



# **Town of South Hadley Personnel Policy Manual**

Amended, August 2017

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## **I. PURPOSE, GENERAL PROVISIONS AND DEFINITIONS**

### **A. Purpose**

It is the purpose of this Personnel Policy Manual (“Manual”) to establish and maintain a uniform system for managing personnel matters and to comply with applicable employment laws. The policies and procedures set forth in this manual prescribe the terms, conditions, and standards of personnel operations for the Town of South Hadley (the “Town”). These policies do not create a contract between the Town and any employee or group of employees. All employees are employed at will unless covered by separate contract rights set forth in individual contracts or collective bargaining agreements.

### **B. Application**

All Town departments and positions in the Town service for which compensation is paid (whether full-time, part-time, seasonal, casual, special, Civil Service or others) shall be considered as being within the scope of coverage unless otherwise stated, and shall be subject to, and have the benefits of this Manual with the following exceptions and/or limitations:

1. Elected officers and persons appointed to fill vacancies in elective offices.
2. Positions under the direction and control of the School Committee.
3. Members of boards, commissions, committees and authorities.
4. Persons retained in a professional consulting capacity, to perform specialized services or conduct temporary and/or special inquiry, study or investigation.
5. Volunteer personnel and any other personnel appointed to serve without pay.
6. A collective bargaining agreement with conflicting provisions prevails over the terms of this Personnel Policy Manual unless said collective bargaining agreement states otherwise.
7. In any instance where these policies conflict with Federal, State, or local laws as they may apply to Town employees, such laws shall be deemed to prevail.

### **C. Administration**

The Town’s Selectboard shall be responsible for the administration of the provisions of the Manual and may designate an employee or a person on a contractual basis to manage and act as the Human Resources Officer for daily administration of the personnel system. The Selectboard may establish, rescind, or amend such administrative procedures as it may consider necessary for the implementation of these rules. Such procedures and any amendments thereto shall

become effective upon being approved by resolution of the Selectboard and filed with the Town Clerk.

Administration, appointing authorities and department heads are responsible for the day-to-day administration and compliance with these policies. Administration shall jointly review these policies as needed to determine whether or not any amendments or revisions should be brought to Town Meeting.

#### **D. Definitions**

1. Administration – “Administration” shall mean the Town Administrator or the Assistant Town Administrator.
2. Appointing Authority – The appointing authority is the Selectboard, Town Administrator or any board, commission, committee or department head so empowered by statute, by-laws, charter, ordinance, or directive, which has the power to appoint an employee to any non-elective position.
3. Employee – “Employee” shall mean any person paid and employed by the Town, including persons who are on authorized leaves of absence.
4. Town Appointee – “Appointee” is any person appointed to a position, committee or volunteer that is not compensated or entitled to any benefits contained here within, unless otherwise described by Town Bylaws.
5. Length of Service – “Length of service” is the continuous service of an employee (uninterrupted except for required military service and for authorized vacation, sick leave, and other approved leaves) while in the employment of the Town of South Hadley calculated in years, months, and days from the most recent date of hire.

The Selectboard has established the following classes of employees:

6. Regular Full-Time Employee – “Regular full-time employee” shall mean an employee who has completed an initial introductory period and works an established schedule of at least forty (40) hours per week. Regular full-time employees are presumptively eligible for all employee benefits as defined in this Manual as allowed. Said benefits are subject to change from time to time in accordance with these and other policies. (See Benefits Policy Manual)
7. Salaried Exempt Employee – Exempt employees, who are paid on a salary basis, will be paid by dividing the annual salary rate by the number of pay periods per year. Salaried exempt employees are required to be available for a minimum of eighty (80) hours per pay period (two weeks) or as needed to complete work in a timely manner. These employees are not availed overtime pay.
8. Salaried Hourly Employee (Non-Exempt) – Employees who work eighty (80) hours over a two week pay period and whose annual salary is divided into hourly increments may be availed overtime with prior Administration

approval on a pay period basis. Scheduled work hours must be approved by their Supervisor.

9. Hourly Employee – Non-exempt employees will be paid for the actual number of hours worked during a pay period times the hourly rate and will receive overtime pay in accordance with the Fair Labor Standards Act (“FLSA”).
10. Regular Part-Time Employee – A “regular part-time employee” is an employee who has completed an initial introductory period and works a minimum of nineteen and a half (19.5) hours per week, but less than full time, on a regular year round schedule.

“Regular part-time employees” are presumptively not eligible for employee benefits except as approved by Administration.

11. Temporary Employee – “Temporary employee” shall mean an employee holding a job of limited or specific duration arising out of a special project, position vacancy pending appointment, abnormal workloads, emergency, or other reasons established by Administration. Temporary employees may work either full-time or part-time work schedules. In general, this period does not exceed six (6) months without Administration approval. Employees are not eligible for employee benefits except as approved by Administration.
12. Casual/Seasonal Employee – “Casual/Seasonal employee” shall mean an employee who works a non-traditional schedule. A casual/seasonal employee may not work a regularly established work week. A casual/seasonal employee’s hours may vary from week to week. Casual/seasonal employees are not entitled to benefits. This category may include employees receiving a stipend for a specific task or responsibility as set by town enabling legislation or bylaw. Stipends will be set annually.
13. Stipend Employee – An employee who receives a set fee for a specific service. All stipends must be set and approved by Administration.
14. Introductory Period – Introductory period will be determined and included in the conditional offer of employment by Administration. Initial trial or probationary period served by employee and subject to dismissal and/or review by Administration before becoming a regular employee. Introductory period may be modified by Administration in writing.

