

Town of Whitman

Personnel Policies and Procedures Manual

Adopted: July 24, 2018
Amended: November 23, 2021

ABOUT THIS MANUAL

The policies outlined in this Manual should be regarded as guidelines only, which may require changing from time to time. The Town of Whitman Board of Selectmen reserves the right to add to, delete from, or modify this plan either on an individual or organization-wide basis. Such additions, deletions or modifications will be effective when approved or implemented by the employer. The Whitman Board of Selectmen retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This Manual supersedes and replaces any and all prior oral or written manuals, policies, procedures, and practices of the Town of Whitman.

This Manual also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This Manual is not, and should not be construed as an express or implied contract and does not modify any existing at-will status of any Town employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the Town has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

As used in this manual, "Town", "Whitman" and "Whitman, MA" refer to the Board of Selectmen carrying out the directions of Town Meeting and the executive authority vested in them by the Commonwealth of Massachusetts. As such the overall responsibility for administration of this plan rests with the Board of Selectmen or their representative, the Town Administrator. The Town Administrator shall coordinate the administration of this plan with the Department Heads for administration of the plan within their department.

Please also be aware that the Town reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, in its sole discretion. If and when provisions are changed, employees will be notified of such changes.

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1.0 INTRODUCTION

1.1 GENERAL INFORMATION

This plan has been prepared as a guideline to acquaint new and current employees and officials with the Town of Whitman's personnel policies and procedures. This plan outlines privileges and benefits that the Town currently offers, and explains certain employee responsibilities and duties as well as proper procedure.

To the extent that specific provisions of this personnel plan conflicts with mandatory provisions of a collective bargaining agreement or an employment contract applicable to a specific employee, or conflicts with federal, state or local law, said collective bargaining agreement, employment contract, federal, state or local law shall prevail.

Employees and officials are required to read this plan carefully so that they are aware of the Town's employment policies and procedures. After reading this plan carefully employees and officials will be asked to sign a form stating that they have read and understood all the information that is contained herein.

1.2 PURPOSE

The purpose of the Personnel Plan is to establish and operate an efficient system of public personnel administration and to provide for a fair and equitable employee relations policy in municipal government in conformity with state and federal laws. Nothing contained herein shall be construed as creating an employment contract, express or implied, between the Town of Whitman and any of its employees, or a guarantee of employment for any specific duration. Should any provision of these Personnel Policies be found to be unenforceable and invalid, such a finding does not invalidate the entire Personnel Policies. The Town of Whitman reserves the right to change, amend, modify or discontinue any policy or provision outlined herein.

1.3 APPLICATION

In general, the Personnel Plan shall apply to all employees of the Town and to all positions whether permanent full-time, permanent part-time, reserve, temporary, seasonal or on-call employees. Elected officials, appointed members of boards, committees, commissions, and volunteers are subject to these policies to the extent applicable by law.

1.4 ADMINISTRATION

The Town Administrator, who serves as the Personnel Director, department heads and the Board of Selectmen shall be responsible for the proper administration of these policies.

The Town Administrator may establish, rescind or amend such administrative procedures as he/she may consider necessary for the implementation of these rules. Such rules and any amendments thereto shall become effective upon approval by the Board of Selectmen.

2.0 DEFINITIONS

The following words, wherever used in this Policy shall, unless a different meaning clearly appears from the context, have the following meanings:

Appointed Officials shall mean all persons responsible for or to the municipal government and the Town's enterprises placed in that position via an appointment.

Appointing Authority: The Board of Selectmen for the Town of Whitman, unless some other board or official is authorized by Town bylaw, general law or otherwise to hire and terminate employees.

Confidential Information: shall be defined as confidential, privileged, sensitive or copyrighted information to which the employees have access due to their employment with the Town of Whitman and to which they would not have access but for their employment with the Town.

Consultants shall mean all individuals and organizations conducting business with of the municipal government and all of the enterprises of the Town.

Elected Officials shall mean all persons responsible for or to the municipal government and the Town's enterprises placed in that position by the voters of Whitman via a Town ballot.

Exempt Employees: Employees whose duties and responsibilities allow them to be exempt from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

Fraud Related Abuse refers to, but is not limited to:

- Improper or misuse of authority,
- Improper or misuse of Town property, equipment, materials, records or other resources,
- Waste of public funds, or
- Any similar or related irregularity.

Abuse can occur in financial or non-financial settings. When considering if an event or action might be construed as being abusive, one should consider if it would pass public scrutiny.

Fraud or other irregularity refers to, but is not limited to:

- Any dishonest or fraudulent act,
- Forgery or alteration of any document or account,
- Forgery or alteration of a check, bank draft, or any other financial document,
- Misappropriation of funds, securities, supplies or other assets,
- Impropriety in the handling or reporting of money or financial transactions,
- Profiteering as a result of insider knowledge of Town activities,
- Disclosing confidential and/or proprietary information to outside parties
- Accepting or seeking anything of material value from consultants, contractors, vendors or persons providing services or materials to the Town,
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment,
- Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Town,
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes, or
- Any similar or related irregularity.

Grant Sub-recipients shall mean all individuals and organizations that receive any programmatic funding or “in-kind assistance” from the municipal government and the Town’s enterprises.

Management shall mean those individuals who have been designated by the Town of Whitman to control or direct the affairs, business, or employees of the department of the Town for which they are employed.

Municipal Vehicles

All vehicles owned, leased or operated by the Town of Whitman.

Non Exempt Employees: A nonexempt employee is an employee who, according to the (FLSA) is entitled to receive at least minimum wage and receive overtime pay or overtime compensatory time after the employee has worked 40 hours in a work week period. Actual time worked over 40 hours in one week will be compensated at the rate of one and one half times the employee’s regular hourly pay. Non-exempt employees who are not a member of a collective bargaining agreement will be compensated at the rate of one and one half of the employee’s regular hourly pay for time actually worked over eight (8) hours in any workday. Non-exempt positions may be full-time or part-time.

Personnel Director: Personnel management role assigned to the Town Administrator to develop and administer plans, policies and procedures for Board of Selectmen approval, participate in the collective bargaining process, and perform duties specified under Section 4 of Article 8 of the Town's by-laws.

Regular Full Time Employee: Employees who have satisfactorily completed an initial probationary period and are scheduled to work between thirty one and forty hours per week, depending on bargaining or assigned work unit. Regular full-time employees are eligible for all employee benefits.

Regular Part Time Employee: Employees who have satisfactorily completed an initial probationary period and are scheduled to work less than thirty one hours per week. Such employees may be eligible for limited or prorated employee benefits as determined by the Personnel Plan.

Seasonal Employees: Employees who work on an "as needed" basis or "fill in" basis, or do not work 12 months each year. Such employees are not eligible for employee benefits as determined by the Personnel Plan. An employee designated as seasonal at time of hire, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. A seasonal employee may be eligible for limited or prorated benefits as determined by the Personnel Plan.

Social Media: Social Media shall be defined as all forms of electronic media, including but not limited to social networking, blogging, e-mail, texting and any future forms of digital and/or electronic communication.

- **Town Related Social Media** shall be defined as all forms of Social Media established and maintained by the Town.

Temporary Employee, Full and Part Time: An employee who is hired on a temporary basis for a period of time not to exceed 12 months and will be terminated at the end of the employment period. This employee may perform temporary duties or regular duties on a temporary basis; however, the employee is not eligible to become a regular employee without completing a competitive selection process. Temporary employees may be eligible for limited or prorated benefits.

Third Party Administrator (TPA): A company or individual designated by the Board of Selectmen to manage Workman's Compensation or Injured on Duty claims.

Town Administrator shall mean Chief Municipal Officer and person responsible for the municipal government and the Town's enterprises. The Town Administrator shall perform the functions of the Personnel Director under this Plan.

Vendors and Contractors shall mean all individuals and organizations conducting business with the municipal government and all of the enterprises of the Town.

Volunteers shall mean all contributors of unpaid personal services to the municipal government and all of the enterprises of the Town.

Workplace Violence:

For the purposes of this policy: OSHA (Occupational Safety and Health Administration) defines workplace violence as any act or threat of physical violence, harassment, intimidation or other threatening or disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors.

Years of Service: For the purpose of calculated benefits and leave, years of service shall be defined as continuous years of service to the Town.

3.0 PERSONNEL RECORDS

The Town of Whitman maintains personnel files for each employee. These files contain documentation regarding all aspects of the employee's employment relationship with the Town, such as performance appraisals, beneficiary designation forms, disciplinary warning notices, and letters of commendation from supervisors. The Town Administrator's office is responsible for establishing and maintaining the official personnel files in such manner as may be required by law, and as are necessary for effective personnel management. All employees will comply with and assist in furnishing records, reports and information as may be requested.

All records relating to medical and disciplinary actions shall be filed with the Town Administrator. While department heads may maintain copies of supporting departmental personnel actions, all original documents shall be placed in the official personnel file. Any personally identifiable departmental records shall be secured in locked file cabinets.

Employees will be notified within 10 days of the employer placing in the personnel record any information that is, has been used, 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. Employees may place written responses to any such information in their file. Employees may view the contents of their personnel file during regular business hours, and with 24 hours written notice. If you are interested in reviewing your file, contact the Human Resources Director.

Employees will be notified within ten (10) days when items other than routine paperwork are placed in their personnel file. Within five (5) business days of making a written request, employees may review their personnel files, and may, on request, receive a copy of their personnel record.

It is the responsibility of employees to inform their department heads of changes in their name, address, telephone number, marital status, and emergency contact. Employees shall also notify the Town Administrator and the Retirement Board of changes in personal status to insure proper coverage in the health benefit, life insurance and retirement plans. The Town shall adhere to federal and state requirements regarding the maintenance of personnel files, including medical and disciplinary files. Personnel files are confidential and only accessible to others on a need-to-know basis for personnel action. Personnel file materials shall be subject to release to third parties upon receipt of written authorization by the employee or a validly issued court order or subpoena.

4.0 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Town of Whitman is committed to a policy of equal opportunity for all employees. The Town of Whitman actively seeks and employs qualified people and administers all personnel actions affecting employees without discrimination on the basis of race, sex, color, disability, religion, national origin, marital status, sexual orientation, age, genetic information, status as a veteran or any other basis prohibited under applicable law. This policy applies to all areas of employment, including the following: recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation, benefits, and all other conditions and privileges of employment in accordance with applicable federal, state, and local laws.

5.0 RECRUITMENT AND SELECTION

The Town shall make every effort to attract and employ qualified persons in accordance with its Equal Employment Opportunity Policy. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates are attracted for various positions. Where appropriate, the recruitment, selection, and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices and the principles and practices. The recruitment and appointment of individuals will be done in such a manner as to prohibit the establishment of a supervisor subordinate relationship within a family unit including, but not limited to spouse, parent, sibling, or child.

5.1 VACANCY

All Department Heads will notify the Town Administrator of changes in personnel and staffing needs. Upon becoming vacant, positions shall be reviewed by the Town Administrator and the appropriate Department Head. If the knowledge, skills and abilities of the position have changed, appropriate changes shall be made to the position description.

5.2 JOB DESCRIPTIONS

The Town Administrator shall prepare and maintain written job descriptions for all Town positions, whether full or part-time, permanent or temporary, except those positions

filled by popular election. The Town Administrator shall work with the Town Department Heads, including elected officials, to develop uniform job descriptions for those positions not under his direct authority.

5.3 RECRUITMENT

The Department Head and Town Administrator are responsible for the personnel recruitment and selection process. The qualifications, classification and salary range for positions will be established in accordance with applicable classification and compensation plans and/or the applicable collective bargaining agreement.

