations.

Orientation and Probationary Period

Performance of all employees must meet acceptable work standards. The orientation period shall be utilized to help new and promoted employees achieve effective performance levels. To ensure that new employees are aware of their duties and responsibilities, Department Heads and/or Human Resources shall inform new employee of their responsibilities, duties and obligations and shall provide the employee with a copy of the Employee Handbook, job description, and any applicable collective bargaining agreement (CBA).

The appropriate Department Head shall conduct periodic orientation sessions for the purpose of providing new employees with information on benefits, rights and obligations as an employee of the town. Department heads shall provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

All newly appointed and promoted employees shall be required to successfully complete a probation period to begin immediately upon the employee's starting date or promotion date and to continue for a ninety (90) day period which may be extended by the number of days the employee may be absent from work. The probation period shall be utilized to help new and promoted employees achieve effective performance standards. The probation period shall be used by the appointing authority to observe and evaluate the employee's attitude, conduct, and work habits. Upon expiration of the probation period, the appointing authority shall notify the employee **in writing** that:

- The employee's performance meets satisfactory standards and the individual will be retained in the position;
- The employee's performance, due to extenuating circumstances, requires additional observation and that the probation period will be extended an additional ninety (90) days; or
- The employee will be discharged and the employee may not appeal the removal provided within these regulations.

During the probation period of any employee, Department Heads shall at reasonable intervals discuss work performance with the probationary employee. The Department Head shall be responsible for documenting these discussions and copies of such documentation shall be submitted to the Treasurer and/or Human Resources. Any recommendation for an employee termination by a Department Head will be reviewed and confirmed by the Town Administrator.

EMPLOYEE STATUS AND COMPENSATION

Collective Bargaining Agreements (CBA) have priority where applicable.

Employment Categories and Classification

The town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equitable pay. Health insurance requirement may not be considered.

The Town Administrator shall have responsibility for the administration of the classification plan and shall be authorized to: (a) complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions; (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification; (c) conduct periodic studies to insure the classification plan remains uniform and current; and (d) develop procedures to determine the proper classification of each position and classify positions.

It is the intent of Town of Manchester-by-the-Sea to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either exempt or non-exempt from federal and state overtime laws. Non-exempt employees are eligible for overtime pay under specific provisions of the Fair Labor Standards Act (FLSA), while exempt employees are excluded from specific provisions of federal and state wage and hour laws.

Non-exempt employees are eligible for overtime pay and are required by law to maintain time records of all work performed. In addition to the above categories, each employee will belong in one other employment category:

Regular, Full-Time Employees

Employees who are guaranteed a regular and consistent work schedule of over 20 hours per week and maintain a continuous, regular employment status. Generally, regular, full-time employees are eligible for all employee benefits, holiday pay, and group insurance, subject to the terms, conditions, and limitations of each benefit program.

Part-Time Employees

Employees who are not guaranteed a regular and consistent schedule of twenty (20) hours per week or more. While part-time employees participate in all legally mandated benefit programs (workers' compensation insurance), they are not eligible for the Town of Manchester-by-the-Sea's other benefit programs, except where otherwise noted.

Temporary/Seasonal Employees

Employees who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specified project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in

employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees participate in all legally mandated benefit programs, they are ineligible for all of the Town of Manchester-by-the-Sea's other benefit programs.

Classification of New Positions

Other authorities, such as Department Heads, proposing the creation of new positions shall provide the Town Administrator with a description of the duties, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Administrator and/or Human Resources to appropriately classify the position.

Reclassification of Positions and Periodic Reviews

Positions may not be reclassified without a review and approval of the Town Administrator, who shall review all positions subject to the classification plan in accordance with proper personnel practices.

Starting Rates for New Appointments

Persons appointed to positions shall normally be paid at the minimum rate of any salary range for a position. An appointing authority may compensate a new employee at a greater rate than the minimum rate for the position. A greater rate than the minimum rate may be paid if the new employee has exceptional qualifications or there is a lack of qualified applicants available at the minimum rate.

Step Rate Increases

Every employee in a position for which step rates are provided may be considered for an increase in compensation to the next higher step rate within the compensation grade after a performance review has been completed, but no step rate increases shall be granted before one (1) year of service has been completed in that step.

Promotion

An employee who receives a promotion shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay or at a step rate that the appointing authority believes the employee's qualifications and performance warrants.

Classification and Compensation Plans

The classification plan adopted by the Town Administrator shall be kept on file in the Selectmen's office. Periodically, the Town Administrator will review the compensation plan to assure competitiveness with comparable towns.

Implementation of Compensation Plan

The compensation of Non-union Town employees shall be included in annual operating budget estimates, as recommended by the Town Administrator and voted by the Town Meeting annually.

Non-Union Employees and Retroactive Pay

Non-Union employees shall be eligible to receive retroactive compensation. Pursuant to MGL Chapter 44 Section 68 for Retroactive salary increases; whenever a city, town or district votes to grant a salary increase to all or any of its employees, such increase may be retroactive to a date not earlier than the beginning of the fiscal year prior to the date of such vote.

Work Week

The work week of employees occupying full-time positions shall fall between twenty (20) to forty (40) hours per week as determined in writing upon hire or in subsequent written notification.

Pay Period

For all employees of the Town of Manchester-by-the-Sea, the standard pay period is biweekly and the employees are paid for work performed the previous fourteen (14) day period. Paychecks are received every other Thursday. When a payday falls on a holiday, employees will be paid on the preceding workday. No advances will be made before payday.

Overtime Pay

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Supervisor's prior authorization. The Town of Manchester-by-the-Sea has the sole and exclusive right to decide who will receive particular overtime assignments and when.

Non-Exempt Employees

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions, at the following rate: one and one-half (1½) times the regular hourly wage for any time actually worked over forty (40) hours per week (non-public safety personnel). The work week runs from Sunday through Saturday. Vacation and holiday time are included in the calculation of hours worked; however sick time, jury duty, and bereavement are not included as hours worked when calculating overtime.

All overtime must be approved in advance by an employee's Supervisor. Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

Exempt Employees

The nature of employment for exempt employees is that they may be required to work additional hours or hours at times other than the normal work week. The purpose of compensatory time is to compensate these employees by providing time off from work. Compensatory time is not to be viewed as vacation. Compensatory time shall be accumulated and used at straight time and shall be used at the discretion of the Department Head within ninety (90) calendar days of the week in which it is earned,

unless otherwise approved. Exempt employees should not expect to be able to use each hour of compensatory time.

Breaks

Rest and meal periods are intended to provide employees with an opportunity to take a break and relax. All non-exempt employees who take meal breaks or other unpaid breaks must clock in and out and will be relieved entirely from duty. Employees must be prepared to resume work promptly at the end of their meal period.

An employee's Supervisor will grant breaks as business needs allow and as required by local laws. Breaks may not be combined, added, saved up, or used to leave work early without permission from an employee's Supervisor. Smokers are not entitled to additional break time. Supervisors will designate any specified break areas. Employees are not to leave the premises while on paid breaks without permission from their Supervisor.

Timekeeping Procedures

Accurately recording total time worked is the responsibility of every employee. Federal and state laws require the Town of Manchester-by-the-Sea to keep an accurate record of time worked in order to correctly calculate employees' pay and benefits. "Time worked" is all the time actually spent on the job performing assigned duties.

Non-exempt employees shall record on their timesheets when they begin and end their work, as well as the beginning and ending time of each meal period and/or unpaid break. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Unless otherwise requested, non-exempt employees should report to work no more than eight (8) minutes prior to their scheduled starting time and not stay more than eight (8) minutes after their scheduled stop-time without prior authorization from their Supervisor. Tardiness will not be tolerated, and may be grounds for disciplinary action, up to and including immediate termination.

Exempt employees must record the total hours worked each day. They should also note if the time recorded is for vacation, personal, sick, or holiday time, as provided by the Town of Manchester-by-the-Sea.

The employee's Supervisor will review and approve timesheets before submitting to Accounting for processing. Employees must immediately report any omissions or errors in their time documentation to their immediate Supervisor so that the required adjustment can be made. If corrections or modifications are made to the time record, the modified record must be initialed and kept with the original.

Timekeeping documentation procedures are in place to provide accurate work records for all Town of Manchester-by-the-Sea employees. Altering, falsifying, tampering with time records, recording time on another employee's time record, or any violation of the procedures outlined above, may result in disciplinary action, up to and including immediate termination.

Payroll Deductions

An employee's earnings and payroll deductions are itemized each pay period on their check stub or electronic pay statement. The Town of Manchester-by-the-Sea is required to make proper deductions on the employee's behalf. Amounts withheld vary according to how much the employee earns, their marital status, government employment regulations, and other factors. These mandatory deductions are made until the maximum amount is reached. Mandated withholdings include the following:

- Federal Income Tax;
- State Income Tax;
- Medicare; and
- Retirement (Pension)/OBRA.

Other deductions may be made from an employee's paycheck with their permission such as:

- Health/Dental Insurance Premiums;
- Life and Long-Term Disability Insurance;
- 457 Contributions; or
- Other Services Requested by the Employee.

The Town of Manchester-by-the-Sea takes all reasonable steps to pay employees the correct amount of pay and promptly on the scheduled pay day. In the unlikely event that there is an error in the amount or type of pay or an improper deduction, employees should promptly bring the discrepancy to the attention of their Supervisor. Every effort will be made to investigate and resolve complaints immediately. If the Town determines that a deduction was taken improperly, corrections will be made as quickly as possible and the Town will reimburse the employee for the improper deduction. All employees may file complaints or raise concerns regarding deductions from wages without fear of reprisal.

The Town of Manchester-by-the-Sea prohibits improper deductions to employee pay (as stated in the FLSA regulations). The Town of Manchester-by-the-Sea is committed to preventing improper deductions. Supervisors who are uncertain about whether a deduction is proper should seek guidance from the Treasurer/Collector before making or ordering the deduction. Supervisors who knowingly make or authorize improper deductions are subject to disciplinary action, up to and including termination. Employees with questions or complaints about any deductions to their pay should see their Supervisor immediately for clarification or correction.

Section 125

The Town of Manchester-by-the-Sea participates in a IRS Section 125 Plan, which allows employee-authorized deductions for medical, dental, and life insurance premiums to come out as pre-tax dollars. This means employees do not have to pay any taxes on the amount they contribute to such benefits. If employees enroll in these benefits they will automatically be part of this plan.

Garnishments

In some circumstances the Town of Manchester-by-the-Sea may be obligated to execute a court-ordered wage assignment, tax levy, or garnishment against an employee's wages. Withholding shall continue until the Town of Manchester-by-the-Sea is provided with a written release from the creditor or the court. In these situations the employee would be notified by Payroll in advance.

Lost or Stolen Paycheck

Employees should report lost or stolen paychecks to their Supervisor immediately. Supervisors will contact the Treasurer/Collector's office. A new check will be issued after the initial check has been cancelled. To eliminate the chance of losing or having someone steal an employee paycheck, the Town urges employees to take advantage of the Town of Manchester-by-the-Sea's direct deposit benefit.

Direct Deposit

The Town of Manchester-by-the-Sea offers employees the convenience of direct deposit with any bank account(s) of theirs, in both checking and savings accounts. Money will be available in employee accounts on the payday. To enroll, employees must complete a Direct Deposit form and attach a copy of a voided check. It takes approximately two (2) pay periods to begin direct deposit. On payday, employees will receive a pay statement, as opposed to their actual paycheck. Employees may elect, change or cancel direct deposit at anytime.

Expense Reimbursement

If an employee is asked to conduct company business using their personal vehicle, they may be reimbursed at the mileage reimbursement rate, which can be obtained through the Accounting Department. Travel expenses between the employee's home and work location are not reimbursable. If travel is required from home to a second location for business purposes, then to work or visa-versa, reimbursement will be the difference between the mileage from the home to work and the total miles driven on business.

Employees may receive reimbursement, subject to any state statutory requirements, for attending conferences or meetings sponsored by institutions or professional organizations for which the subject matter relates directly to the employee's position or provides beneficial information to enhance departmental operations. Prior approval of the Department Head is necessary and total expenses must be within departmental budget limits.

Approval of a town-sponsored membership in an appropriate professional organization and town-paid subscriptions to any appropriate professional publication must be approved by the employee's Department Head, subject to the availability of funds.

In order to be eligible for reimbursement for any authorized expenses, employees must submit an expense report accompanied by **original** receipts with the necessary approvals. Requests for

reimbursement should be made as soon as possible, preferably within one (1) week of the incurred expenses.

Employee Files and Record Keeping

Confidentiality

The Town Administrator shall be responsible, or delegate the responsibility, for establishing and maintaining a centralized personnel record keeping system. The personnel record-keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and Department Heads shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator. The Town Administrator may authorize or delegate authority for maintaining specific or duplicate personnel records. All employees, including those covered by collective bargaining agreements (CBA), are covered by this policy.

