

# Employee Handbook



**The Town of  
Lanesborough, MA**

*This guide is aimed at providing a resource for all Town employees, standard operating procedures, policies, and information to help employees be successful in their role with the Town of Lanesborough.*

Adopted: September 27, 2022

**TABLE OF CONTENTS**

Introduction	4
Mission Statement	5

**A. EMPLOYMENT GUIDELINES**

Employment At Will	5
Recruitment	5
Probationary Period	6
Equal Employment Opportunity Statement	6
Position Openings	7
Anti-Discrimination/Sexual Harassment Policy	8
FMLA	14
Parental Leave Policy	20
Small Necessities Leave	21
Employment Classifications	21

**B. EMPLOYEE STANDARDS OF CONDUCT**

Drug-Free Workplace Policy	22
Violence in the Workplace	22
Technology Acceptable Use	23
Employee Expectation of Privacy	28
Use of Town Property	29
Safety Policy	30
Town Vehicle Safety Policy	31
Town Vehicle Policy Statement	32
Whistleblower Policy	33
Ethics Policy	34
Acceptance of Gifts Policy	34
Political Activity Policy	35
Reporting Potential Conflicts	35
Outside Employment	35
Privileged Information Policy	35
Attendance Policy	36
Telephone Usage Policy	36
Dress Code	37
Smoking/Tobacco Use Policy	37
Performance Evaluations	38
Employee Discipline	39

**C. COMPENSATION & BENEFITS**

Payroll and Payroll Deductions	40
Hours of Work	41
Overtime	41
Flex time	42
Compensatory Time	43
Vacation	44
Personal Days	45
Holidays	45
Sick Leave	45
Unexcused Absence	47
Adverse Weather Policy	47
Bereavement Leave	48
Jury Duty	48
Military Leave	48
Seniority	49
Employee Benefits	49
Workers' Compensation	50
Pension Plan	51
Travel Expense Policy	51
Regular Monthly Expenses	53
Acknowledgement of Receipt of Handbook	54

## **INTRODUCTION**

Whether you have just joined our staff or have been employed by the Town of Lanesborough for a while, we are confident that you will find our Town a dynamic and rewarding place in which to work and we look forward to a productive and successful relationship. We consider the employees of Lanesborough to be one of its most valuable resources. This Handbook has been written to serve as a guide for the employer/employee relationship.

The Select Board have the authority to promulgate personnel policies and procedures defining the rights, benefits and obligations of employees.

There are several things that are important to keep in mind about this Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your manager/supervisor. Unless, otherwise specified by an employment contract, collective bargaining agreement, contract or statute, your employment is not guaranteed for any specific time and may be terminated at-will

Second, the procedures, practices, policies and benefits described here may be modified or discontinued at any time. The Town will notify you of any changes as they occur.

Finally, some of the subjects described here are covered in more detail in official Town policy documents. You should refer to these documents for specific information, since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies and applicable law are controlling.

*Certain policies may not apply to employees that are represented by unions where it may be inconsistent with the provisions of a collective bargaining agreement.*

## **Administration**

The Town Administrator, acting on the authority of the Select Board, shall be responsible for the administration of the policies and procedures presented herein. These procedures will be accessible to the public on the Town website, and in written form from the Town Administrator.

## **Adoption and Amendments**

Policies and Procedures shall be adopted or amended as follows: Any proposed additions or amendments shall be submitted to the Town Administrator in writing. The Town Administrator will provide recommendations at a public meeting of changes to policies to the Select Board

## **HUMAN RESOURCES MISSION STATEMENT**

We are committed to providing our employees a work environment with equal opportunity for learning and personal growth. Creativity and innovation are encouraged for improving the effectiveness of the Town. The Town will act as a resource enabling all Town employees to contribute at optimum levels.

We will do this by:

- Promoting and recruiting the best-qualified people utilizing recruiting, hiring, promoting and evaluating policies and procedures that are consistent with non-discrimination.
- Providing a work atmosphere that is safe, healthy and secure, and conscious of long-term family and community goals.
- Establishing, administering and effectively communicating sound policies, rules and practices that treat employees with dignity and equality while maintaining compliance with employment and labor laws, Town directives, and labor agreements.

## **A. EMPLOYMENT GUIDELINES**

### **EMPLOYMENT AT-WILL**

You were hired because the Town of Lanesborough believes you have the ability and potential to carry out the duties for which you were employed and, with training and experience, to advance within the Town. Lanesborough seeks capable, talented individuals who will conduct business in the high quality and professional manner our customers and others deserve and to which they have become accustomed. Town policies, guidelines, and procedures are intended to assure consistent treatment of all employees and to motivate and encourage the best possible service for our customers.

At-will Employees not subject to a collective bargaining agreement or contract may resign or be terminated by the Town at any time, for any lawful reason. This employment status is called “Employment at-will” and is based upon the understanding that the employment relationship is a mutually beneficial one, which will continue so long as both parties agree.

The policies and benefits described in our Employee Handbook are not intended to create, nor do they create, an employment contract between the Town of Lanesborough and its employees. The Town reserves the right to amend its employment policies or benefits at any time, at its sole discretion.

### **RECRUITMENT**

The Town of Lanesborough’s leadership position in the community demands that recruitment efforts are consistent with state and federal non-discrimination laws. These

efforts will be conducted in a positive manner to attract top-caliber individuals to fill positions at all levels of the organization. *Employee transfers or promotions may fill some positions.* Others will be assigned to new employees who are recruited or apply directly to the Town. Recruitment may be conducted through (but not limited to) advertising, state employment agencies, and schools. All recruitment will be conducted in an ethical, professional, and non-discriminatory manner.

Department Heads will be responsible for applications, and the verification of employment information provided by the applicant. Falsification of information during the hiring process will exclude the applicant from consideration for employment. If the information provided by the applicant is found to be false after being employed by the Town of Lanesborough, the employee will be discharged immediately.

Department heads are responsible for verifying candidate's eligibility of employment. The candidate will complete all required paperwork and provide the required documentation for verification within the given time frames.

### **PROBATIONARY PERIOD**

Every new employee goes through an initial period of adjustment in order to learn about the Town and the position. During this time, the employee will have an opportunity to find out if he/she is suited to the position.

Additionally, the initial employment period gives the employee's supervisor a reasonable period to evaluate the workplace performance. The initial employment period for all Full-time, Regular Part-time, and Casual Part-time employees is six (6) months of continuous service. This period may be extended at the discretion of the Town Administrator. Employees whose probationary period is extended beyond the initial six months will be notified in writing and the reason for the extension will be discussed with the employee by his/her supervisor.

*Completion of the probationary period does not entitle you to remain employed by the Town for any definite period of time. Both you and the Town are free, at any time, with or without notice and with or without cause, to end the employment relationship during the probationary period.*

### **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The Town will not discriminate in its employment practices, on the basis of race, color, gender, gender identity, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The Town Administrator has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Town Administrator.

Appropriate disciplinary action will be taken against any employee willfully violating this policy.

Anyone may file a complaint by submitting a complaint in writing to the Town Administrator.

### **POSITION OPENINGS**

#### **INTERNAL TRANSFERS**

As far as practical, vacancies may be filled by the transfer of employees already employed by the Town who possess the established qualifications, skills, and abilities for the positions. The transfer of an employee shall be in recognition of the employee's demonstrated competence to perform more responsible work and shall be based on the actual assignment to a position of increased difficulty and responsibility. A promotion shall not take place solely on the basis of seniority. A letter of intent and resume must be submitted by all interested employees.

#### **POSTING AND APPLICATION FOR OPEN POSITIONS**

Whenever an existing position becomes vacant or a new position is created, the position will be posted internally for not less than five (5) business days. Town employees who meet the job requirements outlined on the notice may apply for the position. Department Heads may request to post positions externally through newspaper and/or online sources. External posting of jobs should be posted for not less than two (2) weeks.

#### **RECLASSIFICATION OF POSITIONS**

Reclassification of positions may be requested to be reviewed during the annual budget process by a department head. *There may be occasions that positions and relevant grade classification need to be reviewed during the year.* A Department Head may request that a position be reviewed by submitting to the Town Administrator justification for the request, including any material changes in duties and/or responsibilities that appear to be permanent, new educational requirements such as a degree or certifications, etc. The Town Administrator will review the request to ensure all required information is included and submit the recommendation to the Select Board for a decision.

The Town Administrator will provide recommendations on job classifications and compensation plans for the Town. Any adjustments will be implemented beginning July 1<sup>st</sup> following the town meeting.

**TRANSFER FROM FULL-TIME TO PART-TIME EMPLOYMENT**

If a full-time employee becomes a part-time employee, he/she will be afforded the opportunity to use vacation and compensatory time already accrued.

**TRANSFER FROM PART-TIME TO FULL-TIME EMPLOYMENT**

If a part-time employee is transferred to full-time employment, his/her step date will be determined by the full-time effective date.

**ANTI-DISCRIMINATION AND SEXUAL HARASSMENT POLICY**

**I. PURPOSE**

This Policy describes the Town's prohibition of unlawful discrimination and harassment in the workplace, in order to ensure compliance with all applicable federal laws and state statutes and regulations.

**II. APPLICATION**

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

**III. POLICY**

It is the Policy of the Town to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related condition, genetic information, military status, or other bases prohibited under state or federal anti-discrimination statutes, will not be tolerated. To achieve the goal of providing a workplace free from discrimination, the Town will implement the procedure described below to address any potential inappropriate conduct.



A. Coverage

This Policy applies to all employment practices and employment programs sponsored by the Town. This Policy shall apply, but not be limited to, the areas of:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion
- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment.

This Policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

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

Please note that while this Policy sets forth the Town's goals of promoting a workplace that is free of discrimination and harassment, **the Policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace**

**conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.**

**B. Examples of Prohibited Discriminatory Behavior**

It is not possible to list all the circumstances that may constitute discrimination in violation of this Policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

**C. Definition of Sexual Harassment**

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

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

Hostile Work Environment – A form of sexual harassment, where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do his or her job.