The Town Administrator, in consultation with the Department Head, shall determine if the position will be filled internally by promotion or externally by recruitment consistent with any specific provisions of existing Collective Bargaining Agreements. If recruitment is used, the following process will be followed.

5.3.1 NOTICE OF VACANCIES

The Town Administrator will review and approve all job notices before advertisement and posting. Recruitment of a position will not begin until the job vacancy notice is approved by the Town Administrator and funds are appropriated. The job vacancy notice shall include: the job title, summary of duties, qualifications, salary range, grade level if appropriate, a closing date for applications and application instructions.

5.3.2 POSTING AND ADVERTISEMENTS OF JOB VACANCIES

Notice of vacancies shall be concurrently posted in the notices bulletin board located in the Town Hall and advertised locally or on-line and on the Town's web site for a minimum of ten (10) business days or for such other length of time as deemed appropriate by the Town Administrator in consultation with the Department Head. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. Seasonal positions will be posted and advertised only when a vacancy exists in that position. Seasonal positions may be filled by returning employees in good standing without need of posting and advertising. Temporary vacancies will be posted and advertised only if the temporary vacancy will exceed 6 months.

5.3.3 APPLICATIONS

All candidates applying for employment with the Town shall complete an official Employment Application Form and a Release and Authorization form for Investigation and Reference Check by the closing date specified in the position announcement. Each applicant shall sign the form, and the truthfulness of all statements shall be certified by the applicant's signature. All applications shall be filed at the office of the Town Administrator, who shall forward the materials to the Department Head where such vacancy exists. All candidates who submit the requested information accurately and

honestly are entitled to a fair and equitable review of their qualifications. Falsification of employment application information is grounds for immediate dismissal.

5.3.4 INTERVIEWS

After an initial review of the written application materials, semifinalists will be selected for interview by the Department Head and Town Administrator. The Town Administrator may designate additional personnel to participate in the interview process. Where the Board of Selectmen is the Appointing Authority, Department Head and Town Administrator will forward appointment recommendations to the Board for action.

5.3.5 EXAMINATIONS

The Town Administrator or Appointing Authority may require an examination as one part of the selection process, provided such examination is relevant to the requirements of the position. Examinations may be written, oral, practical, or any combination thereof.

5.3.6 REFERENCES

A candidate's references from current and former employers, supervisors, and others are considered an important part of the selection process. Upon authorization, a candidate's former employers, supervisors, and other references may be contacted. Refusal to provide consent to contact references may result in the application being denied further consideration. References and other background investigations shall be documented and made part of the applicant's file.

5.3.7 EMPLOYMENT ELIGIBILITY

All persons selected for employment with the Town must meet employment eligibility requirements in accordance with applicable Federal and State laws and regulations. New employees must provide proof of authorization to work in the United States prior to beginning employment with the Town as mandated by Federal law. After making an offer of employment, the Town will verify the candidate's eligibility to work in the United States, using the "Employment Eligibility Form" (I-9 Form).

Prospective employees must sign the I-9 Form and provide the appropriate documentation no later than the first day, and prior to beginning work. All offers of employment are contingent on the candidate's providing the Town with the appropriate documentation prior to being placed on the payroll.

5.3.8 APPLICATION RECORDS

The application, reference checks, and related documents submitted shall be maintained by the Town of Whitman for the period required by law. The Town will do everything possible to maintain the confidentiality of the application, consistent with applicable law.

5.4. NEPOTISM

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

5.5 OFFER OF EMPLOYMENT

All offers of employment shall be made in writing by the Town Administrator or Appointing Authority. The written offer of employment shall include the salary, the starting date and any conditions of employment not covered in these personnel policies. Upon initial employment, employees shall be employed at the minimum rate of pay for their grade unless the Town Administrator, with the recommendation of the Department Head, authorizes a higher starting rate.

All offers of employment are conditional and specifically contingent on the following:

- (i) the completion and submission of appropriate documentation, as referenced above at Section 5.2.7, relative to the candidate's eligibility for employment in the United States;
- (ii) the successful completion (negative finding) of a drug and alcohol screen to be conducted at a provider designated by the Town;
- (iii) the successful completion of a pre-employment physical to be conducted by a provider designated by the Town, at the Town's cost, and which may, depending upon the position involved, include psychological testing; and
- (iv) the successful completion of criminal history background check (CORI and SORI).

The criteria outlined above must be completed prior to the employee being placed on the payroll. Failure to successfully complete any of the above contingencies shall result in a rescission of the offer of employment.

5.6. SALARY INCREMENTS/BENEFIT LEVELS

Employees shall be employed at the minimum rate of their grade unless the Personnel Director authorizes a higher starting rate. Salary steps shall increase in the amount indicated by the pay schedule and shall be paid to employees each year on the anniversary date of employment, upon approval of the appointing authority, until the maximum for their grade is reached. In no case shall benefit levels exceed the maximum allowed under the Personnel Plan. A table of grades and rates of pay can be found in Appendix X.

5.7 AT-WILL EMPLOYMENT/PROBATIONARY PERIOD

5.7.1 AT WILL EMPLOYMENT:

Employment with the Town of Whitman is at will and can be disciplined or terminated with or without cause and with or without notice, at any time, at the option of either the Town or the employee, except as otherwise provided by collective bargaining agreement, individual employment contract or statute.

5.7.2 PROBATIONARY PERIOD:

There is a twelve (12) month probationary period for all employees, unless otherwise provided by collective bargaining agreement, individual employment contract or statute. The probationary period is utilized to help new and promoted employees achieve effective performance standards and to evaluate the employee's performance, conduct and work habits. Probationary employees are subject to performance evaluation at six month intervals. During the probationary period, an employee may be discharged without cause. Successful completion of the probationary period does not change an employee's status as an at-will employee or in any way restrict the Town's right to terminate the employee or change the terms or conditions of employment.

5.8 SERVICE RECOGNITION

- 5.8.1 Whenever a temporary employee transitions to permanent/ probationary status, performing the same job duties, the employment date for that employee shall be the date s/he first began working a full time schedule.
- 5.8.2 Employees employed by the Town for three (3) years or more, who leave Town employment due to a reduction in force for a period of two (2) years or less and then return to employment with the Town, shall receive credit for vacation and longevity purposes for the time of their original employment with the Town.
- 5.8.3 Part-time service shall be recognized for the purposes of this section on a pro-rata basis.
- 5.8.4 This section shall not apply if there is a break in the employee's service to the Town other than as described in 5.8.2 above.

6.0 VERIFICATION OF EMPLOYMENT/REFERENCE POLICY

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

appointed or elected, shall comply with applicable conflict of interest statutes and regulations.

7.0 HOURS OF WORK AND OVERTIME

7.1. WORK SCHEDULE

Hours of operation for all Town facilities are determined by the duly authorized public officer or board. Individuals employed under an employment contract or a Collective Bargaining Agreement will follow the work schedule and hours of work set forth therein. For those employees who are not subject to an individual employment contract or a Collective Bargaining Agreement, work hours are scheduled by the respective department head or manager. The Town reserves the right to alter or amend any employee's work schedule at its own discretion and in accordance with the needs of the Town.

7.2. TIME/ATTENDANCE RECORDS

Time and attendance sheets shall be submitted to the Office of the Selectmen every Monday morning. Falsification of time or attendance records may subject an employee to disciplinary action, up to and including immediate termination of employment.

7.3. PAYROLL FORM SUBMISSION

All payroll worksheets shall be submitted to the Treasurer-Collector weekly on Monday morning for the week ending the previous Saturday and shall specify hours worked during a given period before being processed. Exempt employees shall submit payroll indicating any exceptions to their work week and documenting any leave taken. Payroll worksheets shall be submitted on Monday.

7.4. OVERTIME

The Town of Whitman observes all legal and contractual requirements to pay overtime to non-FLSA exempt employees. Exempt employees are not entitled to overtime or compensatory time. All overtime hours must be pre-approved by the department head prior to being worked. Unauthorized overtime work is strictly prohibited. For those employees covered by a CBA, overtime is paid as provided by the contract. A non-exempt, non-union employee is eligible to receive overtime compensation at the rate of time and one half his/her regular hourly rate for those hours worked in excess of eight (8) in a day or forty (40) in a week as provided in M.G.L. C. 140 § 33b.

7.5. COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

The granting of compensatory time in lieu of overtime or other compensation is strictly prohibited, except as authorized by Collective Bargaining Agreement or individual employment contract.

7.6. MEAL & BREAK PERIODS

7.6.1 All full-time employees shall be granted regular meal periods which shall be scheduled at the middle of the normal workday whenever possible. Time allowed for meal periods shall not constitute a part of the paid workday.

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

7.7. EMERGENCY CLOSING POLICY

The Town Administrator may, at his discretion, close any or all offices of the Town as a result of inclement and/or severe weather or other emergency issues. This may include closing early, opening late or not opening at all.

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

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

Any employee who would not have reported to work due to illness, vacation, or any other leave or schedule, shall be charged such leave as if the offices were not closed.

7.8. DIRECT DEPOSIT

All employees shall receive their pay by direct deposit.

8.0 EMPLOYEE CONDUCT

8.1 CONDUCT POLICY

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

Employees have an obligation to:

- Be present at work as required and to be absent from the workplace only with proper authorization;
- Carry out their duties in an efficient, polite and competent manner,
- Maintain specified standards of performance;

- Comply with reasonable employer instructions or policies to work as directed;
- Respect the privacy of individuals and use confidential information only for the purposes for which it was intended;
- Neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes;
- Incur no liability on the part of the Town without proper authorization; and
- Maintain all qualifications necessary for the performance of their duties legally and efficiently.

The intent of this policy is to ensure that employees meet the Town's legitimate expectations in the areas of performance and behavior.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being taken against the offending employee. Disciplinary action resulting in suspension and/or termination of employment due to a violation of this or any other Town policy shall be subject to the grievance procedures set forth herein.

8.2 DRESS CODE

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

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

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

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

Clothing that is ripped, tattered, torn or stained should not be worn.

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

The Town Administrator has designated Friday as "Casual Friday". On Fridays only, employees may wear appropriate jeans (not ripped or torn) with a shirt that is in line with the above standards.

8.3 CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

8.3.1 POLICY

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. c. 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law. Town employees and officials may not:

- a. Ask for or accept anything (regardless of its value) if it is offered in exchange for agreeing to perform or not perform an official act.
- b. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. You may not accept honoraria for a speech that is in any way related to your official duties.
- c. Hire, promote, supervise or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- d. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family.
- e. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee.
- f. Have more than one job with the Town of Whitman, unless you qualify for an exemption.
- g. Have a financial interest in a contract with the Town of Whitman except under special circumstances. If you are a Town employee, a company you own may not be a vendor to the Town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- h. Represent anyone but the Town in any matter in which the Town has an interest.

- i. Disclose confidential information, data, or material which you gained or learned as an employee of the Town.
- j. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.
- k. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else.
- l. Use public resources for political or private purposes. Examples of “public resources” include: computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.
- m. After leaving public service, take a job involving public contracting or any other particular matter in which you participated as a public employee.

8.3.2 MANDATORY TRAINING

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A.

8.4 OUTSIDE EMPLOYMENT

No employee shall accept outside employment if such outside employment directly interferes with an employee’s performance. No employee shall receive or request compensation from or act as an agent or attorney for anyone other than the municipality in relation to any matter in which the Town is a part or has a direct and substantial interest.

Town employees shall not receive additional compensation during hours the employee is being paid by the Town.