The Town maintains a personnel file for each employee that is the property of the Town of Manchester-by-the-Sea. Only those individuals authorized to view an employee file will be allowed to do so. Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the employee, Town Administrator, Human Resources, persons authorized by the Town Administrator to administer the personnel system, and appointing authorities and Department Heads.

An employee will be notified within ten (10) days of the employer placing any information in the employee's personnel record that 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 disciplinary action.

All inquiries by outside parties about present and former employees are to be directed to the Town Administrator, Treasurer, and/or Human Resources. One of these parties will verify the identity of the inquirer and disclose only permissible employment data.

Employee Access

The Town of Manchester-by-the-Sea abides by the law with respect to disclosure of personnel files. Employees who wish to review or copy their personnel file need to submit a written request to the Town Administrator and/or Human Resources. Upon such request, employees may review and copy their employee file within five (5) business days under supervision in the appointed record keeping office.

Changes to Status

Any time an employee's personal data changes, they are required to notify the Treasurer/Collector. Name changes, personal mailing addresses, telephone numbers, number and names of dependents, emergency contacts, educational degrees and accomplishments, and other such status reports should be accurate and current at all times.

Since changes may affect an employee's benefits, taxes, insurance status, etc., it is imperative that employees report all changes as soon as possible so that their personal information is always current and correct. Of course, this information will be kept confidential and will be provided only to individuals who have a need-to-know.

Transfer, Promotion, Demotion, Reinstatement and Resignation

Transfer

Employee may be transferred from one position to another without significant change in level if the employee has been in the original position for one (1) year and meets the qualifications for the particular position.

Promotion - Filling of Vacancies

Vacancies occurring in existing positions above the lowest rank in any department in the town service may be filled as far as practical by the promotion of employees in the town service. Any promotions are subject to the availability of funds.

Demotion

An employee may be demoted to a position of lower grade for which they are qualified for any of the following reasons:

- When an employee would otherwise be laid off resulting from the abolition of a position; the employee's position is reclassified to a higher grade for which the employee is not qualified; lack of work; disciplinary action; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules of leave.
- When an employee does not possess the necessary qualifications to render satisfactory service in the position.
- When an employee voluntarily requests such demotion.

All demotions must receive the approval of the Town Administrator, or other appointing authority and all Department Heads concerned. The employee must be notified in writing of their demotion and of the reason for such action. Within ten (10) days of such notice they may request a public hearing before the Town Administrator or other appointing authority, who must hold such hearing not less than ten (10) days or more than twenty (20) days after such a request. The appointing authority may support the action or may modify it.

Working at a Higher Rated Position

An employee who is required by the appointing authority to substitute for a higher classification for more than five (5) consecutive days (except days filling in for another employee on vacation) may receive additional or substitute compensation upon review and approval of appointing authority and such benefits will end at the conclusion of the period of substitution. For the purposes of this provision, a day shall be the hours normally worked at the higher rated position each day.

Review of Paid Position Openings

The purpose of local government is to provide efficient services to citizens of the Town. We should regularly review staffing needs to determine if our current level of staffing is adequate. An excellent time to review staffing is when a position vacancy occurs in a department.

Position vacancies should not be filled automatically. A thorough review of each position and the needs of the department should be done before the position is advertised. Requiring departments to justify the need to fill a position will ensure that a careful internal review of departmental needs has taken place.

When a paid position in a department becomes vacant due to resignation, retirement, or other reason, the Department Head shall notify the Town Administrator immediately. The Town Administrator shall review the position opening. If the Town Administrator recommends against filling the vacancy, they shall meet with the Department Head to discuss the vacancy further.

BENEFIT HIGHLIGHTS

The Town of Manchester-by-the-Sea provides a range of benefits to demonstrate a solid investment in employees. The Town will periodically review the benefits program and will make modifications as appropriate. Some benefits (workers' compensation and unemployment insurance) are government mandated, while others are provided at the discretion of the Town of Manchester-by-the-Sea and may be altered from time to time as circumstances and needs require. The following paragraphs summarize the major benefits the Town of Manchester-by-the-Sea offers. The specific terms and conditions of employee benefits plans are governed at all times by the complete provisions of the insurance contracts or agreements under which the plans are administered.

Rules and Regulations Regarding Eligibility for Health Insurance Benefits

The following rules and regulations are adopted by the Manchester by-the-Sea Board of Selectmen pursuant to M.G.L. Chapter 32B, Section 14, and any other applicable provision of the laws of the Commonwealth of Massachusetts or the United States. The Manchester Board of Selectmen, as the appropriate public authority, is the source of final appeal within this municipal jurisdiction for the rules contained herein and on behalf of the Town of Manchester and its employees. In the event of any conflict between these rules and regulations and any applicable State or Federal law, the provisions of such law shall control. These rules and regulations do not create any contractual entitlements and are subject to amendment at any time by the Manchester-by-the-Sea Board of Selectmen.

Qualification for Group Insurance

- Employees must be compensated by the town.
- Employees must be regularly scheduled to work a minimum of twenty (20) hours per week during the work year.
- Seasonal and short-term temporary employees working less than one (1) full year are not eligible for insurance.
- In the case of layoffs or reduction in personnel due to lack of work or budgetary cutbacks, any employee rehired within one (1) year of the date of separation shall be considered as having uninterrupted service for the purposes of establishing benefit costs upon rehire. An individual rehired following an absence longer than one (1) year will be treated as a newly hired employee subject to all the contributory responsibilities existing for the current period of employment.

Grant Employees Paid Through Third Party Sources

- Unless otherwise provided by law, grant employees and employees whose compensation is funded through payments by third parties are eligible for benefit participation. Any grant or fee billing system, under which insurance benefits are an eligible cost, must include sufficient funds to reimburse the town for its share (employer portion) of insurance premiums on behalf of participating employees, and the town must be reimbursed in full for its payment of these premiums.
- Supporting grant documentation must be placed on file at the office of the Town Accountant.
- Grant employees must meet the eligibility requirements stipulated above in order to participate in the town's plans.

COBRA Qualifying Subscribers

- COBRA and Title XXII of the Public Health Service Act, as they may be amended from time to time, define and govern continuation coverage requirements (including qualifying events that trigger continuation coverage, notice requirements, premium payments, and eligibility) of covered employees and other beneficiaries.
- The Town Treasurer or his or her designated third-party administrator shall provide initial notification of COBRA coverage availability when an employment-qualifying event occurs and/or when a covered employee or other qualified beneficiary notifies the office within prescribed time limitations of a divorce or legal separation, a dependent child ceases to meet dependency requirements, or, during the qualified beneficiary's initial eighteen (18) month period of COBRA continuation, of a disability determination by Social Security. An employee has up to sixty (60) days to elect coverage after receiving notice from the town of rights to COBRA coverage.
- If you are the spouse of an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because any of the following qualifying events happens:
 - Your spouse dies;
 - Your spouse's hours of employment are reduced;
 - Your spouse's employment ends for any reason other than his or her gross misconduct;
 - Your spouse becomes enrolled in Medicare (Part A, Part B, or both); or
 - You become divorced or legally separated from your spouse.
- Your dependent children will become qualified beneficiaries if they will lose coverage under the Plan because any of the following qualifying events happens:
 - The parent-employee dies;
 - The parent-employee's hours of employment are reduced;
 - The parent-employee's employment ends for any reason other than his or her gross misconduct;
 - The parent-employee becomes enrolled in Medicare (Part A, Part B, or both);
 - The parents become divorced or legally separated; or
 - The child stops being eligible for coverage under the plan as a "dependent child."

Retiree Health Insurance

- Retirees from the town, defined as former employees who are eligible for and receiving their pensions from the Massachusetts Teachers Retirement or the Essex Regional Retirement System, are generally eligible to participate in the town's health insurance program. An employee must be enrolled in a town-sponsored insurance plan for a period of at least one (1) year while they are an active employee in order to elect retiree health insurance coverage with the town upon retirement from active service.
- Town of Manchester-by-the-Sea Retirees, who choose to continue active employment with another community, or in another state, and maintain participation in Town of Manchester-by-the-Sea benefit programs, are subject to the Town of Manchester-by-the-Sea Rules and Regulations Regarding Eligibility for Benefits.

Medicare Eligible Retirees

- The Town accepted the provision of Chapter 32B §18 of the Massachusetts General Laws at its Annual Town Meeting on April 7, 2008.
- Section 18 requires all retirees, their spouses and dependents, who are enrolled in Medicare Part A at no cost to the retiree, their spouse and dependents, or eligible for coverage thereunder, at no cost to a retiree, their spouse or dependents, to enroll in a Medicare health benefits supplement plan (Medicare extension plan) offered by the town.
- The town shall pay any Medicare Part B penalty (only) assessed by the federal government on employees who retired before August 31, 2011, their spouses and dependents as a result of enrollment in Medicare Part B at the time of transfer into the Medicare health benefits supplement plan.
- The Town may, from time to time, request from any retiree, a retiree's spouse or dependents, proof certified by the federal government of their eligibility or ineligibility for Medicare Part A and Part B coverage.
- If a retiree does not submit the information required, he or she shall no longer be eligible for their existing health coverage.

Spousal Health Insurance Upon Death of an Employee

Upon the death of an active employee or retiree, the surviving spouse may continue the group coverage, including dependent coverage, until remarriage or death of said surviving spouse, in accordance with M.G.L. Chapter 32B §9B (100% paid by spouse). As applicable, these situations will also be subject to the provisions of COBRA (100% paid by individual) and Title XXII of the Public Health Service Act.

Continuation of Health Coverage in the Case of Divorce or Separation

Generally, situations of spousal coverage are regulated by Section 9H of Chapter 32B. Premium assessments and contract standards are under the jurisdiction of the Board of Selectmen.

Split Insurance Coverage

An employee may not elect different insurers for both the employee and his or her spouse when only one of the married individuals is a town employee. Should both spouses be employees, they will be subject to duplicate coverage regulations of the insurance providers, as well as state and federal statutes. In the event statutory restrictions compel different coverage, the town will comply with the appropriate statute and regulations.

This policy will apply to all Town employees who have not retired as of November 21, 2011.

Pension Plan

Any individual who is permanently and regularly employed twenty (20) or more hours per week and who receives at least five thousand dollars (\$5,000) in wages shall become a member of Essex Regional Retirement System (ERRS). Participation in the pension plan is mandatory if employee meets these qualifications.

Employees hired after July 1, 1996 contribute nine (9%) percent of all regular compensation plus an additional two (2%) percent on all regular compensation over thirty thousand (\$30,000) dollars per year.

Employees must have ten (10) years of creditable service in order to be considered vested. When an employee is vested, they have earned the right to a retirement allowance at a later date. Employees no longer have to remain in service to be eligible to collect it.

The Pension Reform Act of 2011 created new requirements for employees who became members after April 2, 2012. These new requirements affect the time at which an employee can retire as well as the calculation used to determine the pension, among other significant changes. Employees should contact Essex Regional Retirement System with any questions or concerns on their retirement benefit. The website is www.essexregional.com and the phone number is (978) 739-9151.

Medical Insurance

The Town of Manchester-by-the-Sea offers medical insurance for all regular, full-time and part-time employees, who work twenty (20) hours or more per week, and their eligible dependents upon hire. Once an employee has made their enrollment decision, they may not change their elections until the next open enrollment period in May (effective July 1st), unless there is a qualifying event such as loss of coverage, marriage, divorce, or birth. The Town of Manchester-by-the-Sea pays a percentage of the medical insurance premiums and employees contribute the balance. Employees should refer to the plan summary for further coverage details.

Basic Life and Accidental Death and Dismemberment Insurance

The Town of Manchester-by-the-Sea provides all regular, full-time employees with the option to elect a Basic Life and Accidental Death and Dismemberment (AD&D) insurance policy at a fifty (50%) percent premium contribution level through Boston Mutual Life Insurance Company. The policy is a guaranteed issue for first time applicants in their initial eligibility period with no medical questions for amounts up to five thousand (\$5,000) dollars. The benefit reduces upon retirement to two thousand (\$2,000) dollars, and the Town continues to contribute fifty (50%) percent of the premium cost. Coverage does not continue for termination of employment outside of retirement, though there may be options available for Portability and Conversion of the policy within thirty one (31) days from the date of termination. Additional coverage levels above five thousand (\$5,000) dollars are available for first time applicants in their initial eligibility period at one hundred (100%) percent employee premium contribution level. Upon an employee's enrollment in the policy, as part of coverage, they are asked to designate a beneficiary in the future event that their policy is exercised. An employee may change their beneficiary at any time. Employees should refer to the plan summary for further coverage details.

Supplemental Insurance Policies

The Town of Manchester-by-the-Sea makes available to all regular, full time employees a variety of additional supplemental insurance benefits. These optional benefits are paid at one hundred (100%) percent employee contribution level. The various benefit options include: Dental, Vision, Life, Accidental Death and Dismemberment, Accident, Cancer, and Disability Insurances. These plans are offered and administered by various vendors and are made available upon hire and during the annual open

enrollment period. Additional information on the plans and vendors can be obtained in the Treasurer’s Office.