Quid Pro Quo – Another form of sexual harassment, where tangible job benefits are offered or withheld in exchange for sexual favors.

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

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. This can include conduct that is aimed at a person's sexual orientation or gender identity.

#### **IV. PROCEDURES**

##### **A. Complaints of Sexual Harassment**

If an employee believes that he or she has been subjected to sexual harassment, it is the Town's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing.

An employee may file a complaint of sexual harassment by contacting the Town Administrator. These persons will remain available to discuss any concerns employees may have and to provide information about the Town's Policy on sexual harassment and the complaint process.

##### **B. Sexual Harassment Investigation**

When a complaint of sexual harassment is received, the Town will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include a private interview with the person filing the complaint and with any witnesses. The Town will also interview the person alleged to have committed sexual harassment. When the investigation has concluded, the Town will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.

**C. Complaints Concerning Other Forms of Discrimination and/or Harassment**

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Paragraphs 1 and 2, above, whenever appropriate.

**D. Confidentiality**

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as department heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

All employees are reminded of the provisions of G.L. c. 268A, § 23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/official's personal interest. Violations of Section 23 may lead to disciplinary action, up to and including termination.

**E. Retaliation**

Any retaliation against an individual who has formally or informally complained about discrimination, including harassment, or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

**IV. SANCTIONS**

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions

may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

**V. STATE AND FEDERAL REMEDIES**

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies listed below. Using the Town’s complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).

**1. The United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820

**2. The Massachusetts Commission Against Discrimination (MCAD)**

**Boston Office**

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

**Springfield Office**

436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

**Worcester Office**

Denholm Building  
484 Main Street, Suite 320  
Worcester, MA 01604  
(508) 453-9630  
(508) 453-9641 – FAX

**New Bedford Office**

Demello International Center  
128 Union Street, Suite 206  
New Bedford, MA 02740  
(774) 510-5801  
(774) 510-5802 - FAX

**VI. REASONABLE ACCOMMODATION**

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

mental limitations of a qualified applicant or employee with a disability, unless such action would cause an undue hardship to the operations of the Town.

Employees seeking reasonable accommodations may submit their request in writing to the Town Administrator.

## **VII. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The Town will not discriminate in its employment practices, on the basis of race, color, gender, gender identity, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

## **LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT ("FMLA")**

The Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 work weeks of unpaid leave for certain family and medical reasons and up to 26 work weeks of leave for the care of a covered service member during a 12-month period. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

## **EMPLOYEE ELIGIBILITY CRITERIA**

To be eligible for FMLA leave, an employee must have been employed by the Town of Lanesborough:

- For at least 12 months (which need not be consecutive); and
- For at least 1,250 hours during the consecutive 12-month period immediately preceding the commencement of the leave.
- If an employee has been previously employed by the Town, but has had a break in service of seven (7) years or more, that employee's past service with the Town need not be counted for FMLA eligibility purposes, EXCEPT:
- Where the break in service was due to fulfillment of the employee's military obligations in either the National Guard or the Reserves; or

## **EVENTS WHICH MAY ENTITLE AN EMPLOYEE TO FMLA LEAVE**

Up to 12 weeks of FMLA leave may be taken for anyone, or for a combination of, the following reasons:

- The birth of the employee's child or to care for the newborn child;

- The placement of a child with the employee for adoption or foster care or to care for the newly placed child;
- To care for the employee's spouse, child or parent (but not in-law) with a serious health condition; and/or
- The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.
- Qualifying Exigency Leave – the employee experiences “any qualifying exigency” due to the employee’s spouse, son/daughter or parent (but not in-law) who is a covered military member on active duty in the military, or if the employee’s spouse, son/daughter or parent has been notified of an impending call to active duty in support of a contingency operation. Qualifying Exigency Leave applies only to those employees who are the spouse, son/daughter or parent (but not in-law) of members of the Army Reserve, the National Guard, and certain retired members of the Army Reserve and the National Guard. Employees who are the spouse, son/daughter or parent of members of the Regular Armed Forces are not eligible for Qualifying Exigency Leave. Furthermore, in order to be eligible for Qualifying Exigency Leave, the employee’s spouse, son/daughter or parent must receive a call to active duty from the federal government, and not a state or local government.
- The following constitute “qualified exigencies” as recognized by the Federal Government:
  - Short-notice deployment
  - Military events and related activities
  - Childcare and school activities
  - Financial and legal arrangements
  - Counseling
  - Rest and recuperation
  - Post-development activities
  - Additional activities

Up to 26 weeks of FMLA leave may be taken for the following, or for a combination of the following leave and any other qualifying reason for FMLA leave:

- Covered Service-Member Leave

Unlike Qualifying Exigency Leave, employees are eligible for Covered Service-Member Leave if their spouse, son/daughter, parent or next of kin is injured while serving in the Regular Armed Forces.

*[NOTE: A detailed definition of "serious health condition" can be found in the Department of Labor's Certification of Health Care Provider Form (Form WH-380-December 1994).]*

## **HOW MUCH FMLA LEAVE MAY BE TAKEN**

### **The 12-Month Period**

An eligible employee is entitled to up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying reason(s). The 12-month period is the 12-month period measured forward from the date an employee's first FMLA leave begins. Subsequent 12-month periods begin the first time FMLA leave is taken after the completion of any previous 12-month period.

### **The 26-Week Period**

An eligible employee is entitled to up to 26 workweeks of unpaid leave during a 12-month period for Covered Service-Member Leave, or a combination of Covered Service-Member Leave and any other qualified FMLA leave (including FMLA leave that would, alone, only give rise to a 12-month leave period). The 26 workweeks of leave are available during a single 12-month period which is measured forward from the date an employee requests Covered Service-Member Leave. Covered Service-Member Leave is intended to be a one-time entitlement.

## **LIMITATIONS ON FMLA LEAVE**

Leave to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child.

When both spouses are employed by Lanesborough, they are each entitled to a total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (i.e., the difference between the leave taken individually for any of the above reasons and 12 workweeks, but not more than a total of 12 workweeks per person).

Typically, FMLA references to the “son or daughter” of an employee refer to a biological child, adopted child, foster child, stepchild or legal ward of the employee who is under the age of 18 or, if age 18 or older, is incapable of self-care due to a physical or mental impairment. Under Qualifying Exigency Leave and/or Covered Service-Member Leave, however, a different definition of “son or daughter” is used. In those instances, the term “son or daughter” includes the employee’s biological child, adopted child, foster child, stepchild or legal ward who is currently on active duty or is called to active duty, regardless of age.

## **INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE**

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.



Leave to care for a newborn or for a newly placed child, leave because of an employee's own serious health condition, to care for an employee's spouse, child or parent with a serious health condition, or Covered Service-Member Leave may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt Lanesborough operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, Lanesborough may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

### **REQUESTS FOR FMLA LEAVE**

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, or a family member's call to active duty, the employee must provide Human Resources with at least 30 days' advance notice, or such shorter notice as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave). When the timing of the leave is not foreseeable, the employee must provide Human Resources with notice of the need for leave as soon as practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

The necessary forms for requesting and certifying FMLA leave are available with Human Resources. These forms must be used by all Town employees requesting FMLA leave.

### **Required Documentation**

When leave is taken to care for a family member, the Town may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

An employee will be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition, or for Covered Service-Member Leave. Medical certification forms are available from Human Resources.

If the Town has reason to doubt the employee's initial certification, the Town may: (i) with the employee's permission, have a designated health care provider contact the employee's health care provider to clarify or authenticate the initial certification; and/or (ii) require the employee to obtain a second opinion by an independent Lanesborough-designated provider at Lanesborough's expense. If the initial and second certifications differ, the Town may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, the Town may request that the employee provide recertification of a serious health condition, at intervals, in accordance with the FMLA. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Town with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If the employee gives the Town notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

Before the employee returns to work from FMLA leave, for the employee's own serious health condition, the employee will be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

#### **USE OF PAID AND UNPAID LEAVE**

FMLA provides eligible employees with up to 12 workweeks (or 26 workweeks where applicable) of unpaid leave. However, employees are required to *concurrently utilize any accrued vacation time and personal days as part of their twelve (12) workweeks of FMLA leave, or 26 workweeks of Service Member Family Leave*. Employees requesting FMLA leave due to their own serious health condition must *first utilize any accrued sick leave, in addition to accrued vacation and personal leave, as part of their 12-week FMLA leave*. Once accrued paid leave has been exhausted, the remainder of any FMLA leave shall be unpaid.

#### **DESIGNATION OF LEAVE**

Within five business days upon receiving an employee's completed paperwork for FMLA leave, the Town shall notify the employee of his/her eligibility or ineligibility for FMLA leave. If the employee is eligible for leave the Town shall officially designate the leave as FMLA leave. The Town may provisionally designate the employee's leave as FMLA leave if Human Resources has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified Human Resources of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify Human Resources within two (2) business days of the employee's return to work that the leave was for an FMLA reason.

The Town can designate time as FMLA if the Town has information that the employee's leave is FMLA qualified. In such cases, the Town will forward the required paperwork for completion by the employee.

### **MAINTENANCE OF HEALTH BENEFITS**

During FMLA leave an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee's portion of health insurance premiums/voluntarily elected deductions must be paid at the same time as if made by payroll deduction.

If the employee's payment of health insurance premiums/voluntarily elected deductions is more than 30 days past due, the Town has the discretion to terminate health care coverage for the duration of the leave period. Employees should contact Human Resources if payment is past due. Coverage will be restored upon return to work.