8.5 POLITICAL ACTIVITY

The Federal Hatch Act as well as the Massachusetts Office of Campaign and Political Finance (OCPF) restricts political activities of public employees. During work hours, employees may not work, or be assigned to work for or on behalf of a political candidate or activity, or participate in other political activity such as lobbying, collecting funds, making speeches, assisting at meetings or distributing political pamphlets. Under no circumstances may an employee participate in any form of fund raising for a political candidate or activity. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use Town property or equipment for political activities at any time.

8.6 TOWN PROPERTY AND PUBLIC FACILITY USE

- 8.6.1** All Town property furnished to employees shall be returned to the Town immediately on request of a supervisor. Failure to return Town property may result in disciplinary action, up to and including termination.
- 8.6.2** Employees may not use Town property for other than Town purposes.
- 8.6.3** Upon separation from employment, employees shall return all Town owned property. Failure to do so may be deemed a misappropriation of public property and or funds and subject the individual to criminal prosecution.
- 8.6.4** Public facilities are under the jurisdiction of each local government and are meant for government use and other public purposes. By-Law Article VIII, section 1, declares that the Board of Selectmen have general direction and management of all property and public facilities of the Town. Public facility use by a private citizen, non-profit organization, or private business must be approved in advance by the Board of Selectmen. Under no circumstances should an employee use a public facility to conduct personal business.

8.7 CREDIT CARD USE POLICY

- 8.7.1** The use of department issued credit “charge” cards by Town employees for Town purchases or liabilities is prohibited., unless prior specific approval is granted by the Board of Selectmen under the following terms: .
- 8.7.2** Consumer credit/charge cards for use with specific retailers may be permitted under the following terms:
- The use of store charge cards is restricted to individuals given express written permission from the Town Administrator.
 - Permission is granted for the purchase of specified goods and/or materials needed for immediate use where mail order purchase is not timely.
 - Permission is granted for immediate order of materials and/or supplies for building safety and security.
 - When using a charge card, the receipt for purchase must be retained and submitted to the Town Accountant along with a Warrant for payment, and the purchase item or use must be clearly identified on the receipt.
- 8.7.3** The Board of Selectmen may authorize the use of a Bank Card for making on-line purchases. Such use shall be subject to a separate Credit Card policy established for that purpose.

8.8 VEHICLE USE AND REIMBURSEMENT POLICY

8.8.1 PURPOSE AND SCOPE

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

8.8.2 APPLICABILITY

The provisions of this policy, which relate to expense reimbursement, apply to all employees in Town service with the exception of those employees who have separate contracts or collective bargaining agreements with the Town. Those employees whose employment is regulated by a collective bargaining agreement are subject only to those provisions of the policy not specifically regulated by agreement.

8.8.3 DEFINITIONS

Expense Reimbursement – payment for approved expenses relating to approved personal automobile use for Town business upon receipt of written documentation. Expense reimbursement is not considered to be a salary item. Mileage reimbursement rates shall be set periodically to reflect the Federal Mileage Reimbursement rates set from time to time.

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

Personal Automobile – automobile owned or available for private use by the employees.

8.8.4 POLICY

8.8.4.1 Municipal Vehicles

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

8.8.4.2 Expense Reimbursement

It is the policy of the Town of Whitman to reimburse employees for reasonable mileage, toll and parking expenses, which they incur as a result of approved personal automobile use on behalf of the Town and directly related to Town duties. Requests for reimbursement shall be submitted to the Town Accountant using the Town's Travel Expense Report and be accompanied by proof of payment. No reimbursement will be

made without compliance with the terms of this policy.

8.8.5 PROCEDURES

8.8.5.1 EXPENSE REIMBURSEMENT – PERSONAL VEHICLES

- a. When an employee is authorized to use a personal automobile for work-related travel, she/he shall be reimbursed using the current IRS mileage reimbursement rate in consideration for the costs of gasoline, repairs, insurance and general wear and tear on the automobile.
- b. In addition to the mileage rate, the Town will reimburse employees authorized to travel for work related duties for tolls and reasonable parking expenses, when receipts are provided. Employees will not be reimbursed for mileage and tolls which would be paid by the employee during his or her normal commute to work.
- c. An employee who uses her/his personal automobile to travel from home to a temporary assignment outside the Town of Whitman, rather than his/her regularly assigned work location, shall be allowed personal automobile expense reimbursement for the distance between home and the temporary assignment, or between the temporary assignment and the regular work location, whichever is less.

8.8.5.2 ASSIGNMENT OF MUNICIPAL VEHICLES

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

8.8.5.3 Assignment of Municipal Vehicles for 24 Hour Use (Vehicles Use for Commuting Purposes)

- a. On an annual basis, the Board of Selectmen will assign vehicles to employees for 24-hour use. after receiving and reviewing a recommendation from the Town Administrator. The recommendation shall include all the following criteria:
 - i. Officially designated on-call status
 - ii. Requirement for emergency availability
 - iii. Issuance of a pager or other communication device
 - iv. Emergency or other equipment contained in the vehicle
- b. Use of Town owed vehicles provided to employees for 24 hour use is

limited to travel related to the employee's duties and travel to and from the employee's residence and place of work, using the most direct route available, taking into account road and traffic conditions. The vehicle may not be utilized for travel outside a direct commuting route for personal reasons.

- c. Whenever a position becomes vacant, the authorization for 24-hour use shall be reevaluated using the criteria set forth above at Section 8.7.5.3.1.
- d. Employees assigned vehicles for 24-hour use residing in a community with a distance of more than 25 miles, one way, from the Town of Whitman border shall reimburse the Town for the fuel cost attributable to the additional mileage, at a rate determined by the Town Accountant.
- e. Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation receipt.
- f. Imputed Income Taxation

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

Other employees authorized to commute in a Town vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Town Accountant shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal one-way commuting distance on each December 1st.

8.8.5.4 GENERAL RULES GOVERNING MUNICIPAL VEHICLE USE

- 1. Municipal vehicles may only be used for legitimate municipal business.
- 2. Municipal vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (e.g. committee members, consultants, contractors). Family members shall not be transported in Town vehicles.
- 3. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.

4. Employees are expected to keep municipal vehicles clean and to report any malfunction or damage to the Town immediately.
5. Employees assigned vehicles for commuting purpose are expected to park such vehicles in safe locations.
6. Employees must wear seatbelts in vehicles so equipped, during operation of the vehicle.
7. Employees may not operate municipal vehicles under the influence of alcohol and/or illegal drugs and/or prescription drugs or medications which may interfere with effective and safe operation.
8. Employees who operate municipal vehicles must have a valid Massachusetts motor vehicle license and may be required to provide proof of valid motor vehicle license once every six (6) months.
9. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances and laws.
 - (a) Employees who incur parking or other fines in municipal vehicles will be personally responsible for payment of such fines unless the Town Administrator approves the payment of such fines by the Town.
 - (b) Employees who are issued citations for any offense while using a municipal vehicle must notify her/his supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
 - (c) Accidents that occur will be investigated. If the employee is at fault, he/she will be responsible for paying any damage amounts not covered by the Town's insurance, including but not limited to any deductible amount required under the Town's insurance policy.
 - (d) An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether the underlying offense occurred in her/his personal vehicle or in a municipal vehicle, must notify her/his supervisor immediately when practicable, but in no case later than 24 hours. Such an offense may be grounds for loss of vehicle privileges and/or further disciplinary action. Each instance will be evaluated on an individual basis, based upon the facts and circumstances involved.
 - (e) Any employee whose job involves operating a motor vehicle whose license is revoked or suspended for any reason must contact the department head and Personnel Director within 24 hours of the revocation or suspension. The circumstances surrounding the revocation or suspension will be reviewed on a case by case basis and may result in reassignment or disciplinary action, up to and including termination.
10. No employee may use a municipal vehicle for out of state use without

advance written approval of the Town Administrator.

8.8.6 SPECIAL CIRCUMSTANCES

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of Whitman and as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Town Administrator who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

8.8.7 SANCTIONS

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

8.8.8 DESIGNATION OF TOWN VEHICLES

All automobiles and other vehicles owned by the Town shall be so designated by a circular label not less than six (6) inches in diameter bearing the words "Town of Whitman" and the name of the Department, with the exception of those vehicles exempted from this policy by the Board of Selectmen.

8.9 FRAUD PREVENTION AND DETECTION POLICY

8.9.1 PURPOSE:

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

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

8.9.2 AUTHORITY

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

8.9.3 APPLICABILITY

This Policy applies to the Board of Selectmen and all other elected Town officials; their appointees; all employees of the Town of Whitman, including all enterprise operations and all members of its Boards, Committees or Commissions.

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

8.9.4 SCOPE

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

8.9.5 OBJECTIVE

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

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

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

8.9.6 RESPONSIBILITIES

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

Town Management is responsible for establishing and maintaining policies and controls that provide security and accountability for the resources entrusted to them. Internal controls are intended to aid in preventing and detecting instances of fraud and related misconduct. Management is also expected to recognize risks and exposures inherent in their area of responsibility and be aware of indications of fraud or related misconduct. Responses to such allegations or indicators should be consistent.

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

8.9.7 REPORTING

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

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

Town employees are not to initiate investigations on their own. However, anyone may report suspected violations or concerns by letter to the Town Administrator and should indicate that he or she is an employee of the Town. The report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. Mark the envelope "Confidential and Private". It is the policy of the Town that anyone who reports a violation may make such report offsite and such report will be kept confidential to the extent permitted by law.

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

8.9.8 ANONYMOUS ALLEGATIONS

The Town encourages individuals to put their names to allegations. Concerns expressed anonymously are difficult to investigate and pursue. Anonymous complaints will be investigated at the discretion of management to the extent possible. In determining whether and to what extent to investigate an anonymous complaint, the Town Administrator will consider:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the ability to substantiate the allegation.

8.9.9 FALSE ALLEGATIONS

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

8.9.10 TRAINING, EDUCATION, AND AWARENESS

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

8.9.11 INVESTIGATION

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

8.9.12 MEDIA ISSUES

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

8.9.13 REPORTING TO EXTERNAL AUDITORS

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

8.9.14 RETALIATION PROTECTION

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

- a. An employee who discloses information that the employee knows to be false or who discloses information with disregard for the truth or falsity of the information;
- b. An employee who discloses information from public records that are closed to public inspection pursuant to the Massachusetts Public Records Law; and/or
- c. An employee who discloses information that is confidential under any other provision of law.

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

8.9.15 SECURITY AND CONFIDENTIALITY

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

8.10 TECHNOLOGY AND SOCIAL MEDIA

8.10.1 ACCESS AND USE OF TECHNOLOGY AND TELECOMMUNICATION SYSTEMS

8.10.1.1 The purpose of this policy is to convey the Town's standards for the use of the Town's information technology resources ('ITR') and telecommunications systems including, but not limited to telephones, cell phones, radios, computers, electronic equipment, data systems, electronic mail (e-mail), facsimile machines, and the Internet.

8.10.1.2 The Town provides staff with the ability to send messages and information through voice mail, fax, electronic mail, and through the Internet. The purpose of this technology is to allow the Town to serve the public more effectively. Therefore, it is the Town's policy that the use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The telecommunication systems are the property of the Town and should be used for appropriate business purposes. Use of the Town's ITR by an employee shall constitute acceptance of the terms of this policy by such employee. In addition to this policy, which may be amended from time to time at the discretion of the Board of Selectmen, individual Department Heads may adopt additional guidelines consistent with this policy governing the use of the Town's ITR by employees under their supervision.