457 Retirement Savings Plan

The Town of Manchester-by-the-Sea offers a 457 Retirement Savings Plan that allows employees to contribute a predetermined amount of their compensation on a pre-tax or post-tax basis through payroll deductions (up to the IRS maximum). All full time Town employees are eligible to participate in the 457 Retirement Savings Plan upon hire or at any point during their employment.

Flexible Spending Accounts (FSA)

The Town of Manchester-by-the-Sea offers a Flexible Spending Account (FSA) to enable employees to fund certain healthcare and dependent care expenses on a pre-tax basis in accordance with IRS regulations. The three (3) plans the Town of Manchester-by-the-Sea offers are:

Plan Type	Maximum Pre-Tax Contribution	Eligible Expenses for Reimbursement
Premium Plan	100% of the employee-paid medical insurance premium	Employee-paid premiums are automatically taken from the paycheck on a pre-tax basis.
Dependent Care Plan Account (DCAP)	Up to annually established maximum dollar amount	Child or elder care during work hours such as: <ul style="list-style-type: none"> ➤ Daycare ➤ Day camp ➤ Preschool tuition ➤ Before and after school care ➤ Some elder care
Medical Expenses Reimbursement Plan	Up to annually established maximum dollar amount	Expenses not covered by the medical insurance plan such as: <ul style="list-style-type: none"> ➤ Deductibles ➤ Co-payments ➤ Non-reimbursed medical, dental or vision expenses

If electing the DCAP or Medical Expenses Reimbursement plan, employees should:

- Estimate their annual eligible expenses: Determine their desired contributions on a yearly basis. Estimated expenses should be calculated carefully since, per IRS regulations, payroll deductions may only be changed annually every open enrollment in May (effective July 1st) or within thirty (30) days of a qualifying life event (birth, death, divorce, marriage, etc.), and any unused money remaining over five hundred (\$500) dollars in a FSA account at year’s end is forfeited.
- **Authorize deductions from their paychecks:** Once deducted, the money is deposited into the employees’ FSA account(s).

- **Use FSA card for eligible expenses:** Employees may use their FSA card for eligible expenses, provided it is accepted at the location of the expense. If the FSA card is not accepted, the employee will need to pay for the expense out of pocket and submit a request for reimbursement.
- **Request reimbursements:** Once the expense has been incurred, employees complete a reimbursement form and submit receipts for eligible services provided and the available money will be returned to them from their account.

Employees need to sign up for these accounts each year during open enrollment in May and submit outstanding receipts for previous year's health or dependent care claims by September 30th. Employees must refer to the plan summary for further coverage details.

Employee Assistance Program (EAP)

The Town of Manchester-by-the-Sea offers the services of an Employee Assistance Program (EAP) through the MIIA EAP, AllOne Health, at no cost to the employee. The EAP can assist employees, their dependents, and members of their household in dealing with challenges, issues, and problems at work or at home through counsel, information, problem-solving, and personalized referrals 24 hours a day by calling the toll free number at (800) 451-1834 or through the website at <https://allonehealth.com/MIIEAP/>. Usage of this benefit is voluntary and strictly confidential between the employee and MIIA unless the employee provides written consent to share information.

Expert consultants, including licensed counselors, can assist with a wide range of issues such as job or work stress, parenting issues, relationship problems, alcohol/substance abuse, anxiety/depression, legal issues, financial issues, grief or bereavement, etc. The EAP provides short-term care to employees and their families; however, will make referrals to longer-care providers should the employee desire.

Service Recognition Gifts

From time to time the Town has made gifts to elected officials, retiring employees, and volunteers in recognition of their service to the Town. This policy sets guidelines for the awarding of chairs and other awards to individuals in these categories.

Town Chairs

The intent of chair presentations is to honor Selectmen, employees, and others with outstanding, long-term service to the Town. These chairs are to be presented when the person retires or leaves the Town for service which the employee is being honored. Candidates for Chairs include:

- Employees with thirty (30) or more years of service to the Town who are recommended by their most recent Department Head.
- Department Heads and Town Administrators who, in the judgment of the Selectmen, have performed well beyond the expectations of his or her employment.
- Selectmen with at least a full three (3) year term. In event of multiple non-consecutive terms, chairs will be given only once but other recognition may be offered as appropriate.

- Other elected or appointed officials and Town employees who in the judgment of the Selectmen have performed truly exceptional service to the Town.

Other Awards

The intent of the other awards is to recognize service of other Town employees and volunteers. These awards, by their nature, recognize service less than that recognized by a chair and, as appropriate, might be a lamp, bowl, Town photo, etc. with a plate with name and service and the Town seal. Candidates for these awards include:

- Employees with less than thirty (30) years of service to the Town who are recommended by their most recent Department Head.
- Elected officials and others leaving Town service who do not fit into the above categories, but in the judgment of the Selectmen should be recognized for their Town service.

Before any of these awards are ordered, the candidates will be asked to acknowledge that they are willing to receive the award.

Longevity Pay

Any regular full-time Town employee not covered by a union agreement and contributing to the Essex Regional Retirement System shall be eligible for longevity pay once per fiscal year as follows:

- Five (5) to nine (9) years of service – two hundred (\$200) dollars
- Ten (10) to fourteen (14) years of service – three hundred (\$300) dollars
- Fifteen (15) to nineteen (19) years of service – five hundred (\$500) dollars
- Twenty (20) to twenty-five (25) years of service – eight hundred (\$800) dollars
- Over twenty-five (25) years of service – one thousand (\$1,000) dollars

Longevity pay shall not be considered part of an employee's base pay for purposes of future pay increases.

Workers' Compensation Benefits

The Town of Manchester-by-the-Sea provides a comprehensive workers' compensation insurance program as legally required. If an employee is injured while on the job, they may be eligible for benefits in accordance with the Massachusetts Workers' Compensation law. If an employee sustains a work-related injury or illness, they should inform their Supervisor immediately. Despite the severity of the injury it must be reported. Forms are available for employees and their supervisors to complete and submit to the Accounting office. Injuries sustained in any other manner, such as recreational or athletic activities, that are not work-related are not covered under workers' compensation insurance.

The Town, through its Department Head, may supplement worker's compensation payments in the amount which is the difference between the amount paid in Worker's Compensation payments and the

employee's regular compensation to the extent the employee has accumulated sick leave. Such supplemental payments shall be charged against accrued sick leave and/or vacation/personal until such leave has been exhausted at which time such supplemental payments shall cease. All applicable payroll deductions will continue to be withheld from Workers Compensation payments. Sick leave benefits will continue to accrue for a period of up to three (3) months.

TIME OFF

Holidays

The Town shall recognize the following holidays on the day on which the Commonwealth of Massachusetts legally observes them, and on these days' employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

- New Year's Day;
- Martin Luther King Day;
- President's Day;
- Patriot's Day;
- Memorial Day;
- Independence Day;
- Labor Day;
- Columbus Day;
- Veterans' Day;
- Thanksgiving; and
- Christmas Day.

The Town Administrator shall publish the dates for observance of designated holidays for the upcoming year by December 15th. Part-time employees that are paid on an hourly basis will receive one (1) day's pay at the regular rate based on the number of hours regularly scheduled on the day on which the designated holiday occurs. If the number of hours worked varies, the amount of holiday pay to which an employee is entitled shall be determined by the employee's appointing authority or Department Head.

Non-exempt employees who are required to work on a Town of Manchester-by-the-Sea holiday will be paid for the holiday at one and one-half (1½) times their regular hourly wage for hours worked on the holiday.

Vacation Time

The Town of Manchester-by-the-Sea provides paid vacation to all full-time employees. Vacation time will be earned upon the completion of each month of continuous service. All employees, not represented for collective bargaining purposes, occupying a full-time position, in which they customarily work more than one thousand forty (1,040) hours per year, shall accrue vacation time monthly in each calendar year based on their guaranteed and regular scheduled weekly hours as follows: zero (0) to five (5) years of service – two (2) weeks per calendar year; six (6) to ten (10) years of service – three (3) weeks per calendar year; eleven (11) to sixteen (16) years of service – four (4) weeks per calendar year; and twenty (20) years of service or more – five (5) weeks per calendar year.

New employees are eligible to take accrued time following ninety (90) days of continuous service. Employees will not accrue vacation during approved leaves of absence. Employees should submit

vacation requests in advance for vacation time to their Supervisor. The scheduling of vacations is subject to the staffing requirements of the employee's department, on a first-come, first-scheduled basis, with conflicts settled based on the length of service of employees involved.

Vacation is paid at the employee's base pay rate at the time it is taken, and does not include any other forms of compensation. The Town strongly encourages employees to utilize their available vacation. Employees may carry over a maximum of two (2) weeks into the next calendar year.

Upon termination of employment, employees will be paid for accrued and unused vacation up to the maximum amount that has been accrued through the employee's separation from payroll. If the employee's vacation accrual balance is in deficit as of the date of separation, those hours may be recovered in the final check.

In the event of a death of an employee, the estate of the deceased will be paid for accrued and unused vacation up to the maximum amount that has been accrued through the employee's separation from payroll. Deficit vacation hours will not be recovered.

Sick Time

All full-time and part-time employees shall accumulate up to one and one-half (1½) days of sick leave with pay for each full calendar month of service, up to a maximum of one hundred forty four (144) hours per calendar year. An employee may roll-over unused sick leave days into the following calendar year and may accumulate up to a maximum of one thousand six hundred (1,600) hours of sick leave total. Employees who work less than forty (40) hours per week will accrue on a prorated basis.

Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury, exposure to a contagious disease, or the sickness, injury or exposure to a contagious disease of a dependent living in the same household, who normally requires the care or direct supervision of the employee.

Sick leave shall be authorized by the Department Head. Notification of illness shall be made to the employee's Supervisor, if possible, prior to starting time or as soon as practical thereafter. The Department Head may require a physician's certificate of illness if an absence lasts longer than five (5) days. A Department Head may grant an employee leave with pay in the event of serious illness of a member of the employee's immediate family, which leave shall be considered to be sick leave of such employee.

Employees who retire under the provisions of MGL Chapter 32 will be paid twenty five (\$25) dollars per day of accumulated leave, up to two hundred (200) days. To be eligible for this benefit, an employee must have accumulated at least one hundred (100) days of sick leave and have at least ten (10) years of service to the Town. An employee who is retiring must provide written notice of their intention to retire by November 1st of the fiscal year prior to the fiscal year in which the retirement is to take effect in order to obtain this benefit. If the employee fails to provide notice as required in the above sentence, he or she shall be entitled to payment in the fiscal year which begins one year after the fiscal year in which the retirement is to take place.

Employees whose services are terminated shall not be entitled to compensation in lieu of sick leave not taken.

Absence Notification Procedures

If an employee determines that the employee needs to be absent, to be late or to leave work early, the employee must give advance notice to their Supervisor. Notice should be provided in person, by telephone or e-mail.

If the absence is foreseeable (for example, if the employee will be absent to attend a previously scheduled appointment), the employee must provide seven (7) days advance notice, or more if possible.

If the absence is not foreseeable, the employee must provide notice to their Supervisor at least one (1) hour before the start of the employee's shift. If one (1) hours' notice is not feasible due to accidents or sudden illness, notice must be provided as soon as practicable.

If an employee is going to be absent on multiple days, the employee or the employee's surrogate (e.g., spouse, adult family member or other responsible party) must provide notice of the expected duration of the leave or, if unknown, provide notice on a daily basis, unless the circumstances make such notice unreasonable.

Interaction with Other Types of Leave

If any time off covered under this policy is also covered under the Town's FMLA, Parental Leave, Leave to Address Abusive Behavior, SNLA leave or other leave of absence policies, sick time shall run concurrently with such leave unless otherwise approved in writing.

Personal Days

Regular, full-time employees who have been with the Town for at least ninety (90) days may be eligible for up to three (3) personal days per calendar year. Specific dates must be pre-approved by the employee's Supervisor in advance. These days are in addition to vacation days and may be used for personal reasons. Personal days cannot be carried over from year to year. Employees who work less than forty (40) hours per week will have their personal time prorated.

Personal Leaves of Absence

The Town of Manchester-by-the-Sea recognizes that at times personal circumstances may create situations that necessitate a leave of absence, and while such leaves are rare, every effort will be made to accommodate the employee should the circumstances warrant it. A personal leave of absence is an unpaid period of time, up to a maximum of three (3) months, that an employee is absent from work without loss of employment or seniority for reasons that do not qualify under the Family Medical Leave Act (FMLA).

All personal leaves of absence are at the discretion of the Town. Requests for such a leave must be in writing and include the circumstances surrounding the request. All leaves of absence are without pay, unless an employee has available paid time off. Employees taking a leave of absence must use available

paid time off before the unpaid leave portion of the leave begins unless otherwise approved in writing. Should a leave be granted, the employee is still responsible for the usual benefit contributions during this time and vacation/sick accrual will stop during any unpaid periods.

Requesting a Leave of Absence

An employee seeking a leave of absence must submit a written request for leave to their Department Head and Town Administrator and/or Human Resources. The request for leave must include:

- Name of employee;
- Name of Supervisor/Department Head;
- Date of request;
- Reason for leave (please provide specifics);
- Anticipated timing and duration of leave; and
- Signature of employee.