## **II. COMPENSATION POLICY**

### **A. Compensation Policy**

The policy of the Town is to establish job descriptions for all positions and to establish proper relationships between positions based on the level of responsibilities assumed. Administration will set the minimum qualifications required to perform each job. Compensation will be set and reviewed by Administration within budgeted allowance.

## **B. Position Description**

Administration shall maintain up-to-date descriptions for each job or position describing the specific duties, requirements and characteristics of each, in sufficient detail as to make available the necessary information to insure a fair evaluation and/or re-evaluation. These descriptions shall not be interpreted as being a complete or limiting definition of job requirements and it is expected that the employee will perform any duties assigned by those delegated to supervisory functions. Position descriptions may be amended at the discretion of Administration.

All material, information forms or descriptions may be obtained by request to the Human Resources Department or at [HR@southhadleyma.gov](mailto:HR@southhadleyma.gov).

## **C. Review of Descriptions and Requests for Reclassification**

Administration shall review the work of all positions periodically or as needed and adjust as necessary to provide services to the citizens of South Hadley.

## **D. Compensation Plan**

Unless otherwise provided in these policies, all employees shall be employed and paid in accordance with rates established by Administration.

Administration shall have the authority to make and approve changes in employee compensation resulting from promotions, demotions, and transfers, or because of business necessity, or changes within the approved budget.

## **E. Starting Rates**

Administration will determine all starting rates based on comparatives, qualifications and best practices.

## **F. Performance-Based Evaluations**

Performance-based evaluation will be offered to all employees and will utilize a continuous review process. Any increases for performance will be included in the planning process for the subsequent fiscal year and be awarded appropriately.

## **G. Rate of Pay for Reclassification**

An employee whose position is reorganized and assigned additional responsibilities will be compensated at an appropriate rate set by Administration.

## **H. Right to Transfer Employees**

Administration may transfer employees between departments based upon the needs of the municipality. Administration may assign supervisory responsibilities as deemed necessary over employees.

## **I. Pay for Temporary Assignment Outside Classification**

Administration may grant a pay increase whenever the duration of a temporary assignment exceeds fifteen (15) consecutive days.

## **J. Pay Checks**

The Town employs direct deposit and its use is mandatory for all employees. No payroll deductions, other than legally required deductions, will be made from the employee's pay check without the employee's written approval. An employee who leaves his/her employment with the Town shall be paid all wages due (including earned holiday and vacation pay) on the following regular pay day. Any employee discharged from employment must be paid in full on the day of his/her discharge.

All employee remuneration or compensation will be paid by direct deposit. All employees will have electronic access to their pay history through Employee Forward.

## **K. Wage Garnishments**

Garnishment action against an employee's wage or salary is permitted by law in Massachusetts. Federal laws also permit the preferential attachment of wages by the Internal Revenue Service for delinquent Federal Taxes and child support before other garnishments.

When notice of a garnishment, levy or attachment action taken or to be taken against any employee is first brought to the attention of the Town, the Town Treasurer will complete the required informational forms. Any questions or requests for additional information on the part of the employee should be addressed to Human Resources. This information will only be released to an employee, in a confidential manner.

The Town of South Hadley complies with applicable provisions of the Department of Labor relative to wage garnishments. Additional information is available from the Treasurer's Office.

The Town reserves the right to recoup wages in the case of overpayment and/or recovery of unearned wages.

### **III. RECRUITMENT AND APPOINTMENT**

#### **A. Recruitment Policy**

The Town is an equal opportunity/affirmative action employer. Procedures relating to the recruitment and selection of employees shall be in accordance with Massachusetts General Law Chapter 151B and federal anti-discrimination laws. Furthermore, the following policy was affirmed and adopted by the South Hadley Selectboard on October 28, 2014. The recruitment of employees shall also be in accordance with any appropriate rules and regulations, state or federal laws and in keeping with any existing collective bargaining agreements. This policy does not supersede or modify civil service law, M.G.L. c. 150E, or current collective bargaining agreements. To the extent, if any, that a portion of this policy is in conflict with a controlling law or contractual provision thereof, this policy provision would not apply.

#### **B. Coverage**

All employees, all positions.

#### **C. Eligibility**

All persons shall be eligible to apply for employment with the town, subject to any statutory requirements or limitations.

#### **D. Recruitment**

The appointing authorities shall be responsible for the selection of personnel. All recruitment efforts shall be performed through the Town's Human Resources Department.

The Town Administrator shall have the discretion to use any appropriate means of recruiting personnel, including, but not limited to: use of employment agencies; employee referrals; use of trade and other professional journals. Department Managers may make suggestions regarding advertising and posting job opportunities.

1. Notice of Vacancies: Department heads shall, upon the identification of a vacancy or upon the authorization of a new position, notify Human Resources of the vacancy. Resignations must be accepted by the Appointing Authority. The job vacancy will be reviewed by the Human Resource Director, the Department Manager and the Town Administrator. The existing job description will be reviewed and updated if necessary and include: the job

title, essential functions of the position, qualifications, salary and wages, hours of work and reporting relationships.

The Town Administrator with Human Resources shall review and approve all job vacancies prior to commencement of recruitment activities.

A proposed closing date for applications and application instructions will be created and an applicant vetting team will be appointed by Administration to conduct interviews and make a recommendation to the appointing authority. The panel should endeavor to recommend the most qualified candidate but may recommend more than one (1) candidate if they feel it is in the best interest of South Hadley.