8.10.1.3 The use of the Town's ITR is a privilege, not a right. Abuse of this privilege could result in loss of the privilege for the individual and possibly others through the organization. Access to network services will be provided to employees who demonstrate continual adherence to this policy. All data stored or transmitted on any Town electronic device or transmitted from any device on the Town's network may be monitored, retrieved, downloaded, printed, copied at any time and without notice, as employees have no right to privacy with regard to such data. This information may be disclosed to others, including law enforcement agencies.

8.10.1.4 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. Employees should use discretion in utilizing this resource, and should generally do so before or after normal working hours or during designated lunch periods. Further, all email sent using the Town's system, regardless of whether for personal or work-related reasons, is subject to the provisions of 8.10.1.3 above.

8.10.1.5 Use of the system for any commercial activity or for personal gain is prohibited.

8.10.1.6 Employees should not assume that voice mail or 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 are stored automatically on the Town's computer system and deleting such messages will not erase them from the Town's computer files. Subject to certain exceptions in the law, e-mail messages and Internet postings are considered public records.

8.10.1.7 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. With the exception of the provisions contained herein, employees should not use a password, access a file, or retrieve any stored information unless authorized to do so.

8.10.1.8 The ITR and telecommunications 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.

8.10.1.9 The ITR and telecommunications systems should not be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade

secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.

8.10.1.10 Upon the request of the department head, with the approval of the Town Administrator, or at the initiation of the Town Administrator, the monitoring of ITR and telecommunications systems usage may be authorized and conducted. Reasons for monitoring include, but are not limited to, review of employee productivity, communications, investigations into possible disciplinary actions, claims of possible criminal activity, and investigations into violations of this policy.

8.10.1.11 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. Employees shall not provide such information without approval of the Town Administrator. The Office of the Secretary of State has promulgated a schedule of allowable charges for the retrieval of data which has been determined to be a matter of public record. All requests for public records should be forwarded to the Keeper of the Record for the Town.

8.10.1.12 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. When leaving for the day, employees should log off.

8.10.1.13 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, unless specifically authorized to do so. Neither should they construct a communication so it appears to be from someone else (false identity).

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

8.10.2 SANCTIONS

The use of the Town's telecommunication system constitutes employee consent. Any employee who violates this policy or uses the Town's telecommunications system for improper purposes shall be subject to disciplinary action, up to and including termination.

8.10.3 CELL PHONE USE POLICY

The purpose of this policy is to establish the appropriate use of Town of Whitman provided cellular telephone and service and to define the requirements for its assignment and use. Employees will be provided this document if provided a Town owned Cellular Phone.

Cellular telephones and services are provided for official use only and are made available to employees in positions where the associated benefits justify the additional operating costs. Employees who travel or have job responsibilities that include being outside of the office or are continuously on call for extended periods may be good candidates for town provided cellular communication devices.

Less costly alternatives, such as landlines/desk phones and two-way radios should be used for basic communication needs when practical.

Employees who drive a Town owned vehicle or operate other potentially hazardous equipment are responsible for operating it in a safe and prudent manner. Employees operating vehicles and equipment shall pull over when practical to converse on mobile telephones, and when not practical, use hands free accessories while driving. For the safety of the employees and others, refrain from using cellular phones in a hand-held position, to the extent possible, while operating vehicles and equipment. This will lower the risk of causing or becoming involved in an accident. Texting while operating a Town owned vehicle or other equipment is strictly prohibited.

Town provided cellular telephone equipment and service is intended for business use. Personal use of district owned cellular phones is prohibited, except for essential personal calls and others that may be specified as part of a compensation plan. Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time from a different telephone.

The Selectmen's Office staff receives a monthly itemized bill for each Town owned cellular phone. This document will be distributed to the department managers for review. Supervisors shall review monthly bills, and report any unexpected calls or expenses.

In the event a telephone is lost or stolen, the loss must be reported to the Board of Selectmen's Office at 781.618.9701 immediately and the service for that telephone suspended immediately. Stolen telephones should be reported to the Police Department.

Upon leaving employment with the Town of Whitman the cellular telephone and other communication devices shall be returned to your department manager or Board of Selectmen's Office. You will be provided with a receipt and a copy of your signed acknowledgement statement once the phone has been returned.

8.10.4 SOCIAL MEDIA POLICY

8.10.4.1 Purpose

The purpose of this Social Media Policy is to establish enforceable rules for the use of social media by Town employees while using Town-related social media sites or pages and when posting on any social media sites or pages in an official capacity as a Town

employee or in regard to matters within the scope of the employee's employment with the Town. Violation of this Policy may result in disciplinary action up to and including termination.

8.10.4.2 Employee Use Of Social Media

This section outlines the policies and procedures for the Town use of social media sites. The purpose of this policy is to provide standards and procedures for the appropriate use of social media when conducting town business. While this policy generally applies to most popular sites such as, Facebook, Twitter and YouTube, it is acknowledged that social media is an evolving communications tool and that new resources may become available over time. The Town may utilize social media and social media sites to communicate information related to the business of the town directly to the public. The town encourages the use of social media to further the goals of the town, the missions of its departments and public bodies, and to contribute to the overall vibrancy of its community.

This policy gives direction to town employees, elected officials, volunteers, appointees, public bodies and other authorized affiliated organizations that utilize towns electronic/computer resources to access social media websites and engage in social networking for town purposes. The Town has an overriding interest and expectation in deciding what is published on behalf of the town through social media and in establishing guidelines for the use of town social media by town officials and the general public.

1. All Town-related social media sites or pages shall be approved and administered by the Town Administrator or his/her designee and shall be administered by the Town
2. Town-related social media sites or pages shall clearly indicate that they are maintained by the Town and shall have Town contact information prominently displayed.
3. All content posted on Town-related social media sites and pages by Town employees acting in their official capacity as such shall be authorized by the employee's direct manager or supervisor prior to posting.
4. The Town reserves the right to monitor all Town-related social media sites and pages. Employees have no expectation of privacy when using Town-related social media sites and pages.
5. During work hours, social media should be accessed by employees only when authorized by employee's direct supervisor or when employees are on scheduled breaks. All use of social media by means of the Town computer system shall be within those limitations established by the Town of Whitman Internet and Electronic Mail Use Policy.

8.10.4.3 Prohibited Uses

1. Employees shall not use the Town seal or logo or any other identifying symbols on any social media site or page unless expressly authorized to do so as part of their job duties.
2. Employees shall not use Town email addresses to register for or to respond to social media sites except in the performance of an authorized duty.
3. Employees are prohibited from using social media to disclose confidential information.
4. Employees shall not post false or defamatory information about the Town, his/her supervisors, coworkers, public officials or others who have a relationship to the Town on Town-sponsored social media sites or pages or on any social media sites or pages when acting as a Town employee.
5. Employees shall not post obscene, vulgar, sexually suggestive or explicit content on Town-sponsored social media sites or pages or on any social media sites or pages when acting as a Town employee.
6. Employees shall not use social media to make discriminatory or harassing comments or post discriminatory or harassing information about his/her supervisors, coworkers, public officials or others who have a relationship to the Town.
7. Employees shall not use social media to harass, threaten or otherwise bully his/her supervisors, coworkers, public officials or others who have a relationship to the Town.
8. Employees shall not use social media to conduct or encourage illegal activity.

8.10.4.4 Personal Use

Barring federal or state law or binding employment contracts to the contrary, Town employees shall abide by the following when using social media:

- a. Town employees are free to express themselves as private citizens on social media sites and pages to the degree that their speech does not violate state or federal law or the policies of the Town of Whitman.
- b. As public employees, Town personnel are cautioned that speech on or off-duty, made pursuant to their official duties, being speech which owes its existence to the employee's professional duties and responsibilities, is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Town. Town personnel should

assume that their speech and related activity on social media sites and pages will reflect upon their employment and the Town.

8.10.4.5 Exclusions

This policy shall not be construed to limit those communications protected under G.L. c. 150E, specifically, comments which involve protected, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Such comments include those that relate to an employee's wages, hours or other working conditions and initiate, induce or prepare for group action or seek to bring truly group complaints to the attention of management. Furthermore, this policy shall not be construed so as to limit the First Amendment rights of all employees to engage in free speech when such speech involves a matter of public concern, is not made in the employee's official capacity as a Town employee and does not possess the potential to affect the Town's operations.

8.11 DISCRIMINATION 8.11.1 DISCRIMINATION PREVENTION POLICY

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

8.11.1.2 The policy of the Town is to:

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

8.11.2 DISABILITY DISCRIMINATION PREVENTION/ACCOMMODATION POLICY

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

8.11.2.2 Qualified applicants or employees with disabilities are entitled to reasonable accommodations to enable them to perform the essential functions of their jobs, unless the accommodations would cause the Town an undue hardship.

- a) The Town will provide reasonable accommodation to ensure equal employment opportunity in the application process; to enable a qualified individual with a disability to perform the essential functions of the job; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.
- b) The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
- c) The duty to provide reasonable accommodation is ongoing and may arise any time that an employee's job changes.
- d) It is the obligation of the individual with a disability to request the accommodation.

8.11.3 DISCRIMINATION/HARASSMENT POLICY

It is the policy of the Town of Whitman to provide a working environment free from discrimination and harassment. Staff or third party complaints of discrimination or harassment based upon race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or age, should be brought to: the Town Administrator. If the complaint concerns allegations against the Town Administrator, then the complaint should be brought to the Chair of the Board of Selectmen.

The Town of Whitman strictly enforces a prohibition against harassment and discrimination, sexual or otherwise, of any of its employees by anyone, including any supervisor, co-worker, vendor, or other third party.

Discrimination and harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as sex, race, color, ancestry, national origin, religion, age, disability, marital status, gender identity or sexual orientation. The Town of Whitman will not tolerate harassing or discriminatory conduct that affects employment, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment. Reference to "harassment" shall also include "sexual harassment".

Sexual Harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or, (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Discrimination and/or harassment of employees occurring in the workplace is prohibited by law and will not be tolerated by the Town of Whitman. Further, any retaliation against an individual who has complained about discrimination, harassment or retaliation; or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint is similarly unlawful and will not be tolerated. Claims of retaliation will be investigated pursuant to this policy and procedures.

The Town of Whitman takes allegations of discrimination and harassment seriously and will respond promptly to complaints by taking interim steps to protect the complainant from further discrimination and/or harassment and by conducting a timely, thorough and impartial investigation. Where it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include termination of employment. All actions taken will have the intention of minimizing the burden on the complainant and providing due process rights to those persons involved.

PROCEDURES

All grievances shall be processed in a fair, expeditious and confidential manner. When a complaint of discrimination or harassment is made, the following investigative and appeal procedures will be followed:

Step 1: Reporting, Investigation and Response

- A. The purpose of this procedure is to encourage local resolution of grievances concerning allegations of discrimination in employment. It is important to note that grievants are not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action.
- B. Anyone who feels that he or she has been discriminated against by the Town on the basis of race, color, sex, gender identity, disability, religion, national origin, sexual orientation or age in employment practices may file a grievance.
- C. The grievance should be made promptly, within a short time after the occurrence giving rise to the complaint, to assure a prompt investigation and fair resolution.

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

E. The grievant should first attempt to resolve the grievance at the level of the department head. The department head will notify the Town Administrator if such a grievance is submitted.

F. If the grievance is not resolved to the satisfaction of the grievant, or if the department head lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Town Administrator:

Town Administrator
Office of the Selectmen
54 South Avenue
Whitman, MA 02382
Phone: 781-618-9701 Facsimile: 781-618-9790

G. Once a grievance is referred to the Town Administrator, and found to be valid, s/he shall take all necessary steps to resolve the grievance to the satisfaction of the grievant. If the Town Administrator lacks the ability/authority to resolve the grievance, s/he shall present the matter to the Board of Selectmen for resolution.

