

ARTICLE 20

PERSONNEL BY-LAW

SECTION 1. Pursuant to Section 4-2 of the Grafton Home Rule Charter, as amended, the Town Administrator shall be the Personnel Director of the Town of Grafton. The Town Administrator may from time to time, as deemed necessary, desirable or expedient, appoint a Personnel Advisory Committee of such number, membership and to serve for such length of term as the Town Administrator may deem appropriate, to assist in the performance of the duties and functions related to personnel, as are assigned to the Town Administrator by the Town Charter.

SECTION 2. The Selectmen may also authorize the Town Administrator to study and advise on specific personnel matters. All officers, boards, committees and employees of the Town shall cooperate with the Town Administrator in providing information necessary for the proper administration of this Consolidated Personnel By-Law.

SECTION 3. The Town Administrator shall administer the provisions of the Consolidated Personnel By-Law which shall include but not be limited to the following: definitions, job descriptions, a classification plan, a compensation plan, and rules and regulations for the administration of this By-Law according to the following:

SECTION 4-1. Title - Personnel By-Law. The provisions of this Personnel By-Law herein referred to as the By-Law shall be for the purpose of providing, creating and supervising personnel policies by the Town Administrator. Said Town Administrator's responsibilities shall include, but not be limited to, administering and interpreting the provisions of this By-Law and the creation, maintenance, and administration of any classification and compensation plan which shall be subject to approval of the Board of Selectmen for all employees of the Town of Grafton except those in positions which are exempt under Section 4-2.

The Personnel Advisory Committee shall review any position changes or additions and will provide their recommendation to the Board of Selectmen.

SECTION 4-2. Application. The By-Law shall apply to all employees except those positions filled by popular election, those under the direction and control of the School Committee and those under the jurisdiction of a collective bargaining agreement executed under the provisions of Massachusetts General Law Chapter 150E. If said collective bargaining agreement contains a provision contrary to a provision of this By-Law, the provisions of the collective bargaining agreement shall prevail. This By-Law may be used as a guide for authorized officials in determining the compensation of, and personnel policies for those excepted employees.

SECTION 4-3. Definitions. As used in these By-Laws, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the Laws of the Commonwealth. As used in this By-Law, the words "he" and "she" and "his" and "hers" are interchangeable.

"Acting" - Performing the duties and having the responsibilities of another position on a temporary basis without having officially been appointed to the position.

"Anniversary Date" - The official start date of an employee's service with the Town.

"Appointing Authority" - The official, board, committee, commission, or other authority empowered by statute, special act, or by-law to make appointments.

"Civil Service Law" - Chapter 31 of the Massachusetts General Laws as amended, and all rules and regulations made thereunder; and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town which may be under the jurisdiction of MGL Chapter 31.

"Class" - A group of positions in the Town service sufficiently similar in respect to duties and responsibilities, that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the applicants and incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same scale of compensation can be made to apply with equity.

"Compensation Grade" - An alphanumeric designation for a salary or wage range.

"Continuous Employment" - Employment uninterrupted except for required military service and for authorized vacation leave, personal leave, sick leave, bereavement leave, court leave, or other leave of absence authorized by the Town Administrator.

"Department" - A department, board, committee, commission, or other agency of the Town of Grafton.

"Department Head" - The officer, board, or other body having immediate supervision and control of a department.

"Employee" - Any person who receives a wage or a salary from the Town of Grafton.

"Hours of Work" - Consecutive daily hours, exclusive of breaks and an unpaid lunch hour.

"Increment" - The dollar difference between step rates.

"Interim" - Performing the duties and having the responsibilities of a vacant position on a temporary basis, after having been appointed to the position until filled on a permanent basis.

"Intermittent Service" - Service rendered consisting of continuous employment but not rendered during prescribed working hours--daily, weekly, or annually--but rendered as required, according to the demands for such service as determined by the appointing authority.

"Probationary Employee" - Any new employee whose tenure in the Town service has not exceeded six months; such employees have limited rights during this stage of their employment and may be discharged at any point at which the level of performance is determined to be unacceptable by the appointing authority. At the end of the probationary period, a written review shall be prepared by the department head which will state whether the probationary employee has performed satisfactorily to be accepted as a regular Town employee. If the performance is not acceptable, the reason or reasons will be stated. The original 180-day probationary period may be extended with the written approval of the Town Administrator.

"Promotion" - A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

"Range" - The dollar difference between the minimum and maximum rate.

"Rate" - A sum of money designated as compensation for hourly, weekly, or annual personal services.

"Recall" - The requirement of any employee to report for duty at a time other than the customary hours for their position, once they have left their customary place of work.

"Regular Position" - Any position in the Town service which has required or which is likely to require the services of an incumbent without interruption for a period of more than six calendar months, either on a full-time or part-time employment basis.