2. Posting: Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. The Town will also post notices of vacant positions for five (5) business days in prominent work locations and in accordance with existing collective bargaining agreements where applicable.
3. Advertisement of Job Vacancy: The town may advertise job vacancy notices on the Town of South Hadley's website or other media appropriate to recruit qualified candidates at least fifteen (15) days prior to the closing date for applications. Job advertisements shall be accomplished in accordance with the town's affirmative action policy for employment.
4. Applications: All candidates applying for employment or new positions in the town shall complete and electronically sign an official employment application on the town's website prior to the end of the working day of the closing date specified for the position announcement.

Applications received from former employees shall be subject to the same standards as set forth in this section. However, the former employee's work performance when previously employed by the town and circumstances surrounding the person's separation from previous employment with the town shall be considered in the review of applications.

5. Examinations: Following a conditional offer of employment, the Town Administrator or other appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, medical, or any combination thereof and shall be relevant to the requirements of the position. In those instances where pre-employment examinations are required for a position, notice of the examination will be included in the posting, shall apply to each applicant and shall be administered in a manner consistent with legal obligations. Pre-employment polygraph testing will never be required.

6. References: A candidate's former employers, supervisors, and other references shall be contacted as part of the selection process. All reference checks and investigations shall be completed prior to the offer of employment unless a specific law requires such a check to be performed following a contingent offer of employment.
7. CORI Checks: If a conditional offer of employment is made, the applicant will be asked to complete a supplemental form requiring the disclosure of the candidate's criminal record and authorizing the town to seek and obtain the candidate's criminal record. Such form will be made available by the Human Resources Director. Determinations of suitability for a position based on a review of an eligible candidate's criminal record will be made by the Town Administrator and will be consistent with applicable law, regulations and town policy.
8. Application Records: The application and related documents submitted shall be maintained by Human Resources in the employee's personnel file. Human Resources shall maintain all application records for the period required by law. Human Resources, to the extent possible, shall maintain the confidentiality of all applications.

#### **E. Appointments**

All appointments shall be made in writing by the Town Administrator or other appropriate appointing authority. The written notice of appointment shall include the salary, the starting date, any unique or unusual conditions of employment and appropriate additional information, including any required or prescribed probationary period. Copies of the letter of appointment shall be provided to the appropriate departments and a copy shall be placed in the employee's personnel file.

#### **F. Pre-Placement Medical Examination**

All persons selected for labor service employment with the town, after receipt of notice of appointment and prior to the starting date of employment, shall undergo a medical examination relating to essential functions of the position. All other positions shall be reviewed by the Human Resources Director to determine whether a pre-placement physical is needed. The examination shall be at the expense of the town and performed by a physician or medical institution selected or approved by the Town Administrator.

The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is able to perform the essential functions of the duties of the position for which the appointment has been made with or without a reasonable accommodation. If unable to perform the essential functions of the position for which the appointment has been made, the Town Administrator or

other appointing authority shall engage in the interactive process regarding reasonable accommodations. If an individual is not qualified for the position and/or if no reasonable accommodation is possible, the individual offer of employment can be withdrawn. If the applicant fails to engage in the interactive process or refuses an offer of an accommodation, it may be treated by the Town as a rejection of the offer of employment.

#### **G. Failure to Report**

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

### **IV. INTRODUCTORY PERIOD**

#### **A. Extensions & Dismissals**

The introductory period can be extended by approval of Administration. Requests for extensions from managers/department heads should be in writing and for a set period of time.

At the completion of the introductory period, the employee's performance will be evaluated to determine if s/he qualifies for continued employment

Upon approval of the Administration, the employee shall advance to regular employment status and be deemed eligible for those Town benefits provided to regular employees.

Any dismissal will be provided in writing.

An employee may also be removed by Administration if it is discovered that information submitted in connection with the appointment process was falsified or omitted.

#### **B. Time Off During Introductory Period**

Except as otherwise specifically provided, all regular full-time and regular part-time employees serving an introductory period shall receive no benefits; provided, however, that upon successful completion of the introductory period, all benefits that are conferred on the basis of continuous creditable service shall be deemed to have accrued from such employee's first day of service. No benefits shall be paid if an employee is terminated prior to, or at the end of, the introductory period.

During the introductory period, employment with the Town is considered to be at-will, subject only to rights conferred by an employment contract, Administration or other external source of rights.

## **V. GENERAL HOURS OF WORK AND ATTENDANCE**

### **A. Attendance**

Regular and punctual attendance is an essential function of every Town position. Employees must record actual hours worked on a daily basis. These time records shall be submitted electronically to the department head for review and approval each day. The department head and/or the employee's immediate supervisor shall inspect an employee's submittal.

The Town may implement other forms of recording attendance as technology allows.

Whenever an employee is unable to report for work as scheduled, the employee shall, prior to the start of his/her shift, personally contact his/her supervisor and/or department head and report that he/she will be late or absent, and state the reason for same. E-mail, text and voice mail messages are acceptable forms of notification.

Whenever possible, every effort shall be made to schedule appointments during non-working hours. For required appointments which cannot be scheduled outside of working hours, time will be adjusted within the two week pay period, or time away may be used in two hour increments for absences.

### **B. Work Schedule**

The regular full time hours of employment each week shall be at least forty (40) hours or an average of eighty (80) hours over a two week pay period with supervisor's approval of schedule. One example of a regular work day for non-exempt Town Hall employees would be 8:00 A.M. - 5:00 P.M. with one hour for lunch (unpaid). Employees assigned to departments not in Town Hall shall work the schedule of their specific department.

