

Table of Contents

Introduction.....		3
Section 1.0	Overview of the Town of Sturbridge.....	3
Section 1.1	History.....	3
Section 2.0	Human Resources/Personnel Management.....	4
Section 2.1	Personnel Policy and Classification Committee.....	4
Section 2.2	Town Administrator.....	5
Section 2.3	Definitions.....	5
Section 2.4	Seniority.....	6
Section 2.5	Equal Employment Opportunity Practices.....	7
Section 2.6	Safety and Health.....	7
Section 2.7	Personnel Records.....	7
Section 2.8	Retention of Records.....	8
Section 2.9	Authorized Absences.....	8
Section 3.0	Recruitment and Selection of Employees.....	8
Section 3.1	Policy.....	8
Section 3.2	Recruitment Procedures.....	9
Section 3.3	Selection Procedures.....	9
Section 3.4	Pre-Placement Examinations.....	10
Section 4.0	Insurance.....	11
Section 4.1	Health Insurance Plan.....	11
Section 4.2	Continuation Coverage.....	11
Section 4.3	Worker’s Compensation.....	13
Section 4.4	Other Insurance.....	14
Section 5.0	Employee Benefits.....	14
Section 5.1	Sick Leave.....	14
Section 5.2	Vacation.....	15
Section 5.3	Holidays.....	16
Section 5.4	Bereavement Leave.....	17
Section 5.5	Jury Duty Leave.....	17
Section 5.6	Military Leave.....	17
Section 5.7	Maternity Leave.....	18
Section 5.8	Personal Leave.....	19
Section 5.9	Family and Medical Leave.....	19
Section 5.10	Tuition Reimbursement/Educational Assistance.....	20
Section 5.11	Retirement Plan.....	21
Section 5.12	Police Supervisor Employee Benefits.....	21
Section 5.13	Longevity.....	23
Section 6.0	Payroll Information.....	24
Section 6.1	Pay Period/Pay Days/Deductions.....	24
Section 6.2	Deferred Compensation.....	24
Section 6.3	Overtime Pay.....	24
Section 6.4	Exempt Schedules.....	25
Section 6.5	Temporary Flexible Schedule.....	25

Personnel Policies - 2017

Section 7.0	Job Performance.....	25
Section 7.1	Standard of Conduct.....	25
Section 7.2	Performance Appraisal.....	25
Section 7.3	Conflict of Interest.....	26
Section 8.0	Disciplinary Procedures.....	27
Section 8.1	Reasons for Disciplinary Action.....	27
Section 9.0	Problem Resolution.....	28
Section 9.1	Resolving Conflict.....	28
Section 10.0	Policies.....	29
Section 10.1	Sexual Harassment.....	29
Section 10.2	Alcohol, Drugs, Controlled Substances.....	33
Section 10.3	Alcohol and Drug Testing Policy.....	34
	Employee Acknowledgement.....	43

INTRODUCTION

The concern for you and your family's well being is illustrated by the programs and benefits you will read about in this handbook. The information outlined provides a working knowledge of the benefits, policies, procedures and working standards for employees of the Town of Sturbridge.

Fair treatment at work, safe working conditions and the opportunity to be heard form the basis of these policies. It should be recognized that it is impossible for a handbook to answer all questions or issues, which may arise in the course of employment. Every effort will be made to address issues that are not covered in this handbook in a consistent, equitable and reasonable manner.

Issues that arise which are related to the insured benefits of the Town are governed by the Summary Plan Documents for the specific benefits.

The Town of Sturbridge has every intention of continuing the benefits, policies and procedures described in this handbook. However, all of the material presented in the handbook is subject to change at any time, at the sole discretion of the Board of Selectmen, except for those items subject to statute or specific language in an existing labor agreement at the time of the change. Any changes must be initiated and approved by the Board of Selectman. No other representative of the Town has the authority to change, modify, or alter statements made in this handbook.

Neither this Employee Handbook nor any other Town policies, procedures or practices (whether communicated verbally or in writing) should be considered as a binding contract between the Town of Sturbridge and the employee. Thus, the Town of Sturbridge expressly reserves the right to alter, amend, add, or delete all or any part of these policies, practices, benefits, procedures and work standards as may become necessary.

Section 1: OVERVIEW OF THE TOWN OF STURBRIDGE

1.1 History

Sturbridge is a vibrant town located at the crossroads of New England. Long before the first English settlers came to Massachusetts, the Native Americans called this place Tantiousques and knew it well as the place where the Bay Path and the Connecticut Path met. Today these early thoroughfares have been replaced by the Massachusetts Turnpike, Routes 20 and 131 and Interstate 84, and many travelers still pass through our town each day.

Identified by the English as early as 1640 as a place where valuable graphite (or lead) could be mined, after two unsuccessful requests the General Court was

finally convinced by the early land owners or "proprietors" that this rough land could be farmed, and Sturbridge was incorporated in 1738.

The first settlers built small saw mills and gristmills along the Quinebaug River, and soon after the industrial revolution began, larger factories were constructed in the Fiskdale and Westville villages of Sturbridge.

This industrial growth away from Sturbridge Center has preserved this area much as it appeared in 1840. In a book published in 1942 on the old bay paths, the author wrote: "Sturbridge is an unspoiled village, a rare example of what New England villages ought to be. Its shaded green is unmarred by filling pumps or other unsightly encumbrances." The Common area has been placed on the National Register of Historic Places, and Sturbridge citizens continue to work to preserve this jewel today.

Since 1946 Sturbridge has been well known as the home of Old Sturbridge Village, and tourism has become an important part of our economy. Excellent restaurants including the historic Publick House, which has been the focal point of the Sturbridge Common since 1771, numerous antiques and craft shops and many comfortable motels, inns and bed and breakfasts await our visitors.

While the old textiles mills are gone, many new industries have come to Sturbridge in the past fifty years, which helps to keep our tax rate stable while providing employment opportunities for our residents. Sturbridge businesses play leadership roles in fiber optics, laser technology, environmental products, plastics, machining and metal fabrication.

We have an excellent school system, a strong industrial and commercial tax base and caring and committed town employees. Sturbridge is a great place in which to live or work, and we welcome you to our community.

Section 2 HUMAN RESOURCES/PERSONNEL MANAGEMENT

2.1 Personnel Committee

The Personnel Committee consists of five unpaid members appointed by the Town Administrator for one-year terms. The Committee's primary duty is to make personnel policy recommendations for regular Town employees in such matters as fringe benefits, working conditions, etc. and to update the Town Employee's Personnel Handbook. The Personnel Committee prepares job descriptions and recommends position classification and pay plans to the Town Administrator.

2.2 *Town Administrator*

The Town Administrator is the Chief Administrative Officer who administers these policies as the Personnel Administrator. The Town Administrator has the responsibility and authority for all personnel matters, except where otherwise provided in policies and procedures that are consistent with the Sturbridge Charter or Massachusetts General Laws.

2.3 *Definitions*

CONTINUOUS EMPLOYMENT - Uninterrupted employment either full-time or regularly scheduled part-time, except for required military service and for authorized vacation or other authorized leave of absence.

DEPARTMENT HEAD - The individual responsible for supervising a department's operations and activities.

DISCIPLINARY ACTION - A verbal warning, written reprimand, suspension, demotion or dismissal taken by the appropriate authority.

FEDERAL FAIR LABOR STANDARDS ACT (FLSA) - Sets minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are covered by the Act and are not exempt from specific provisions of the Act.

REGULAR FULL-TIME EMPLOYEE - An employee working a minimum of thirty-five (35) hours per week for fifty-two (52) weeks per year minus legal holidays and authorized leave for vacation, sickness or other reason.