"Regular Full-Time Position" - Any position in the Town service in which the incumbent is employed for not less than seven hours per diem, five days per week, fifty-two weeks per annum, less legal Holidays and authorized leave. Upon written approval of the Town Administrator, an incumbent employee may work less than the customary hours for a period of time not to exceed three months, without the loss of benefits. Said employee shall not accumulate leave, and shall in addition pay 100 percent of the monthly health insurance premium, if on leave greater than one (1) month.

"Regular Part-Time Position" - Any position in the Town service in which the incumbent works at least 20 hours per week, but less than 35 hours per week.

"Seasonal Employee" - Any employee who works on a seasonal basis in continuous employment. Any seasonal employee who works in excess of six months per year shall be eligible for both paid holidays which occur during their employment, in accordance with Section 4-19, and for paid vacation leave in accordance with Section 4-20, not to exceed two weeks.

"Temporary Employee" - Any employee in the Town service retained in a temporary position as defined below.

"Temporary Position" - Any position in the Town service which requires the services of one incumbent for a period not to exceed either six months, or a specific time period as authorized by the Town Administrator.

SECTION 4-4. New Hires

- a. **Vacancies** - No position subject to this By-Law shall be filled--other than emergency hiring and other specified exceptions--until such vacancy has first been posted on the Municipal Center bulletin board and in the offices of the department where the vacancy occurs, and all qualified regular full-time and part-time employees have been considered and said vacancy is also advertised concurrently in an appropriate local newspaper for at least two consecutive weeks. (T.M. 10/15/01)
- b. **Application Form** - Applications for employment shall be made on the Town's approved application form.
- c. **Physical Examination** - All prospective new employees shall be made a conditional offer of employment, subject to passing a physical examination, commensurate with the

- duties they are to perform. The Town physician shall certify in writing to the department head that the new employee is capable of performing the duties of the position with or without reasonable accommodation, and shall maintain the medical records confidentially.
- d. **New Hire Salary** - All employees shall be hired at the minimum step within the grade unless in the opinion of the department head, with the approval of the Town Administrator, prior experience or market conditions warrants hiring at a higher step within the grade.
- f. **Emergency Hires** - In an emergency, the department head may authorize the hiring of temporary employees necessary to prevent interruption of Town services essential to the health, safety, and welfare of citizens of the Town. Said temporary hire, which shall be subject to the provisions of (d) above, shall not exceed one week without the prior approval of the Town Administrator.
- g. **Temporary Hires** - Subject to funding, a department head without prior approval of the Town Administrator, may hire temporary employees to replace regular employees who are on an authorized extended leave of absence. Within one week of the start date of the temporary employee, the department head shall notify the Town Administrator of the need and anticipated duration of such hiring. Any extension beyond one week shall be subject to the prior approval of the Town Administrator. The department head shall also certify to the Town Accountant the nature and duration of the emergency hiring before any remuneration shall be made. Temporary employees shall not be eligible for any employee benefits.

SECTION 4-5. Promotions and Transfers. The decision to hire or promote is a matter of inherent managerial policy and rests exclusively with the appointing authority. For the purpose of serving the best interests of the Town, and to provide adequate incentive to potential candidates for promotion, the Town Administrator shall monitor the hiring process set forth above with regards to seniority issues.

- a. **Transfers and Reclassification to a Position within the Same Grade** - Any employee who is transferred or reclassified to a position within the same classification grade shall receive the same rate of pay.
- b. **Promotion and Reclassification to a Position in a Higher Grade** - When an employee is promoted or reclassified to a higher grade, he shall receive a rate of pay consistent with the classification and compensation plan. Any employee required to perform the duties of an employee of a higher grade for more than 30 days shall temporarily receive a rate of pay pursuant to this paragraph, effective on the 31st day, for the duration of the employee's absence.
- c. **Transfer and Reclassification to a Position in a Lower Grade** - Any employee transferred to a position in a lower grade shall receive a rate of pay consistent with the classification and compensation plan for that position.

SECTION 4-6. Additional Benefits. The Town Administrator, in his sole discretion, may authorize additional time off to department and division heads to compensate for additional hours

worked beyond their normal schedule. Such additional time off shall be subject to notification in writing to the Board of Selectmen. This discretion is not subject to Section 4-17.

SECTION 4-7. Hours of Work

- a. **Customary Work Week** - The customary work week for regular full-time office and clerical employees, shall be a minimum of 35 hours. The customary work week for all others shall be 40 hours, unless otherwise provided. Employee will receive an unpaid lunch break, not to exceed one hour, if required to work more than six (6) consecutive hours in any one day.
- b. **Pre-Shift and Post-Shift Work** - Any regular full time hourly employee required to work before the beginning of his normal shift, or required to remain after the end of his normal shift, shall be paid pursuant to paragraph (c) for those hours actually worked before the beginning or after the end respectively, of his or her normal shift.
- c. **Overtime**. Any regular hourly employee, whose customary work week is 35 hours, required to work in excess of seven hours in any one day or 35 hours in any one week, shall receive straight time pay for the eighth hour in any one day, or any hours worked between 35 and 40 hours in any one week, or may be given time off for the actual number of hours worked.