### **C. Overtime Pay**

All non-exempt employees are eligible to receive overtime compensation at the rate of one and one half (1½) times their regular rate of pay for hours worked in excess of forty (40) hours per work week in accordance with federal law. Employees classified as executive, administrative or professional based on

definitions in the Fair Labor Standards Act (FLSA) are exempt from overtime pay and therefore not covered by this policy.

#### **D. Payment During Facility Closings**

Unless Administration orders the closing of a Town facility (other than the public schools) or the stoppage of non-school town operations pursuant to Article X, Section 1012 (Facility Closings) of the general town bylaws, all employees shall report to work as scheduled. If an employee is unable to attend work due to circumstances related to the emergency the Administration may allow adjustments to the work schedules.

### **VI. STANDARDS OF CONDUCT**

#### **A. Policy**

Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town. Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner which in no way discredits the Town, public officials, or fellow employees.

Employees must wear the Town provided ID badge or have it available when at work.

#### **B. Professional Standards of Conduct**

Everyone is expected to treat fellow employees with courtesy and respect, and to do their part to make any experience with the Town a success. If differences do occur, they should be resolved in a professional manner. Behavior that is abusive or hostile is inappropriate and may result in discipline up to and including termination.

#### **C. Employee's Personal Property**

Employees are responsible for all personal property brought on Town premises. Employees should use best judgment in regard to their personal belongings. The Town is not responsible for the loss of personal items in the workplace.

#### **D. Conflict of Interest Law**

All employees must take the mandated Conflict of Interest test online through Mass.gov (see Town Clerk for instructions) and a record of the completed test must be on file with the Town Clerk. Test must be taken by all new employees upon hire and maintained every other year for current employees.

#### **E. Massachusetts Smoke-Free Workplace Law**

Under the Massachusetts Smoke-Free Workplace, M.G.L. c. 270 §22, smoking is expressly forbidden in all Town owned buildings and vehicles.

#### **F. Town Property**

The use of Town property, equipment and vehicles, for any personal use whatsoever is prohibited and is a violation of Massachusetts State Law. No employee of the Town of South Hadley take or remove any item from any town property, including but not limited to furniture, fixtures, building material, books or anything of value to their own possession or participate in the resale of any Town Property for personal financial benefit.

This includes discarded items delivered to any agency or department, including, but not limited to donated items, discarded item, trash or "lost and found" items.

Material or items for sale by the municipality with remittance back to the municipality, must be reviewed and authorized by the Assistant Town Administrator/Procurement Office.

#### **G. Use of Town Telephone and Cell Phone Policy**

Town telephones, cell phones and phablets are for business calls and not for personal use. Personal calls should only be made or received infrequently and should in no case interfere with the employee's productivity and performance of his or her duties. Employees needing to use the phone for personal or other non-work-related reasons shall notify their supervisor in advance. All personal toll calls are the responsibility of the employee and shall not be charged to the Town.

Use of personal cell phones during work time for personal calls is likewise limited to emergency calls and, to the extent possible, should only be used during breaks.

The Town prohibits the use of cell phones while driving. Making or receiving calls, text messaging, checking for messages, accessing the internet, etc. is prohibited.

#### **H. Solicitation**

No solicitation of any employee or department is permitted unless expressly given permission by Administration.

## **I. Uniforms and Special Clothing**

At the Town's determination, employees may be required to wear uniforms, protective gear, or other types of special clothing; however, the Town will provide the uniform, protective gear, special clothing, or a clothing allowance for those employees whose work requires that special clothing be worn. The Town reserves the right to determine what uniforms are to be worn, who will wear uniforms, what protective gear is required, and how such gear will be worn or used. At the termination of employment, the Town requires that all uniforms and protective gear be returned.

## **J. Safety**

It is the policy of the Town of South Hadley that every employee is entitled to work under safe working conditions in all occupations. Every reasonable effort will be made to provide and maintain a safe and healthy work place, safe equipment, proper materials, and to establish and insist upon safe methods and practices at all times.

Accidents which injure people, damage machinery or equipment and destroy materials or property cause needless suffering, inconvenience and expense. All injuries, re-injuries, aggravations of existing conditions, and property or equipment damage shall be immediately reported by the employee to his/her department head. The employee shall submit a written report of the accident, injury, and/or damage to his/her department head within 24 hours. The department head must immediately report any incident resulting in personal injury or property damage to Administration.

Any safety rules and regulations developed are to be considered mandatory in nature and applicable to all employees.

It is a basic responsibility of everyone to make safety realization a part of his/her constant concern. Employees are obligated to observe the rules of conduct and safety and to properly use the safety equipment provided.

If any employee notices an unsafe working condition, s/he should report such condition immediately to his/her supervisor.

## **K. Town Vehicle Policy**

If an employee must use a personal vehicle for Town business claims for mileage, parking, and tolls must be submitted in writing; reimbursements shall be made monthly. Mileage will be reimbursed at the IRS standard mileage rate.

The use of Town vehicles will be restricted to municipal business only unless express written approval is granted by Administration. Personal use of Town vehicles is prohibited. Employees will be taxed at the end of the calendar year per IRS guidelines.

## **VII. PERSONNEL RECORDS**

### **A. Personnel Records and Access to Personnel Records**

Administration shall maintain adequate records, including detailed personnel records of all employees. Each department, committee and board of the Town shall furnish Administration with all facts, figures and other information pertaining to the employees of the Town under their respective jurisdiction, as Administration shall require.