Employees must provide thirty (30) days' advance notice of the need to take a leave of absence when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable, which should be on the same day or next business day of the date the employee becomes aware that the leave is needed. Employees who provide less than thirty (30) days' notice are required to provide an explanation as to why they were unable to do so. In all cases, employees taking a leave of absence are expected to comply with the Town's normal call-in procedures for taking time off. Employees who fail to meet these notice requirements may be denied leave.

Employee Obligations during a Leave of Absence

Employees on a leave of absence are required to report to the Department Head, Town Administrator, and/or Human Resources periodically regarding their status and intention to return to work. Employees on a leave of absence are also prohibited from holding outside employment or consulting jobs without the written permission of the Town. Doing so may result in disciplinary action up to and including termination.

An employee returning from a leave of absence due to a serious health condition will be required to present a fitness-for-duty certificate prior to being restored to work.

If an employee fails to report to work on the first day after the expiration of the leave of absence, they will be considered as voluntarily terminating their employment.

Massachusetts Parental Leave

Massachusetts' employees may be eligible for leave under the Massachusetts Parental Leave statute, which allows eligible employees up to eight (8) weeks of unpaid job protected leave for the birth or adoption of a child under eighteen (18) years of age (or under twenty-three (23) years of age, if the child is disabled). If two (2) employees working for the Town are eligible for parental leave for the same child, they may be eligible for a combined total of eight (8) weeks of unpaid parental leave between them.

Regular, full-time employees working in Massachusetts, who have completed at least three (3) months of employment, are eligible to request Massachusetts Parental Leave. The employee must give at least fourteen (14) days written notice of the anticipated date of departure and intention to return to the job, or provide notice as soon as practicable if the delay in notice is for reasons beyond the employee's control. Employees may be required to provide proof of birth or adoption to Human Resources.

Those eligible for Parental leave may use accrued time off to substitute for any unpaid leave. For any period of the leave in which an employee is unavailable to work prior to delivery due to the effects of pregnancy, she may use earned sick leave. A physician's statement may be required to justify the use of sick leave at this time. However, paid time off may accrue during the leave. Health coverage will continue on the same basis as before the leave. Employee is responsible for making all benefit premium payments.

At the conclusion of the Parental leave, the Town of Manchester-by-the-Sea will offer reinstatement to the employee's previous position, or a similar position with the same status, at a salary equal to that which they received at the commencement of the leave. However, there are no greater rights provided because of the leave than if the employee were not on leave. The Town of Manchester-by-the-Sea reserves the right not to reinstate an employee on Parental leave to their previous or similar position if other employees of equal seniority and status in the same or similar position have been laid off due to economic or other conditions affecting employment during the period of the leave.

If an employee fails to report to work on the first day after the expiration of the leave of absence, and has not applied for an extension, the Town of Manchester-by-the-Sea will consider this a voluntary termination of employment, as is the policy with any leave. If unable to return to work at the end of a leave because of an extended disability due to recovery from childbirth, an employee will be treated in accordance with appropriate disability program provisions.

Family and Medical Leave Act (FMLA)

Eligibility for FMLA Leave

Employees are eligible for FMLA leave if they have worked for the Town for at least one (1) year, for one thousand, two hundred and fifty (1,250) hours over the previous twelve (12) months, and if at least fifty (50) employees are employed by the Town within seventy-five (75) miles. Periods of absence from work due to military leave covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) are counted in determining an employee's eligibility for FMLA leave.

Types of FMLA Leave

Eligible employees can take FMLA leave for the following reasons:

Parental Leave

Employees may take FMLA leave for incapacity due to pregnancy, prenatal medical care, or child birth. Such leave may also be used to care for the employee's child after birth, or placement for adoption or foster care.

Leave Due to the Employee's Own or a Family Member's Serious Health Condition

Employees may take FMLA leave for a serious health condition that makes the employee unable to perform the employee's job. Employees may also take FMLA leave to care for the employee's spouse, child/dependent, or parent, who has a serious health condition.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying Exigency Leave

Eligible employees with a spouse, child/dependent, or parent on covered active duty or called to covered active duty status in (a) the National Guard or Reserves in support of a contingency operation, or (b) the regular armed forces who are in or called to cover active duty in a foreign country, may use FMLA leave to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty, and attending post-deployment reintegration briefings.

Military Caregiver Leave

Eligible employees may take FMLA leave to care for a child/dependent, parent, or next of kin who is a covered service member. A covered service member is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, 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*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the definition of "serious health condition" for other types of FMLA leave, as set forth above. Employees seeking military caregiver leave should see Human Resources for more information.

Length of FMLA Leave

Employees may take up to twenty-six (26) weeks of Military Caregiver leave during a single twelve (12) month period.

For all other types of FMLA leave, each employee may be granted leave for a period up to twelve (12) weeks (during any twelve (12) month period). In determining eligibility for leave, a “rolling” twelve (12) month period is used, measuring backward from the date the employee uses any FMLA leave.

In circumstances where both spouses work for the Town, the employees may be limited to a combined total of twelve (12) weeks of leave for parental leave or for leave to care for the employee’s parent with a serious health condition, or a combined total of twenty-six (26) weeks of military caregiver leave.

If an employee is eligible for FMLA leave, and takes time off for an FMLA-qualifying purpose, such leave shall be counted as FMLA leave. Leaves taken pursuant to other Town policies (for example, workers’ compensation, parental leave, short term disability, sick time) shall be deemed to run concurrently with FMLA leave.

Required Certifications

Employees seeking leave due to a family member’s serious health condition will be required to submit a completed “Certification of Health Care Provider for Family Member’s Serious Health Condition” form. Employees seeking FMLA leave due to the employee’s own serious health condition will be required to submit a completed “Certification of Health Care Provider for Employee’s Serious Health Condition” form.

In all cases of leave due to the employee’s or a family members serious health condition, the Town reserves the right to request a second medical opinion at Town expense and further medical opinion, where appropriate. Periodic recertification also may be required for requested extensions of medical leave, lengthy leaves of absence, and other appropriate circumstances.

Employees seeking Qualifying Exigency leave will be required to submit a completed “Certification of Qualifying Exigency for Military Family Leave” form.

Employees seeking Military Caregiver leave will be required to submit a completed “Certification of Serious Injury or Illness of Covered Service Member” form. In lieu of the form, the employee may provide invitational travel orders (ITOs) or invitational travel authorizations (ITAs).

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Town asks that employees not provide any genetic information when submitting the required certifications. 'Genetic information,' as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Compensation During FMLA Leave

Employees on FMLA leave must apply any accrued paid time off such as vacation or sick time while taking FMLA leave. Employees must comply with the Town's normal policies for use of accrued paid time off.

If an employee does not have any accrued paid time, and is not eligible for other benefits, such as workers' compensation payments or short or long-term disability payments, the FMLA leave will be unpaid.

Benefits During FMLA Leave

An employee on FMLA leave will be retained on the Town's health plan on the same condition as active employees, except that the employee must make arrangements with the Treasurer's office for timely payment of the employee's portion of the premium in order to continue such coverage. If any premium payment is more than thirty (30) days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck.

Arrangements may also be made with the Town Administrator and/or Human Resources for the continuation of certain other benefits during the period of leave. The employee may be eligible for the accrual of seniority or earn additional employee benefits (e.g. vacation or sick leave) during the period of the leave. However, any FMLA leave will be treated as continued service for purposes of the Town's pension and other retirement plans.

An employee on an FMLA leave of absence will not be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of FMLA leave, the holiday will count towards the employee's annual FMLA total. If the employee is taking less than a full week of FMLA leave, the holiday will only count as FMLA leave if the employee would have been scheduled and expected to work on the holiday.

In the event that an employee fails to return from leave, the employee shall be liable for the employer's share of the insurance premiums unless: (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or (2) the failure to return stems from circumstances beyond the control of the employee.

Reduced Work Schedule/Intermittent FMLA Leave

For all types of FMLA leave, except Parental leave, an employee does not need to use the leave entitlement in one (1) block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Town's operations. Further, where a reduced work schedule or intermittent leave is foreseeable based on planned medical treatment, the Town reserves the right to temporarily transfer the employee to a position of equal pay status that better accommodates the employee's recurring periods of leave.

Town Notifications Regarding FMLA Leave

Employees requesting leave will be notified regarding whether they are eligible under FMLA. If the employee is eligible, the notice will specify any additional information required, as well as the employee's rights and responsibilities. If the employee is not eligible, the Town will provide a reason for the ineligibility.

The Town will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the Town determines that the leave is not FMLA-protected, the employee will be notified.

Return from FMLA Leave

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms, except that the employee will not be entitled to any employment rights or benefits greater than those they would have had in the absence of taking such a leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

If an employee is unable to return from FMLA leave on the date set forth in the leave request and/or certification of healthcare provider, the employee is expected to contact the Town *prior to* the anticipated return to work date. If an employee fails to return from FMLA leave when scheduled and does not contact the Town in advance, the employee may be deemed to have resigned.

Employee Protections Under the FMLA

The FMLA prohibits the Town from:

- Interfering with, restraining, or denying the exercise of any right provided under the FMLA; or
- Discharging or discriminating against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for violation of the FMLA.

The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Small Necessities Leave Act (SNLA)

The Massachusetts Small Necessities Leave Act provides eligible employees with up to twenty-four (24) hours of unpaid leave during any twelve (12) month period for the purposes of:

- Participation in school activities directly related to educational advancement of a child or dependent of the employee, such as parent-teacher conferences or interviewing for a school;

- Accompanying a child or dependent to routine medical or dental appointments, such as checkups or vaccinations; and
- Accompanying an elderly relative to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes. An elderly relative is an individual who is at least sixty (60) years old and who is related by blood or marriage to the employee.

Eligible employees are those who meet the eligibility requirements of the Family and Medical Leave Act.

Where SNLA leave is foreseeable, employees must provide at least seven (7) days advance written notice to the Town. Where leave is not foreseeable, employees must notify the Town as soon as practicable. Employees may be required to provide a certification (which can serve as notice), for each period of leave taken pursuant to this policy.

The available twenty-four (24) hours of SNLA leave does not need to be taken all at once. Rather, leave may be taken intermittently, in minimum increments of one hour.

Employees are required to substitute accrued vacation or sick time towards SNLA leave. Once paid leave is used up, SNLA leave is unpaid.

Leave to Address Abusive Behavior

The Massachusetts Domestic Violence Leave Law requires employers with fifty (50) or more employees to provide all employees, regardless of their eligibility for other leaves, for up to fifteen (15) days of unpaid leave in any (12) twelve month period to address the consequences of "abusive behavior" to themselves or family members.

Eligibility

To be eligible, an employee must be taking the leave from work to seek or obtain medical attention, victim services or legal assistance, to secure housing, to obtain a protective order from a court, to appear in court before a grand jury, to meet with a district attorney or other law enforcement official, to attend child custody proceedings, or to address other issues directly related to the abusive behavior against a family member.

Any employee who is the perpetrator of the abusive behavior against their family member is not eligible for leave under this law.

Definitions

For the purposes of this policy, the following words shall have the following meanings:

“Family members” means:

- Spouses, parents and step-parents, children and step-children, siblings, grandparents, grandchildren, persons with whom an employee has a substantive dating or engagement relationship, persons with whom an employee has a child in common, and persons with whom an employee is in a guardianship relationship.

“Abusive behavior” means:

- Domestic violence – defined as abuse against an employee or the employee’s family member by (i) a current or former spouse of the employee or the employee’s family member, (ii) a person with whom the employee or the employee’s family member shares a child in common, (iii) a person who is cohabitating with or has cohabitated with the employee or the employee’s family member, (iv) a person who is related by blood or marriage to the employee, or (v) a person with whom the employee or employee’s family member has or had a dating or engagement relationship;
- Stalking – defined as willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person that seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and making a threat with the intent to place the person in imminent fear of death or bodily injury;
- Sexual assault – defined as rape or assault with intent to commit a rape; indecent assault and battery; enticement of a minor into prostitution, human trafficking, or commercial sexual activity; or subjecting, recruiting, enticing, harboring, transporting, providing, or obtaining by any means, or attempting to subject, recruit, entice, harbor, transport, provide, or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography, or causing a person to engage in commercial sexual activity or a sexually-explicit performance or the production of unlawful pornography; or kidnapping.

“Abuse” means:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm;
- Causing another to engage involuntarily in sexual relations by force, threat, or duress or engaging or threatening to engage in sexual activity with a dependent child;
- Engaging in mental abuse, which includes threats, intimidation, or acts designed to induce terror;
- Depriving another of medical care, housing, food or other necessities of life; or
- Restraining the liberty of another.

Compensation and Benefits during Leave

Leave taken under this policy will not be paid. Employees taking leave will be required to use any unused vacation or sick time. Vacation or sick time benefits may not accrue during leave if leave is unpaid.