LEAVE - An authorized absence from regularly scheduled work hours which has been approved by the proper authority.

OVERTIME - Time an employee is directed and authorized to work in excess of forty (40) hours in any work week. Fire fighters receive overtime after working forty-eight (48) hours in any work week.

PART-TIME EMPLOYEE - An employee working less than thirty five (35) hours per week for fifty-two (52) weeks per year on a regularly scheduled basis. All employees that are regularly scheduled to work at least twenty (20) hours per week are provided pro-rated vacation, holiday and sick leave and are eligible for benefits stated herein and those further mandated by law (i.e. Workers' Compensation, Jury Duty, etc.).

PERSONNEL ACTION - Any and all activities affecting any aspect of an employee's status which includes appointments and changes in appointments,

original hiring, transfer, promotion, resignation, suspension, discharge, placement on leave, step increases, etc.

PROBATIONARY PERIOD - A working test period, following an appointment or hiring, during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position.

SENIORITY - An employee's continuous employment as a regular full-time employee or regular part-time employee with the Town.

TEMPORARY / SEASONAL EMPLOYEE - Any employee retained for a fixed period of time, usually six months or less, to perform a specific project.

2.4 Seniority

It is the policy of the Town of Sturbridge to consider your seniority as one factor in certain personnel and benefits decisions. The major areas where seniority may be a factor are:

- 1) **BENEFITS:** Seniority is used to determine eligibility for vacation and sick leave for full-time employees. Workload requirements are the most important factor in determining vacation schedules. However, when vacation schedules must be staggered, seniority may also be used as a factor to determine choice of vacation period.
- 2) **JOB POSTING:** Job opportunities will be posted so that current Town employees may express interest in being considered as a candidate for open positions. Job bids will be considered based on related qualifications, physical fitness and the ability to perform the job with or without accommodation. In the event that two or more employees express interest in the same position, are equally qualified and meet the other stated job requirements, all other factors being equal, the employee with the longest seniority will be awarded the job.
- 3) **WORKFORCE ADJUSTMENTS:** In the event that a workforce adjustment or layoff is necessary due to lack of work or economic conditions, the adjustment will be made after assessing the skills and experience required to perform the remaining Town work, with or without accommodation as defined by the Americans with Disabilities Act (ADA). Decisions as to which employees will be affected will be made based on these factors: jobs affected, seniority, experience, versatility, qualifications and job performance. However, if a reduction is made in a group of employees with similar qualifications and who perform the same work, the employee with the least seniority will be affected first.

Temporary employees do not accumulate seniority under these policies.

2.5 Equal Employment Opportunity Practices

Sturbridge takes affirmative action to ensure that applicants and employees are treated fairly without regard to their race, color, religion, national origin, sex, age, or mental/physical disability. Such actions include, but are not limited to the following:

- Employment, promotion, demotion or transfer
- Recruitment and recruitment advertising
- Hours of work, layoff or termination
- Salary or other forms of compensation
- Training and selection for training
- Use of facilities or participation in programs

Decisions are made on the basis of merit and bona fide occupational qualifications with respect to the requirements of the job. The overall success of our operations, as well as the personal growth of individual employees, results from maximizing the use of our human resources.

2.6 Safety and Health

Departments will establish safety guidelines addressing any safety concerns unique to their work site. The Town reaffirms its strong commitment and intent to provide a safe and healthful work environment. The Town of Sturbridge mandates that the personal safety and health of each employee is of primary importance. The Town will strive to provide the safest physical facilities for personal safety in keeping with the highest standards, and will maintain safety and health standards, embodying proper attitudes towards injury and illness prevention.

The Town will be responsible for leadership in the safety and health program and for providing safe facilities and guidelines for ensuring the safety of personnel. Supervisors are expected to develop proper attitudes toward safety and health in themselves and in those they supervise to ensure that all operations are performed with the utmost regard for the safety of all personnel involved including themselves. You are expected to adhere to safety and health guidelines to prevent injuries in the workplace.

2.7 Personnel Records

Personnel records are confidential. Access to the file is limited to those instances where there is clear need for information. You will be provided the opportunity to review your personnel record upon written request to the Town Administrator and at reasonable intervals. The review will take place at the place of employment during normal business hours.

If there is a disagreement with any information contained in your personnel record, removal or correction of such information may be mutually agreed upon by you and the Town Administrator. If an agreement is not reached, you may submit a written statement explaining your position, which will become a part of your personnel record. This written statement shall be included when personnel information is transmitted to a third party as long as the original information that was disagreed upon is retained as part of your file.

2.8 Retention of Records

Personnel records will be maintained on a current basis for each employee. You are expected to assist in furnishing records and changes. Notice of personnel action such as resignations or changes in address, name, telephone number, marital status, dependents, etc. are initiated by you and submitted to your Department Head fourteen days prior to the effective date of such action, or as soon as possible. Your Department Head will forward a copy of the notice to the Town Administrator.

Records of former employees are maintained for at least three (3) years following separation from employment. Any record of disciplinary action(s) is part of your personnel record.

2.9 Authorized Absences

The Town understands that at times its employees must take time off from work. If you want to take time off from work, you are expected to give as much advance notice to your supervisor as possible. This must be done in order to arrange coverage for the requested absences.

If you are unable to come to work due to an illness or emergency, you must call in no later than thirty (30) minutes before the start of your scheduled shift. If you do not report a current absence within three (3) days, you are assumed to have voluntarily left the employment of the Town of Sturbridge as of your last day worked.

Section 3 RECRUITMENT AND SELECTION OF EMPLOYEES

3.1 Policy

To assure a high quality of service to the public, selection will be from among the most competent individuals. Selection and appointment for all positions will be based solely upon job-related requirements and the applicant's skills, knowledge, abilities and other characteristics necessary for successful job performance.

The procedures covered in this section are to be considered minimum, and should not be construed to conflict with special requirements as may be necessary and usual to a particular department insofar as such special requirements exceed these minimum procedures.

3.2 *Recruitment Procedures*

- A. **Defining the Job:** When a vacancy occurs, the Department Head will review the functions, duties, responsibilities, and minimum qualifications of the position to ascertain whether the job description is still accurate or the job is to be redefined. Any changes in the job description for that position must be reviewed and approved by the PPC.

Job requirements necessary will be those described in the job description for the position being filled. Current employees within the department where the vacancy exists will be given first consideration for the position. When a vacancy occurs the Department Head can also make a recommendation for advancement in writing to the Town Administrator. Employees interested in being considered for the position should advise the Department Head or the Town Administrator of this interest.

- B. **Advertising the Vacancy:** The Town Administrator and/or Department Head will publicize the vacancy to assure that all interested and qualified individuals, including current employees, are informed of the position title, duties, responsibilities, and salary range; minimum and special qualifications for the job; the time, place and manner of making application; and any other information which may be useful to applicants.

- 1) The methods of advertising vacancies will vary depending upon the nature and requirements of the position being filled. The following methods are typical of those which may be used for recruitment: posting notices on public bulletin boards, posting on the Town's website, advertising in professional journals and newspapers with local and state-wide circulation. Additionally, recruitment efforts will be directed to all segments of the community, including veterans and disadvantaged and minority individuals.
- 2) To allow sufficient time for candidates to apply for the position, posted positions will remain open for at least 10 (ten) calendar days.

3.3 *Selection Procedures*

- A. The Town Administrator will determine the validity of any test or assessment tool or combination of tools to be used to evaluate the relative qualifications of each candidate for the position.