The following written information or documents shall be included in an employee's personnel record: name, address, date of birth, job title and description, rate of pay and any other compensation paid to the employee, stating date of employment, the job application of the employee, resumes or other forms of employment inquiry submitted to the employer by the employee, all employee performance evaluations, including but not limited to, employee evaluation documents, written warnings of substandard performance, lists of probationary or introductory periods, waivers signed by the employee, copies of dated termination notices, and any other documents relating to disciplinary action regarding the employee. M.G.L. c. 149, §52C.

Employees are responsible for notifying their supervisor of any changes in address, telephone number, or name change, personal e-mail address etc. and if needed for benefits, changes in dependents and marital status.

An employee has the right to examine his/her personnel record within five (5) business days of making a written request. The review shall take place at work and during normal business hours. Additionally, an employee may obtain a copy of his or her personnel record within five (5) business days of a written request for such a copy. The Town reserves the right to charge an employee a reasonable fee for copying the documents. In no event shall the personnel record be removed from its designated area without the express permission of Administration.

No information or material derogatory to an employee shall be filed in a personnel record without the knowledge of the individual employee. An employer shall notify an employee within ten (10) days of placing any information in the employee's personnel record that "has been used or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional

compensation or the possibility that the employee will be subject to disciplinary action.” M.G.L. c. 149, §52C.

If an employee disagrees with any information contained in his or her personnel file, the employee shall have the right to submit a written statement explaining the employee’s position which shall become part of the employee’s personnel record. The employee’s statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file.

All medical information pertaining to an employee shall be maintained in a file for that employee that is physically separate from the employee’s personnel file.

For active or terminated Town employees, no individually identifiable information contained in the personnel file or medical records of any employee shall be disclosed to non-Town officials without written authorization of such employee except where the information is limited to the verification of dates of employment and the employee’s title or position, and wage or salary. Information in an employee’s personnel or medical file may be shared with or reviewed by the employee’s supervisor, department head, or other appropriate individual on a “need to know” basis.

The exceptions to this limitation are where information is given pursuant to a proper subpoena, a government audit, an apparent medical emergency, a union collective bargaining agreement, an order of a government agency or otherwise provided by law.

**B. Work Accidents and Required Reporting Procedures**

If an employee is injured while working for the Town, the employee must immediately inform the department head in writing on a Town-approved form. It is important that every injury, regardless of the degree or severity, be reported. All injuries must be reported immediately so that necessary reports may be completed. Workers' Compensation laws provide benefits for employees injured on the job. Medical expenses and the amount of compensation to which an employee is entitled for lost time are set by State law.

If medical attention for the injury is required, proper medical certification in an acceptable format shall be required before the employee returns to work.

**VIII. EMPLOYEE JOB/POSITION CHANGES**

**A. Separations**

Employee separations generally fall into one of the categories identified below.

## **B. Resignation**

An employee may resign from the Town service in good standing by submitting notice of resignation in writing, including the effective date of resignation, to his or her department head at least fourteen (14) calendar days in advance.

Administration may permit a shorter period of notice because of extenuating circumstances. Department heads and exempt personnel are encouraged to give as much advance notice as practicable. Resignation must be accepted by Appointing Authority.

## **C. Lay-off**

When a position must be discontinued or abolished because of a change in duties, reorganization, lack of work, or lack of funds, the Town will:

1. Make lay-off determinations to ensure that the employees retained are the best qualified for the positions that remain
2. Provide reasonable notice to affected employees
3. Impasse bargaining when required
4. Maintain a recall list to permit employees to be considered for vacancies for up to one (1) year from lay-off.

## **D. Discharge**

A discharge occurs when an employee is involuntarily separated from employment due to misconduct, inability to perform essential functions of the job, or any other lawful reason articulated by Administration.

## **E. Non-Renewal**

Non-renewal is separation from Town employment through the mechanism of Town management's decision not to continue a contract or other employment relationship past its previously established term. In the case of appointed employees, an appointee's employment ends at the expiration of his/her term unless s/he is reappointed for an additional term. The Town Administrator, Selectboard, or other appointing authority authorized by the Town's General Bylaws, has the discretion to determine whether or not to appoint or reappoint such individual. Non-renewal does not necessarily imply any misconduct or fault on the part of the employee who is not renewed.

## **F. Job Abandonment**

Town management may interpret an employee's absence without leave as abandonment of the position by the employee. Subject to its specific

circumstances and the provisions of this Manual, this absence may be grounds for separation from employment.

**G. Conditions of Separation**

At the time of separation, all records, assets, or other items of Town property in the employee's custody shall be transferred to his/her department head. In the event of a shortage in the above, an amount representing the value of unreturned property shall be calculated and collected through appropriate action, including deducting said amount from the employee's final paycheck.

All information regarding separating employees must be forwarded promptly to Human Resources including signed letters of resignation.

**H. Payment of Earned Compensation and Leave upon Separation**

Employees who separate from the Town service in good standing shall receive payment for all earned salary and accumulated vacation leave subject to normal deductions and any indebtedness. The Hampshire County Retirement Plan administrators will be notified if the employee is a member.

**I. Unemployment Compensation**

The Town pays the cost established by the Commonwealth of Massachusetts to provide unemployment compensation for its employees. For more information contact Human Resources.

**IX. HOLIDAYS**

The following holidays shall be granted with pay for eligible employees:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veterans Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

Eligible employees will be paid for the above listed holidays provided the following conditions are met:

- The employee must have worked the full scheduled shift on the last scheduled work day prior to and the next scheduled work day after such holiday unless the absence is due to a previously approved vacation or personal day. Sick

leave will only be acceptable if approved by Administration in consultation with the Department Head.