H. Discipline of staff will be consistent with collective bargaining procedures, if applicable, and may include reprimand, suspension from employment, or employment termination. Responsive measures will include any steps necessary to prevent the recurrence of any discrimination and/or harassment and will include corrective action aimed at eliminating any discriminatory effects on the complainant and others, as appropriate.

Step 2: Appeal

If the complainant or the subject of the complaint is aggrieved by the results of the investigations, she/he may appeal to the Board of Selectmen, who shall form a subcommittee to review the appeal. An appeal must be filed within five (5) business days of his/her receipt of the findings and decision of the Town Administrator. The appellant may choose to be represented by counsel.

If the subcommittee disagrees with the findings and decision of the Town Administrator, it shall submit the matter to the Board of Selectmen for resolution. The decision of the Board of Selectmen shall be final.

State and Federal Remedies

Nothing in this policy shall be deemed to affect an individual's right to other remedies at law, including administrative appeals or lawsuits. Administrative agencies with jurisdiction in these matters include:

- The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: (617) 565-3200 or 800-669-4000
Fax: 617-565-3196
TTY: 800-669-6820
- The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-6000
TTY 617-994-6196

Each of the agencies has a short time period for filing a claim:

EEOC: 300 days.

MCAD: Six months for events occurring on or prior to November 5, 2002;
300 days for events occurring after November 5, 2002.

8.12 WHISTLEBLOWER POLICY

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

- a. To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
- b. To protect Town employees who have reported improper government actions in accordance with this policy.

8.12.2 The Town encourages the reporting of improper governmental action taken by any Town officers or employees and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper

action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

8.12.3 Town employees who obtain knowledge of facts demonstrating improper governmental actions shall raise the issue first with their department head, the Town Administrator, or the appropriate governmental agency responsible for investigating such improper action. If requested by the department head or the Town Administrator, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

8.12.4 Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary action, up to and including termination.

8.12.5 The department head or the Town Administrator shall take prompt action to assist the Town in properly investigating the report of improper governmental action. Town officials, administrators, department heads and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation. Personnel actions taken as a result of the investigation may be kept confidential.

8.12.6 Town officials, department heads and employees are prohibited from taking retaliatory action against the Town employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

8.12.7 Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their department head or the Town Administrator. Town officials, administrators, and department heads shall take appropriate action to investigate and address complaints of retaliation. If the department head or the Town Administrator does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

8.12.8 The Town Administrator is responsible for implementing the Town's policies and procedures: (a) for reporting improper governmental actions, and (b) for protecting employees against retaliatory actions. Town officials and department heads are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including termination.

8.13 DRUG AND ALCOHOL POLICIES

8.13.1 DRUG FREE WORKPLACE

A. It is the policy of the Town of Whitman to provide a drug-free workplace for all of its employees in accordance with the provisions of the United States Drug-Free Workplace Act of 1988 (PL 100-690 or 41 U.S.C.S. 701-707).

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

C. Violation of this policy shall result in a disciplinary action, including, but not limited to, suspension and/or termination.

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

1. the serious danger of drug abuse in the workplace;
2. the Town's policy of maintaining a drug-free workplace;
3. the availability of drug counseling, rehabilitation, and employee assistance programs; and,
4. the consequences of employee drug use in the workplace.

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

F. Employees who are taking prescription narcotic medications authorized by a physician are required to inform their supervisor of such and submit a physician's note authorizing the employee to work and perform essential functions, such as drive and operate equipment. Failure to do so may result in disciplinary action.

G. The Town may require the employee to participate in an approved drug abuse assistance rehabilitation program.

H. All employees will be given a copy of this policy to retain and review.

I. The Town of Whitman will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.

J. Employees having any questions in regard to this policy are invited to contact the Personnel Director discuss their concerns.

8.13.2 ALCOHOL AND DRUG USE POLICY

A. Purpose and Scope

The purpose of this policy is to outline the responsibilities of employees, supervisors and department heads with regard to drug and alcohol use in the workplace, the testing of employees for drug and alcohol use, and the testing of employees in safety-sensitive positions for drug and alcohol use in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

B. Definitions

Words or phrases used in this policy are defined in 49 CFR 382, 107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

For the purposes of this policy, safety-sensitive shall refer to all employees required by the United States to obtain and retain a Commercial Drivers License (CDL).

C. General Policy Regarding Drugs and Alcohol in the Workplace

The Town firmly believes that the use of drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment.

1. In accordance with the Federal Drug Free Workplace Act, the use, sale or possession of narcotics, illegal drugs or controlled substances while on the job or on Town property is prohibited and an offense warranting disciplinary action up to and including termination.
2. Employees who are under the influence of alcohol, either on the job or when reporting to work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their coworkers' safe and efficient job performance. Such conditions will be the basis for disciplinary action up to and including termination of employment.
3. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance.
4. Any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, sells or uses, or is found to have in his or her personal possession, in his or her locker or

desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, may be placed on administrative leave or suspended immediately pending further investigation. If use, sale, or possession is substantiated, disciplinary action, up to and including termination will be imposed.

5. The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.
6. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a direct result of seeking treatment, where such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

D. Policy Regarding Drug and Alcohol Testing

1. CDL Holders

- a. It is the policy of the Town to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing issued by the U.S. Department of Transportation (“DOT”). This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of the Town.
- b. Under the regulations, performance of DOT safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, the Town prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- c. Use of drugs by safety-sensitive drivers is prohibited.
- d. A driver is performing a safety-sensitive function at the following times:
 - 1) All time on Town property, public property, or other property waiting to be dispatched or drive.
 - 2) All time inspecting, servicing or conditioning any commercial motor vehicle at any time.

- 3) All driving time.
- 4) All time other than driving time in or upon any commercial motor vehicle.
- 5) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
- 6) All time spent performing driver requirements relating to accidents; and
- 7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

2. Non-CDL Holders

It is the policy of the Town to test applicants for designated positions that do not require a Commercial Driver's License and to test employees where probable cause exists and post accident for such testing for drug and alcohol use.

E. Procedures

1. Types of Tests for CDL Applicants and Employees

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

- a. Pre-employment (Pre-use): All applicants for employment in positions requiring a Commercial Drivers License (pre-employment), or candidates for transfer or promotion to such a position (pre-use), are subject to screening for use of controlled substances.
- b. Post-Accident: Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.
- c. Reasonable Suspicion: Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug use. If a driver's behavior or appearance suggests alcohol or drug use, a test must be conducted. If a test cannot be administered, the driver must be removed

from performing safety-sensitive duties for at least 24 hours and may be placed on administrative leave. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion.

- d. Random: Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs for CDL drivers. Each year, the number of random alcohol tests conducted by the Town must equal at least 10% of all the safety-sensitive drivers. Random drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
- e. Return to Duty and Follow-up: Conducted when an individual who has violated the alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

2. Types of Tests for Non-CDL Applicants and Employees

- a. Pre-employment: With their consent, all applicants for employment in designated positions that do not require a Commercial Drivers License (pre-employment) are subject to screening for use of controlled substances and alcohol..
- b. Probable Cause: Conducted when a trained supervisor or manager observes behavior or appearance that gives probable cause of alcohol or drug use. If facts and circumstances warrant a reasonable belief that a non-CDL employee more probably than not has used alcohol or drugs, a test must be conducted.

3. Conducting Tests

Tests will be conducted in accordance with DOT and U.S. Department of Health and Human Services rules and procedures. These procedures are outlined below.

a. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.

b. Drugs

1. Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility and in accordance with U.S. Department of Health and Human Services procedures. Specimen collection procedures and chain of custody requirements will be followed to ensure that the specimen's security, proper identification and integrity are not compromised.
2. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the testee has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
3. All urine specimens are analyzed for the following drugs:
 4. Marijuana (THC metabolite)
 5. Cocaine
 6. Amphetamines
 7. Opiates (including heroin)
 8. Phencyclidine (PCP)
9. Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
10. All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the Town. If the laboratory reports a positive result to the MRO, the MRO will contact the testee and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.

F. Refusal to Submit to an Alcohol or Drug Test and the Consequences

Refusal to submit to an alcohol or controlled substances test as authorized by this policy means that an applicant or employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, or (3) engages in conduct that clearly obstructs the testing process.

Pursuant to the Town's authority, employees who refuse to submit to a test will be subject to discipline, up to and including termination.

G. Consequences of Alcohol/Drug Misuse

1. Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours and may be placed on administrative leave by the Town as deemed appropriate.
2. Pursuant to the Town's authority, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).
3. Drivers who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions and may be placed on administrative leave by the Town.
4. Drivers who engage in prohibited alcohol or drug conduct who wish to continue employment with the Town must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate.
5. Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken and passed a return to duty alcohol or drug test, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
6. Pursuant to the Town's authority, drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years may be terminated.

7. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.
8. Employees in non-safety sensitive positions who fail alcohol or drug tests under this policy may be placed on administrative leave and shall be subject to discipline, up to and including termination.

H. Information and Training

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment 1).
2. All supervisors and managers must attend at least two hours of training on alcohol and drug use symptoms and indicators used in making determinations for alcohol or drug testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
3. This policy will be posted on employee bulletin boards and will be available to all employees.
4. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre and post-employment drug screening and testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
5. All final candidates for employment will be given a copy of this policy and be given the opportunity to read the policy in its entirety.

I. Record Keeping

1. The Town shall keep detailed records of its alcohol and drug prevention program.
2. Alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the Town, the substance abuse professional, the MRO and any arbitrator of a grievance. Any other release of

this information may only be made with the employee's consent or in response to a court order or subpoena.

J. Pre-employment References

1. The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be hired.
3. If the previous employer indicates that positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.
4. The Town must provide the same information to subsequent employers of current Town employees when provided with a written release by the employee.

K. Questions

Any employee with a question regarding this policy should contact the Personnel Director.

8.14 WORKPLACE SAFETY POLICIES

8.14.1 WORKPLACE SAFETY

8.14.1.1 General Policy

The Town shall provide and maintain safe working conditions. As appropriate, employees shall be provided with necessary safety equipment, including vehicle seat belts. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

8.14.1.2 Safety Belts

All municipal personnel are required to wear safety belts when operating or riding in municipally owned or leased vehicles or in other vehicles, including personal vehicles, while engaged in Town-related business. Town Management insists that all municipal employees comply with this policy, including the Fire and Police Departments.

8.14.1.3 Smoking Prohibition

Smoking is not allowed in any publicly owned or leased building or vehicle.

8.14.1.4 Cell Phone Use & Texting

Employees shall comply with all federal and state laws regarding the usage of cell phones, texting and other electronic and/or telecommunicating equipment while operating a vehicle. Texting is prohibited. Cell phones may be used if necessary, but only if under safe circumstances.

8.14.1.5 Responsibilities of Department Heads and Employees

1. Department heads and supervisors shall be responsible for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or conduct; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly to the Town Administrator.
2. Each employee shall observe all safety rules, operating procedures, and safety practices; use appropriate personal protective equipment; report unsafe areas, conditions, or other safety concerns; and report all accidents promptly to the appropriate supervisor.

8.14.1.6 Disciplinary Action

Employees violating safety rules, practices, and policies may be subject to disciplinary action, up to and including termination.