- 1) The assessment tools selected will relate to the duties and responsibilities of the position for which candidates are being examined, and shall fairly appraise and determine the merit, fitness, ability and qualifications of competitors to perform the duties of the position.
 - 2) A variety of assessment tools may be employed, including but not limited to: assessment of training, education and work experience; written, oral and performance tests; physical exams; and reference checks.
- B. The Town Administrator or designee will review the applications of all candidates who have applied for the position to determine whether each candidate meets the minimum requirements established for the position.
- C. The Department Head, in conjunction with the Town Administrator or designee, will interview qualified applicants who indicate an interest in the position. The Department Head will document the recommendation for selection or non-selection, and a copy of this documentation shall be filed with the Town Administrator. To ensure compliance with EEO practices, the Town Administrator will review all selection decisions prior to any public announcement.
- D. Documenting the Selection Process: A record of the recruiting, examining, and appointing procedures used will be retained after the vacancy is filled. This record will include: the job description; vacancy announcements; a listing of the source methods of recruitment; the applications of all those who applied or their names and addresses.
- E. All newly hired employees shall serve a six-month probationary period. At the end of the first three months, any items of concern and a corrective action plan will be discussed with the probationary employee, if required. At the end of six months of employment, the employee's performance shall be evaluated and a determination made whether the employee has completed the probationary period successfully. Employees not meeting expectations may be terminated at any time during the six-month probationary period.

3.4 *Pre-Placement Examinations*

- A. Before appointment to a position, but as the last step in the hiring process, the Town may condition the employment offer on the result of a medical examination. This examination will be conducted solely to determine whether the applicant is capable of performing the essential functions of the job if the Town makes reasonable accommodation.

- B. Physical examinations will be required for all positions in the police, fire, and public works departments, with the exception of clerical, secretarial, and temporary or seasonal positions.
- C. Temporary or seasonal positions may require a physical examination with the approval of the Town Administrator.
- D. All physical examinations will be performed by a physician approved by the Town Administrator. The examining physician will advise the Town as to whether the applicant is physically qualified to perform the duties of the position for which application is made. In the event that the physician advises that the applicant cannot perform the duties of the position, the Town must attempt to make reasonable accommodation, as defined by the ADA.
- E. Notification to Applicants: All candidates will be informed in writing in a timely manner of their selection or non-selection.

Section 4 INSURANCE

4.1 Health Insurance Plan

The Town of Sturbridge provides health insurance coverage for Town employees and their dependents. If you are regularly scheduled to work twenty (20) hours or more per week then you are eligible. Sixty percent (60%) of the coverage plan is paid by the Town and the remainder is paid by the employee. For further information contact the Finance Department. Upon retirement fifty percent (50%) of the health insurance plan is paid by the Town and the remainder is paid by the retiree.

4.2 Continuation Coverage (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continued coverage") at group rates in certain instances where coverage under the plan would otherwise end. This summary is intended to inform you of your rights and obligations under the continuation coverage provisions of the law.

If you are an employee of the Town of Sturbridge or School Department covered by the Town's insurance carrier you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment for reasons other than gross misconduct on your part.

If you are the spouse of an employee covered by the Town's insurance carrier, you have the right to choose continuation coverage for yourself if you lose group health coverage for any of the following four reasons:

- 1) The death of your spouse;
- 2) A termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment;
- 3) Divorce or legal separation from your spouse; or
- 4) Your spouse becomes eligible for Medicare.

In case of a dependent child of an employee covered by the Town's insurance carrier, he or she has the right to continuation coverage if group health coverage is lost for any of the following five reasons:

- 1) The death of a parent;
- 2) The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the Town or School Department;
- 3) Parent's divorce or legal separation;
- 4) A parent becomes eligible for Medicare; or
- 5) The dependent ceases to be a "dependent child" under the Town's insurance carrier.

Under the law (COBRA), you or a member of your family has the responsibility to inform the Finance Department of a divorce, legal separation, or a child losing dependent status under the Town's insurance carrier. The Finance Department of the Town of Sturbridge has the responsibility to notify the carrier of the employee's death, termination of employment or reduction in hours, or Medicare eligibility.

When the Finance Department is notified that one of these events has happened, he or she will, in turn, notify you that you have the right to choose continuation coverage. Under the law, you have at least sixty (60) days from the date you would lose coverage because of one of the events described above to inform the Finance Department that you want continuation coverage.

If you do not choose continuation coverage, your group health insurance coverage will end.

If you choose continuation coverage, the Town is required to give you coverage, which as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. COBRA requires that you be afforded the opportunity to maintain continuation coverage for 3 years unless you lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage may be cut short for any of the following five reasons:

- 1) The Town or School Department no longer provides group health coverage to any of its employees;
- 2) The premium for your continuation coverage is not paid;
- 3) You become an employee covered under another group health plan;
- 4) You become eligible for Medicare;
- 5) You were divorced from a covered employee and subsequently remarry and are covered under your new spouse's group health plan.

You do not have to show that you are insurable to choose continuation coverage. However, under COBRA you may have to pay all or part of the premium for your continuation coverage. COBRA also says that, at the end of 18 months or 3 years continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under the Town's Insurance carrier.

COBRA applies to the Town's insurance carrier beginning on October 1, 1986. If you have any questions about the law, please contact the Finance Department. Also, if you have changed marital status, or you or your spouse have changed addresses, please notify the Finance Department.

4.3 Workers' Compensation

Employees who sustain injuries or illness in the performance of their duties will be covered for medical benefits and/or disability payments under the Town's current Workers' Compensation Policy.

If you are injured, within 48 hours you must:

- 1) Report the injury to your supervisor.

- 2) Complete a Written Injury Report Form, provided by your supervisor.
- 3) If medical treatment is required, obtain a form from your supervisor for the attending physician to complete and authorize.

It is imperative that all injuries be reported within 48 hours. The Town is required by law to file an "Employers' First Report of Injury Form" with the Massachusetts Department of Industrial Accidents within five (5) days of the employee's first notice of injury.

4.4 *Other Insurance*

The Town of Sturbridge offers a payroll deduction plan in which you may purchase life insurance, dental insurance, disability insurance and other insurance options through AFLAC. The Town offers a \$5,000 basic life insurance policy. Fifty percent (50%) of the premium is paid by the Town. The Town does not pay any portion of the other options listed in this Section. Participation is voluntary. For more information on this benefit, contact the Finance Department.

Section 5 EMPLOYEE BENEFITS

5.1 *Sick Leave*

- A. A new full-time employee is eligible for one (1) day of sick leave, with pay, for each month for the first year of continuous employment for verified sickness/illness and non-occupational related injury.

Thereafter, a full-time regular employee is eligible for twelve (12) days of sick leave, with pay, each year for verified sickness/illness and non-occupational related injury. Unused sick leave may be accumulated up to a maximum of 130 days.

- B. An employee is entitled to leave, with pay, for sickness/illness or injury only after such leave has been earned. In no event shall earned sick leave days be construed as additional vacation allowance. After three (3) consecutive working days, absence from the job, an employee on sick leave may be required to present a physician's certificate indicating the nature of such sickness, illness or non-occupational job related injury.
- C. After ten (10) years of continuous employment, at the time of a retirement or death, an employee for \$25.00 per day of any sick leave days accumulated up to a maximum of 100 days in whole day increments. Payment will be made following the employee's separation.