- The employee must not be in any unpaid status.

If any of the above listed holidays fall on Sunday, the following Monday shall be considered the holiday; if on Saturday, the preceding Friday will be considered the holiday. Administration reserves the right to adjust holiday schedules.

## **X. LEAVES OF ABSENCE**

### **A. General Policy**

Leave is any authorized absence during regularly scheduled work hours that is approved by Administration. Leave may be authorized with or without pay and shall be granted in accordance with these rules on the basis of the work requirements of the departments and, when practical, the personal needs of the employee. Failure on the part of the employee on leave to report promptly at its expiration or within a reasonable time after notice to return to duty may result in separation.

If an Income Replacement Benefit (IRB) policy is offered to any bargaining units non-union employees will be availed the same resource.

### **B. Procedure for Requesting Leave**

All leaves, including vacation and personal leave, but excluding sick or injured leave, must be requested from and approved by Administration or appointing authority prior to the beginning of the leave. In the case of a request for sick leave, the employee shall notify his/her department head.

Requests for leave without pay must be made in writing to the department head and submitted for approval to Administration for final approval. Requests for unpaid leave must include the reasons for such request and the time requested. The Town reserves the right to require an employee to exhaust all accrued leave before taking an unpaid leave of absence. A non-exempt employee will not be paid for any absence from scheduled working hours unless such absence is approved in advance. Deductions from the pay of exempt employees will be in accordance with the FLSA and state law. No insurance benefits will be provided for approved unpaid leave except those that are required as part of FMLA. All unpaid leave beyond FMLA must be placed on COBRA for continuation of insurance benefits. (See Benefits Policy Manual)

**C. Absences without Leave**

The absence of an employee from work that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed an absence without leave. Non-exempt employees will be docked pay for absences without leave. Any employee who is absent without leave may be subject to disciplinary action.

Employees on administrative leave or any other paid or unpaid leave do not accrue any paid leave.

**D. Vacation Leave**

Vacation leave with pay will be granted at the beginning of the fiscal year.

<b>Length of continuous full-time creditable service</b>	<b>Vacation Leave</b>
Less than 5 years	10 days per year
Between 5-10 years	15 days per year
Between 10-20 years	20 days per year
20 or more years	25 days per year

Vacation carry-overs are not permitted, unless allowed and approved by Administration with a 60 day prior notice (before May 31) to Administration. The Town would pay up to forty hours of vacation time to employees within 60 days of close of the subsequent fiscal year.

**Approval of Vacation Leave**

All vacations shall be taken at times satisfactory to the department head and Administration. Administration may request at least a two week lead time for any request greater than two days.

**Separation from Service**

In the event of a discharge, unused vacation must be paid on the last day of employment. In the event of layoff, retirement, or voluntary resignation with proper notice, an employee's accrued vacation leave, not to exceed one (1) year's vacation accrual, shall be paid in the next regular pay check at the time of separation.

#### **E. Sick Leave**

Sick leave shall be allowed only in the case of actual illness, or injury, which incapacitates the employee from the performance of his or her duties. Under certain circumstances sick leave may also be used for illness or injury in the employee's family.

Administration may grant up to an additional fifteen (15) days for an illness-related absence if requested.

Regular full-time employees will receive ten (10) sick days at the beginning of the fiscal year. A maximum cap of 180 sick days will be allowed.

A regular part-time employee shall accumulate sick leave credits in the same proportion that his/her part-time service bears to full-time service.

#### **F. Certification of Illness**

Human Resources may require that the employee obtain a medical certification from the employee's own physician for absences greater than three (3) days. The certification shall include:

- the date and nature of the employee's illness or injury or the preventive or rehabilitative care sought by the employee,
- the date(s) the employee was examined or treated, and
- (if applicable) the dates on which the employee was disabled from performing his/her work, when the employee can resume work, what specific restrictions (if any) are applicable, and the length of time said restrictions shall apply.

The medical certification must be filled out in a legible manner and signed by the employee's licensed attending physician or other health care provider.

It shall be the employee's obligation to ensure the Town receives the medical certification in a timely manner. Failure to provide such certificate shall be sufficient to deny such leave and it may be retroactively recouped by the Town.

#### **G. Medical Examination**

Administration may also require that the employee undergo a medical examination at the Town's expense, by a doctor designated by the Town when returning to work.

#### **H. Abuse of Sick Leave**

Abuse of sick leave shall result in disciplinary action up to and including discharge.

**I. Accumulated Sick Leave**

An employee shall not be entitled to compensation in lieu of accumulated sick leave, except as provided below.

**J. Retirement Benefit (Sick Leave)**

An employee with twenty (20) or more years of continuous service to the Town may notify Administration of his or her intention to retire and, if he or she so notifies Administration in writing twelve (12) months before retiring (unless the employee is unable to give one year notice due to bona fide sickness or disability) the employee may receive twenty-five (25) days of accumulated sick leave pay as a one-time severance payment upon retirement. To be eligible, the employee must have accumulated a minimum of one hundred eighty (180) days of sick leave at the time the written notice of retirement is received by Administration.

This benefit shall not be available for employees hired after March 30, 2013.

**K. Workers' Compensation**

Workers' Compensation leave, as distinguished from sick leave, shall mean paid leave given to an employee due to absence from work caused by an accident, injury, or occupational disease or illness that occurred in the course of and arose out of the performance of his/her duties. Employees of the Town are covered by Workers' Compensation or other statutory provisions and are paid stated amounts due to injuries sustained on the job.