8.14.2 VIOLENCE PREVENTION

- A. The purpose of this policy is to establish a Town standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence.
- B. It is the policy of the Town to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

- C. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
- D. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Employees may also be subject to disciplinary action, up to and including termination.
- E. The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is a Town employee. Supervisors and department heads who receive such reports should contact the Town Administrator immediately for response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.
- F. The Town is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against Town employees or members of the public on Town property, or during the performance of Town business, regardless of location.
- G. Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on Town property, in Town vehicles, or in any personal vehicle which is used for Town business, or during business hours, except for those employees who are engaged in law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm, or has a Firearm Identification Card (FID). Use of other objects by employees, such as, but not limited to, pocketknives, razors, hammers, etc., in a dangerous or potentially dangerous manner is also prohibited.
- H. Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

- I. Department heads and supervisors are responsible for receiving reports of incidents of workplace violence, assessing situations, making judgments as to appropriate responses, responding to reports of workplace violence and initiating the investigation process. Department heads shall submit all reports to the Town Administrator.

9.0 DISCIPLINE POLICY

9.1 PURPOSE

The purpose of this policy is to ensure that:

- Employees meet the Town's legitimate expectations in the areas of performance, behavior and adherence to all Town policies;
- Employees whose performance or behavior is deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and
- Disciplinary action initiated against an employee is fair and appropriate.

9.2 GENERAL DISCIPLINE POLICY

Generally speaking, of the Town will follow principles of progressive discipline, based upon the seriousness of the underlying transgression, to address issues of employee misconduct and/or performance deficiencies. However, nothing herein shall be construed to limit the Town's right to impose discipline of any degree, up to and including termination, in a particular case without regard to the existence or non-existence of prior disciplinary and/or corrective action.

Town employees are considered at-will employees who may be terminated at any time for any reason, so long as it is not unlawful, unless said employee is considered a tenured employee under law, is subject to civil service statutes, rules and/or procedures, or is covered by the terms of a Collective Bargaining Agreement or individual employment contract. In such cases, the discipline of the employee and/or termination of employment shall be covered by the applicable statutory or contractual provisions.

The Department Head, in consultation with the Personnel Director/Town Administrator, may issue verbal and written warnings and/or reprimands. Other disciplinary actions, such as suspension without pay and termination are determined by the Appointing Authority, in consultation with the Personnel Director/Town Administrator.

9.3 EXAMPLES OF GROUNDS FOR DISCIPLINARY ACTION

Types of behavior and conduct that Town considers inappropriate and which could lead to disciplinary action, up to and including immediate termination of employment, include but are not limited to, the following:

- Violation of any Town policy, including but not limited those set forth in the Personnel Policies and Procedures Manual and/or Department rules, regulations or policies;
- Violation of state or federal laws and/or regulations applicable to the individual's position;
- Misrepresentation, falsification or omission on the employment application or resume or other information on which a hiring decision was based;
- Falsification of records, including signing in or out for another employee or allowing another employee to sign in or out for you;
- Engaging in fraud;
- Failure to perform job assignments satisfactorily and efficiently;
- Interference with the performance of other employees or participating in any interruption of work;
- Neglecting one's own job duties and responsibilities or refusing to perform work assigned;
- Engaging in unprofessional conduct, including comments;
- Failure to follow safety rules or to report unsafe actions or conditions;
- Unexcused absences;
- Excessive or patterned absenteeism or lateness;
- Revealing or making available any information of a confidential nature to any person not authorized or entitled to receive it;
- Compromising computer security by unauthorized copying of software or unauthorized use of Town computer systems or equipment;
- Violating intellectual property or copyright laws;
- Stealing, theft or misappropriation of citizen, employee or Town funds or property; unauthorized removal of any of the above;
- Engaging in excessive, unnecessary, or unauthorized use of Town supplies or equipment, particularly for personal purposes;
- Misuse or destruction or damage of property of the Town, any employee or citizen;
- Accepting any gift, gratuity, favor, entertainment, reward, or any other item of monetary value that might influence or appear to influence the judgment or conduct of the employee in the performance of his/her job, in excess of that allowed by law or regulation;
- Malingering, loitering or sleeping on the job;

- Reporting to work intoxicated and/or impaired by alcohol or drugs, including prescription drugs;
- Illegally manufacturing, possessing, using, selling, distributing or transporting drugs;
- Bringing or using alcoholic beverages or non-prescribed drugs on Town property;
- Engaging in behavior that could violate the Town’s Discrimination or Harassment policies;
- Gambling while on duty or on Town premises;
- Possession of a weapon or firearm on Town premises or while on Town business unless specifically required by the employee’s official duties (i.e., police officer)
- Disregarding safety or security regulations, including crisis plans;
- Provoking or instigation of a fight with another employee or any other person during working hours or on Town property;
- Using obscene, abusive, or threatening language or gestures;
- Insubordination or refusal to follow the lawful directions of a person with management responsibility;
- Criminal conduct;
- Conduct contrary to the best interest of the Town, its residents or employees while on or off duty.

10.0 BENEFITS

10.1 HEALTH & LIFE INSURANCE

10.1.1 HEALTH INSURANCE

All eligible employees may participate in the group health insurance plans offered by the Town. Eligibility is determined in accordance with these policies, M.G.L. c.32B and applicable federal and state laws and regulations. Employees must comply with policy notice requirements regarding dependents and selection of benefits. Plan details are available from the Town Administrator’s office.

10.1.2 BASIC LIFE INSURANCE

Eligible employees may participate in the Town’s basic life insurance program. Eligibility to participate is defined by M.G.L. C. 32B and the insurance plan. Plan details are available from the Town Administrator’s office.

10.1.3 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (“COBRA”)

Eligible employees may elect to have their current medical insurance coverage continued at the employee and dependents’ expense, at group rates, plus an additional

fee of up to 2% for administrative costs, following a qualifying loss of coverage. Information relative to benefits available under COBRA are available from the Town Administrator's office.

10.2 RETIREMENT

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

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

Details relative to these retirement plans are available through the Town Administrators office.

10.3 WORKPLACE INJURIES/WORKERS COMPENSATION INSURANCE

10.3.1 INTRODUCTION

Despite the careful efforts of supervisors and employees to maintain safe working conditions and practices, accidents do happen. The Town of Whitman is responsible for providing protection against loss of income and medical expenses incurred for job-related injuries or illness. If an employee is injured on the job, the incident must be reported to the supervisor immediately. If the employee requires emergency medical care, the supervisor should call 911. Non-emergency injuries are treated by the employee's primary care physician or the Town's occupational health provider at the discretion of the employee. Prompt medical attention helps to avoid the escalation of a minor injury into a major problem. The supervisor will prepare the necessary paperwork for the Worker's Compensation Insurance carrier and submit it to the Town Administrator's office for processing. Individual employees are responsible for ensuring that required medical reports/notes are provided as requested.

The Town of Whitman manages its Worker's Compensation Insurance program through a third party administrator (hereinafter 'TPA'), who is responsible for managing the program, arranging for providers and services, and providing case management.

10.3.2 WORKERS' COMPENSATION CLAIMS PROCESSING PROCEDURE (NON-PUBLIC SAFETY EMPLOYEES)

Compensation benefits for employees injured in the workplace are provided in accordance with applicable Massachusetts statutes: M.G.L. Chapter 152 covers Workers Compensation for non-public safety employee and M.G.L. Chapter 41, Section 111F covers Fire and Police. The claims process and the "lost time" procedures for employees covered by Workers Compensation and Police and Fire Injured on Duty are set forth below.

- a. The injured employee, unless physically incapacitated from doing so, must immediately notify his/her supervisor.
- b. Upon notification of any work-related accident involving an employee, the supervisor must investigate the incident to determine the necessity of immediate medical attention. If the employee requires emergency medical care, the supervisor should call 911. Non-emergencies can be handled by the employees' primary care physician or the Town's occupational health provider.
- c. If a supervisor is notified of any incident involving an employee who may qualify for Workers Compensation benefits, lost work time and/or medical coverage, the injured employee, if able, or the supervisor must call or email the Town Administrator's office to provide a formal notification of the incident.
- d. The following information must be provided in any report of claim:
 - Name of injured employee;
 - Day, time and place of incident;
 - Name of person making the call;
 - Type of injury;
 - Cause of the incident; and
 - Medical treatment sought.
- e. The supervisor must then file a Supervisor's Report of Accident Form – Intake Form (copy in appendix Forms) with the Town Administrator's office within 24 hours of the incident. The supervisor, not the employee, must complete this form. The form is submitted by the Town Administrator to the TPA. Upon investigation, the supervisor may or may not verify that the incident warrants a valid claim. If the incident is not validated, the employee has the right to appeal the supervisor's decision to the Town Administrator and then to the State Department of Industrial Accidents.
- f. A verified incident may or may not result in a claim. An employee may not require professional medical attention. However, another incident may result in an employee's need for medical attention and perhaps even lost time from work due to a work-related disability. If an employee (not Police or Fire) requires either of these benefits, the TPA assigns a claim number for the future processing of claims.
- g. Once a claim has been filed, the Town Administrator, as Claims Agent, will be provided with a claim number. This claim number will be provided to the employee. As the employee procures services related to a work-

related injury, he or she should advise the provider to send all bills directly to the TPA.

10.3.3 WORKERS' COMPENSATION (NON-PUBLIC SAFETY EMPLOYEES) CLAIMS

10.3.3.1 Lost Time

If an employee has been disabled due to a work-related injury for five (5) days or longer, he or she may qualify for worker's compensation benefits. Days of disability include non-work days (weekend days). Upon notification to the Town Administrator's office that the employee has been disabled due to a work-related injury for five or more days, the TPA is instructed to prepare a Form 101 and file it with the State Department of Industrial Accidents within seven work days of knowledge that the injury has resulted in the five days of disability. The employee's 52-week wage schedule is forwarded to the TPA Claims Adjuster. The employee is charged for any accrued sick leave until the Workers Compensation claim has been established.

10.3.3.2 Claim Approval

If the claim is approved, the TPA determines the amount of the weekly pay and mails the checks directly to the employee. The first five days of leave are charged at 100% of sick or vacation time while absences beyond five days are charged at the rate of 40% if the injured employee requests this option. If the employee has been disabled due to a work-related injury for a total of twenty-one days, the employee is retroactively compensated for the first five days of absence at the same rate of the 60%/40% split and the employee's attendance record is adjusted to reflect the newly charged, pro-rated amount of leave time. When the employee receives a check from the TPA for these first five days, they must immediately sign it over to the Town.

By law, workers' compensation is not subject to tax withholding and therefore, voluntary deductions for things such as life and health insurance must be funded either directly by the employee out of pocket or through some other form of compensation that is subject to deduction. The employee must make arrangements for payment.

A return to work requires written notification from the treating physician and coordination with the TPA, department head and the Town Administrator's office.

10.3.3.3 Claim Disapproval

If the claim is not approved, the Department charges the employee for accrued sick or vacation time used beginning with the day following the accident. The employee has the right to appeal any disapproval of a lost time claim to the Town Administrator and the State Department of Industrial Accidents.

10.3.4 FIRE AND POLICE INJURIES

The Police Chief and Fire Chief have the responsibility of managing the Injured on Duty policies and procedures covered under the law and in coordination with the Town Administrator.

Employees should not assume they will be reimbursed for any service or prescriptions they procure while a decision is pending or after a determination has been made that an accident is not work-related. Employees approved for injured-on-duty status receive pay due them for the duration of the disability in accordance with the collective bargaining agreement. Claim approval, benefits, appeals, and return to duty are all covered by the provisions of M.G.L. c. 41, Section 111F.