### **RETURN FROM FMLA LEAVE** (*Limitations on Reinstatement*)

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

Lanesborough reserves the right to deny reinstatement to salaried, eligible employees who are among the highest paid 10 percent of the Town's employees employed within 75 miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to Lanesborough's operations. If it is anticipated that it may be necessary to deny restoration to a key employee, the Town will notify that employee and offer an opportunity to immediately return to work. If that employee elects not to return to work, the Town will nonetheless reconsider at the end of the FMLA leave period whether or not it is possible to reinstate that employee without suffering grievous and economic injury.

### **Failure To Return To Work Following FMLA Leave**

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. Lanesborough may recover health insurance premiums that the Town paid on behalf of the employee, during any unpaid FMLA leave. Lanesborough's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the Town may require the employee to provide medical certification of the employee's or the family member's serious health condition.

## **NOTIFICATION OF RIGHTS**

The Town will not interfere with, restrain or deny the exercise of any right provided under the FMLA. The Town will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA, nor will it discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints and violations and may bring an action in any federal or state court against the Town for violating the FMLA. The FMLA will be enforced by the Department of Labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violation of the FMLA.

It should be noted that the FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or local law which provides for greater family or medical leave benefits. No rights provided for under the FMLA may be diminished or waived by agreement, plan or contract. A copy of your rights under the FMLA is posted within the Town offices or is available from Human Resources. For further information or clarification about FMLA leave, please contact Human Resources.

## **PARENTAL LEAVE POLICY**

### **I. PURPOSE**

This Policy describes the eligibility, duration and procedural requirements relating to the administration of parental leave, in accordance with the provisions of G.L. c. 149, §105D.

### **II. APPLICATION**

This Policy shall apply to all full-time employees of the Town who have completed three (3) consecutive months of work.

### **III. POLICY**

It is the policy of the Town to fully comply with the provisions of G.L. c. 149, §105D.

### **IV. PROCEDURES**

- A. Eligible employees shall be entitled to up to eight (8) weeks of unpaid leave for the following purposes:
  - 1. the birth of a child; or

2. placement of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled) with the employee adopting or intending to adopt the child.

Note: If both parents work for the Town, they will be entitled to eight (8) weeks of parental leave in the aggregate, for the same child.

- B. To be eligible for leave under this Policy, an employee is required to provide two weeks' notice in advance of his or her anticipated date of departure, stating his or her intention to return and the anticipated date of return, or as soon as practicable, if the delay in notification is due to reasons beyond the employee's control. Upon return to work, the employee is entitled to be restored to his or her previous position, or to a similar position which has the same status and pay as his or her previous position, and to the length of service credit and seniority as of the date of leave.
- C. Leave taken pursuant to this Policy will be counted against an employee's annual FMLA leave allowance.
- D. Leave taken pursuant to this Policy shall be unpaid; however, an employee may elect to use any amount of accrued paid leave while on parental leave.
- E. The Town will continue to pay the employer's share of premiums for health insurance coverage while an employee is out on parental leave. An employee on parental leave under this Policy shall make arrangements to pay his or her share of the premium.

### **SMALL NECESSITIES LEAVE ACT**

In accordance with General Laws, C. 149, §52D, an eligible employee is entitled to a total of 24 hours of leave during a 12 month period, in addition to other leave under this section, to participate in school activities directly related to the education advancement of the employees child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative as defined in section 52D to routine medical or dental appointments or other professional services related to the elder's care. Leave under this provision is in addition to the 12 weeks leave provision and may be taken on an intermittent or reduced leave schedule. Family business leave shall be unpaid, unless the employee applies any paid leave that he or she has available.

### **EMPLOYMENT CLASSIFICATIONS**

There are five classifications of employees in the Town of Lanesborough:

- **Regular full-time:** An employee in a position for which the normal work schedule is 25 to 40 hours per week. This category of employee is eligible for all Town benefits.

- **Regular Part-time:** An employee in a position for which the normal work schedule is less than (25) hours per week. This category of employee is not eligible for Town benefits other than those specified for this category.
- **Temporary:** An employee hired for a position for which the scheduled work week can range from fewer than 20 to 40 hours, but the position is required for only a specific, known duration, usually less than six months.
- **Part-time Casual:** An employee hired for sporadic, unscheduled employment (of less than 1,000 hours per calendar year) at the call of the employer without recourse if the worker is unavailable. Part-time casual employees are not eligible for Town benefits.

## **B. EMPLOYEE STANDARDS OF CONDUCT**

### **DRUG FREE WORKPLACE POLICY AND PROCEDURES**

It is the goal of the Town of Lanesborough to maintain a safe workplace by eliminating the hazards to health and job safety created by alcohol and other drug use. We believe this goal to be in the best interest of our employees and the public.

### **VIOLENCE IN THE WORKPLACE**

Lanesborough strongly believes that all employees should be treated with dignity and respect. Acts of verbal or physical violence will not be tolerated. All employees should review and understand all provisions of the workplace violence guidelines to ensure a safe workplace and to reduce the risk of violence.

### **ABUSIVE LANGUAGE OR ACTIONS**

The use of profane or abusive language, fighting, deliberately causing injury to another or any disorderly conduct or malicious disturbance, including the intimidation or harassment of others, is prohibited. The Town will promptly investigate and respond strongly to conduct of this type.

### **PROHIBITED CONDUCT**

Lanesborough does not tolerate any type of workplace violence committed by or against employees of our Town, that of our customer or anyone Town employees may come in contact with while working.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person
- Making threatening remarks
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress

- Intentionally damaging employer/customer property or that of another employee
- Committing acts motivated by, or related to, sexual or other harassment or domestic violence
- Fighting, Horseplay, or other conduct that may be dangerous to others
- Harassment, threats, intimidation through technology, including cellular telephones, computer, email, Internet or social media

### **Reporting Procedures**

Any potentially dangerous situations must be reported immediately to a supervisor or the Town Administrator. Reports can be made confidential, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need- to know basis. The Town will address all situations as appropriate, such as hostile or violent situations.

### **Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including immediate termination. Employees and non-employees engaged in violent acts on the employer/customer's premises should be reported to the proper authorities and fully prosecuted.

Employees who are or feel threatened by a co-worker, particularly on Town premises or off-duty should not hesitate based upon anything in this policy to contact a law enforcement agency should he or she believe that his or her safety is in jeopardy.

### **TECHNOLOGY ACCEPTABLE USE POLICY**

It is the policy of the Town of Lanesborough (hereinafter referred to as "Town") that the Internet and E-Mail access provided to Town employees are tools provided for governmental purposes only. The employee's use of these services is restricted to activities within the scope of the employee's Town employment. It is the intent and desire of the Town to provide employees with a clear understanding of the correct procedures for utilizing Town technology.

### **APPLICATION OF POLICY:**

The Town provides personal computers, cell phones, laptops, telephones, printers, fax machines, Internet connections, email access, televisions, video players and network usage to employees to support their roles within the Town. Use of all Town technology shall be reserved for governmental purposes only. Governmental purposes include, but are not limited to, access, research, exchange, or posting of information that relates to the assigned job duties of an Authorized User for carrying out the Town's business, promotion of public awareness concerning the Town's business and services and public policies and posting of Town's information when authorized by appropriate management.

### **Ownership, Monitoring and Expectation of Privacy**

1. Authorized Users of the Town's resources should be aware that all records of computer use, Internet use and/or E-mail communication (sent, received, or stored) conducted on the Town's resources are the property of the Town. Individual Authorized Users do not control access to such records. At its discretion, the Town Administrator or their authorized designees may access and review any computer files or data, Internet records or E-mail communications for compliance with the provisions of this policy. Files and records of the Town's resource use may be reviewed at any time and are routinely backed up and stored without the user's knowledge. All physical equipment, intellectual property, information, software, data, files or programs that are provided, stored or otherwise utilized by or on any Town-provided resource is the property of the Town. It is the employee's responsibility to care for these devices and ensure their proper usage. Should the electronic device be in need of repair the Manager/Supervisor should be notified immediately. Any abuse or misuse of the device by the employee will result in disciplinary action up to and including termination.
2. All Authorized Users should understand that all electronic communication, activity and access may be traced, monitored, logged and/or reviewed. Town and their designees may use tracking, blocking and monitoring software to restrict certain access and/or alert information technology staff to certain inappropriate uses. Authorized Users must use passwords and/or encryption in a manner that has been approved by the Town. Use of special passwords or encryption does not necessarily guarantee the confidentiality of any electronic communication. Authorized Users must keep passwords secure and must not share them with others.
3. Authorized Users may not rely on any communications via the Internet using Town resources being secure, private, or inaccessible, except where appropriate security applications are used, e.g. data encryption.
4. All files and documents located on the Town's resources, including personal files and documents, are owned by the Town and may be accessed in accordance with this policy. In addition, such documents may be subject to the Public Records Law.
5. When sensitive material is sent electronically via E-mail, it is important to verify that all recipients are authorized to receive such information and to understand that E-mail is not fully secure and/or private, except where appropriate security applications are used, e.g., data encryption.
6. Users should understand that messages can be quickly and easily copied and may be forwarded inappropriately.



7. Where it is necessary to transmit Town proprietary or restricted information beyond the Town E-Mail network, the messages should be protected by encryption. Authorized Users should contact their Town technology services for assistance if encryption is needed.
8. Authorized Users are personally responsible for the security of authorized portable and non-portable Town resources such as issued laptops, and cell phones. Care must be exercised to ensure these devices are not lost, stolen or otherwise accessed in an unauthorized manner and must be reported immediately to their supervisor and Town Administrator if this situation occurs.
9. Access to the Internet and E-Mail are contingent on the employee and his/ her supervisor signing off on the technology acceptable use policy agreement.