An employee on leave will be retained on the Town’s health plan on the same condition as active employees, except that the employee must make arrangements with the Treasurer’s office for timely payment of the employee's portion of the premium in order to continue such coverage. If any premium

payment is more than thirty (30) days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck.

An employee on leave of absence will not be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of leave, the holiday will count towards the employee's fifteen (15) days of total leave.

In the event that an employee fails to return from leave, the employee may be liable for the employer's share of the insurance premiums.

Return from Leave

Upon returning to work, an employee will be restored to their original or an equivalent position, unless economic, business, or other circumstances unrelated to their use of leave under this policy would have resulted in a change in their employment status or position.

The use of leave under this policy shall not result in the loss of any employment benefits accrued prior to the date on which the leave taken under this policy commenced. Employees shall not be subject to retaliation for their use of leave under this policy.

Town Notifications Regarding Leave

Except in cases of imminent danger to an employee or an employee's family member, an employee must provide thirty (30) days' advance notice of the need to take leave when the need is foreseeable. When thirty (30) days' notice is not possible, an employee must provide notice as soon as practicable, which should be on the same day or next business day of the date that the employee becomes aware that the leave is needed.

If leave is due to imminent danger to an employee or an employee's family member and advance notice cannot be provided, the employee must then notify the Town within three (3) workdays. Such notice may be communicated by the employee, a family member, or any professional person who may be assisting in addressing the abusive behavior and its consequences, such as a counselor, a social worker, a health care worker, a member of the clergy, a shelter worker, a lawyer, or a legal advocate.

When seeking leave, an employee is required to provide documentation within thirty (30) days from the last day of the unscheduled absence showing that the leave was taken to address issues directly related to the abusive behavior, as defined above. Any of the following documents are sufficient. An employee need not show evidence of an arrest, conviction, or other law enforcement documentation.

- A protective order, order of equitable relief, or other documentation issued by a court as a result of abusive behavior sought or issued on the date(s) of leave.
- A document on the letterhead of the court, provider, or public agency stating that the employee sought assistance relating to the abusive behavior on the date(s) of leave.
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior on the date(s) of leave.
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt of abusive behavior or has been convicted of, or has been adjudicated

a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.

- Documentation of medical treatment or counseling as a result of the abusive behavior on the date(s) of leave.
- A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted in addressing the effects of the abusive behavior on the date(s) of leave.
- A sworn statement signed under the penalties of perjury, from the employee attesting to being a victim of abusive behavior or is the family member of a victim of abusive behavior.

If an unscheduled absence occurs as a result of abusive behavior, no negative action will be taken against an employee, within thirty (30) days from the last unauthorized absence in the instance of consecutive days of unauthorized absences.

Any documentation provided to the Town in connection with abusive behavior leave will be maintained in the employee's employment record only for as long as required for the Town to make a determination of eligibility for leave.

All information related to a leave due to abusive behavior will be kept confidential and will not be disclosed, except to the extent that disclosure is (i) requested or consented to, in writing, by the employee, (ii) is ordered to be released by a court, (iii) is otherwise required by applicable federal or state law, (iv) is required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general, or (v) is necessary to protect the employee's safety or the safety of other employees at the Town.

Military Service Leave of Absence

A Military Leave of Absence will be granted to employees who are absent from work because of service in the United States uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Upon receipt of orders to active duty and/or training with the uniformed services, an employee is required to notify their Supervisor, Department Head as well as the Town Administrator and/or Human Resources, as soon as possible, and submit a copy of the military orders, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees called to active duty will receive partial pay for military service for up to three (3) months. Upon presentation of satisfactory military pay verification data, the employee will be paid the difference, if any, between their normal base compensation and the pay (excluding expense pay) received while on military duty.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible. During military leave of thirty-one (31) days or less, an employee is eligible for continued group health plan coverage under the same conditions as if the employee had continued to work (employee is responsible for their portion of the premium). For military leaves in excess of thirty-one (31) days, an employee may elect to continue their health coverage for up to twenty-four (24) months, but will be required to pay the full premium for the continuation of coverage.

Benefit accruals, including but not limited to vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to thirty (30) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. With leaves thirty-one (31) to one hundred eighty (180) days, the employee must apply for re-employment no later than fourteen (14) days after completion of the service or as soon as possible if this is unreasonable or impossible. Where the leave is for one hundred and eighty (180) days or more, the employee must apply for re-employment no later than ninety (90) days after completion of service. These time limits may be extended for up to two (2) years in cases of service connected injury or illness. Employees should speak with Human Resources for more information or questions about military leave.

Time Off for Veterans

Town of Manchester-by-the-Sea will grant veterans time off, if requested on Veterans Day, regardless of whether the veteran employee participates in Veterans Day celebrations. The Town will also grant veterans time off on Memorial Day to participate in an exercise, parade, or service in their community. Leave covered under this policy is unpaid.

Bereavement

When a death occurs in an employee's immediate family (spouse, child/dependent, stepchild/dependent, parent, mother-in-law, father-in-law, grandparent, grandchildren, sister or brother, upon request, regular, full-time and part-time employees will be granted paid leave for up to five (5) working days, to include day of death and the day of the funeral. Proof of death may be required by the Town.

Jury Duty

Town of Manchester-by-the-Sea encourages employees to fulfill their civic responsibilities by serving jury duty when required. If an employee is called to serve on jury duty, their Supervisor should be notified, and a copy of the employee's jury duty notice must be on file so that arrangements may be made to accommodate the absence. Employees selected for jury duty will be paid their regular base salary for up to three (3) days. In order to receive jury duty pay an employee must present the statement of jury service and any subsequent payment information. Employees who report to jury duty and are not selected to serve on the panel are expected to use their judgment as to whether or not they should report back to work based on the hour they are dismissed.

Time Off To Vote

Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, they should speak with their Supervisor in advance to discuss other accommodations. Time taken during regularly scheduled hours is unpaid. In Massachusetts, an employee is granted the first two (2) hours after the polls open to vote.

Witness Duty

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the Town of Manchester-by-the-Sea. Employees are free to use any available paid leave benefit (such as vacation leave) to receive compensation for the period of this absence.

The subpoena should be shown to the employee's Supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

WORKPLACE POLICIES

Every Town needs rules to guide employees in their work. These rules have been implemented so that all employees know what their responsibilities are in terms of conduct on the job. If an employee has any questions regarding these rules or any disciplinary action, they should be sure to discuss them with their Supervisor, Department Head and/or Human Resources. Although much of this section is designed to provide an understanding of the workplace rules of conduct and the ramifications for violating those rules, nothing contained in this section in any way restricts, waives, or revokes the "at-will" relationship between an employee and Town of Manchester-by-the-Sea. In other words, although this section is a guide, circumstances may warrant that steps be taken outside of these policies. The Town of Manchester-by-the-Sea reserves this right.

Standards of Conduct

All persons employed by the Town hold a position of public trust and as a result must present themselves in a professional and appropriate manner. Employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by state law. All employees may be subject to disciplinary action up to and including termination for acting in a manner that is not consistent with the standards of conduct.

Whenever people work together, some rules of conduct are needed to help them get along harmoniously. The Town of Manchester-by-the-Sea wishes to define these rules as clearly as possible to promote maximum understanding and cooperation. We ask the cooperation of all members of the Town to observe these rules. While the Town of Manchester-by-the-Sea cannot anticipate every situation, the Town expects employees will maintain behavior that is both honest and straightforward and deal with issues fairly and timely. If employees are not sure what to do in a given situation, it is their responsibility to speak to their Supervisor. The following is a non-exhaustive list of examples of those infractions which may result in disciplinary action:

- Excessive or unjustified absences or tardiness, even if unavoidable. Failure to inform Supervisor promptly by telephone or other means when unable to report to work.
- Deliberate or careless damage to Town property or equipment.
- Disregarding instructions of or insubordination to Supervisor or other proper authority.
- Inefficient or careless performance of duties, including failure to maintain proper standards of workmanship or productivity.
- Disorderly conduct or horseplay on Town premises.
- Possessing, drinking, or being under the influence of liquor or drugs on Town property.
- Falsifying employment applications, personnel security questionnaires, work records, or other Town records.
- Failure to observe safety rules and regulations.
- Failure to return to work upon expiration of an authorized leave or vacation.
- Misrepresentation of the reasons for a leave of absence or for other time off from work.
- Excessive personal use of Town property, including but not limited to telephones, computers and vehicles
- Theft from fellow employees or from the Town.

- Falsification or altering of time cards.
- Failure to observe department work schedules, including lunch and break periods.
- Misuse of sick leave.
- Engaging in any illegal activity, whether on or off Town premises.
- Fraud of securing appointment.
- Disclosure of confidential information.
- Violation of any Town policy.

This policy is not intended to infringe upon an employee's right to engage in certain union activities. Employees have the right to discuss terms and conditions of employment and mutual work related concerns.

Whistleblowers

The Town of Manchester-by-the-Sea encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith.

Employees are encouraged to report any activity by the Town of Manchester-by-the-Sea or a Town of Manchester-by-the-Sea employee that the employee reasonably believes: 1) violates any state or federal law or regulation; or 2) violates fiduciary responsibilities to the Town. In addition, employees can refuse to participate in any such activities. Employees are also protected from retaliation for reporting any such activities.

Employees should first report the problem internally to their Supervisor or another appropriate member of management before disclosing the matter to any public body. This will give the Town a reasonable opportunity to correct the activity.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of the Town of Manchester-by-the-Sea such as the attorney-client privilege.

Communications and Public Records Policy

Personal Social Media Communications

This Town understands the importance of social computing, networking and social media in today's world. Social media sites like Facebook, LinkedIn, Instagram and Twitter are all very popular. Social media can also take other forms, too, such as blogs, wikis, file sharing sites, forums, discussion groups and chat rooms. Social media can be an extremely effective way of expanding our interactions with employees and residents. While embracing new technologies, we also want to make sure that the Town and our employees engage in social networking in a responsible manner.

This policy provides guidance on how to engage in social networking in a way to protect employees and the interests of the Town, vendors and residents.

- Social networking sites should not be considered private. Generally, information posted on social networking sites should be considered public and employees should expect that even with

the use of certain privacy settings what the employee posts on social networking sites will be seen by others outside the intended group of viewers.

- Town policies still apply. Town policies still apply when using social media sites. Rules prohibiting the unlawful harassment of co-workers, for example, still apply to employees' on-line activities. The Town may monitor employee social media communications for compliance with Town policies.
- Use common sense/think before posting. Employees are responsible for the content they publish on social media sites. What the employee posts could be online for a long time. As a representative of the Town, employees should always consider how their comments will be viewed in light of protecting and enhancing both the Town's reputation as well as the employee's reputation.
- Respect others. Do not post defamatory comments about the Town, employees or its residents.
- Protect confidential information. Do not share or disclose non-public information.
- Be clear about who is being spoken for. Without permission, employees are not authorized to make statements, comments or press releases on behalf of the Town. Employees should make clear that they are speaking on their own behalf and not on behalf of the Town. In some instances it may be appropriate to add in this language: "The views expressed on this 'site' are my own and do not reflect the views and opinions of Town of Manchester-by-the-Sea."
- Use personal email addresses. Employees should always use their personal email address and not their Town of Manchester-by-the-Sea email address as their means of contact or identification.
- Respect copyrights, trademarks, and fair use. Remember to respect the copyrighted materials owned by others, and reference the sources used. Never distribute copyrighted materials (such as videos, photos, books, etc.) online as copyright infringement and plagiarism laws apply to posts on the Internet.
- Stay productive. Social media participation can be productive and beneficial both personally and professionally. However, employees must ensure that such personal activities do not interfere with work activities. Social media sites should not be used during work times except for work-related activities.
- Use social networking safely. Employees should always review the applicable privacy and security settings so that they understand how much or little information they are comfortable sharing.
- Rules of Conduct. Employees are expected to maintain behavior that is both honest and straightforward in accordance with the Rules of Conduct Policy.
- Other Social Media Policies. There might be additional social media policies within each department. Employees should become familiar with these policies.

This policy is not intended to infringe upon an employee's right to engage in certain union activities. Employees have the right to discuss terms and conditions of employment and mutual work related concerns.

Social Media sites and services such as Facebook, Twitter and Instagram shall not be accessed from Town owned equipment unless the access is for official Town business and is approved by the employee's department head or appointing authority for a public purpose.

Employees are cautioned that inappropriate postings to social media sites on personal time and/or using solely personal devices and accounts may subject the employee to discipline, up to and including termination, if the postings adversely affect the Town or the workplace. By way of example, and not by

way of limitation, inappropriate personal postings that may subject an employee to discipline include threats of violence, comments suggesting that the employee harbors any animosity or bias toward any protected class of individuals or any individual member of a protected class, and the disclosure of personal information or other confidential information gleaned in the workplace.

Cameras, Camera Phones, and Video Equipment

To safeguard confidential or proprietary information of the Town and its residents and business partners, the privacy of employees and visitors, and to reduce the opportunities for harassment, the Town of Manchester-by-the-Sea may regulate the use of electronic equipment used to capture images, such as camera phones, personal electronic devices with cameras, video equipment, cameras, handheld scanners, flash drives, and any other device capable of capturing or storing an image in its facilities.