**L. Jury Duty**

An employee shall be granted a leave of absence for jury duty with regular pay. Such leave shall only be during that part of the day that appearance is required. Fees received in connection with said service for days when such employees receive regular pay must be immediately turned over to the Town. When such employee is properly excused by the Court, he/she shall report back to work.

**M. Bereavement Leave**

Regular Employees shall be granted a leave of absence with pay for a period of up to three (3) working days when a death has occurred in their immediate family (father, mother, brother, sister, grandparents, father-in-law, mother-in-law, spouse, domestic partner, child, step-father, step-mother, son-in-law, daughter-in-law, step-children, grandchildren, or one for whom the employee has the verified status of legal guardian) upon request to their department head for attendance at the memorial service and for a period of bereavement.

Regular employees will be granted a one (1) day leave of absence for the death of a relative that is not a member of their immediate family and any other of equal relationship.

Bereavement Leave shall only be paid for days on which the employee was regularly scheduled to work and would not have been absent for any other reason.

**N. Personal Leave**

Regular employees shall be entitled to up to two (2) days off with pay per fiscal year for legal, business, household, family or other personal matters during working hours, subject to prior approval of the department head. Employees requesting such leave shall fill out a Town approved form at least five (5) working days in advance of the commencement of the requested leave, except in case of a bona fide emergency.

**O. Leave of Absence without Pay**

Administration may grant a leave of absence without pay for personal reasons for periods beyond those allowable with pay with Appointing Authority approval. Leave of absence without pay shall not be granted for more than three (3) months except for military leave. Further extensions of three (3) months may be granted by Administration if unusual circumstances warrant it or it is mutually advantageous to the Town and employee. No benefits will be provided except as required under FMLA or MMLA.

**P. Paternal Leave**

The Town provides an unpaid leave of absence of up to eight (8) weeks to eligible full-time employees who have completed a three-month probationary period and who want to take time off to fulfill family obligations. Employees are eligible for Parental Leave if:

1. The leave is for the purpose of childbirth, adoption of a child under age 18, adoption of a child under age 23 if the child is mentally or physically disabled, or placement of a child with the employee pursuant to a court order;
2. The employee is employed full time and has completed a probationary period of three (3) consecutive months of service; and
3. The employee communicates to Jennifer L. Wolowicz, Assistant Town Administrator (i) the date the employee wishes to begin the leave at least two (2) weeks before the date, if the reason for the leave is foreseeable, and (ii) whether he or she intends to return to work at the end of the leave of absence. If the reason for the leave is unforeseeable, the employee must request leave as soon as possible.

While the employee is out on Parental Leave, the employee must notify Jennifer L. Wolowicz as soon as practical about any requested change in the employee's leave schedule, intent to return to work, or requested change in the anticipated date of return to work.

Any leave of absence that is taken under this policy will be unpaid. However, employees have the option to use any accrued sick, vacation, or other paid time off concurrently with their leave so that the employee can be paid during the time he or she is out of work on leave.

A leave of absence taken under this policy will not affect the employee's right to receive the same vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs that the employee was eligible to receive immediately before the Parental Leave began. The Town will comply with all aspects of the law regarding job restoration. The period of leave will run concurrently with other statutory leave for which the employee is eligible and which covers the employee's period of leave.

If two (2) employees request Parental Leave for an event concerning the same child, the two (2) employees will be granted a total of eight (8) weeks of leave between the two (2) employees if the employees meet all of the requirements for leave under this policy. The employees must work with Jennifer L. Wolowicz to determine a feasible leave of absence and return schedule for both the Town and the employees.

Additional time for leave may be available under other laws for an employee's serious health condition that makes the employee unable to perform his or her job, or as a reasonable accommodation for a qualified disabled person. The qualifications required to be eligible for the additional leave may be different than the qualifications required to be eligible for Parental Leave. If an employee needs additional leave for the reasons stated above, employees should consult with Jennifer L. Wolowicz about their eligibility for additional leave. If an employee is granted more than eight (8) weeks of parental leave, the Town does not guarantee the employee will be restored to the same or similar position unless the leave is concurrently covered by the Family and Medical Leave Act ("FMLA") and the employee is eligible for FMLA. Under the FMLA, a full-time female employee giving birth may be entitled to an unpaid maternity leave of up to twelve (12) weeks. The Parental Leave replaced the Massachusetts Maternity Leave Act (M.G.L. c. 149, Sec. 105D).

## **XI. DISCIPLINARY ACTION**

### **Q. 11.00 Types of Discipline**

The type of disciplinary action taken will vary with the severity of the situation and may include the following measures: oral reprimand, written reprimand, probation, suspension without pay, and discharge.

**R. 11.10 Reasons for Disciplinary Action**

Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public as well as for any improper conduct by an employee. The following shall be sufficient cause for disciplinary actions. The list is illustrative only and shall not be considered to include all reasons for disciplinary action:

- Activities prohibited by the Town By-Laws, Rules and Regulations, Charter, Ordinance, or State Law.
- Use, possession,
- sale, or distribution of alcohol, narcotics, or other controlled substances during working hours, on Town property or in connection with the operation of Town equipment.
- Failure to meet prescribed standards of work.
- Unauthorized absence or abuse of leave privileges, or any other employment benefit.
- Abuse or destruction of Town records, equipment, materials, or other property.
- Any conduct unbecoming an employee of the Town.
- Please see Section 6.20.