#### **INTERNET AND EMAIL USE:**

1. **Internet and Email Access Control and Authorization.** Only Authorized Users may use Town resources to send or view E-mail or access the Town's E-mail systems. Unauthorized persons may not use the network or Town equipment to originate E-mail messages or read E-mail messages directed to others. In accordance with Town policy, Authorized Users should use password protection to limit access to E-mail files. Authorized Users must safeguard their passwords so that unauthorized users do not have access to their E-mail. Authorized Users are responsible for messages transmitted under their account.
2. **Unauthorized use/Incidental Use.**
  - a. Incidental personal use of Internet access is restricted to Authorized Users; it does not extend to family members or other acquaintances.
  - b. Access to the Internet from Town owned, home based computer or on non-Town owned computer by way of a Town provided password, must adhere to all the same policies that apply to use from within Town facilities. Employees may not allow family members or other non-employees to access Town computer systems.
  - c. Incidental use must not result in direct costs to the Town.
  - d. Incidental use must not interfere with the normal performance of an Authorized User's work duties.
  - e. No user may send or solicit files, documents or data that may risk legal liability for, or embarrassment to, the Town.
3. **Maintaining Professionalism in Email Use.** Every Authorized User who uses Town computer resources is responsible for ensuring posted messages are professional and businesslike. To impose personal restraint and professionalism, all employees should assume that whatever they write may at some time be made public. Authorized Users should follow the following guidelines:

- a. Be courteous and remember that you are representing the Town with each E-mail message sent.
- b. Review each E-mail message before it is sent and make certain that addresses are correct and appropriate.
- c. Consider that each E-mail message sent, received, deleted, or stored has the potential to be retrieved, seen, and reviewed by audiences, including the general public, who were not the intended recipient of the message.
- d. Ensure that content is appropriate and consistent with business communication; avoid sarcasm, exaggeration, and speculation which could be misconstrued.
- e. Be as clear and concise as possible; be sure to clearly fill in the subject field so that recipients of E-mail can easily identify different E-mail messages. Avoid subject fields that are vague and general, e.g. “question,” “comment,” etc.

4. **Electronic Message Distribution.**

- a. Authorized Users should receive authorization from their supervisor before wide scale “broadcasting” an E-mail bulletin to groups of employees and should consider posting it on a Town bulletin board or Intranet versus sending a message that is not business in nature.
- b. The use of “reply to all” should be avoided unless it is appropriate to respond to all addresses.
- c. E-mail messages should be brief, and attachments to E-mail messages should not be overly large.

5. **Unacceptable Uses of IT Resources.** The following are examples of impermissible uses of Town resources. This list is by way of example and is not intended to be exhaustive or exclusive.

- a. Viewing, creating, accessing, posting or transmitting any material that is generally considered to be personally offensive or inappropriate, including sexually suggestive, pornographic, or obscene materials.
- b. Viewing, creating, accessing, posting or transmitting material that expresses or promotes discriminatory attitudes toward race, gender, age, nationality, religion, or other groups including, but not limited to, protected groups identified in *Executive Order 1996-9, Equal Employment Opportunity*.
- c. Conducting personal, for-profit transactions or business or conducting any fundraising activity not specifically sponsored, endorsed, or approved by the Town.
- d. Sharing of Town passwords, Personal Identification Numbers (PIN), Security Tokens (i.e., Smartcard), or similar information or devices used for identification and authorization purposes with any other person or Authorized User. Authorized Users are strictly responsible for

maintaining the confidentiality of their Town account(s), passwords, PIN, Security Tokens or similar information or device. Authorized Users are responsible for activities and communications transmitted under their account.

- e. Participating in Internet activities that inhibit an employee's job performance or present a negative image to the public, such as auctions, games, utilizing social network sites during worktime for non-work purposes, accessing pornographic or offensive material, or any other activity that is prohibited by directive, policy or law.
- f. Attempting to test or bypass the security ("hacking" or "cracking") of computing resources or to alter internal or external computer security systems.
- g. Participating in or promoting computer sabotage through the intentional introduction of computer viruses, worms or other forms of malware, i.e., malicious software.
- h. Use of unauthorized proprietary and/or commercial Instant Messaging (IM) products on Town computer resources.
- i. Promoting, soliciting or participating in any activities that are prohibited by local, state, or federal law or the Town rules of conduct.
- j. Violating or infringing the rights of any other person.
- k. Using any other Authorized User's password and/or equipment to conduct unacceptable activities on Town resources.
- l. Harassing or threatening activities including, but not limited to, the distribution or solicitation of defamatory, fraudulent, intimidating, abusive, or offensive material.
- m. Transmitting or soliciting any proprietary material, such as copyrighted software, publications, audio or video files, as well as trademarks or service marks without the owner's permission.
- n. Promoting or participating in any unethical behavior or activities that would bring discredit on the Town or its agencies.
- o. Downloading and/or installing any unapproved software, including but not limited to non-standard shareware or freeware software without management approval.
- p. Transmitting or posting any messages that intentionally misrepresent the identity of the sender, hide the identity of the sender, or alter a sender's message.
- q. Sending or forwarding confidential or sensitive Town information through non-Town email accounts. Examples of non-Town email accounts include, but are not limited to, Hotmail, Yahoo mail, Gmail, AOL mail, and email provided by other Internet Service Providers.
- r. Sending, forwarding or storing confidential or sensitive Town information utilizing non-Town accredited mobile devices. Examples of mobile devices include, but are not limited to, Personal Data Assistants, two-way pagers and cellular telephones.

- s. Participating in any other Internet or E-mail use that is deemed inappropriate by the Town and is communicated as such to Authorized Users.

**ENFORCEMENT AND DISCIPLINE:**

1. All existing employees must be provided a copy of this policy. All new employees must review this policy during new employee orientation. All non-employees Authorized Users must review this policy prior to their use of Town resources.
2. As acknowledgement of receipt and understanding of this policy, an Authorized User must sign the acceptable use policy agreement before being granted access to Town resources.
3. Misuse of Town resources by employees or volunteers may result in disciplinary action, up to and including termination, depending on the circumstances of the incident. The improper use of Town resources by contractors or consultants may result in disciplinary action that may include formal action under the terms of the Town's managed services agreement and other applicable technology policies. When warranted, the Town may pursue or refer matters to other authorities for criminal prosecution against persons who violate local, state, or federal laws through the use of Town resources.
4. Any violation of this policy shall be reported immediately to the immediate supervisor of the employee who has violated this policy and the Town Administrator.
5. Questions regarding this policy should be directed to the Town Administrator.

**DISMISSAL FROM THE TOWN:**

1. Upon leaving employment with the Town for any reason, all Town employees will promptly deliver to the Town all data, computer files, passwords for access to Town data and files, documents and materials of any nature pertaining to the work that was performed as a Town employee with the Town, including all property of the Town in whatever form.
2. Town employees are strictly prohibited from taking with them any data, computer files, documents, materials, inventions, or copies thereof containing any Proprietary Information.

**EMPLOYEE EXPECTATION OF PRIVACY**

Lanesborough has the right to inspect all Town property including but not limited to, computers, cell phones, desks, lockers, workspaces and file cabinets.

The Town has the right to monitor any communications that utilize Town or customer computers or networks in any way, including data, voice mail, telephones, Cell phones, Internet use and email.

## **USE OF TOWN PROPERTY**

### **Overview:**

The intent of this policy is to ensure that all property maintained by the Town is kept in the best possible working condition and to ensure proper utilization. Property shall be defined as any piece of equipment, furnishing, vehicle, building or supply leased, owned, donated or otherwise in the custodial care of Lanesborough or any person acting as its agent.

### **General Conditions:**

- It is the responsibility of each employee to maintain his or her work environment in an orderly fashion and follow all Town guidelines to ensure its proper use and maintenance.
- Should any employee have knowledge of any misuse, it is obligated that he/she notify his/her supervisor immediately.
- Any employee found to neglect or misuse Town property will be subject to disciplinary actions up to and including termination.
- No employee shall use Town property for personal use. This includes, but is not limited to, computers, telephones, cellular phones, copiers, faxes, Internet services, printers, vehicles, etc.
- Theft of Town property is grounds for immediate termination and possible criminal action.

### **Town Vehicles:**

- Any employee for whom driving is an essential job duty must be authorized and licensed to drive each type of vehicle. This approval may only be given by the Department Head or Town Administrator. These vehicles include, but are not limited to, passenger vehicles, police vehicles, trucks, etc.
- It is the direct responsibility of the driver to ensure the vehicle appears to be in a safe operational condition before each use and make note of any exceptions to the condition of the vehicle, including physical damage. If the vehicle is found to be unsafe, the condition will be reported to the Department Head immediately and arrangements for appropriate repairs will be made.
- Any employee involved in an accident (no matter how minor) must report the incident to his/her supervisor as soon as possible and no later than 24 hours. There are no exceptions to this policy. Failure to do so will result in disciplinary action up to and including termination.
- It is the direct responsibility of the driver to maintain the cleanliness of the vehicle. All personal items and trash are to be removed after each use.

- There will be **no** tobacco usage of **any** kind in Town vehicles.
- It is the direct responsibility of the driver to maintain a mileage log daily. The log will contain the date, name of driver, beginning mileage, and ending mileage. *All destinations throughout the day must be recorded.*
- Failure to adhere to these policies will result in disciplinary action which may include loss of driving privileges up to and including termination.

*Refer to the Town Vehicle policy for more information.*

#### **Electronic Devices:**

- Electronic devices may include, but are not limited to, computers, laptops, cellular phones, telephones, printers, fax machines, Internet connections, e-mails, televisions, video players.
- It is the employees' responsibility to care for these devices and ensure their proper usage. Should the electronic device need repair the Manager/Supervisor should be notified immediately.
- Any abuse or misuse of the device by the employee will result in disciplinary action up to and including termination.

#### **Lockers:**

- If the Town provides lockers for the personal possessions of its employees, these lockers should be maintained in a clean and sanitary condition.
- The Town retains the right to inspect or otherwise gain access to your locker and its contents at any time, with or without notice to the employee, and without the employee's presence.