Employees are not to bring or use imaging equipment into Town facilities or into areas where personal privacy is generally acknowledged, including dressing rooms, restrooms, etc. Employees are not to photograph, video, or record work areas or anyone on Town premises without permission of the Town Administrator.

In other areas or at Town-sponsored events, employees and visitors may use cameras and similar equipment with permission, as long as they do not disrupt the workplace, annoy others, or violate a Town policy. For example, the Town's prohibition against harassment extends to include the use of electronic equipment, such as camera phones and personal electronic devices with camera and video capabilities.

Employees and visitors are not to use electronic equipment to create or convey offensive, harassing, vulgar, obscene, or threatening images or communications. Similarly, transmitting sexually oriented messages or images at work using camera phones or mobile devices with access to the Internet is strictly forbidden.

An exception to this policy concerning pictures and recordings of work areas would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety, and/or working condition concerns or other protected concerted activities.

Employee belongings, including electronic equipment, briefcases, backpacks, satchels, jackets, and purses, are subject to inspection to ensure compliance with this policy.

Personal Communications Devices

The Town of Manchester-by-the-Sea recognizes that cell phones and personal communications devices have become valuable tools in managing employees' professional and personal lives. However, use of these devices in the workplace can raise a number of issues involving safety, security, and privacy. Therefore, the Town of Manchester-by-the-Sea has adopted the following rules regarding the use of personal communication devices in the workplace during working hours:

- Except in cases of emergency, employees should conduct personal business during lunch breaks and other rest periods. This includes the use of personal communications devices (including cell phones) for personal business (including personal phone conversations and text messages, personal emails, and use of the Internet for personal reasons). Employees should be

considerate of their co-workers and keep ring tones and alerts on vibrate or silent while at work. Phone calls made during an employee's lunch break or rest period should be made away from the employee's desk or work station so as not to disturb coworkers. Minimal or incidental use is permitted (e.g. child confirming safe arrival at home after school).

- When attending a meeting with residents, vendors or coworkers, employees should turn off or silence their cell phones and personal communications devices. Except in extraordinary circumstances (e.g. family emergency), employees may not respond to personal calls during a meeting.
- Making discriminatory or harassing comments to coworkers via any electronic means of communication is prohibited. This includes offensive messages, photos, or images that are sexual in nature or that are offensive to a person based on their protected class status. The Town of Manchester-by-the-Sea policies on professional conduct, discrimination, and harassment apply to all electronic communications to its employees, residents and vendors.

Internet Access and Electronic Mail

The Town of Manchester-by-the-Sea provides employees with the ability to send messages and information through telephone, voice mail, fax mail, electronic mail, and, in some cases, through the Internet (hereinafter referred to as "Telecommunications Systems). The purpose of this technology is to allow the Town to serve the public more effectively. Therefore, it is the Town's policy that the use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The telecommunication systems are the property of the Town and should be used for appropriate business purposes.

Personal computers, personal computer software licenses, Internet access software and the confidential and proprietary information input into our systems are assets of the Town of Manchester-by-the-Sea. These assets are institutional tools and carry legal responsibilities for the Town and its employees under federal and state law. These tools are provided by the Town and access to them is a privilege which may be taken away. Employees are advised that they have no expectation of privacy in Town computers and, therefore, any information or data stored on them whether connected with work processing, Internet access or any other activity, may be accessed by Town personnel. The Town reserves the right to access and examine all data stored on Town computers to make sure employees are in compliance with this policy. Unauthorized use of personal computers, personal computer software licenses and the confidential and proprietary information of the town, damage to the computers or their programs, or unauthorized access to the Internet is prohibited. In addition, commercial use of the system, such as to offer, provide, or purchase products or services through the system or use the system for political lobbying, is prohibited.

E-mail, and related on-line services, are the property of the town and are to be used for business-related purposes. While sending and retrieving personal messages is not expressly prohibited, any personal use of the system must be at a level that will not interfere in any way with the system's ability to serve its intended official purpose, or with individual employee performance. Use of the system for any commercial activity and/or for personal gain is prohibited. Abuse of this privilege could result in loss of the privilege for the individual and possibly others through the organization.

As indicated above, there is no right or expectation of privacy in the use of Town telecommunications systems. Therefore, employees should not assume that voice mail, e-mail messages or Internet postings are personal or confidential. The fact that employees have personal passwords does not render all

electronic communication confidential or private. All messages sent or received by E-mail or the Internet may be stored automatically on the Town's computer system and deleting such messages from one's computer may not erase them from other Town computers. Subject to certain exceptions in the law, e-mail messages and Internet postings may also be considered public records.

Notwithstanding the Town's right to retrieve and read any voice mail or e-mail messages or Internet postings for business purposes, such messages should be treated as confidential by other employees and should be accessed only by the intended recipient. Employees are not authorized to retrieve or read any messages that are not sent to them unless the intended recipient gives express permission. Employees should not use a password, access a file, or retrieve any stored information unless authorized to do so.

The telecommunication systems should not be used to create any offensive or disruptive messages or images. Among those which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

The telecommunications systems should not be used for any illegal activity, including but not limited to, the transmission and/or downloading of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. In addition, the telecommunications systems should not be used for participation in "chat rooms" and the like.

Upon the request of the Department Head, and subject to the approval of the Town Administrator, the monitoring of telecommunications systems usage may be authorized. Reasons for monitoring include, but are not limited to, review of employee productivity, investigations into claims of possible criminal activity, and investigations into violations of this policy. In general, no personnel action will be taken solely on the basis of personal information, which is unrelated to the reason for the monitoring, that may be unintentionally encountered in such monitoring.

All employees are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by the Town Accountant and have been subjected to virus detection procedures approved by the Town Accountant. Employees are not to download, upload, or otherwise install any software unless approved by the Town Accountant. The Town Accountant may, from time to time, impose additional restrictions or regulations on the importing of remote files and such restrictions or regulations shall be considered part of this policy.

In order to maintain compliance and in order to maintain a secure, stable and operational network, hardware and peripheral installation is only allowed within the following parameters: the equipment is owned by the Town and has been inventoried and accepted for use by the IT Staff.

Public records laws guarantee citizen access to governmental processes and require governmental accountability. However, they do not require unlimited access to governmental databases, or direct governmental employees to use their time responding to specialized data requests free of charge. Raw computer data and specialized analysis and reports do not fall within the traditional definition of public records. The Office of the Secretary of State has promulgated a schedule of allowable charges for the

retrieval of data that has been determined to be a matter of public record. Please also see “Public Records.”

For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. Employees should set their computers to automatically turn to a screen saver after fifteen (15) minutes of inactivity. Passwords should be changed every 90 days with complex character or word combinations. When leaving for the day, employees should log off. All electronic media should be kept away from magnets including those found in telephone receivers and paper clip holders.

Users are required to maintain the privacy of passwords and are prohibited from publishing or discussing passwords with others. Should a user suspect that their password or access has been observed or compromised, the user shall immediately change their password or request assistance in doing so from the IT Staff.

E-mail and Internet users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the Town. Neither should they construct a communication so it appears to be from someone else.

Department heads are responsible for ensuring that all their employees using the Town’s telecommunications systems have read this policy and understand its applicability to their activities.

External Communications

Only certain designated individuals are authorized to speak on behalf of the Town. Employees are not permitted to make public statements to the press or other news media or to speak on behalf of the Town without authorization or delegation from the Town Administrator. All requests for information or statements on behalf of the Town should be directed to the Town Administrator.

Solicitation and Distribution

In order to prevent litter and disruption in the operation of the Town, inconvenience to our residents and their families, the following rules apply to solicitation or distribution of literature and fundraising by or to Town employees.

- Individuals who are not employed by the Town may not solicit or distribute materials on Town premises, unless otherwise granted permission.
- No employee may distribute literature or materials for any purpose not directly related to his or her assigned work on the Town property during the employee's working time or the working time of any employee approached. In addition, distribution of written materials of any kind is prohibited in all working areas.
- No employee may solicit residents for any purpose not directly related to his or her assigned work, such solicitation includes but is not limited to such as selling personal items, fundraising, etc.
- No employee may solicit other employees for any purpose not directly related to his or her assigned work on the Town premises during his or her working time or the working time of the employee being solicited.

- No employee may directly or indirectly sell any item or post literature or other matters on the Town premises without prior authorization.
- As used in these rules, the term "working time" means the period of time that is spent in the performance of actual job duties, and does not include meal periods or breaks.
- Employees may not participate in any campaign activities while on work time.

Nothing herein shall be interpreted or applied to interfere with an employee's rights under the National Labor Relations Act.

Public Records

Employees are expected to exercise reasonable judgement in interpreting this section and in making decisions about Town Telecommunications Systems and Town Records. Any persons with questions regarding the application or meaning of this policy should seek clarification from their Department Head, their Records Access Officer (hereinafter RAO) or the Town Administrator. Failure to observe this policy may subject individuals to disciplinary action, up to and including termination of employment.

Accidents do happen and legitimate accidents generally shall not be considered violations. If an employee accidentally violates any aspect of this policy, it is incumbent upon them to report the accidental circumstances to their supervisor or the Town Administrator immediately. An accidental situation that is not reported immediately shall constitute a violation of this policy.

Public Records Management

All written, digital, photograph or recorded materials created or received by the Town (excepting Junk Mail and SPAM, see note below) must be considered Public Records. The Public Records Laws in Massachusetts impose strict standards for the maintenance and management of Public Records and some records are exempt from public disclosure under certain circumstances. The details in the various laws are complex and a number of guides have been published by the Secretary of the Commonwealth (www.mass.gov/sec). Employees are encouraged to review these guides to become more familiar with the details; however, such review is not required. What is required is that no decision shall be made and no action shall be taken if the person involved is either not authorized to do so or does not fully understand the correct course of action, taking into this policy and all rules, regulations and laws pertaining to a given decision or action.

NO original or sole instance of a public record (whether eligible for disclosure or exempt from disclosure) may ever be deleted or destroyed in any way without the express permission from the State Supervisor of Public Records, as outlined in the Massachusetts Municipal Records Retention Schedule. In the Town of Manchester-by-the-Sea, no individual is allowed to delete or destroy original or sole instances of records of any type, regardless of medium, without the State Supervisor's permission AND the permission of their RAO. When in doubt about the ability to delete or destroy original or sole instances of records **DO NOT ACT**. Instead, consult with your supervisor, RAO or the Town Administrator.

"Junk Mail" (i.e., any mail or letters that are not welcome or solicited and obviously sent in bulk; especially mail of a commercial nature such as advertising circulars, catalogues, form letters, and general marketing materials) is not considered a public record.

“SPAM” (i.e. unsolicited bulk e-mail, usually advertising or inappropriate material, sent to large numbers of people) is not considered a public record.

The Town of Manchester-by-the-Sea and its employees shall take the maximum feasible efforts reasonably needed to ensure the security, confidentiality and integrity of personal information, as defined in MGL Chapter 93H, maintained by all Town departments (hereafter “personal information”). Each Department Head or Board/Commission Chair and all Town employees shall ensure compliance with this policy and with applicable federal and state privacy and information security laws and regulations.

All Departments Heads, Boards/Commissions shall collect the minimum quantity of personal information reasonably needed by practicality and by law to accomplish the legitimate purpose for which the information is collected; to protect the information against unauthorized access, destruction, use, modification, disclosure or loss; to provide access to and disseminate the information only to those persons and entities who reasonably require the information to perform their duties (or as limited by law); and to destroy the information as soon as it is no longer needed or required to be maintained by state or federal record retention requirements (after receiving permission as noted above). Adequate administrative, technical and physical safeguards, shall be put in place to comply with all federal and state privacy and information security laws and regulations. Physical security shall include locking any space where records are kept if an employee is not present to monitor access to that space.

The Department Head or Board/Commission Chair for a given department is responsible for knowing the standards that apply to all records in their possession. If unclear, please ask the Town Administrator or your RAO.

Transport of Paper Records

Original paper records may not be transported to locations beyond official Town of Manchester-by-the-Sea or school district buildings. If original paper records must go beyond this realm, the original records must be copied and the copies, not the originals, shall be transported. The only exception to this rule would be the need to create duplicate copies of an original document that the Town does not have the capability to duplicate in house (for example, large format plans).

Confidentiality and Proprietary Information

Confidentiality is an extremely important aspect of employment with the Town of Manchester-by-the-Sea and is established to protect the confidential or proprietary information of the Town and its residents, vendors and business partners and the private information of employees. It is of utmost importance that employees do not disclose or discuss confidential, proprietary, or nonpublic information of the Town or its residents, vendors, or business partners, except in the performance of official duties or with specific authorization to do so. It is also of utmost importance that employees do not disclose or discuss private information of fellow employees.

The Town of Manchester-by-the-Sea employees must be responsible for securing all confidential or proprietary information of the Town and its residents, vendors and business partners and the private information of employees in the course of their duties. This may mean putting sensitive information in locked drawers, password protecting documents and computers, shredding outdated documents, etc.