- D. After the completion of one (1) full year of continuous employment, if an employee does not utilize sick leave during the period July 1 through December 31, and he/she has been a regular full-time employee during the entire period, he/she shall be granted one personal day which may be taken in the following six (6) months, provided advance notice is given to the employee's supervisor.
- E. After the completion of one (1) full year of continuous employment, if an employee does not utilize sick leave during the period January 1 through June 30, and he/she has been a regular, full-time employee during the entire period, he/she shall be granted one day off with pay, which may be taken in the following six (6) months, provided advance notice is given to the employee's supervisor.
- F. A part-time employee that is regularly scheduled to work between twenty (20) hours per week and thirty-five (35) hours per week for a full year will be provided pro-rated sick leave. Part-time employees shall be eligible for seven (7) days of sick leave per year based on their scheduled work week.
- G. With the approval of the Board of Selectmen, when an employee is expected to be out of work for an extended period of time, other employees may donate a portion of their accrued sick leave to the employee that is out of work. There is no requirement that any employee donate time, it is strictly voluntary and any time that is donated but not used shall revert back to the employee that donated the time. In no case shall a "sick leave bank" be created.

5.2 *Vacation*

- A. Paid vacation allowance for all full-time regular employees will be determined by the length of continuous employment. A full-time employee is entitled to vacation time after completing continuous service based on the following schedule:

<u>Years of Service Completed</u>	<u>Vacation Time Earned</u>
1	10 Days
5	15 Days
10	20 Days
16	21 Days
17	22 Days
18	23 Days
19	24 Days
20	25 Days

- B. If a new employee successfully completes the six (6) month probationary period, the employee shall be eligible to utilize 5 vacation days.
- C. Vacation requests should be given to your Department Head, with as much advance notice as possible. Vacations should normally be taken in units of at least one day. An employee may, however, take vacation leave in hour increments subject to Department Head advance approval. All vacations must be reported by the Department Head to the Finance Department for proper payroll and personnel recording.
- D. Any vacation time must be taken in accordance with your anniversary date of employment in the year earned. Any unused vacation time remaining will not be carried over to the next year, except in extraordinary circumstances and must be approved by the Town Administrator. Compensation will not be paid in lieu of vacation, except in extraordinary circumstances or when an employee terminates with satisfactory notice.
- E. Upon the death of an employee who is eligible for vacation, payment at the employee's current hourly rate of compensation will be made to the estate of the deceased in an amount equal to the vacation allowance as accrued up to the employee's death.
- F. Pay checks for a vacation week or weeks will be paid on the last pay period to the start of vacation.
- G. A part-time employee that is regularly scheduled to work between twenty (20) hours per week and thirty-five (35) hours per week for a full year will be provided with pro-rated vacation leave. The amount of vacation time earned will be predicated on years of completed service and the employee's scheduled work week.

5.3 *Holidays*

All regular full-time employees are entitled to eleven (11) paid holidays during the year. To be eligible for holiday pay, an employee must perform regularly scheduled work on the day before and the day after the holiday, unless leave was authorized on either of those days.

Employees performing scheduled duties or called in on holidays will be paid for the hours worked, plus an extra day's pay at current straight-time rate. Holiday hours will be considered as hours worked in calculating weekly overtime. The holiday calendar is distributed by the Town Administrator.

If an employee is scheduled to work on a legal holiday which falls on a weekend, the employee will be given an alternative day off. The actual day will be determined by the supervisor and/or manager and the employee.

A part-time employee that is regularly scheduled to work between twenty (20) hours per week and thirty-five (35) hours per week will be provided with pro-rated holiday pay based on the employee's work schedule.

5.4 Bereavement leave

If you are a regular full-time employee and one of your immediate family members dies, then you will be paid for scheduled work days falling within the three day period following the death. For the purposes of this policy, "immediate family" includes spouse, parents, parents of spouse, children, brother, sister, grandparents, grandchild or any other person permanently residing with the family of an employee.

Bereavement pay will be paid at your current straight time rate for only those days on which you would have normally worked.

A part-time employee that is regularly scheduled to work between twenty (20) hours per week and thirty-five (35) hours per week will be provided with pro-rated bereavement leave based upon the employee's work schedule.

5.5 Jury Duty Leave

If you are summoned to jury duty, you will be excused from work for as long as it takes to serve on the jury. In accordance with the current state laws, the Town will pay the difference, if any, between what you would have earned if you had worked the normal schedule and the pay you received for jury duty.

As soon as a jury summons is received, the employee should notify the supervisor. Each week the employee should obtain from the court official a note stating the number of days served and the gross pay received. This note should be given to the supervisor. On days when the jury is not scheduled to meet, the employee is expected to report to work.

5.6 Military Leave

The Town of Sturbridge recognizes the patriotic service rendered by many employees who belong to military reserve units. A leave of absence, ordinarily not to exceed two (2) weeks, may be obtained for this purpose. If you would like a military leave, you should discuss such plans with your supervisor well in advance in order to prepare for your absence.

If you are a member of an armed forces reserve unit which is required to attend annual training, the Town will pay the difference between the pay you would have received for your normally scheduled work and the pay you receive from

reserve unit duty training. Combined pay from training and the Town will not exceed forty (40) hours straight time pay each week.

In the case of a declared National emergency the Town reserves the right to make a determination with regard to compensation should these circumstances occur. Time off will be granted for a National emergency leave.

5.7 *Maternity Leave*

Regular full time employees, who have completed the initial ninety (90) days of service, are granted leaves of absence for childbirth.

However, if the employee fails to return to work within twelve (12) weeks following the birth of the child, employment may be terminated. Exceptions beyond twelve (12) weeks may be granted if the employee presents medical evidence of complications arising from the pregnancy. Medical benefits will apply according to the provisions of the current group Medical Insurance plan.

Accrued sick leave benefits will be provided for maternity leave under the same terms and conditions which apply under Section 5.1, Sick Leave. To qualify for Maternity Leave, an employee must meet the following conditions:

- 1) Be a regular, full time employee, who has completed the initial ninety (90) day service.
- 2) Provide the Town of Sturbridge with a physician's statement within one week after being unable to work. The statement needs to include the following:
 - a) nature of disability
 - b) evidence of when the inability to perform normal duties began.
 - c) expected duration of disability
- 3) When the Department Head receives this statement and notifies the Town Administrator, who acknowledges its receipt to the employee, the employee will then become entitled to the accrued sick leave compensation.
- 4) Weekly communications with the Department Head of one's disabled status and periodic medical evidence of continued disability and its expected duration are necessary.

- 5) Prior to returning to work, a "Medical Certification-Physical Limitations Statement" form, as provided by the Town of Sturbridge and completed by the employee's physician is required.

Additional information and guidance may be obtained from the employee's Department Head and/or the Town Administrator.

5.8 Personal Leave

Personal leave is provided to employees in two ways.

First, all full-time employees will be eligible for three (3) personal days each Fiscal Year. Part-time employees working more than twenty (20) hours but less than thirty-five (35) hours a week will be eligible for personal days on a pro-rated basis.

Second, a Personal Leave of Absence, without pay, may be granted for unusual or special circumstances with the approval of the Department Head and the Town Administrator.

Factors considered in granting such leaves will be considered on the basis of length of service, performance, responsibility, the reason for the request, whether other employees are already on leave and the expected impact on the Town.

Requests for personal leave should be submitted in writing to your Department Head, stating the reasons for the request. Such leaves will be limited to a total of thirty (30) days in any one calendar year.

5.9 Family and Medical Leave (FMLA)

Family and Medical Leave Act applies to any employee who has been on the Town of Sturbridge's payroll for at least twelve (12) months (which need not have been worked consecutively) and has worked at least 1,250 hours (approximately 25 hours per week) during the twelve (12) month period immediately prior to the beginning of the leave.