#### **SAFETY POLICY**

We believe all accidents are preventable. Therefore, the Town of Lanesborough will make every effort to prevent accidents and comply with all safety and health laws and regulations.

The Select Board's commitment to safety is of the upmost importance and will not be jeopardized when it comes to the safety of their employees. The Town will provide sufficient training so that employees can work safely and efficiently. All employees will play an integral part and support the Safety Program while assisting and rendering recommendations.

#### **MANAGEMENT:**

Department Heads will maintain the safety of all employees and establish safe working conditions, practices and ensure that all injuries are reported promptly and cared for properly. Department Heads will observe work practices to detect and correct unsafe actions. Department Heads shall set safety efforts by example. Department Heads will work with the Risk Management Committee and employees

to maintain and implement new and ongoing safety programs and recommendations provided by safety consultants and insurance companies.

**SUPERVISION:**

Supervisors are responsible for supervising and training workers in safe work practices. Supervisors must enforce Town safety rules and work to eliminate hazardous conditions. Supervisors shall lead safety efforts by example.

**RISK MANAGEMENT COMMITTEE:**

The risk management committee includes employer and employee representatives who are responsible for recommending safety and health improvements in the workplace. The committee is also responsible for identifying hazards and unsafe work practices, removing obstacles to prevent accidents and helping the Town evaluate the accident and illness prevention program. The committee will review all incidents and ensure that corrective action is taken. The Risk Management Committee will follow up on employee suggestions, conduct inspections and monitor safe behavior.

**EMPLOYEES:**

Employees will be responsible for his/her own safety. No task shall be completed unless it can be performed safely and without incident. Employees shall comply with all safety rules, regulations and procedures. Employees shall report all hazards, incidents and near-miss occurrences to their supervisors. They shall solicit suggestions and concerns and bring such concerns to their supervisor in efforts to remedy such concerns. Employees required to wear personal protective equipment shall do so to protect against potential hazards. Employees should help coworkers and should work every day with a safe attitude.

**VEHICLE SAFETY POLICY**

The Town of Lanesborough is extremely conscious of the safety of our employees and the citizens of our Town. As an employer, we recognize our obligation to ensure the safest possible workplace for our employees. As a governmental entity, we also recognize our responsibility to provide a safe environment for the public we serve.

The purchase, maintenance, and upkeep of motor vehicles and equipment constitute one of the largest categories of expenditures in Town government. While these vehicles are essential in providing necessary services to our constituents, accidents involving these vehicles can extract a huge additional toll on the organization in terms of injury, suffering, and property damage. Add to this the cost of unnecessary repairs due to lack of preventive maintenance and abuse, and the magnitude of this problem becomes evident.

It is the firm belief of the Select Board that most motor vehicle accidents are preventable. It is the responsibility of the vehicle operator to obey all traffic regulations including speed limits and to drive defensively. Employees shall not

participate in any activities while the vehicle is in motion that may cause them to become distracted. These activities may include, but is not limited to texting, talking on the phone, eating or drinking, or any other activity that may cause distractions to an employee's driving. Seat belts shall be properly always worn by the operator and all other occupants of the vehicle when the vehicle is in motion. All other safety devices on vehicles shall be used according to the manufacturer's instructions. This also applies to operators and occupants of privately-owned vehicles used for business.

All vehicles shall be maintained in accordance with the manufacturer's maintenance schedule and requirements.

Any vehicle to be operated for Town business shall be safe to operate, be legally registered, and display valid inspection stickers.

All employees are responsible for cooperating with and supporting our vehicle loss control policy and program including the adherence to all traffic regulations. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task.

Loss control is every employee's responsibility! Only with your help can we continue to maintain a safe environment for both our employees and the citizens we serve.

### **TOWN VEHICLE POLICY STATEMENT**

All drivers of Town vehicles must be Town employees or designated volunteers and be at least eighteen (18) years of age. Drivers must possess a current, valid driver's license for the state in which they reside and that covers the class of vehicle to be operated. A copy of this license must be kept in the employee's personnel file and/or the volunteer's driver file in Human Resources. While operating a Town-owned vehicle, or while performing Town business using a personal vehicle, employees are required to comply with all the laws of the Commonwealth pertaining to the motor vehicle code, including rules related to the use of cellular phones. Employees who use their own vehicle to conduct Town business provide proof of automobile insurance.

When conducting Town business, all employees are required to utilize a Town-owned vehicle. If no Town-vehicle is available, the Department Head may seek authorization for use of an employee's personal vehicle.

Any driver, who has consumed alcoholic beverages, illegal substances or taken any medications which may impair their normal functions, is strictly prohibited from conducting Town business, including operation of a Town-owned vehicle or operation of a personal vehicle for Town business. Drivers and passengers conducting Town business must always use a seatbelt. Employees conducting Town business in a personal vehicle shall not use tobacco of any type while transporting clients.



Town vehicles shall always be parked in well-lit areas and the vehicle shall be locked when left unattended. Employees may not use the Town vehicles for personal use.

All traffic violations received while conducting Town business must be promptly reported to the employee's department head. License denials, suspensions, or revocations for employees for whom driving is an essential job duty must be reported immediately to the appropriate department head. Failure to do so will result in disciplinary action, up to and including termination.

Any accident involving a Town vehicle or an employee's vehicle while conducting Town business must be reported immediately to the appropriate legal authority and Department Head. Failure to notify to do so will result in disciplinary action up to and including termination.

Town employees who use their own vehicles to conduct Town business shall be required to provide proof of insurance and vehicle registration on an annual basis. In the event an employee's insurance is canceled, the Town must be notified within five (5) days. Such employees shall immediately report to the Town any material change in their driving record or cancellation of their auto insurance.

Employees that routinely drive within the scope of the Town employment, as required in their specific job description, must attend a defensive driving course within one (1) year of employment and are required to repeat the defensive driving course every twenty-four (24) months. The defensive driving course is available to all employees. Proof of attendance must be provided to Human Resources.

Employees where driving is an essential function of the job and who have their driver's license suspended or removed due to violations of the Massachusetts Motor Vehicle Code or other applicable laws shall be subject to disciplinary action, up to and including termination of employment.

### **WHISTLEBLOWER POLICY**

The Whistleblower Protection Act, M.G.L. c. 149, § 185, protects Town employees from retaliation for engaging in "whistleblowing" activities. The law protects public employees who object to, report or threaten to report illegal conduct, regulatory violations, health and safety violations, and public health, safety, and environmental risks or hazards committed by the Town or any other employer in which the Town has a business relationship. In addition, the law protects employees who refuse to participate in such activities and provides protections for employees who testify or report crimes. This policy is intended to put employees on notice of their rights under M.G.L. c. 149, § 185 and to establish procedures to file and address complaints of retaliation as well as the underlying illegal or improper activities. The Town shall continue to display notices reasonably designed to inform its employees of their protection and obligations as required by M.G.L. c. 149, § 185.

## **ETHICS POLICY**

The Town of Lanesborough expects our employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Town and our constituents. The Town recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. Each employee will be required upon hire to attend ethics training, conflict of interests training, and training on the Open Meeting Law.

## **ACCEPTANCE OF GIFTS**

No employee may solicit or accept gifts of significant value, i.e., in excess of \$50.00 for each source in the aggregate, lavish entertainment or other benefits from potential and actual customers, suppliers or competitors. Special care must be taken to avoid even the impression of a conflict of interest.

The Town will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Town Administrator for advice and consultation.

Employees will not accept gifts given under circumstances indicating the hope or expectation of receiving a favor, or better treatment, than that accorded the public generally.

Compliance with this policy is the responsibility of every Town employee. Disregarding or failing to comply with this standard of conduct could lead to disciplinary action, up to and including termination of employment.

Employees have an obligation to act ethically and to conduct business in a way that avoids actual or potential conflicts of interest. This policy provides only a basic framework and general direction. Contact your department head or the Town Administrator for more information or questions about conflicts of interest.

Employees are required to disclose any personal or financial interest that might cause a conflict in the exercise of their employment responsibilities. This requirement also applies to situations which would give the appearance to the public of a conflict even if none exists.

Employees shall not use their positions, or any information gained in their positions for the pecuniary gain of themselves.

A conflict of interest may occur when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town's business dealings.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their supervisor, and Town Administrator, as soon as possible.

### **POLITICAL ACTIVITY FOR PUBLIC EMPLOYEES**

It is the policy of the Town that employees shall not be subject to direct or indirect political influence as a condition of their employment, nor shall employees engage in partisan political activity while in the workplace, in uniform, or while acting on behalf of the Town.

In order to ensure the integrity of governmental offices and the provision of public services, employees of the Town are further prohibited from (1) use of official authority or influence for the purpose of interfering with the election or nomination for office or affecting the results thereof (except by casting the employee's vote); and (2) directly or indirectly coercing or attempting to coerce, commanding or advising any officer or employee to pay, lend or contribute any part of the employee's salary or compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes. In addition, those employees of the Town who are covered by the Hatch Act, 5 U.S.C. §1501 et seq., whose salaries are completely funded, directly or indirectly, by loans or grants made by the federal government are prohibited from becoming a candidate for elective office.

### **REPORTING POTENTIAL CONFLICTS**

An employee must promptly disclose actual or potential conflicts of interest, in writing, to his or her supervisor.

### **OUTSIDE EMPLOYMENT**

No employee or appointee may engage in additional employment which interferes with the proper and effective performance of the duties of his/her position, or results in a conflict of interest.

### **PRIVILEGED INFORMATION**

Employees and appointees may not use privileged information for their own financial advantage, or to provide friends and acquaintances with financial advantages or with information that could be used for financial advantage. If an employee or appointee finds that he/she has an outside financial interest which could be affected by Town

plans or activities, he/she must immediately report the situation to their department head. Each employee and appointee are responsible for ensuring that he/she releases only information that should be made available to the general public. Violation of privileged information or use for private gain can be cause for termination of employment.