All employees must be careful in giving access to sensitive information. Passwords and security codes should never be shared or kept in a conspicuous place. Information should only be shared with those individuals who have a legitimate business need-to-know.

Employees who improperly use or disclose confidential, proprietary, or nonpublic information of the Town or its residents, vendors or business partners or private employee information will be subject to disciplinary action, up to and including immediate termination. Legal action, even if the employee does not actually benefit from the disclosed information, may also result. If employees are ever in doubt whether information is of a confidential or proprietary nature, they should not hesitate to ask their Supervisor, Department Head or the Town Clerk.

Attendance and Tardiness

The Town's successful operation depends in large part upon the regular and punctual attendance of each of its employees. Absences that are excessive, either in duration or frequency, unexcused absences, unauthorized departures from work, and/or unreported absences may result in loss of pay and disciplinary action, up to and including immediate termination.

- Employees are expected to report for work regularly and punctually.
- If an employee is going to be late or absent for any reason they must notify their Supervisor or Department Head within one (1) hour prior to normal starting time. This notice must include an explanation for the absence or tardiness and a statement of the expected arrival time at work. Additional supporting documentation may be required. Unavoidable tardiness is not an excuse for absence from a scheduled shift. Employees should, therefore, make every effort to get to work as soon as possible after notifying their Supervisor/Department Head.
- Employees are required to notify their Supervisor or Human Resources for each subsequent day of absence. Failure to provide notification will result in disciplinary action, up to and including immediate termination.
- If an employee is absent for three (3) consecutive scheduled shifts/days without proper notification to their Supervisor or Department Head, they will be considered to have voluntarily terminated their employment.
- A health related absence may require a health care provider's certificate that an employee is fit for duty before the employee returns to work. Ordinarily, any absence due to illness that extends beyond five (5) days requires this certificate.
- When an employee knows in advance that there will be an unavoidable absence or tardiness, they must make arrangements with their Supervisor/Department Head. However, even pre-arranged absences will become part of an employee's attendance record and will be considered when evaluating their overall record.
- The Town will not take any adverse employment action against employees for taking leave or time off that is protected under the law.

Conflicts of Interest

In so far as this section is consistent with provisions of General Law, Chapter 268A, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities. Conduct of an employee shall be in accordance with the laws of the Commonwealth.

No person employed by a department or office of the Town shall, at the same time, serve as a member, paid or unpaid, of an appointed board governing said department or office.

Political Activity Policy

Participation in political activities is to be carried on outside of the normal working hours. No political activities or solicitations will be conducted on Town owned property by an employee, during work hours or in work areas. Use of Town-owned assets in support of political activities or solicitations is prohibited.

Employment of Relatives

The Town of Manchester-by-the-Sea recognizes that immediate family members often represent an excellent recruitment source. In order to prevent any possible conflict of interest, individuals may not be hired, transferred, promoted, or demoted into jobs that are in the same department or reporting to the same Supervisor as an immediate family member. The hiring of immediate family members with town-wide responsibilities will be reviewed in advance by the Town Administrator and/or Human Resources in order to rule out any potential conflict of interest. The Town of Manchester-by-the-Sea will permit the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Town, create actual or perceived conflicts of interest, disruptions in the workplace, or other performance problems. For purposes of this policy, "relative" is defined as a spouse, significant other, child, parent, sibling, grandparent, aunt, uncle, or corresponding in-law or "step" relation. The Town will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

- Individuals, who are related as defined above, are permitted to work in the same facility, provided no direct reporting or Supervisory relationship exists. That is, no employee is permitted to work within the "chain of command" for a relative such that one relative's work responsibilities, salary, or career progress could be influenced by the other relative; and
- No relatives are permitted to work in the same department or in any other positions in which the Town believes an inherent conflict of interest, disruption in the workplace, or other performance problem may arise. Employees who become related while employed are treated in accordance with these guidelines. That is, if, in the opinion of the Town, a conflict, disruption, or other performance problem arises as a result of the relationship, one of the employees may be transferred.

Non-Fraternization

In accordance with the principles and guidelines set forth in the Employment of Relatives policy, the Town discourages employees from engaging in casual or serious romantic relationships with other employees at the Town. Relationships among employees raise issues of equity, fairness, and favoritism regarding the involved employees' work responsibilities, salary, and/or career progress. If, in the opinion of the Town, a conflict, disruption, or other performance problem arises as a result of such relationships, one of the involved employees may be transferred and/or disciplinary action may be imposed.

Both the Employment of Relatives and Non-Fraternization policies apply to all categories of employment, including full-time, part-time, and temporary classifications.

Outside Employment

The Town of Manchester-by-the-Sea does not limit an employee's activities during non-working hours unless those activities interfere or conflict with the employee's ability to fully and effectively perform their job responsibilities, whether directly or indirectly. All employees will be judged by the same performance standards and will be subject to scheduling demands, regardless of any existing outside work requirements.

Outside employment or work that constitutes a conflict of interest is prohibited. If an employee accepts outside employment, they should notify their Supervisor to ensure that their position does not pose a conflict of interest. Employees may not receive any income or material gain from individuals outside the Town of Manchester-by-the-Sea for materials produced or services rendered while performing their job with the Town.

If it is determined that an employee's outside work interferes with performance or the ability to meet the requirements of their position, they may be asked to terminate the outside employment if they wish to remain with the Town. The holding of a second job does not eliminate the employee's obligation to work overtime when necessary.

Use of Town-Owned Vehicles

The Board of Selectmen is keenly interested in the safety of the Town's employees and citizens. The Board of Selectmen, as chief elected officers of the Town, hereby notifies all employees and departments that it is vitally interested in the safe operation of all Town-owned vehicles at all times.

The Board requests that every department with responsibility for the care, maintenance, and operation of Town-owned vehicles develop standards, procedures, and training for employees and volunteers authorized to operate Town-owned vehicles. These shall be reviewed by the Board of Selectmen before final adoption by the respective department. Town-owned vehicles include any mode of transportation owned, leased, or rented by the Town.

All accidents shall be reported to the Department Head who shall, in turn, notify the Town Accountant's Office. The Accounting Office will notify the Town's Insurance Broker immediately, as required.

Gratuities

In so far as this section is consistent with the provisions of General Law, Chapter 268A, no individual employee of the Town may accept any form of gifts or gratuities over fifty (\$50) dollars in value, special favors or preferential treatment.

Dress Code

A neat and professional appearance contributes to a positive impression. All employees of the Town of Manchester-by-the-Sea are expected to dress and groom in accordance with accepted professional standards, particularly if the employee's job involves direct interaction with residents.

Although the dress code at the Town of Manchester-by-the-Sea is professional, there could be variations by work area based on the type of work done. Department Heads are responsible for establishing a reasonable dress code appropriate to the job(s) in each department. Because this is a place of business, clothing that is torn, frayed, or sleeveless is inappropriate. Tank tops, bare backs and/or shoulders, undershirts, and ripped jeans are some examples of inappropriate dress. The Supervisor or Department Head will speak with anyone who is not dressed or groomed appropriately. Any employee who violates this standard will be subject to appropriate disciplinary action.

Employees who believe they cannot comply with this policy due to religious or disability-related reasons should contact their Supervisor to discuss possible reasonable accommodations.

Violence

Nothing is more important to the Town of Manchester-by-the-Sea than the safety and security of its employees and residents. Threats, threatening behavior, or acts of violence against employees, residents, or guests of the Town will not be tolerated. Violations of this policy will lead to disciplinary action, up to and including immediate termination. In addition, the Town is sensitive to issues of domestic violence and the potential danger it poses to employees and the Town's workplace. Accordingly, the Town will not hesitate to contact the appropriate law enforcement authorities in the event of any threatening behavior or act of violence against employees or residents of the Town, and to initiate criminal prosecution, if appropriate.

No employee shall be permitted to bring any guns, knives, or other items which could be used as weapons onto Town premises. The Town reserves the right to prohibit employees from carrying any items which management, in its sole discretion, deems to be dangerous or potentially dangerous.

If an employee becomes aware, either directly or indirectly, of any violence or threats of violence, whether vague, direct, or indirect, employees must notify their Supervisor immediately. In addition, the Town requests that employees who currently hold or seek to obtain temporary or permanent restraining orders against others who have threatened or committed violent acts against them to inform their Supervisor in order to apprise the Town of any potential threats to their security or the security of others within the workplace. The Town of Manchester-by-the-Sea management understands the sensitivity of this type of information and will make every effort to protect the confidentiality and privacy of the person(s) involved.

Issuance of Town Property

Certain positions within the Town require that the employee be issued Town-owned equipment and/or property to be used for work purposes either onsite at the Town premises or at the employee's residence. It is expected that such issued equipment or property will be utilized and maintained in an appropriate way according to product standards, solely for work-related purposes. Although in the

employee's possession, all such Town property and equipment remains Town property and can be inspected at any time, including in locked cabinets or lockers. Should the employee leave The Town of Manchester-by-the-Sea employment for any reason, all equipment and property issued to the employee must be returned.

Smoke-Free Workplace

The Town of Manchester-by-the-Sea is dedicated to providing a healthy, comfortable and productive work environment for our employees, residents and visitors. Under the authority granted to the Manchester Board of Health, under Massachusetts General Laws Chapter 111, Section 31, that "boards of health may make reasonable health regulations" smoking is prohibited in any building, facility or vehicle owned, leased, operator or occupied by the municipality, including school buildings or grounds, parks, playgrounds, and beaches; and any enclosed area open to the general public including, but not limited to, retail stores, restaurants, bars, private and public clubs, food establishments, public and private social functions, retail food stores, libraries, boat cruises, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, inn/hotel/motel lobbies, private and public educational facilities, shopping malls, common areas of residential buildings, public restrooms, lobbies, staircases, halls, exists, entrance ways, elevators accessible to the public and licensed child-care locations.

Bulletin Boards

Employees should be aware that the Town of Manchester-by-the-Sea uses bulletin boards to communicate important Town information such as general notices of Town policy, directives, various labor laws, and safety rules. Each employee has the responsibility to read the information that is posted. Employees are not permitted to post unauthorized materials on bulletin boards.

Emergency Closings

In the case of inclement weather, employees are expected to make every effort to be at work at the normal time. The Town of Manchester-by-the-Sea expects that employees will utilize their best judgment in the case of inclement weather. If for any reason, employees are unable to get to work on time, they must notify their Supervisor.

On days when employees who were scheduled to work are advised by the Town Administrator, or a designee, not to come to work for weather-related or other reasons, all full-time and part-time employees scheduled to work shall be compensated in the amount each would have earned for the day, without impact upon other accrued leave.

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt the Town of Manchester-by-the-Sea operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs, Supervisors will notify their staff.

SAFETY

The Town of Manchester-by-the-Sea wants employees to have the safest working conditions possible. This can only be accomplished with help from each employee. The Town of Manchester-by-the-Sea expects employees' strict observance of all safety rules since they exist for their protection. If an employee knows of any unsafe condition, they must notify their Supervisor immediately. **Employees must not continue to work if an unsafe condition exists.** In general, the following are some safety guidelines for all employees:

- Learn and understand every aspect of their job;
- Know the location of fire alarm boxes, extinguishers, first aid kits, and eye-wash stations in their work area;
- Promptly record and bring to the attention of their Supervisor unsafe areas (such as slippery floors, items left in hallways, etc.);
- Do not attempt to work with defective equipment, and bring such matters to the attention of their Supervisor immediately;
- Note all proper methods for lifting and adhere to them strictly;
- Wear all proper safety equipment (i.e. safety glasses, safety shoes, protective clothing, etc.);
- Promptly report any injury, no matter how minor, to their Supervisor.

All positions are covered by certain safety guidelines and employees are obligated to abide by them. Employees should carefully read and refer to individual contracts, if applicable. An employee's Supervisor will familiarize their employees with all aspects of the job and verify their knowledge and understanding of what is expected of them, relative to safety.

The Town of Manchester-by-the-Sea expects its employees to conduct themselves and perform their jobs in a safe manner. Employees are encouraged to use good judgment and common sense in matters of safety, and to observe all safety rules posted in various areas. Refer to your department's OSHA guidelines.

Fitness for Duty

The Town of Manchester-by-the-Sea endeavors to provide a safe workplace. This policy applies when an employee is having observable difficulty performing their duties in a manner that is safe for the employee and/or for their co-workers, or is posing a safety threat to others.

The purposes of this fitness-for-duty policy are:

- To promote the safety and health of employees and residents;
- To establish procedures by which the Town can evaluate an employee's ability to safely and competently perform their duties when a health or safety problem arises; and
- To comply with applicable law.

Procedures

- i. Employees are responsible for managing their health in such a way that they can safely perform their essential job functions, with or without reasonable accommodation (e.g., employee with

the flu should stay home, and employees taking medications that advise against driving should not drive).