**S. 11.20 Disciplinary Authority**

Administration with input from Human Resources will determine whether an employee's behavior warrants discipline. Disciplinary decisions are not subject to appeal.

The decision not to reappoint an individual whose term has expired is not necessarily based on a disciplinary action and is not subject to appeal.

**XII. EMPLOYEE GRIEVANCE PROCEDURE**

Employee complaints concerning the administration of these policies shall be presented as follows:

Procedure

A. Complaint

1. Any employee who believes s/he has a valid grievance, including any claim of mistreatment or discrimination under applicable laws, should file a grievance with Human Resources, South Hadley Town Hall, 116 Main Street, Room 103, South Hadley, MA 01075; phone: 413-538-5017 (ext.129).

If Human Resources is the source of the complaint, or there are other compelling reasons that prevent bringing the problem to the attention of this individual, then the employee may report the grievance to the Town Administrator.

2. A grievance should be made in writing.
3. A grievance may be denied if it is not reasonably timely.

B. Investigation

1. Human Resources will undertake such investigation as is necessary.
2. In conducting the investigation, Human Resources will keep information as confidential as possible, and disseminate it on a “need to know” basis only. Others involved in the investigation in any capacity must also respect the privacy of those involved by keeping information learned during the course of the investigation confidential.
3. After reviewing the grievance and/or conducting an investigation Human Resources will schedule a meeting with the employee making the complaint to discuss his or her concerns and, where appropriate, advise the employee of the results of the investigation.

B. Appeal

1. If the employee is dissatisfied with the handling or result of the investigation, the employee should bring the matter immediately to the Town Administrator, preferably in writing, stating the reasons for that dissatisfaction.
2. In all cases, the decision of the Town Administrator will be final.

### **XIII. DRUG FREE WORK PLACE POLICY**

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

In accordance with the Federal Drug Free Workplace Act (41 USC Sec. 701-707) the Town of South Hadley strives to provide a drug free work environment. The following principals govern our Drug Free Workplace Policy:

- a. Employees are prohibited from the manufacture, possession, use, distribution, or purchase of controlled substances and intoxicants on Town premises and from working under the influence of alcohol, illegal drugs or intoxicants.
- b. Any employee who is charged or convicted of any violation of any criminal drug statute occurring on Town premises or during work time shall notify the Assistant Town Administrator within five (5) days of the date of such charge or conviction.
- c. Violation of the Drug Free Workplace Policy will result in discipline, up to and including discharge.
- d. Employees are encouraged to seek treatment of alcoholism and/or other drug abuse and addiction illnesses. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.
- e. Any employee who asks for treatment or who is diagnosed as being drug dependent will be given the same consideration and offer of assistance that is presently given to all employees with any kind of disease or medical problem. Although employees are encouraged to seek treatment for a substance abuse/dependency problem, seeking treatment does not preclude the Town from pursuing appropriate disciplinary action.
- f. The individual employee is responsible for deciding whether to request diagnosis and accept treatment for drug dependence. Individuals who refuse to accept referral for diagnosis or treatment will be handled just like any other employee who job performance is declining. Administration will determine whether, when and under what circumstances an employee may be re-employed after an instance of substance abuse.
- g. Each employee is responsible for promptly reporting to his/her supervisor and the Assistant Town Administrator any use of prescribed drugs which may affect the employee's judgment, performance or behavior.

For additional information please contact the Massachusetts Department of Public Health. The address is:

250 Washington Street  
Boston, MA 02108-4619  
(617) 624-6000

The website for the Department of Public Health is [www.mass.gov/dph](http://www.mass.gov/dph).

#### **XIV. EQUAL EMPLOYMENT OPPORTUNITY/AFFRIMATIVE ACTION POLICY**

The Town of South Hadley (“Town”) is committed to promoting non-discrimination, diversity, and equal opportunity, and if necessary, affirmative action in all of its policies regarding employment and provision of services. The employment policies and practices of the Town are to recruit, hire and promote employees on the basis of qualifications, and ability, without discrimination because of membership in a protected class, and to treat them equally with respect to compensation and opportunities for advancement, including but not limited to job assignment, supervision, training, upgrading, promotion, transfer, layoff, recall from layoff, termination, and other terms and conditions of employment.

In order to provide equal employment and advancement opportunities for all individuals, no employee or applicant shall be discriminated against on the basis of race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran’s status (including Vietnam-era veterans), criminal background, genetic information or other legally protected status. This policy of non-discrimination applies to all employment practices and procedures and all other aspects of the employment relationship.

The Town recognizes that specific affirmative action may be necessary to help ensure equal opportunity and to provide equitable remedies consistent with the laws of the Commonwealth of Massachusetts and all civil rights laws that pertain to affirmative action and nondiscrimination and apply to the Town. The Town’s affirmative action policy is meant to further these interests and goals. Provisions in applicable laws providing for bona fide occupational qualifications and business necessity will be adhered to by the Town where appropriate.

The Town shall make its personnel aware that it is the responsibility of each member of management to give the nondiscrimination policy full support through direction and personal example. The Town shall inform employees of the desired workplace environment which is conducive to nondiscrimination, diversity, and equal opportunity. The Town recognizes the importance of union cooperation and will work with union representatives regarding the goals of this policy. Nothing in this policy statement is intended to supersede any legal or contractual right(s) of Town employees.

An employee who believes that he or she has been treated in a manner that violates this policy and/or federal, state, or local employment laws should report the matter immediately to the Human Resources Department. Employees can raise concerns and make reports without fear of unlawful retaliation.