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

### **ATTENDANCE, PUNCTUALITY AND DEPENDABILITY**

The Town depends heavily upon its employees. Therefore, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are always essential. As such, employees are expected at work on all scheduled workdays, during all scheduled work hours, and to report to work on time. A careful record of absenteeism and tardiness is kept by the employee's supervisor and becomes part of the personnel record. To the extent permitted by law, absenteeism and tardiness lessen an employee's chances for advancement and may result in dismissal. Employees should notify their department head of any scheduled or unforeseen absence as soon as possible. If these general considerations are not adhered to then progressive discipline could occur up to and including termination of employment.

### **TELEPHONE USAGE**

The telephone is for business and emergency use only. Employees shall refrain from the use of Town phones for personal use.

### **PERSONAL CELLULAR PHONES**

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore required to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention.

The Town will not be liable for the loss or damage of personal cellular phones brought into the workplace.

### **PERSONAL USE OF TOWN PROVIDED CELLULAR PHONES**

Where job or business needs demand immediate access to an employee the Town may issue a business cell phone to an employee for work-related communications.

Telephone logs may be audited to ensure no unauthorized use has occurred, including personal calls, web access and text messaging not associated with duties. Camera equipped phones will also be subject to inspection to ensure they contain only business-related pictures. Any violations of this policy will result in disciplinary action up to and including termination.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss or other actions that are permissible by law.

#### **SAFETY ISSUES FOR CELLULAR PHONE USE**

Employees whose job responsibilities include regular or occasional driving shall not use a cellular telephone while driving. *Safety must come before all other concerns.* Regardless of the circumstances, including slow or stopped traffic, employees must drive to a safe location to park the vehicle before placing or accepting a call, texting or using and personal digital assistant, device or application.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions.

#### **DRESS CODE**

The Town expects employees to maintain a neat, well-groomed, professional appearance at all times. Employees must dress according to their department function and questions regarding specific dress requirements should be directed to the Department Head/Supervisor.

#### **SMOKING/TOBACCO USAGE**

The Town shall comply with the Clean Indoor Air Act of 2008, which prohibits smoking in any public building or facility.

- Tobacco product use, including the use of e-cigarettes and vaping devices, of any kind is prohibited in Lanesborough Town Hall, any buildings owned or leased by the Town, and all vehicles owned by the Town.
- Employees shall refrain from using tobacco products during working hours except during designated meal and break periods.
- Smoking is allowed in designated areas only. Employees should consult with the Department Head/Supervisor for their facility concerning the location of the designated smoking areas.
- Those areas designated as smoking areas can be changed or adjusted at any time.

### **PERFORMANCE EVALUATION**

In order to attract and retain a highly qualified and competent workforce, the Town of Lanesborough has instituted a performance management program. This program allows Lanesborough to compensate employees in a fair and equitable manner based upon demonstrated job performance and in accordance with its Equal Employment Opportunity policy.

Throughout this program employees will receive constructive work reviews designed to address performance and skill developmental needs, goals, and interests. Employees should receive a performance review annually by their supervisor. If an employee's job responsibilities change substantially at any time after the annual work review; however, another may be performed after the new assignment has begun and before the next annual review. In addition, it is encouraged that department heads provide regular one-on-one coaching sessions with their employees.

Performance reviews for new employees or employees transferring to a new area of responsibilities will be conducted after the initial six months of actual work are performed. If the probationary period is extended, then another review should be conducted afterwards. An annual review of an employee's progress/problems with recommended corrective measures shall be completed.

Salary increases, including those based on performance, are made following the beginning of the fiscal year and following approval at a town meeting. Department heads should provide the Town Administrator with performance reviews following an employee's anniversary date. In addition, this program is designed to reward employees for consistent outstanding performance.

Upon examination by the employee, the employee will acknowledge the performance review by signing and dating the performance review form. Performance reviews will be kept in the employee's personnel file with a copy provided to the employee.

## **DISCIPLINE**

Employees who violate Town policies or rules will be subject to disciplinary action. The Town expects professional and appropriate behavior from its employees and has the right to discipline employees for inappropriate conduct, whether it is prohibited by a written rule or not. Forms of discipline that the Town may elect to use include, but are not limited to, verbal warnings, written warnings, final written warnings, suspension and/or termination. The Town may, at its sole and absolute discretion, deviate from any order of progressive disciplinary actions and utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination of employment. The Town's discipline policy in no way limits or alters the at-will employment relationship.

The Town of Lanesborough endorses a policy of progressive discipline in which it attempts, through counseling, to provide employees with notice of deficient acts. It does, however, retain the right to administer discipline as deemed appropriate. Following a uniform procedure in administering discipline, typically:

1. A first offense will result in a verbal counseling that is documented;
2. A second offense will result in a written warning;

The Town may also issue a Final Written Warning at any point in the disciplinary process to place the employee on notice that further misconduct will result in the immediate termination of employment.

3. A third offense will result in a suspension without pay and a notice that the next offense will result in termination;
4. A fourth offense will result in termination of employment.

Depending on the nature of the offense, the Town may accelerate the steps of discipline to reflect the severity of the offense.

## **INVESTIGATIONS**

All Town employees are required to participate and cooperate fully in all employment investigations. Employees shall be required to provide truthful answers to all questions asked during an investigation. Refusal to cooperate or providing false information will result in disciplinary action up to and including termination of employment.

## **ADMINISTRATIVE LEAVE/NON-DISCIPLINARY**

If an employee is suspected of a violation or infraction of Town rules, the employee may be placed on administrative leave while an investigation is conducted. If the investigation supports evidence of a violation, the employee will be called in for

appropriate disciplinary action. If the investigation does not show that a violation or infraction has occurred, then the employee will be called back to work, and no further disciplinary action will be taken.

### **EMPLOYEE PERSONNEL RECORDS**

An individual personnel file will be maintained, on all Town employees. The file will contain, but is not limited to, employment applications, wage or salary information, warning or disciplinary notices, authorizations for a deduction or withholding of pay, fringe benefit information, leave records, employment history, job title, dates of change, retirement record, attendance records and performance evaluations.

It is the responsibility of the Town Treasurer to keep all files current and complete. Official personnel files will be kept with the Town Treasurer. Employee files are strictly confidential and may not be shared among individuals. Doing so may result in termination.

Upon the request of an employee or his or her designated agent, he/she will be permitted to inspect the requesting employee's personnel file. Such inspection will be performed in the presence of the Town Administrator, or an individual designated by the Town to oversee the inspection. Employees or designated agents must inspect such records during their free time and not while they are supposed to be performing work for the Town. Except for reasonable cause, personnel file inspections are limited to two year per employee.

*An employee shall have access to his/her official personnel file during regular working hours of the Town. Under no circumstances shall the file be removed by the employee, and his/her access to the file shall only be in the presence of the Town Administrator. Department Heads will only have access to their individual department files, and these files may not be removed.*

Medical records will be separately maintained and kept confidential, as required by the Americans with Disabilities Act. Information in personnel files is for the business use of Town officials and supervisors. Public access is limited to the extent permitted by the Massachusetts Public Records Law.

## **C. COMPENSATION & BENEFITS**

### **PAYROLL AND PAYROLL DEDUCTIONS**

All employees are paid on a bi-weekly basis, one week following the close of the two week pay period. If a regular payday falls on a holiday, employees will generally be paid on the holiday, unless the bank is closed in which then employees will be paid on the following day. No pay advance will be made on any wages.



- All employee wages are subject to payroll deductions as required by law. (e.g.: FICA, Medicare, Retirement, FIT, State, Local, Occupation Privilege Tax, Garnishments, etc.)
- All Town employees must participate in direct deposit of their payroll check into a bank of their choosing.

### **HOURS OF WORK**

Hours of operations vary by department. You will be assigned a work schedule and expected to begin and end work according to the schedule. The Town specifically reserves the right to alter the workday where operational needs require the same.

Employees are permitted a paid one-hour lunch break and two fifteen (15) minutes non-cumulative rest periods each day, one in the morning and the other in the afternoon. Neither break may be added to the lunch period nor used to delay the starting time or to advance the quitting time.

If the position requires shift work, it is the responsibility of the department head to establish a regular workday for each position. The regular workday cannot exceed eight (8) hours of work plus a reasonable period for lunch and two non-cumulative fifteen (15) minute rest periods each day.

Department heads have the authority to adjust the hours of employees in order to ensure that each department has adequate personnel coverage to service the public. At least one employee must be available during business hours, including the lunch hour, to answer telephones and/or personal visits by citizens to the office.

### **OVERTIME**

Employee's department head shall be the sole judge for the necessity of overtime. Department heads should seek approval from the Town Administrator prior to granting employees' overtime.

Overtime at the rate of one and one-half times the regular rate of pay shall be paid for all hours worked in excess of forty per week.

Only hours actually worked shall be counted toward the overtime threshold. An unworked holiday and/or a scheduled workday missed because of sickness or accident shall not be counted in determining weekly overtime.

Accrued overtime must be recorded on the employee's bi-weekly time sheet in order to be compensated.

Working overtime without prior authorization may result in disciplinary action.

### **FLEX TIME**

Flex time is defined as the practice of permitting employees to make minor variations to their regular work hours to ensure that they do not work in excess of forty (40) hours per week. Employees may vary their schedules within their normally scheduled work week on a short-term basis. All flex time requires approval of the employee's supervisor.

This policy may not be used to change an employee's ordinary and regularly scheduled work hours.

The Town reserves the right to require an employee to flex their regular work schedules during weeks in which the employee is required to work hours outside their schedule.

The operational and staffing needs of each work site will be considered by the supervisor whether and utilize flex time.

Employees shall work the same number of hours as on a standard scheduled workweek. All flex hours must be earned and used within the same week. A maximum number of two (2) hours off is allowed for any given day.