10.4 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (“HIPAA”)

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

10.4.2 To assure this commitment to compliance the Town Administrator shall designate a Privacy Contact, who shall have the responsibility:

1. To ensure that the Town Administrator is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
2. To ensure that documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that the Town's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
4. To ensure that any protected health information disclosures are tracked;
5. To ensure that authorizations for disclosure and use of protected health information are properly processed;
6. To resolve complaints from participants about possible privacy violations;
7. To ensure that appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business

associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;

8. To ensure that all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
9. To monitor the Town's compliance with HIPAA privacy regulations on a regular basis.

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

10.4.4 As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

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

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

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

10.4.8 Participants who believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or

within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

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

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

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

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

10.5 EMPLOYEE PROFESSIONAL DEVELOPMENT

It is the policy of the Town of Whitman to encourage employee professional development on the part of regular full time and regular part-time employees when the employee development will enable them to better perform their current jobs, and when it will prepare them for advancement and promotion within the Town. Employees seeking to attend educational seminars or courses must submit a request to their Department Head for consideration and approval. If departmental funding is inadequate, such request shall be submitted to the Town Administrator for funding consideration from other sources.

10.6 TRAVEL AND EXPENSE REIMBURSEMENT POLICY

It is the policy of the Town of Whitman to encourage participation in related professional

staff development seminars, meetings and national conferences.

Such participation is beneficial to the employees, their departments, the Town and the community. The community benefits through the introduction of new ideas and techniques for improving customer service often discussed at workshops. The networking process and the related exchange of information between management and peers from across the state and occasionally out of state is another benefit for the Town and the community.

In certain cases, out-of-state travel is necessary in order to provide technical training for management and non-management employees. The opportunity to attend such conferences or workshops carries with it a responsibility to ensure that such travel is maintained at the lowest reasonable cost, related to travel, hotel and meals expense. Note that the Town cannot reimburse employees for any purchases of alcohol or tobacco products. Any meal receipts should include the copy that reflects the items purchased.

Procedures related to Expenses when Traveling:

1. An expense report must be submitted within 30 days of incurring expense.
2. This policy applies to all reimbursable expenses incurred by any town employee
3. Out of state travel must be pre-approved by the Town Administrator or Board of Selectmen prior to incurring or committing to such expense.

Guidelines for expenditures:

Room (Hotel)

- Lodging expenses for employee only are reimbursable when traveling out of town.
- Select moderately priced hotels (eg. Holiday Inn, Ramada, Choice Hotels, etc.). Guide for maximum allowable expense for room cost can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>
- Reimbursement will be made for single occupancy rate for standard room.
- In-room movies or other services are not reimbursable.

Mileage

- Reimbursement for mileage expenses incurred while traveling for the Town in a personally owned vehicle shall be made at the IRS Standard Mileage Rates published at least annually.
- Those receiving a stipend or travel allowance will receive a 1099 in January of each year following payment, or wages will be “grossed up” to reflect the value of the payment. Individuals are responsible for keeping travel records and may be liable for taxable income for payments not supported by detailed records and should seek counsel from their tax professional.
- Those who have use of a Town vehicle are subject to IRS regulations related to having such vehicle.

Parking & Tolls

Receipts are required for reimbursement.

Airfare

- Economy/Coach fare only.
- Non-working hours are preferred for travel to take advantage of weekend/discount travel periods.
- Whenever practical, round-trip tickets should be purchased to reserve accommodations for return flight

Meals

- Register receipts with details of meal purchase are required for reimbursement
- Daily maximum for meal expense can be found at:
<https://www.gsa.gov/travel/plan-book/per-diem-rates>

Car Rental

- Automobile rental must be pre-approved
- Collision damage waiver should be declined
- No additional equipment requiring additional cost (e.g. GPS devices or other premium based added features) should be added to the rental of a vehicle.
- Vehicle should be refueled prior to returning to rental agency. The Town will not reimburse for refueling by the rental company or for drop-off charges
- Rental is limited to compact or mid-size vehicles

Personal Vehicle

- Employees using personal vehicles for travel shall complete and submit written documentation noting date, miles driven and reason for travel on a form approved by the Town Accountant.

~~All requests for out of state travel must be filed in writing to the Town Administrator for approval of funds prior to any registrations being made.~~

10.7 OTHER EXPENSE REIMBURSEMENT

From time to time it may be necessary for an employee to make a small purchase for the Town. This may involve the use of 'petty cash' or an employee's personal funds. Any such purchases shall be documented with original receipts and submitted in a timely fashion on a warrant to the Town Accountant so that the reimbursement may be made to the employee or to the petty cash fund held for that purpose.

12.0 LEAVES OF ABSENCE

12.1 FAMILY AND MEDICAL LEAVE ACT (FMLA)

12.1.1 INTRODUCTION

The Federal Family and Medical Leave Act of 1993 (“FMLA” or “the Act”) was enacted on February 5, 1993. The law was effective on August 5, 1993, however, where a collective bargaining agreement (“CBA”) was in place on that date, the Act became effective on February 5, 1994.

The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee’s right to FMLA leave began on August 5, 1993, or February 5, 1994, as applicable.

12.1.2 EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits with the Town of Whitman, an employee must:

- Work for the Town of Whitman;
- Have worked for the Town of Whitman for a total of at least twelve months; and
- Have worked at least 1,250 hours over the previous twelve months.

12.1.3 LEAVE ENTITLEMENT

The Town of Whitman will grant an eligible employee up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition;
- For any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

Leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently. The Personnel Director will work with the employee and department head on the logistics of intermittent leave.

The Town may choose to require the use of accrued leave during some or all of the FMLA leave. In no case, however, can use of paid leave be credited as FMLA leave after the leave has ended.

12.1.4 MAINTENANCE OF HEALTH BENEFITS

The Town of Whitman will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee will make arrangements with the Town Treasurer to pay his or her share of health insurance premiums while on leave. The Town of Whitman may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

12.1.5 JOB RESTORATION

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

12.1.6 NOTICE AND CERTIFICATION

Employees seeking to use FMLA leave are required to provide to their department head, with a copy to the Town Administrator:

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member utilizing the FMLA Certification of Health Care Provider form;
- Second or third medical opinions and periodic recertification (at the Town's expense) if requested by the Town of Whitman; and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the employee's department head.

When leave is needed under the category of care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.

12.1.7 OTHER PROVISIONS

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect the Town of Whitman's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, where applicable.

12.2 PARENTAL LEAVE

Upon completion of three months of full time service, employees shall be entitled to eight (8) weeks of unpaid parental leave, for birth or adoption or placement of a child pursuant to the Massachusetts Parental Leave Act (M.G.L. Ch. 149, Section 105D, also referred herein as "MPLA"). Paid sick leave may be used for the actual period of the employee's own disability. The employee will be required to submit documentation from his/her health care provider certifying the period of disability.

Eligible employees may also be entitled to use FMLA leave for the birth and care of the employee's child or placement for adoption or foster care of a child with the employee. Please refer to the provisions set forth above relative to FMLA leave regarding options for paid leave and benefit continuation. MPLA and FMLA will run concurrently, and shall not be combined to permit an employee to take more than 12 weeks of leave.

The birth or adoption or placement of multiple children may increase the time available to you. Contact the Personnel Director for details.

As soon as is practicable, an employee must notify his/her supervisor and his/her Department Head when he/she anticipates leave will begin, and his/her anticipated return to work. Where applicable, Parental Leave will count toward the employee's FMLA leave.

12.3 SMALL NECESSITIES LEAVE ACT ("SNLA") POLICY

The Town will comply with the provisions of the Small Necessities Leave Act (M.G.L. C. 149, §52S) which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave within a rolling 12-month period.

The SNLA permits an employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;

- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee 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.

The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable and provide documentation verifying such need. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employer's leave policies. In the absence of such accrued and available benefits, the leave is unpaid.

12.4 SICK LEAVE

Sick leave, both paid and unpaid, is allowed only in the case of actual illness, or injury, which incapacitates the employee from performance of his/her assigned duties. Sick leave may not be used for an illness or injury in the employee's family except as may be specifically provided in a collective bargaining agreement ("CBA") or individual employment contract.

12.4.1 REGULAR FULL-TIME EMPLOYEES:

Regular full-time employees who have at least six (6) months of creditable service shall accrue sick leave at the rate of one and one-quarter (1.25) days per full month of creditable service and, provided it is continuous service, may accumulate from fiscal year to year up to a maximum of one hundred thirty-five (135) days. Accumulated sick days shall have no cash redemption value and shall expire upon separation from employment.

12.4.2 REGULAR PART-TIME EMPLOYEES:

Regular part-time employees are eligible for sick leave. The amount of sick leave shall be determined by the ratio of part-time employment to full-time employment.

12.4.3 NOTIFICATION:

An employee or member of his/her immediate family must notify the appropriate supervisor of illness and absence within two (2) hours of the regular starting time of the workday. An employee who becomes ill while on duty should request absence

from his/her supervisor. Failure to provide notification as required under this policy may result in the denial of paid sick time benefits.

12.4.4 CERTIFICATION OF ILLNESS:

The Department Head, or Personnel Director, may require a physician's certificate of illness, which provides a definitive diagnosis and prognosis after three (3) consecutive days of absence for illness or injury or after a series of repeated sick leave absences during the year or when abuse of sick leave is suspected. A copy of the certificate shall be sent to the Personnel Director. The employee may also be required to undergo a medical examination, by a doctor designated by the Town, before the payment of sick leave is authorized. The Town also reserves the right to require an employee to undergo a fitness for duty exam before returning to work following an absence due to injury or illness.

12.4.5 SICK LEAVE AND WORKERS COMPENSATION

12.4.5.1 Sick leave accrual will be adjusted for periods of Worker's Compensation; meaning that leaves of absence due to workplace injury shall not be considered creditable service for purposes of earning sick time.

12.4.5.2 Employees with accrued sick time and who are injured on the job and receive Worker's Compensation benefits shall, on request, use accrued sick time to so, when added to the Worker's Compensation payments, it will result in the payment of their full salary in accordance with the provisions of M.G.L. Chapter 152. The total dollar value of such sick leave payments shall be computed to its equivalent and charged against accrued sick leave accordingly. In no case shall an employee receive total compensation in excess of his/her full pay.

12.4.6 SICK LEAVE BANK

Sick leave banks have been established under Collective Bargaining Agreements for bargaining unit personnel employed by the Fire Department, Library, Department of Public Works, and the Town Hall. Rules regarding the granting and use of time from the sick leave bank in those Departments are set forth in the applicable Collective Bargaining Agreement.

12.4.7 ATTENDANCE POLICY STATEMENT

Good attendance is an essential function of every Town employee's job and excessive absenteeism will not be tolerated. Since good attendance is required of every employee, patterns of attendance abuse, such as frequent absences on Fridays and/or Mondays or at the beginning and/or end of a shift week, will be scrutinized closely and if improper use is found, employees will be subject to progressive discipline up to and including termination. Further, if an employee exhausts all of his/her accrued leave, and has not been granted by the Town additional leave for an essential and lawful purpose

as determined by the Town, he or she will be considered to be on unauthorized leave and will be subject to discipline up to and including termination

12.5 LEAVE OF ABSENCE WITHOUT PAY

In certain extenuating circumstances, the Personnel Director may recommend the granting of a leave of absence without pay. Each request by an employee will be handled on a case by case basis.