- ii. Employees at work or on-call must remain in a fit condition for the entire period.
- iii. Supervisors may refer employees for a fitness-for-duty evaluation, as provided by these procedures.
- iv. Before a Supervisor refers an employee for a fitness-for-duty evaluation, the Town Administrator must approve the evaluation, unless the circumstances require immediate action. As an alternative to requiring an employee to submit to a fitness-for-duty evaluation, the Supervisor may send the employee home with pay on an administrative leave, pending a determination whether to require a fitness-for-duty evaluation.
- v. Application of this policy is not intended as a substitute for other Town policies or procedures related to performance. In addition, application of this policy is not a substitute for discipline. In any situation involving misconduct or violation of the Town policy, disciplinary action may be taken.
- vi. The Town will pay the cost of fitness-for-duty evaluations and will pay the employee for time spent in the fitness-for-duty evaluation.
- vii. An impartial, independent health care evaluator approved by the Town, with appropriate expertise in areas including one or more of the following: medical, psychological, alcohol, or other drug conditions, will conduct a fitness-for-duty evaluation.
- viii. The Town will make the final determination of an employee's fitness-for-duty status.
- ix. An employee referred for a fitness-for-duty evaluation will be relieved of duties, pending completion of the evaluation. Generally, the employee will be placed on administrative leave.
- x. When an employee is found to be unfit for some or all duties, their employment status will be determined on a case-by-case basis, in accordance with the Town policy and practice and applicable law. The employee may be placed on a medical leave, intermittent leave, or restricted duty.
- xi. An employee's pay status while fitness-for-duty is being determined will depend on their employment status and the facts of the case.
- xii. In all cases, the Town must receive a "return-to-work/fitness-for-duty form" from the independent evaluator before an employee may return to full or restricted duty.
- xiii. In most cases, a re-entry conference with the Supervisor and a Department Head (if appropriate) will occur prior to the employee's return to work.
- xiv. Noncompliance with a request for a fitness-for-duty evaluation may be considered insubordination and result in disciplinary action. Providing false information or the omission of information in the course of a determination of the employee's fitness-for-duty may also lead to discipline. Employees are expected to fully cooperate with a determination of their fitness-for-duty.

Records of fitness-for-duty evaluations will be treated as confidential medical records and be kept separate from existing personnel files; this information will be shared only as permitted by law.

After an evaluation, information available to the employee's Supervisor will be limited to:

- Whether a person is fit to resume some or all of their job duties;
- Whether a person is a direct threat to self or others; and
- Whether a person needs specific reasonable accommodations.

This policy may be modified without notice to comply with applicable law.

EMPLOYMENT DEVELOPMENT

Work-Related Seminars

The Town of Manchester-by-the-Sea encourages employees to take ownership for their own professional development. As such, should there be an outside seminar that would benefit professional or technical skill development, the employee should feel free to pursue this option with their Supervisor. Actual approval of seminar attendance and reimbursable expenses are up to Department Head discretion. Reimbursable expenses may include the basic cost of the course, associated registration fees, lodging and mileage.

Performance Management

The Town will strive to complete performance reviews for all employees on an annual basis. The Town of Manchester-by-the-Sea utilizes a performance evaluation process as a way to promote the development of each employee. The performance appraisal process provides a format for employees and their Supervisor to:

- Review the objectives of the department;
- Recognize an employee's contribution to these objectives;
- Set new goals and responsibilities going forward;
- Establish a basis for an employee's career development; and
- Discuss development of improvement plans to enhance an employee's current performance.

Performance evaluations are an important management tool and employees should feel comfortable actively participating with their Supervisor in the review process to keep the lines of communication open. Supervisors and employees are strongly encouraged to discuss job performance and goals on a regular basis, and day-to-day interaction between the employee and Supervisor should provide the employee with a good sense of how their performance is perceived.

While performance evaluations are typically conducted annually, an evaluation may also be conducted in the event of a promotion, change in duties and responsibilities, or to address any open issues. When the job requirements are not being met, problems occur, or improvement is needed, this date may be adjusted in order to assist in meeting goals and objectives. Specific timetables may be set for further review.

The Town of Manchester-by-the-Sea Supervisors and employees are encouraged to consider soliciting 360° feedback, meaning gathering input from Supervisors, coworkers, and direct reports at the time of an employee's review to get the most accurate performance picture possible.

Mid-Year Discussion

Ongoing informal performance discussions are encouraged throughout the year to provide both the Supervisor and employee an opportunity to get positive feedback on accomplishments and address any areas that could inhibit success. These discussions are also designed to lay the groundwork for the

yearly evaluation. The purpose of the mid-year discussion is to gauge whether the employee is on track, executing the desired objectives and delivering the required results. It provides an opportunity to discuss how things are progressing, address any issues, and enable the Supervisor and employee to communicate openly.

DISCIPLINARY AND GRIEVANCE PROCEDURES

Problem Resolution Procedures

The Town of Manchester-by-the-Sea is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Town of Manchester-by-the-Sea Administration and Management. Employees are encouraged to share their concerns, seek information, provide input, and resolve problems/issues through their immediate Supervisor, or as appropriate to consult with the Department Head. Managers will listen to all employees' concerns, encourage their input, and seek resolutions to their issues. No employee will be penalized, formally or informally, for voicing a concern with the Town of Manchester-by-the-Sea in a reasonable, professional manner, or for using the problem resolution procedure.

The appointing authority, Department Heads, and Supervisors shall be responsible for enforcing standards of conduct, rules and regulations, and performance standards. Failure to comply with any of the above may result in disciplinary action. The type of disciplinary action imposed is at the discretion of the appointing authority and Department Heads and is dependent upon the nature of violation. Disciplinary action shall include only the following: oral warning, written warning, written reprimand, suspension, and discharge. Department heads shall be responsible for preparing written documentation of disciplinary action. All written documentation shall be provided to the appointing authority and the employee and shall be filed in the employee's personnel file in the centralized personnel record keeping system.

Disciplinary Action and Procedures

Department heads and appointing authorities are encouraged to discuss serious disciplinary problems and proposed disciplinary actions with the Town Administrator to insure that procedures are followed and that contemplated actions are warranted and consistent with practices in the town.

1. Oral Warning

Department Head or Supervisor may issue an oral warning to the employee. The oral warning shall be presented in a manner minimizing embarrassment to the employee. The Department Head or Supervisor shall orally communicate to the employee the nature of the deficiency and offer assistance in correcting the deficiency.

2. Written Warning

Any oral warning, which does not correct the deficiency, may result in an oral reprimand which shall be noted in the employee's personnel file. The oral reprimand shall include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in additional disciplinary action; an offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal.

3. *Written Reprimand*

Any oral reprimand which does not correct the deficiency may result in a written reprimand which may be issued by either a Department Head or appointing authority. The written reprimand shall include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in severe disciplinary action; an offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. A copy of the written reprimand shall be placed in the employee's personnel file.

4. *Suspension*

A Department Head or an appointing authority may suspend an employee without pay for a period not to exceed ten (10) consecutive working days per incident. Suspension may be in lieu of any prior warning or reprimand, and may be effective immediately. On or before the date of suspension a Department Head or appointing authority shall furnish the employee with a written statement setting forth the reasons for the suspension, the effective date of the suspension and the date the employee shall return to work. The notice of suspension shall include: the charge, the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in severe disciplinary action, including discharge; an offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. A copy of the written statement shall be placed in the employee's personnel file.

5. *Discharge*

An employee may be discharged by the appointing authority for cause. The employee shall be given written notice of the discharge signed by the appropriate appointing authority specifying: the date of the discharge, the specific behavior and dates of the behavior, as appropriate; circumstances affecting the severity of the disciplinary action; and any right of appeal. A copy of the notice of discharge shall be placed in the employee's personnel file.

Grievance Procedure

Grievances shall relate to improper application of the Town of Manchester-by-the-Sea's Personnel Rules and Regulations or disciplinary procedures and shall be resolved in the following manner:

1. *First Step (a)*

An aggrieved employee shall discuss any matter of dispute with an immediate Supervisor in a mutual effort to resolve any problem or misunderstanding. Upon failing to resolve any grievance in an informal manner an aggrieved employee may present a grievance in writing to the Department Head within ten (10) days from the time the employee has knowledge or reasonably should have had knowledge of the occurrence which gave rise to the grievance. The written grievance shall contain the following information: the section of the regulation upon which the grievance is based; the occurrence(s) being grieved; applicable dates and time; any pertinent information relative to the grievance; and an indication of the relief that is desired. The Department Head within five (5) working days of receipt of the grievance shall provide an answer in writing to the aggrieved employee. If the immediate Supervisor and the Department Head are the same, the employee may follow procedures set forth in subsection (b) below.

2. *Second Step (b)*

If the grievance has not been resolved as provided in (a) above, the aggrieved employee may within five (5) working days after receipt of the written answer from the Department Head or within ten (10) working days after presentation of the grievance to the Department Head present the grievance in writing to the appointing authority (Town Administrator or Library Trustees.) If the appointing authority and the Department Head are the same then the employee shall immediately follow procedures set forth in sub section (c) below. The appointing authority shall answer the grievance in writing within ten (10) days after its receipt.

3. *Third Step (c)*

If the grievance has not been resolved as provided in (b) above, the aggrieved employee may within ten (10) working days after receipt of the written answer from the appointing authority, present the grievance and a request for a hearing before the Board of Selectmen to the Town Administrator in writing. The Town Administrator shall schedule a hearing before the Board of Selectmen on the grievance and the Board shall respond to the grievance within thirty (30) days after its receipt. The Board of Selectmen may support, modify or reverse the action of the appointing authority. Any such decision shall be final.

Procedural Protection

Counsel or other representative may represent employees during the grievance process. Any expenses incurred by an employee during the course of the grievance process shall be borne by the employee. If the employee is required or requests to be present at hearings on a grievance, the employee shall not lose pay for work time lost. Department heads or Supervisors shall not retaliate or take any disciplinary action against an employee based on the filing of any grievance.

Failure to Act

Grievances are expected to be filed in a timely manner and the employee filing a grievance and the town shall meet all time limits specified in the grievance process. Any time limit may be extended by written agreement of the Town Administrator and the employee filing a grievance. Failure of the employee to meet the time limits specified in this section shall result in a grievance being declared null and void. Failure by the town to act in accordance with the time limits set forth in this section shall be an automatic denial of the grievance and shall move the grievance to the next step.

SEPARATION OF EMPLOYMENT

Notification of Termination by Employee

Employees who consider leaving the Town's employ should discuss the situation with their Supervisor. With a better understanding of the employee's concerns, it may be possible to make an adjustment that will satisfy the employee and retain the advantages earned by working with the Town. If, after due consideration, the employee should decide to terminate employment, the employee must submit a resignation letter to their Supervisor.

Notification of Termination by Employer

The Town maintains the right to terminate employees as it deems appropriate on an at-will basis, with or without cause, and with or without notice. Subject to Town discretion, the employee may be placed on disciplinary or performance probation in an effort to give the employee additional time to remedy the problem which led to the probation.

Exit Interviews

Employees who leave the Town's employ will generally be interviewed prior to final separation and will complete necessary termination forms and procedures.

Continuation of Benefits (COBRA)

If an employee's employer-provided group health care coverage is terminated for the employee or their dependents, they may be eligible for continuation coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The details of this coverage are set forth in the plan documents. Employees should review those documents for further information.

Insurance Portability

Employees who leave the Town of Manchester-by-the-Sea may be eligible to continue some of their insurance coverages through the insurance companies as individual policies billed directly to the employee and paid directly by the employee. Information will be distributed on these plans during the exit interview or mailed.

Unemployment Insurance

The Town of Manchester-by-the-Sea is self-funded for unemployment insurance. If an employee becomes unemployed, they may be eligible for unemployment compensation, under certain conditions, for a limited period of time. Unemployment compensation provides temporary income for workers who have lost their job. If an employee's employment with the Town of Manchester-by-the-Sea terminates for any reason, they may contact the Department of Unemployment Assistance (DUA) regarding how to file for unemployment insurance benefits.

References

To ensure that all reference checks are handled in a manner consistent with the Town of Manchester-by-the-Sea's policy guidelines, all reference requests must be directed to the Town Administrator and/or Human Resources as the designated authorized source for reference information.

ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK

1. I have received and read the Town of Manchester-by-the-Sea's Employee Handbook. I understand that the Department Head, Town Administrator or Human Resources will answer any questions I may have regarding the contents of the Handbook.
2. I understand that the policies contained in the Handbook are intended for information and guidance only, and may be unilaterally changed or amended by the Town of Manchester-by-the-Sea without notice. I understand that the Handbook does not make any promises or guarantees.
3. I further understand that the Handbook does not create a contract of employment, but rather my employment with the Town of Manchester-by-the-Sea is on an **at-will** basis. As such, I am free to resign and the Town of Manchester-by-the-Sea may terminate my employment at any time, for any reason or no reason at all, with or without notice. My at-will status may only be modified by a written contract of employment signed by the Town Administrator stating a specific term of employment. No oral or written statements by any other representative of the Town shall alter my at-will status.

Employee's Name (Print)

Employee's Signature

Date