Flex time is considered a privilege; therefore trust must be earned and maintained by the employee in order for the supervisor to grant flex time requests. A supervisor may deny any flex time request using due to an employee's demonstrated history of abuse of any other Town policies.

No request for a temporary change in work hours shall be approved if the change would diminish the effectiveness of the employee's functions and productivity or limit the services the Town provides.

### **COMPENSATORY TIME**

Compensatory time in lieu of overtime pay may be taken ONLY by mutual agreement between the employer and employee before performance of the work. Compensatory time is defined as one and one-half hours for each hour of overtime worked.

- On call time shall not be considered in the calculation of compensatory time.
- The maximum compensatory time accrued shall not exceed sixty (60) hours.
- Compensatory time accrued during the calendar year must be used by the end of the first quarter of the following year or will be paid after March 31<sup>st</sup>.

- Compensatory time off must be approved by the department head so that it may be scheduled to avoid disruption of the operations of the department.
- Upon termination of employment, payment for accrued compensatory time shall be at the employee's current rate of pay.
- Compensatory time must be recorded daily on the employee's bi-weekly time sheet in order to be credited for it.
- Part time employees will not be eligible to earn compensatory time

## **VACATION**

### **FULL-TIME EMPLOYEES**

Vacation All full-time employees are eligible for vacation leave. Employees covered by collective bargaining agreements and/or contracts shall have vacation accumulation and usage as outlined in those agreements. The amount of vacation leave shall normally be determined by the length of continuous employment with the Town according to the following schedule:

- Three work weeks, after first full year (one week of this may be used after 6 months)
- Four work weeks, after five full years
- Five work weeks, after seven years

Employees absent without approved leave will be leave without pay.

### **SCHEDULING OF VACATION LEAVE**

Vacations shall be scheduled with the prior approval of the employee's department head, or, in the case of department heads, shall be scheduled with the prior approval of the Town Administrator. Employees are expected to complete and submit to their department head or Town Administrator the vacation request at least two weeks prior to their planned absence. The Department Head/Supervisor will also be responsible for verifying vacation dates submitted on the bi-weekly time sheets.

Employees entitled to more than two (2) weeks' vacation leave may generally take only two (2) weeks consecutively. However, with the prior approval of the employee's department head, or, in the case of department heads with the prior approval of the Town Administrator, exceptions may be made to allow the use of longer periods of time.

Employees are expected to use vacation leave at times that are mutually convenient for the employee and supervisor. Seniority will have preference if a scheduling conflict arises. Previously approved vacation leaves are not subject to seniority preference.

**PART-TIME EMPLOYEES**

No vacation, or compensatory time.

**UNUSED LEAVE**

Vacation must be taken during the fiscal year (July 1 – June 30) and shall not be accumulated year-to-year. The Select Board may grant an employee a maximum of one week of unused vacation time within sixty (60) days of the new fiscal year.

When employment is terminated, employees will receive vacation pay as a pro-rated amount depending on when the termination occurred for any unused vacation accrued at the time of termination. For example, if you receive four weeks of vacation in a fiscal year you would receive one week of vacation paid out for every three months of the year. If an employee dies, pay for accrued and unused vacation will be paid in a lump sum to the employee's estate.

If an employee transfers to a casual/temporary part-time position, the employee will be paid in a lump sum for their accumulated vacation.

Vacation leave is not transferable to other employees.

**HOLIDAY/ILLNESS DURING SCHEDULED VACATION**

If a paid holiday falls within an employee's vacation period, a vacation day will not be deducted from the employee's vacation leave account. No allowance will be made for sickness occurring during a scheduled vacation.

**HOLIDAYS**

The Town recognizes the following holidays and will observe them on the same as the Commonwealth:

- |                        |                  |                  |
|------------------------|------------------|------------------|
| New Year's Day         | Memorial Day     | Thanksgiving Day |
| Martin Luther King Day | Independence Day | Christmas Day    |
| President's Day        | Labor Day        | Patriots Day     |
| Columbus Day           | Veterans Day     | Juneteenth       |

### **PERSONAL DAYS**

Full-time employees with at least one year of continued service with the Town shall be entitled to three (3) days of personal leave per fiscal year. Personal leave may be used by the employee to conduct personal business he/she is unable to otherwise conduct during the workday. Personal leave may not be used to extend sick leave, vacation, or holiday periods, except in the event of an emergency.

### **USE OF PERSONAL DAYS**

Unused personal leave may not be carried over to the following fiscal year. No reason need be given for using personal leave. However, if possible, an employee's supervisor should be notified as least twenty-four (24) hours in advance. If the employee's absence will create a scheduling problem, the supervisor may deny the leave.

*No payment will be made for any unused Personal time upon separation from employment.*

### **SICK LEAVE**

All full-time employees with at least one (1) year of continued service with the Town shall accrue 1.25 days of sick leave per month. New employees may accrue, but not use sick leave until their (6) month period has been satisfactorily completed. However, the Town recognizes issues may arise in which the Town Administrator may grant a new employee the ability to use sick leave under extenuating circumstances.

Part time employees who work between 0-5 hours per week will receive .25 days per month (two hours), 5-10 hours .50 days per month (four hours), 10-15 hours .75 days per month (six hours), and 15-24hours 1.00 days per month (eight hours).

Employees who do not report a current absence within three days are assumed to have voluntarily left their employment.

Sick leave is a benefit to be used only in of illness or injury as set forth below. Accordingly, no payment will be made for any unused sick leave upon termination or resignation from employment. Employees may carry a maximum of 60 days of sick leave from one Fiscal Year to the next.

Any employee hired on the 15<sup>th</sup> of the month or later, will not begin accruing sick leave until the following month.

### **USE OF SICK LEAVE**

Paid sick leave shall be granted when an employee is required to be absent from work because of:

- Illness of the employee

- Contact or exposure to a contagious disease that constitutes a hazard to fellow employees or clients
- Necessary medical or dental attention that cannot be scheduled during non-working hours
- Employees may use sick leave when illness in the immediate family requires the employee's absence from work. For purpose of sick leave, the immediate family is defined as husband, wife, child, or someone residing in the employee's household.
- The Town may require a physician's excuse for absences which last for more than three (3) days (regardless of if the illness is for the employee or an immediate family member) or when the Department Head/Supervisor suspects abuse of sick leave.

Sick leave policies should be read in concert with the Family and Medical Leave Act.

### **VIOLATIONS OF SICK LEAVE**

It is the policy of the Town of Lanesborough to expect and require regular and prompt attendance from all employees and to establish and enforce reasonable limits of absenteeism and tardiness. Department Heads are expected to administer this policy in a fair and consistent manner.

The purpose of this policy will be to provide reasonable standards for work attendance and reporting to duty, as well as correct individual occasions of excessive absence and tardiness through the application of employee counseling and a progressive disciplinary program.

### **REPORTING/RECORDING PROCEDURES:**

If it does become necessary for an employee to be absent, it is his/her responsibility to notify his/her supervisor within one (1) hour of the start of their shift, or as soon as applicable.

The employee, member of the immediate family or person residing in the household, is to notify the supervisor by the start of the workday on the first day of the absence of the probable duration of the illness.

An absence may be recorded as an excused absence for reasons of personal illness, family illness, or other reasons out-lined in this section which would require an employee to miss a part, or all of a scheduled workday and which can be substantiated by the employee if requested to do so by the supervisor. Such absence will be reported as an excused absence if the employee has reported to his/her supervisor the necessary time off in advance of its occurrence or if the employee calls in to report his/her absence in advance of his/her starting time. Asking another employee or friend to give this notification is not considered proper, except under emergency conditions.

An employee's failure to request an absence, or to report his/her absence in the manner described above will result in the absence being recorded as an unexcused absence and will not receive pay for that day. If an employee is absent without notifying his/her supervisor, he/she will be subject to termination, except under emergency conditions. If notice is given and the absence meets the criteria of this policy, it will be considered excused.

***Employees covered by a Collective Bargaining Agreement should refer to their contract for sick leave benefits and regulations.***

### **UNEXCUSED ABSENCE**

Unexcused Absence is a period of absence without pay for which the employee did not obtain approval or for which a request for leave is denied. An unexcused absence is based on the supervisor's determination that no form of leave has been or should be approved for the absence based on existing evidence. Unexcused absences can and normally will be converted to appropriate leave when a supervisor receives and is satisfied with documentation justifying the absence. When the supervisor determines that an employee's absence from work has not been authorized and should not be charged as approved leave or excused absence, the employee's forfeiture of pay for the period of absence is not a disciplinary action, because the decision to be absent was made by the employee rather than by the supervisor. However, such periods of absence may be the basis for disciplinary action up to and including termination.

***Proven falsified use of sick leave will be basis for discipline.***

### **ADVERSE WEATHER POLICY STATEMENT**

When Lanesborough Elementary School is closed or delayed due to snow or other weather-related factors, Town Hall will have a two-hour delay, opening at 10:00 a.m. Generally, all Town employees are expected to report for duty at their normal time and perform their assigned tasks for their entire scheduled shift.

At the sole discretion of their department head employees may be given the option of taking personal leave or leave without pay if hazardous driving conditions exist and such employees are unable to report for duty. If there is a declared emergency (such as in the case where severe weather conditions develop during on-duty hours), departments heads, at their discretion, may similarly provide employees the option of leaving early without compensation or with the use of personal leave.

Employees will be compensated for days when they do not work due to a declared emergency (such as weather) only if the Town Administrator officially close all Town offices due to an emergency. In all other circumstances where employees either do not report to work or leave work early, in both cases with the approval of their department head, the time off will be unpaid unless the employee elected to utilize available paid leave.