Under the FMLA, the Town of Sturbridge will allow an eligible employee a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for the following purposes:

- 1) The care of a newborn child of the employee.
- 2) The placement of a child with the employee for adoption or foster care.

- 3) The care of the employee's spouse, child or parent with a serious health condition.
- 4) The care of the employee's own serious health conditions which makes the employee unable to perform the functions of his/her position.

The Town of Sturbridge will maintain coverage for the employee under any group health plan for the duration of the leave. The coverage provided will be at the same level and under the same conditions and co-pay contributions that would have been provided if the employee had not taken the leave. The Town will require that a written request, relating to a serious medical condition, experienced by the son, daughter, spouse or parent of the employee, be supported by certification, issued by the attending physician. The certification will include the following:

- 1) The date on which the serious health condition began.
- 2) The probable duration of the condition.
- 3) The appropriate medical facts within the knowledge of the health care provider regarding the condition.
- 4) Inability to perform the essential functions of his/her position.

In addition, in order to support the employee's ability to return to work, the Town will require that the employee provide medical certification from their physician showing that they are able or unable to resume their usual work load, highlighting any essential job function for which the Town may need to make reasonable accommodation.

If the leave is due to a serious health condition, the employee may take the leave intermittently, or on a reduced leave schedule when medically necessary. This option would reduce the usual number of hours per work week, or hours per work day of the employee, if medically necessary.

Further information on the FMLA may be obtained from either your Department Head or the Town Administrator.

5.10 Tuition Reimbursement/Educational Assistance

The Town encourages employees to seek additional education and training in their chosen field. The Town will reimburse regular full time employees seventy-five percent (75%) of tuition, fees and books, not to exceed \$2,500 during a fiscal year for successful completion of job related courses.

If you want to enroll in a continuing education course, a request for approval must be submitted in writing to your supervisor prior to the start of the course and be approved by the Town Administrator.

You will receive reimbursement after you submit proof of payment in the form of a receipt or canceled check, and a copy of a "C" grade or higher. Tuition reimbursement will not apply in cases where you are reimbursed from other sources (i.e. Veteran's educational benefits) unless the other reimbursements are less than the cost of the course. In those cases, the tuition reimbursement program will pay the difference.

5.11 Retirement Plan

If you work a minimum of 20 hours per week new employees must contribute to the Worcester Regional Retirement System . If you work less than 20 hours per week or 1040 hours per year you are required by the Internal Revenue Service to contribute to the OBRA plan (7.5%).

5.12 Police Supervisor Employee Benefits

- A. The Town recognizes the need to create and administer a separate policy for Police Supervisors to detail the benefits afforded to those individuals not covered under a collective bargaining agreement. This policy affects all police supervisors in the ranks of Lieutenant and above with the exception of the Chief of Police, who may be covered under an employment contract provided for by Mass. General Laws Chapter 41, Section 108O. This provision shall take effect July 1, 2017.
- B. An annual payment of 1% shall be added to the Police Supervisors base hourly rate for any year or portion thereof, during which the Sturbridge Police Department maintains its accreditation.
- C. Police Supervisors shall be eligible for a stipend for each job-related certification maintained, as pre-approved by the Chief of Police at a rate of \$200 per certification, up to a maximum of three (3) certifications, or \$600 per year.
- D. Vacation: Paid vacation allowance for all full-time Police Supervisors will be determined by the length of continuous employment in accordance with the following:

After 6 months full-time continuous service	5 days
After 1 year full-time	10 days
After 5 years full-time continuous service	15 days
After 10 years full-time continuous service	20 days
After 15 years and thereafter	25 days

Vacation benefits accrue after six months continuous full-time service based on the employee's anniversary date. Any vacation time accrued must be taken within the employee's ensuing anniversary year, except that the Chief of Police may allow an employee additional time to utilize the accrued vacation, should circumstances dictate, not to exceed five (5) days. At no time, will an employee have more than twenty-five (25) total accumulated days. Days off shall be requested in writing to the Chief of Police or his designee at least fourteen days prior to the work week in which the requested day(s) off are in. The Chief shall use seniority and his discretion in considering the approval of time off. The Chief of Police may grant time off at any time after the fourteen day time period as long as (a) there are sufficient officers in the Chief's judgment already scheduled to work such shift and (b) the granting of the request shall not incur any overtime or cost to the Town. These approvals shall ordinarily be given to the officer whose request is received first, provided that the Chief may change the order if in his judgment necessary to maintain departmental operations.

- E. Police Supervisors shall be eligible for an annual longevity award as follows:

At least 5 years and less than 10 years	\$200
At least 10 years and less than 15 years	\$350
At least 15 years and less than 20 years	\$550
Over 20 years	\$800

- F. On their anniversary date of employment with the Town, Police Supervisors shall receive three (3) personal days off without loss of pay or benefits. Personal days may not be carried over from year-to-year. Unused personal days are forfeited and are not subject to a buyback.
- G. Educational Incentive: The Town shall offer to Police Supervisors the educational incentive payments in accordance with MGL Ch. 41, §108L (the "Quinn Bill") subject to the following provisions:
 - (a) Individual compensation under this section shall be subject to approval by the Higher Education Council of the degrees and courses eligible for reimbursement or any other higher education degree as approved by the Police Chief and Town Administrator.
 - (b) Subject to the limitations of the FLSA, the education incentive shall be paid solely on a Supervisor's base annual compensation and shall not be included when calculating overtime, shift differential, holidays, court time or other differentials and premiums.

In the event that the provisions of MGL Ch. 41, §108L have been rescinded or for some reason no longer apply, then Police Supervisors

shall continue to receive from the Town the same total educational incentive payments (percentages) to which they were entitled on the day just prior to the §108L rescission or non-applicability.

- H. Appointment: The Town, acting by and through the Town Administrator, may appoint a Supervisor to a term of three (3) years pursuant to Section 6-1 of the Sturbridge Town Charter. In the event the Town Administrator elects not to reappoint a Police Supervisor to a subsequent term, said non-reappointment may only be made for cause. Nothing in this provision shall prevent, limit, or otherwise interfere with the right of the Town Administrator to discipline a Police Supervisor, up to and including discharge from employment, during the term of their appointment, for cause. Non-reappointments and discharges shall be processed pursuant to Section 6-3 of the Sturbridge Town Charter.
- I. Uniforms: The Town shall provide an annual clothing allowance per fiscal year to each Police Supervisor in the amount of \$1000. This allowance shall be for purchasing the necessary police equipment as determined by the Chief of Police and for the cleaning of said uniforms. All items purchased from the annual clothing allowance shall remain the property of the supervisor upon termination of employment, except that all items containing the insignia or relating to the Sturbridge Police Department (i.e. badge, patches, etc.) shall be returned upon termination of employment. The Police Supervisor will not receive the allowance in "cash". They may make payment for the item or cleaning service and submit vouchers for reimbursement. The Chief of Police may provide for other payment arrangements.
- J. Police Supervisors shall be entitled to all other benefits afforded to regular employees of the Town found within its Personnel Policies.