12.6 PAID HOLIDAYS

12.6.1 The following shall be regarded as paid holidays unless otherwise provided for in a Collective Bargaining Agreement or individual employment contract:

New Year's Day	Columbus Day
Martin Luther King's Birthday	Veterans Day
Presidents Day	½ Day before Thanksgiving
Patriots Day	Thanksgiving Day
Memorial Day	The Day After Thanksgiving Day
Juneteenth	Christmas Eve
Independence Day	Christmas Day
Labor Day	

12.6.2 Employees shall be paid their regular compensation for such days.

12.6.3 Any non-exempt employee who is assigned to work on a holiday shall receive straight time compensation for the hours actually worked in addition to holiday pay.

12.6.4 If a holiday falls on a regular day off or during a vacation period, the employee shall be granted another day off at a time mutually agreeable to the employee and the department head. If such a day off cannot be granted, the employee, subject to the approval of the Personnel Director, shall be paid a day's pay in lieu thereof.

12.6.5 If a holiday falls on a Saturday, Friday will be celebrated as the holiday. If a holiday falls on a Sunday, Monday will be celebrated as the holiday.

12.6.6 If a holiday falls on a Tuesday and the employee is regularly scheduled to work a full time schedule on that day, the holiday pay shall be ten hours at straight time.

12.7 VACATION LEAVE

12.7.1 The use of earned vacation time must be requested through the employee's supervisor and is subject to the supervisor's approval.

12.7.2 Vacation requests will not be arbitrarily denied but will depend on departmental workload, available staffing, and other operational considerations. In the

event of a dispute between the department head and the employee relative to scheduling vacation time, the Town Administrator shall make the final decision.

Regular full and part-time employees earn vacation days according to the following schedule:

After 6 months of service up to one year of service	One (1) work week per year
More than one year of service through three years of service	Two (2) work weeks per year
More than four years of service through seven years of service	Three (3) work weeks per year
More than eight years of service through fourteen years of service	Four (4) work weeks per year
More than fifteen years of service and beyond	Five (5) work weeks per year

Employees will be credited with their vacation time allotment on July 1 of each year based upon the total years of completed service as of July 1. If, as of July 1, an employee has not yet served one complete year, then his/her second week of vacation will be credited on his/her anniversary date. Vacation accrual for employees hired after December 31, 2019, shall be earned on a monthly basis where 1/12th of the vacation allotment will be earned each month. Employees may draw on vacation to be earned within the fiscal year but shall reimburse the Town for time taken but not earned if employment is terminated before the end of the fiscal year.

Vacation allowance for management personnel will be negotiated as a part for their contract or employment agreement, and will generally follow the following schedule:

During first year of employment	Two (2) work weeks
From one through four years	Three (3) work weeks
From five through nine years	Four (4) work weeks
For ten + years	Five (5) work weeks

12.7.4 Vacation leave for part-time employees will be pro-rated according to the hours worked as compared to a full-time schedule. If an employee changes from full to part or part to full time, leave balances will be adjusted accordingly.

12.7.5 At the time of appointment, the Town Administrator, with the approval of the Board of Selectmen, may grant a different vacation accrual rate than that set forth above.

12.7.6 Employees may carry over a maximum of nine (9) earned vacation days from one fiscal year to the next and only with the written approval of the Town Administrator. Carry over permission shall be requested prior to May 30th of each year.

Unused vacation time remaining at the end of the fiscal year in excess of any permitted carryover will have no cash redemption value and will be deemed forfeited.

All anticipated vacation carryover must be reported to the Board of Selectmen by May 15th of each year.

12.7.7 Upon separation from employment, any earned but unused vacation days will be paid to the employee at the employee's then current rate of pay.

12.8 PERSONAL LEAVE

Regular full and part-time employees shall be granted three (3) personal days per fiscal year. Part-time employees shall be granted three days on a pro-rated basis. Personal leave may not be carried from one fiscal year to the next and will have no cash redemption value upon separation from employment.

12.9 BEREAVEMENT LEAVE

In the event of the death of a an employee's spouse, domestic partner, child or stepchild, he/she will be granted leave with pay up to five (5) working days.

In the event of the death of other members of the employee's immediate family, he/she will be granted leave with pay up to three (3) working days.

In the event of the death of an aunt, uncle, niece or nephew, an employee will be granted leave with pay for up to one (1) day.

Such leave shall not be charged to sick leave or vacation leave.

For purposes of the above provisions, the term "immediate family" is defined as mother, father, step-parents, brother, sister, step-siblings, grandchild, son-in-law, daughter-in-law, brother in law, sister-in-law, father-in-law,-mother-in-law, grandparent and/or any relative living in the immediate household.

Bereavement leave is intended to provide employees with paid leave to attend to the funeral, memorial or other services associated with the death of an immediate family member or relative as defined above. To that end, employees shall not be entitled to bereavement leave calculated in such a manner as to extend the bereavement leave period beyond one calendar week of the date of death.

Additional bereavement leave may, when necessary, be granted by the department head with the approval of the Personnel Director or Board of Selectmen.

12.10 JURY SERVICE

Any employee required to be absent to serve on a jury shall be paid his/her regular wage, less any pay received for serving as a member of a jury (excluding allowances),

for such time as the employee is required to be absent. A statement signed by the Clerk of Courts certifying each day of jury duty shall be submitted to the Personnel Director.

An employee summoned as a witness on behalf of the Town shall be considered to be at work and paid his/her regular wage, less any pay received for serving as a witness, exclusive of travel allowance.

12.11 MILITARY LEAVE

Federal and state laws require that veterans and reservists be granted certain employment rights. The Town will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long-term active duty.

Time off for required military reserve duty will be granted as required by law. Any employee with less than six months consecutive service to the Town shall receive such time off without pay. Employees with six months or more continuous service to the Town shall receive the difference between their weekly base pay and their military pay for the period of training for up to two weeks. Copies of military orders and pay receipts must be presented prior to payment. If a holiday occurs during the time an employee is on military reserve training duty, the employee shall not be entitled to an additional day's pay.

12.12 EMPLOYMENT LEAVE TO ADDRESS AN ABUSIVE SITUATION

In the event an employee or family member is a victim of domestic violence, sexual assault, stalking or kidnapping, employees are entitled to 15 days of unpaid leave pursuant to M.G.L. Ch. 149, Section 52E. The employee, at his/her discretion, may elect to use accrued personal or vacation time during this period of leave.

13.0 EMPLOYEE GRIEVANCE PROCEDURE

13.1 The following grievance procedure shall be available to employees of the Town not covered by a collective bargaining agreement to permit the prompt and equitable disposition of any grievances. Grievances, for the purpose of this section, shall mean any dispute between an employee and his or her supervisor(s) arising out of an exercise of administrative discretion in the implementation of the Town Personnel Policies and Procedures by such supervisor(s).

13.2 The grievance procedure shall consist of the following steps:

Step 1. The aggrieved employee shall meet and take up the grievance or dispute in writing with the department head within five (5) working days of the date of the grievance or the employee's knowledge of its occurrence. The department head shall attempt to adjust the matter and shall respond to the employee, in writing, within five (5) working days.

Step 2. If the grievance remains unsettled, it shall be presented to the Town Administrator in writing within five (5) working days after the response of the department head is due. The Town Administrator shall respond in writing within ten (10) working days of the presentation of the grievance to him or her.

Step 3. If the grievance remains unsettled, it shall be presented to the Board of Selectmen. The appeal shall be submitted, in writing, to the Board of Selectmen within five (5) working days after the response of the Town Administrator is due. The Board of Selectmen shall meet with the aggrieved employee. The meeting shall be held in accordance with the applicable provisions of the Open Meeting Law, M.G.L. c. 30A, §§18-25. The Board of Selectmen shall respond, in writing, within ten (10) working days of the presentation of the grievance to the Board. The decision of the Board of Selectmen shall be final.

14.0 CLASSIFICATION AND COMPENSATION PLAN

14.1 Job Descriptions:

The Town Administrator/Personnel Director, under the supervision of the Board of Selectmen, acting as, and hereinafter referred to as 'Personnel Board' will be responsible for preparing and periodically reviewing with the department heads an appropriate job description for each position using a standardized approach. Each employee will have a copy of the job description for his/her position. The Personnel Director shall remain responsible for maintaining the current job descriptions. Job descriptions shall include, but not be limited to, the following:

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

14.2 Classification Plan:

The Personnel Board shall establish and modify from time to time a Classification Plan that shall classify employees by paygrade and job title, establishing minimum and maximum ranges for each class. The job title and job description for each position established by the Classification Plan shall be the official title of the position and of the incumbent in that position and shall be used to the exclusion of all others for all purposes relating to the position, including but not limited to payroll and official records. The list of specific job titles and grades shall be attached to this policy and designated "Classification Plan."

Before any individual may be hired, transferred or promoted into any newly established position, the position must be included in the classification by job title and pay grade. If the position is not already included in the Classification Plan than the requesting

department shall seek such classification approval through the Personnel Board in advance of any request for funds.

14.3 Reclassification:

The Personnel Board may request the Personnel Director investigate and review the work of any position subject to the provisions of this policy and recommend reclassification of the position as required. Reclassification is the result of a re-evaluation of a position to place it on the appropriate grade based on an internal and external study or to recognize a change in the duties and responsibilities of a position. Reclassification shall not be used as a device for promoting or demoting incumbents.

The Classification and Compensation Plans and job description shall be reviewed on a periodic basis by the Personnel Director, who shall recommend to the Personnel Board correction of disparities that may have developed. In proposing and implementing reclassifications, the Personnel Director shall consult with Department Heads and division heads as appropriate. No employee may be appointed to the position not included in the classification plan.

14.4 Compensation Plan:

The Compensation Plan shall be established and modified from time to time by the Board of Selectmen in their capacity as Personnel Board. The Plan shall be attached to this policy as an attachment designated "Compensation Plan." The rate shown in the Plan shall constitute the total remuneration for any position and shall provide a range of salary from minimum to maximum based on the job description and grading, using data from comparable communities. Salaries will be established using this plan with consideration given to experience and length of employment.

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

I understand that the Policy Manual is issued to inform employees regarding the operating policies of the Town of Whitman and is to be used as a guide to Town of Whitman employees in the performance of their duties. The Town of Whitman reserves the right to modify this Policy Manual and to amend or terminate any policies, procedures, or employee benefit programs whether or not described in this Manual at any time, unless provided by contract, collective bargaining agreement, or statute.

As many of the Town’s employees are represented by a collective bargaining unit, or are working under an individual contract, I understand that the policies contained in this Manual are applicable to those employees, except as provided by collective bargaining agreement or individual contract. If covered by an individual contract or collective bargaining agreement, I understand that I should consult the terms of my applicable agreement.

I also understand that any changes made by the Town of Whitman with respect to its policies, procedures, or programs can supersede, modify, or eliminate any of the policies, procedures, or programs outlined in this Manual, except as provided by contract, collective bargaining agreement, or statute. I accept responsibility for familiarizing myself with the information in this Manual and will seek verification or clarification of its terms or guidance where necessary.

It is expressly understood that the Policy Manual for the Town of Whitman does not constitute a guarantee of employment or promise of any kind. The Town of Whitman, in its sole discretion, may direct, hire, promote, transfer, assign and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish change or abolish its policies, practices, rules and regulations. Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document and nothing in the Manual creates an express or implied contract of employment, nor a guarantee of employment for any specific duration between the Town of Whitman and me, and that I should not view it as such.

I hereby acknowledge that the Town of Whitman Personnel Policy and Procedures Manual has been received and read and that I understand the policies contained herein.

Signed: _____ Date: _____

Print Name: _____

Position: _____ Effective Date of Employment: _____

Attest:

Supervisor _____ Date _____

Note: A copy of this acknowledgement form will be placed in the employee’s personnel file.