**BEREAVEMENT LEAVE**

All full-time Town employees are entitled to three (3) days of paid bereavement leave in the event of a death of an immediate family member. For this purpose, immediate family is defined as:

Spouse	Child
Stepchild	Parents/Stepparents
Foster child	Siblings, stepsiblings
Grandparents	Grand Children
Mother and Father-in-law	Grandparents in-law
Son and Daughter in-law	Brother and Sister in-law

All full-time Town employees are entitled to one (1) day bereavement leave in the event of a death of an extended family member. For this purpose, extended family is defined as:

Aunt or Uncle	Great Grandparents
Cousin	Niece or Nephew
Any other relative residing in the household of employee	

Department heads may request documentation provided (e.g., Obituary). Written requests for bereavement leave should be submitted to the supervisor. If additional time is needed for bereavement, an employee may use annual leave, compensatory time, or leave without pay upon approval from his or her Department Head/Supervisor.

**JURY DUTY**

Employees called for jury duty or to attend court, for work related matters, will be granted leave with pay while attending court. Evidence of such duty in the form of a subpoena or other written notification shall be presented to his/her supervisor as far in advance as possible.

**MILITARY LEAVE**

The Town of Lanesborough provides military leaves of absence in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA).

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted paid leave in accordance with current USERRA regulations for military service, training or related obligations.

**REQUESTS FOR MILITARY LEAVE**

*Leave for Active or Reserve Duty*



Unless military necessity prevents it, or it is otherwise impossible or unreasonable, employees must give the employer notice of their need for leave as far in advance as is reasonable under the circumstances.

Upon receipt of orders for active or reserve duty, an employee should notify his/her supervisor, as well as the Town Administrator, as soon as possible, and submit a copy of the military orders to his/her Department Head and Town Administrator.

### **SENIORITY**

Seniority is defined as the length of continuous service an employee has with the Town from his/her last date of hire. Seniority for regular part-time employee is based on the continuous length of service in which the employee works at least one thousand (1,000) hours during the calendar year.

### **TERMINATION OF SENIORITY**

An employee shall lose all seniority for the following reasons:

- Resignation
- Retirement
- Termination
- Acceptance of other employment while on authorized leave of absence

If an employee who has continuous service broken by any of the above examples and is again hired, he/she will begin as a new employee. There is no re-establishment of seniority.

### **EMPLOYEE BENEFITS**

**This is a summary of benefits available to employees. The plans and policies herein are subject to change, and all employees should contact Town officials or refer to the actual policy or plan documents for further information.**

The Town has established benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. This portion of the Employee Handbook contains a general description of the benefits to which you may be entitled as an employee of the Town. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents, which are available for your examination from Human Resources. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

*Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Town and its employees, retirees or their dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.*

The Town reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all the provisions of the benefit plans described herein. Further, the Town reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of our benefit programs, please refer to the Summary Plan Descriptions, which were provided to you separately, or contact Human Resources. If you lost or misplaced those descriptions, please contact the Town Treasurer Human Resources for another copy.

### **CONTINUATION OF HEALTH BENEFITS**

Employees may be eligible for continuation of health benefits after their employment with the Town ends under the requirements of COBRA and should consult with Human Resources for further details.

### **HEALTH INSURANCE**

In accordance with G.L. c. 32B, employees who regularly work twenty or more hours per week are eligible to enroll in a Town-sponsored group health insurance plan. Health insurance plans change from time to time. Therefore, particulars will not be covered in this Handbook. Please see the plan document or speak with the Benefits Administrator for more information.

### **GROUP TERM LIFE INSURANCE**

Full-time employees are eligible to enroll in a term life insurance policy. This coverage is effective after thirty (30) days of continuous employment. Employees are covered for \$10,000. Employees are responsible for maintaining correct beneficiary information. Beneficiary forms are available in Human Resources.

### **WORKERS' COMPENSATION**

Lanesborough is covered under the state Workers' Compensation Law under M.G.L. c. 152 and for police and fire personnel under M.G.L. c. 41, s. 111F. Should you sustain a work-related injury, you must immediately notify your supervisor. The supervisor should then notify the Town Administrative Assistant and complete all required paperwork. All injuries, no matter how insignificant, must be reported immediately and documented on appropriate forms even if the injury does not require medical attention.

**Failure to report accidents is a serious matter as it may preclude an employee's coverage under Worker's Compensation Insurance.**

The Town will continue to pay its portion of Health Insurance benefits for a period of three (3) months following the date of injury. If the employee has not returned to work, the employee will be eligible to continue his health insurance as provided under COBRA.

The Town will make every effort to abide by “Restricted Duty” limitations required by an employee’s treating physician for the work-related injury and provide “modified duty” on a temporary basis. However, the availability of modified duty positions will be determined on a case-by-case basis and the impact the employees’ restrictions will have on the work in the department.

**PENSION PLAN**

All full-time employees are required to participate in the Berkshire County Retirement System. This retirement system is a contributory system in which employees are required to contribute wages to the fund. For additional information, employees are encouraged to contact officials at Berkshire County Retirement System.

**TRAVEL EXPENSE POLICY**

It is the policy of the Town of Lanesborough that Town employees and officials traveling on official Town business are entitled to reimbursement of travel and related expenses.

Department heads are responsible for the supervision of this Policy and ensuring compliance by their employees seeking reimbursement for travel expenses incurred while conducting official Town business.

**PROCEDURE**

**1. Approval for Travel**

- a. Travel reimbursement may be claimed for any approved work-related travel using an employee’s personal vehicle occurring within the Town.
- b. Work-related travel using an employee’s personal vehicle that is **more than** one hundred (100) miles roundtrip, and is budgeted, requires the approval of the employee’s department head.
- c. **All Travel** that was **not budgeted** must be presented to the Town Administrator for approval.

**2. Mileage Reimbursement**

- a. Whenever official Town business requires an employee to travel using their personal vehicle, the employee shall be reimbursed for mileage in

accordance with current mileage rates published by the Internal Revenue Service. If a Town vehicle is available, employees shall utilize that option.

- b. Commuting mileage between an employee's residence and Town workplace is not reimbursable.
- c. All travel shall begin and end at Town Hall unless the mileage to the destination would be less from the employee's home. Beginning and ending odometer readings to and from the destination shall be noted on the Town Expense Report Form.

### **3. Ground Transportation**

- a. Car rental is discouraged. All car rentals need approval of the Town Administrator.
- b. Reimbursable methods of ground transportation include taxi, bus, train, trolley, and shuttle.

### **4. Lodging**

- a. Employees shall obtain the lowest rate available at the lodging facility, including the government rate when available, applicable and lower than other rates offered.
- b. Expenses for lodging within 50 miles of an employee's workplace or residence are not reimbursable unless due to exceptional circumstances including weather, itinerary or time considerations and must be approved by the employee's department head and the Town Administrator.
- c. Employees and other authorized persons may be reimbursed for miscellaneous business-related expenses, such as telephone, facsimile, registered or certified mail incurred in the performance of official Town business.
- d. Receipts for lodging and miscellaneous business expenses, or credit card receipts itemizing the expenses, are required for reimbursement.

### **5. Meal Reimbursement**

- a. Meal rates are maximums, not flat allowances. Only amounts actually expended shall be reimbursed.
- b. Meal expenses shall be reimbursed subject to the following maximum allowances: Breakfast \$10.00; Lunch \$10.00; Dinner \$20.00. When the period of travel includes all three meal periods in a single day, the employee may be reimbursed for all three meals, but no more than \$40.00 per day. If a meal is included in the registration fee, that amount will be deducted from the maximum daily amount. For example, if lunch is included during a meeting, the maximum daily reimbursable amount is \$30.00.

- c. Meals related to normal daily activity will not generally be paid or reimbursed unless approved by the Town Administrator.
- d. Expenses for alcoholic beverages are not reimbursable.
- e. Receipts, or credit card receipts itemizing the meal and beverage expenses, are required for reimbursement.

**6. Procedures for Reimbursement of Travel Expenses**

- a. Original receipts, or credit card receipts itemizing the specific travel expenses, are required for reimbursement.
- b. The employee seeking reimbursement shall complete the Expense Report Form, and shall submit the Form, along with the required receipts, to the department head for approval within sixty (60) days of the travel completion date. Expenses totaling \$50.00 or less, however, may be accumulated during the fiscal year, but must be submitted no later than the 15<sup>th</sup> of June of that fiscal year if incurred prior to that date, and by the 30<sup>th</sup> of June if incurred after that date. Failure to submit claims in a timely manner may result in a denial of payment.
- c. If in compliance, the department head shall approve and sign the Report Form, along with the required receipts, to the Town Treasurer for payment.
- d. The Treasurer shall reimburse those expenses approved by the department head upon presentation of the approved travel expenses.

No late fees will be reimbursed at any time.

**REGULAR MONTHLY EXPENSES**

Regular monthly expense vouchers, excluding costs incurred at a convention or trip involving lodging, must be submitted for reimbursement by the tenth (10<sup>th</sup>) day of the month following the month in which the expense was incurred. Late vouchers will not be approved for payment without evidence that it was not possible to submit the voucher by the prescribed date.

**TOWN OF LANESBOROUGH EMPLOYEE HANDBOOK  
ACKNOWLEDGEMENT OF RECEIPT**

The Town of Lanesborough Employee Handbook is provided to all employees for the purpose of familiarizing them with the policies and procedures applicable to our workplace. Employees should treat this Handbook as a guideline to the practices of the organization. This Handbook is not intended to, nor does it contain, all interpretations, amendments, additions or deletions of policies. The Handbook is presented as a matter of information to the employee. It is not to be considered an employment contract and the policies and procedures may be amended by the Town at any time, in whole or in part, with proper notice provided to the employees.

Employees are expected to read this Handbook in its entirety so that they become familiar with its contents. Employees are responsible for abiding by the policies and procedures contained herein. Employees should inquire through supervisory channels if they have questions.

Your signature indicates that you have read and understand this Acknowledgement, have received a copy of the Town of Lanesborough Employee Handbook, and agree to abide by the policies and procedures contained therein.

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date