5.13 Longevity

Full time employees shall be eligible for an annual longevity award as follows:

At least 5 years and less than 10 years	\$150
At least 10 years and less than 15 years	\$300
At least 15 years and less than 20 years	\$450
Over 20 years	\$500

Part-time employees who regularly work more than twenty (20) hours per week but less than thirty-five (35) hours per week shall be eligible for an annual longevity award as follows:

At least 5 years and less than 10 years	\$100
At least 10 years and less than 15 years	\$175
At least 15 years and less than 20 years	\$250
Over 20 years	\$300

Section 6 PAYROLL INFORMATION

6.1 Pay Period/Pay Days/Deductions

Most employees are paid on a weekly or biweekly basis depending on their department assignment. The payroll period begins on Sunday and ends on Saturday with the exception of the Firefighters and Police Officers. Pay checks are available on Thursdays. Mandatory payroll deductions are made, depending upon the number of exemptions claimed, for federal and state income tax. Optional payroll deductions are made based on your authorization for health insurance, life insurance, deferred compensation plan and for other deductions.

6.2 Deferred Compensation

The Town, in accordance with MGL Chapter 44, Section 67, has adopted a deferred compensation plan. This deferred compensation program is designed to supplement your retirement income. All contributions are made through payroll deduction on a pre-tax basis.

For more information regarding deferred compensation, contact the Finance Department.

6.3 Overtime Pay

Overtime will be paid to employees at one and one-half times the current base rate for hours worked in excess of forty hours worked in the workweek. Full time Fire Department Employees receive overtime payments in excess of forty-eight hours in the workweek. Compensatory time may be utilized in lieu of overtime, with the prior approval of the Town Administrator. The workweek begins on Sunday and ends on Saturday for all employees except those who work different schedules based upon their collective bargaining agreements.

Employees whose regular work schedule includes Saturday and/or Sunday will be paid overtime only if they have at least forty hours worked during the workweek.

Certain paid activities are not considered work time and are not counted as hours worked in calculating overtime. These include:

- 1) Military Reserve Training Pay
- 2) Bereavement Pay

3) Workers Compensation Payments

Holiday pay will be counted as hours worked for purposes of calculating overtime. Jury Duty will be counted as hours worked for overtime if your schedule for the week would have included overtime work.

All overtime must be approved in advance by the employee's supervisor.

6.4 *Exempt Schedules*

The Town of Sturbridge recognizes that exempt employees are required to work extra hours in the performance of their duties. The Town Administrator, at his discretion, shall have the authority to adjust the schedules of exempt employees accordingly when additional hours have been worked on special projects, emergencies or attending evening meetings.

6.5 *Temporary Flexible Schedule*

The Town of Sturbridge recognizes that many valued town employees have schedules that may create personal hardships, which places a strain on the employee's ability to work the regular schedule for a period of time. The Town Administrator, at his discretion, shall have the authority to develop temporary schedules on an employee-by-employee basis that ensures that the employee's responsibilities are met, the minimum number of hours are worked and that the public and other town departments are not inconvenienced.

Section 7 JOB PERFORMANCE

7.1 *Standard of Conduct*

Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or showing favoritism in conducting town business. You are expected to conduct yourself in a manner which in no way discredits the Town, public officials or your fellow employees.

7.2 *Performance Appraisal*

The Town recognizes the need for an operating performance appraisal system to:

- 1) Assess your strengths, weaknesses, and potential for growth;
- 2) Encourage and guide development of your special skills and work interests;

- 3) Provide a method of improving operational programs through your involvement and input.

The Town Administrator is responsible for the establishment and maintenance of the employee performance appraisal system. Your individual employee evaluation is the day to day responsibility of your immediate supervisor. Your Department Head or designee (i.e. immediate supervisor) may make a written appraisal of your performance on an annual basis.

The appraisal is the summary of the supervisor's observations of your performance during the past year in terms of a variety of job-related factors. The appraisal will also include a plan to develop strengths, identify and improve weak areas, record your ideas and observations of work assignments in the last year and establish goals for the upcoming year.

The appraisal then becomes a part of the your personnel record. Supervisors are encouraged to bring significant observations and career development plans of each employee to the attention of the appropriate official.

7.3 *Conflict of Interest*

Chapter 268A of the Massachusetts General law sets forth the law concerning the conduct of public officials and employees. This law places certain restrictions on municipal employees and members of their immediate family (i.e. spouse, parents, children, brothers and sisters).

The purpose of the conflict of interest law is to ensure that public employees' private financial interests and relationships do not conflict with their public obligations to act objectively and with integrity. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict. Some situations include the following:

- 1) Bribes - The conflict law prohibits the most obvious kinds of corruption: bribes.
- 2) Accepting Gifts - The law prohibits accepting gifts of substantial value. The courts and the Commission have deemed "substantial value" to be \$50.00 or more.
- 3) Acting on Own/Family's/Business' Financial Interests - The law recognizes that your objectivity and integrity can be compromised when you act on matters in which you, your family or your business has financial stake. The law, therefore, prohibits you from taking action on any "particular matter" which would affect your own financial interest or the financial interest of:

- a) Your immediate family (your spouse, children, parents, brothers and sisters);
 - b) Your partner(s);
 - c) A business organization in which you serve as an officer, director, trustee, partner or employee (including a non-profit organization); and
 - d) Any person or organization with whom you are negotiating or have any arrangement concerning future employment.
- 4) Obtaining Municipal Contracts and Multiple Jobs - Section 20 is intended to ensure that municipal employees do not use their positions to benefit from municipal contracts and to avoid the public perception that municipal employees have an "inside track" on obtaining municipal contracts or jobs.
- 5) Misusing Your Official Position - The conflict law prohibits you from using or attempting to use your municipal position to obtain unwarranted privileges for yourself or anyone else. You also may not, through your actions, give the reasonable impression that you can be improperly influenced or that you will act with bias. The law prohibits accepting outside employment which is inherently incompatible with your public position.
- 6) Representing Private Parties in Town Matters - The law limits what municipal employees may do "on the side" for a private party.

Section 8 DISCIPLINARY PROCEDURES

8.1 Reasons for Disciplinary Action

Whenever people work together there are a few common sense rules that must be observed. The Town of Sturbridge relies on you to respect the rights and feelings of others, to observe instructions and rules for safe and efficient operation, and to maintain the Town's high ethical standards.

While common sense and good judgment dictate what these rules are, there are certain rules that you should be familiar with and observe at all times. Violation of these rules can result in discipline which ranges from verbal reprimand to discharge. The Town reserves the right to determine the level of discipline appropriate to the infraction. These rules include, but are not limited to: punctually observing work hours, following safety rules and other rules of operation, respecting the rights and property of others, accepting pay only for

work actually accomplished, honest treatment of time records submitted, respect for town property, and behavior that is appropriate in the work environment.

If a departure from accepted practice is determined, the Town of Sturbridge has a formal process to identify the behavior at issue and counsel the employee(s) involved. The components of the disciplinary program include:

- 1) **VERBAL REPRIMAND:** If the issue is a relatively minor infraction, a one-on-one discussion with your immediate supervisor will occur to identify the issue and reach agreement on timing and the expectations for corrective action. You will be advised that the reprimand will be noted in your personnel record and can be removed from your file after sixty (60) days if the corrective action has occurred. The Department Head shall notify the Town Administrator when a verbal reprimand is given.
- 2) **WRITTEN REPRIMAND:** If the initial problem is more serious, the process may begin with a written reprimand that will remain in the file for six (6) months. A written reprimand is also necessary if the agreement reached by the two parties during verbal counseling is not honored and the behavior identified has not changed.

When a written reprimand is issued, a meeting will be held with your supervisor to review the infraction(s) that is the basis for the written reprimand and the timing and corrective action required. You will be asked to sign the reprimand and a copy will be sent to the Town Administrator.

- 3) **SUSPENSION OR DISCHARGE:** Further violations while written warning is in effect will result in discipline up to and including suspension without pay or discharge. Suspension or discharge may immediately result without steps 1 or 2 for actions that are serious enough to warrant such action after the approval of the Department Head and Town Administrator.

All disciplinary actions are subject to the approval of the next level of management. In all instances, both your right to privacy and the right of the public to have access to public information shall be preserved, by observances of the appropriate statutes and laws governing both.

Section 9 PROBLEM RESOLUTION

9.1 Resolving Conflict

Every organization needs a method to identify and resolve problems, issues and questions. The procedure should encourage open two-way communication and eliminate practices, policies, or procedures that reduce productivity, cause personal dissatisfaction and affect harmony in the work environment.

This process protects the right of the employee to impartial review and provides a recognized avenue for resolving issues without fear of retaliation from any source. If you have a job related issue, the levels for review are:

Step 1: SUPERVISOR

You should discuss the issue with your immediate supervisor within ten (10) days of the occurrence. The discussion is to be in private and related to the issue involved. The majority of issues are resolved informally at this level to the benefit of all concerned. However, if you feel that you have not received a fair or complete answer within five (5) days, you may review the issue with the next level of management.

Step 2: DEPARTMENT HEAD

You should ask for a meeting, within twenty (20) days of the occurrence, with the Department Head and identify it as part of the conflict resolution procedure. You will be expected to put the issue in writing so that, being clearly stated, all sides of the issue can be identified and you can seek further clarification and resolution.

Assistance can be provided to you at any step in the process to put your issue into writing or issue recommendations for resolution within ten (10) days of the meeting with the employee, if requested.

Step 3: TOWN ADMINISTRATOR

If the issue is still not resolved to your satisfaction, you may request a review by the Town Administrator within ten (10) working days of receipt of the Department Head's recommendations. This meeting may also include the Department Head. The Town Administrator will either give you an answer during the meeting or within five (5) working days of the meeting. He/she will then advise your Supervisor of the decision and document the issue and the decision.

Step 4: BOARD OF SELECTMEN

The last step of the conflict resolution process is a review by the Board of Selectmen. The employee may make a written request to the Board of Selectmen within ten (10) days after receipt of the decision of the Town Administrator, stating the specific issue and the reason(s) the decisions rendered at the previous step(s) are not a satisfactory solution. A decision will be issued in writing to the individual within ten (10) days of the meeting with the employee.

The process described here is not designed either to protect the management position or to give the employee a desired answer. It is a way for us to

communicate, examine issues and reach decisions with mutual understanding of the positions taken by those involved.

Section 10 POLICIES

10.1 Sexual Harassment

A. Policy

- 1) The Town of Sturbridge (Town) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse and harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by State and Federal law. The Town also condemns and prohibits sexual harassment by any employee. Sexual harassment does not refer to purely voluntary social activities. It refers to behavior which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. Sexual harassment, as defined by the law, may, depending upon the circumstances, include unwelcomed actions such as:

- a) Verbal abuse of a sexual nature, use of sexually degrading words, or jokes or language of a sexual nature;
 - b) Physical conduct including patting, pinching or repeated brushing against another's body;
 - c) Demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee;
 - d) Continuing to express sexual interest after being informed that the interest is unwelcome;
 - e) Assaults or molestations; and
 - f) Posting or distributing sexually suggestive pictures or other materials.
- 2) Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember:

- a) A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser;
 - b) The harasser does not have to be the victim's supervisor;
 - c) The victim does not have to be of the opposite sex from the harasser;
 - d) The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance.
- 3) Employee responsibilities - each employee is personally responsible for:
- a) Ensuring that his/her conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
 - b) Cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
 - c) Actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such discrimination;
 - e) Ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.
- B. The Rule - It is, therefore, against the policy of the Town for any employee of the Town, male or female, to harass another employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:
- 1) Submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
 - 2) Submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
 - 3) Such conduct has the purpose or effect of interfering with an individual's work performance;

- 4) A hostile or intimidating work environment is created for the employee.

It is also against the policy of the Town for an employee to sexually harass any person with whom the employee comes in contact on the job.

- C. Retaliation - Retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law.
- D. Violation of Policy - Any employee violating this policy will be subject to appropriate discipline, including possible discharge by the Town.
- E. Procedures for Complaint:

- 1) Complaint - The Town has designated a Sexual Harassment Grievance Officer. The Sexual Harassment Grievance Officer is the Town Administrator. The Sexual Harassment Grievance Officer can be reached at 308 Main Street, Sturbridge, MA 01566-1078, phone number: (508) 347-2500. If you would prefer, you may contact the Finance Director, who has been designated as the Alternate Sexual Harassment Grievance Officer. The Alternate Sexual Harassment Grievance Officer can be reached at 308 Main Street, Sturbridge, MA 01566-1078, phone number: (508) 347-2509.

If any employee believes he or she has been subject to sexual harassment, the employee should initiate a complaint by contacting the Sexual Harassment Grievance Officer as soon as possible. The employee should file the complaint promptly following any incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Sexual Harassment Grievance Officer to reconstruct what occurred. The employee will be requested to write out his or her complaint to document the charge.

If an employee prefers to discuss possible sexual harassment problems with his or her supervisor, the employee may always do so, but the employees do not have to go through the regular chain of supervision when reporting sexual harassment and may go directly to the Sexual Harassment Grievance Officer.

- 2) Investigation - On receiving the complaint, the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance

Officer will promptly have a preliminary investigation made into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Town will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the Town.

- 3) Decision - After the response of the charged employee has been made, and any further investigation which may be warranted has been carried out, the Town will make a final decision. If the Town finds that the allegations in the complaint have been established by the investigation, the Town will initiate discipline of the charged employee. Discipline will be appropriate to the offense and employees involved, and may include discharge. The complainant will be notified of the disposition of the investigation.
- F. State and Federal Agencies - The Massachusetts Commission Against Discrimination, located at One Ashburton Place, Boston, MA and 436 Dwight Street, Springfield, is responsible for enforcing the Massachusetts sexual harassment law, and the U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the federal law prohibiting sexual harassment. The EEOC is located at One Congress Street, Room 1001, Boston, MA. They may be contacted at the above addresses.
- G. Acknowledgment of Receipt - Employees are required to sign an acknowledgment of receipt of this policy upon employment that they have read and understand the content of this policy.

10.2 Alcohol, Drugs, Controlled Substances

The Selectmen of the Town of Sturbridge reaffirm its policy prohibiting the use or possession of alcoholic beverages, illicit drugs and/or controlled substances by employees while performing their job(s).

Use, sale, possession or being under the influence of intoxicating beverages or non-prescription drugs while on duty is considered cause for discharge.

The Drug-Free Work Place Act of 1988 recognizes the impact substance abuse has in the workforce. The Town of Sturbridge firmly supports the intention behind this act and with this policy reaffirms our well-established position on this issue:

- 1) The unlawful manufacture, distribution, dispensation, possession or use, including being under the influence of a controlled substance (or of alcohol) is prohibited. Employees are further prohibited from engaging in any of those activities while "on duty" even though not physically present in one of the Town locations normally associated with the performance of that job.
- 2) Off-the-job illegal drug use or excessive use of alcohol that could adversely affect an employee's job performance or which jeopardizes the safety of self, others, equipment or property is also prohibited.
- 3) Any employee who engages in one or more of the above prohibited activities will be subject to serious discipline up to and including discharge.

It is our intent to make every good faith effort to maintain a drug-free work environment for Town employees through implementation of this policy and other related awareness and educational programs.

10.3 Alcohol and Drug Testing Policy

- A. Purpose and Scope - The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to alcohol and drug testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.
- B. Applicability - This policy applies to all safety-sensitive employees employed by the Town.
- C. Definitions - Words or phrases used in this policy are defined in 49 CFR 382.107 or, if not defined in that section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

Safety-Sensitive - For purposes of this policy, safety-sensitive shall refer to all employees required by the Town to obtain and retain a Commercial Driver's License (CDL).

- D. Policy Regarding Alcohol and Drug Testing:
 - 1) It is the policy of the Town to comply fully with the federal regulations mandating pre-employment (drugs only), random, reasonable suspicion and post-accident alcohol and drug testing in accordance with regulations issued by the U.S. Department of Transportation. This policy generally explains the requirements of

the regulations, and the Town's application of them to the CDL workforce.

- 2) The performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four (4) hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.
- 3) Use of controlled substances by drivers covered by the policy is prohibited, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely effect the driver's ability to safely operate a commercial motor vehicle.
- 4) A driver is performing a safety-sensitive function at the following times:
 - a) All time on Town property, public property, or other property waiting to be dispatched or to drive.
 - b) All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
 - c) All driving time.
 - d) All time other than driving time in any commercial motor vehicle.
 - e) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded.
 - f) All time spent performing driver requirements relating to accidents.
 - g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

E. Procedures:

- 1) Types of Tests - To the extent practicable, all tests will be conducted during the employees' normally scheduled work hours. The following tests are required:
 - a) Pre-Employment (Pre-Use) - All applicants for employment in positions requiring a CDL are subject to screening for controlled substances, or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.
 - b) Post Accident - An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Tests will be conducted after accidents on drivers in Town vehicles in an accident where a citation for a moving traffic violation was given the driver and for all fatal accidents even if the driver is not cited for a moving traffic violation. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post accident drug tests must be conducted within 32 hours.
 - c) Reasonable Suspicion - Tests will be conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug use. If a driver's behavior or appearance suggests alcohol or drug use, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Director of Public Works or his/her designee.
 - d) Random - Tests will be conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol, or at any time for drugs. Each year, the number of random alcohol tests conducted by the Town must equal at least 25% of all the safety-sensitive drivers. Random drug tests conducted by the town must equal at least 50% of all safety-sensitive drivers.

- e) Return to Duty and Follow-Up - Tests will be conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.
- 2) Conducting Tests -
- a) Alcohol - DOT rules require breath testing using evidential breath testing (EBT) devices. Two (2) breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.
 - b) Drugs:
 - i) Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements will ensure that the specimen's security, proper identification and integrity are not compromised.
 - ii) DOT rules require a split specimen procedure. Each urine specimen will be subdivided into two (2) bottles labeled primary and split. Both bottles will be sent to the laboratory. Only the primary specimen will be opened and used for the urinalysis. The split specimen will remain sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver will have 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
 - iii) All urine specimens will be analyzed for the following drugs:
 - Marijuana (THC metabolite)
 - Cocaine

Amphetamines
Opiates (including heroin)
Phencyclidine (PCP)

- iv) Testing will be conducted using a two-stage process. First a screening test will be performed. If the test is positive for one or more of the drugs, a confirmation test will be performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- v) All drug tests will be reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.
- c) Refusal to Submit to an Alcohol or Drug Test and the Consequences - Refusal to submit (to an alcohol or controlled substances test) means that a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, or (3) engages in conduct that clearly obstructs the testing process.

Employees who refuse to submit to an alcohol or drug test will not be allowed to perform safety-sensitive functions. Employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

- 3) Consequences of Alcohol/Drug Misuse:

a) Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who are tested just before, during or just after performing safety-sensitive functions will be removed from performing such duties within 24 hours, and placed on administrative leave without pay. Disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration of 0.02 and above.

b) Drivers who engage in prohibited alcohol or drug conduct, that is, who test positive for alcohol use of 0.02 or greater or drug use, shall be immediately removed from safety-sensitive functions, and placed on administrative leave without pay.

Drivers who are serving a probationary period will be terminated immediately. Non-probationary drivers will be subject to discipline, up to and including discharge. Non-probationary drivers who are not terminated will be required to comply with Section (c) below. Non-probationary drivers who fail to complete the requirements of Section (c) below will be terminated.

c) Drivers who engage in prohibited alcohol or drug conduct who wish to continue employment with the Town must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees referred to a rehabilitation program will be placed on non-occupational sick leave or medical leave without pay status during the treatment period, whichever is appropriate.

d) Only drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 for alcohol or are drug free, and who are then subject to unannounced follow-up tests, may return to work.

e) Any driver who tests positive for either alcohol or drug use in a post-accident, random, or follow-up test (after returning to safety-sensitive duty), will be placed immediately on administrative leave without pay. If a driver tests positive during a return-to-duty test, he/she will continue on

administrative leave without pay until a subsequent return-to-duty test provides a negative result, and the employment status of said driver will be subject to review. If a driver is referred by his supervisor or manager for reasonable suspicion testing, the driver will be placed immediately on administrative leave without pay upon receipt of the referral and before the test is conducted.

- 4) Information/Training:
 - a) All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug use. All employees must receive a copy of this policy and sign the Confirmation of Receipt provided by the Town.
 - b) All supervisory and management personnel in the Department of Public Works must attend at least two (2) hours of training on alcohol and drug use symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.
 - c) This policy will be posted on employee bulletin boards and will be available to all employees.
 - d) Educational information will be made available periodically which will focus on (a) the potentially dangerous effects of alcohol and drug use and abuse on an individual's health, work and personal life; (b) signs/symptoms of an alcohol or drug problem; (c) methods of intervening when an alcohol or drug problem is suspected; (d) the procedures associated with pre-employment drug screening and "reasonable suspicion" testing; (e) the effects on job performance measured in loss of productivity; and (f) the potential safety hazards presented to the individual employee, other employees and the public.
 - e) All recruitment advertising for CDL drivers will include the statement "Drug/Alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.

- f) All final candidates for CDL employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.
- 5) Record Keeping:
- a) The Town will keep detailed records of its alcohol and drug misuse prevention program.
 - b) Driver alcohol and drug testing records are confidential to the extent required by law. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO and any factfinder in a proceeding resulting from, or in connection with, the testing program.
- 6) Pre-Employment References:
- a) The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two (2) years: information about a test in which the employee's blood alcohol was 0.02 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
 - b) The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be considered for employment.
 - c) If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return-to-duty test for the former employer.
 - d) The Town must provide the same information to subsequent employers of current Town employees when provided with a written release.
- 6) Questions - Questions about this policy should be referred to the employee's supervisor, Director of Public Works or the Town Administrator.

- 7) Administration of Policy - The Town Administrator shall administer this policy. The Town Administrator may delegate the responsibility for such administration to the Director of Public Works.
- 8) Rules and Regulations - The Town Administrator may adopt administrative rules and regulations in accordance with federal law, to implement this policy.

Employee Acknowledgement

I have received a copy of the Town of Sturbridge Employee Handbook, which outlines the benefits, policies and my responsibilities as an employee of the Town. I will familiarize myself with the information in this handbook, will seek verification or clarification where necessary, and will comply with the policies, benefit requirements and procedures pertaining to the areas in which I am employed.

The information contained in the Employee Handbook is subject to change as situations warrant, and I understand that changes in policy may supersede, modify or eliminate the policies summarized in the handbook. Changes in policy will be communicated to me through official notices. I accept responsibility for keeping informed of these changes.

I understand that I have an obligation to inform my supervisor of changes in my personal data, such as address, telephone number, marital status and dependents.

Printed Name _____

Signature _____ Date Signed _____