Any employee required to work in excess of eight hours in any one day or 40 hours in any one week, shall receive overtime pay at a rate based on one and one-half times their regular rate of pay, or may be given compensatory time off equal to one and one-half times the hours worked.

Employees will not be compensated for hours worked when required to attend scheduled Town Meetings or committee meetings to support issues or positions associated with the primary duties and responsibilities of their position. Employees shall not accumulate more than 40 hours of compensatory time, nor shall compensatory time be cumulative from one fiscal year to the next. All leave periods, with the exception of sick leave, shall be included in computing overtime. All employees are subject to the provisions of the federal Fair Labor Standards Act (FLSA), and as such, exempt employees shall not be eligible for compensatory time.

SECTION 4-8. Bereavement Leave. In the event of a death in the immediate family, a regular employee or probationary employee is entitled to receive paid bereavement leave not to exceed three (3) consecutive days. Such leave shall not be charged to sick leave or vacation leave, and is not cumulative from fiscal year-to-year. The term, "immediate family" is defined as: spouse, child including step-child, parent including step-parent and foster parent, sister, brother, mother-in-law and father-in-law, grandparent, grandchild, aunt and uncle, brother-in-law, sister-in-law; and shall have no other meaning within the terms of this policy. Employees may be granted additional bereavement leave of another two (2) days, at the discretion of the Town Administrator, in the event of the death of a spouse, child or parent, which shall be taken from Personal Leave, Sick Leave or Vacation Leave. (T.M.10/20/03)(T.M. 10/19/09)

SECTION 4-9. Jury Duty. Any regular employee required to serve on jury duty shall be paid the difference between his regular rate of pay and the compensation received for serving on jury duty. Upon receipt of notice to serve, the employee will immediately inform his department head, and subsequently present reasonable documentary proof of actual service to the Town Accountant in

order that compensation be paid. Employees shall make every reasonable attempt to report for work on the days on which they are called to serve.

SECTION 4-10. Maternity Leave. Any employee who has successfully completed her probationary period, shall be granted an eight (8) week maternity leave without pay, for the purpose of giving birth to a child, the adoption of a child under 18, or the adoption of a person under the age of 23 who is mentally or physically disabled. The employee must give at least a two (2) week notice of their intended departure date and intention to return to their position.

Provided she has complied with the above, at the conclusion of her maternity leave, the employee shall be entitled to return to work in her previous position or one similar with the same status as of the date her maternity leave commenced, unless during the period of her maternity leave, other employees with equal length of service and status in the same or similar positions, have been laid off due to changes in economic or operating conditions; provided, however, that such employees on maternity leave shall retain any preferential consideration for another position to which she may be entitled as of the date of her leave.

Any employee on maternity leave may use her accrued sick leave or other accrued annual leave. If she has no accrued leave available, or her accrued leave expires before her return to duty, she may apply for a leave of absence under Section 4-14 of this By-Law.

SECTION 4-11. Military Leave. Any regular employee called to temporary active military duty --Reserve or National Guard-- will be compensated for the difference between his regular base pay and his military pay, upon providing satisfactory evidence of completion of the training period. Military leave is in addition to vacation leave to which he/she is entitled, and shall not be charged to vacation time unless requested by the employee. Military pay shall be considered to be all pay received for the entire 14-day period, including Saturdays and Sundays. Military duty and summer training will not be considered an interruption of Town employment for the purposes of computing dates of service or seniority. Group insurance and other benefits will continue unchanged during this period of temporary active duty. If an employee is called or volunteers for longer periods of active duty, all insurance and other benefits will cease as of the date he is placed on regular military leave.

SECTION 4-12. Armed Services Duty. Any employee who enters the Armed Services, voluntarily or involuntarily, shall present a copy of his military orders to his department head and the Town Administrator for the employee's personnel file. Any employee who holds a regular full-time or part-time position prior to entering military service is entitled to reinstatement under the following conditions:

If upon returning from military duty, the employee presents a certificate showing satisfactory completion of service, he will be restored to his former position or a position of like status and pay, if such application for reinstatement is submitted to his appointing authority within 90 days from the date of release from military duty.

Once an employee is reinstated, he is entitled to be restored to the original date of service he had when he entered the military, plus whatever additional seniority he would have accumulated had he remained at his job. If the rate of pay for the same position has been increased, he is entitled to the higher rate. This leave of absence will terminate upon the employee's failure to apply for reinstatement within 90 days of release from military duty.

Service time will continue to accrue for the duration of a military leave, but will not accrue beyond a maximum of five (5) years. While in the Armed Services, insurance coverage and other benefits are discontinued and will not accrue.

SECTION 4-13. Sick Leave. Each regular employee covered under this By-Law is entitled to sick leave with full pay in accordance with the following provisions:

- a. Each regular full-time employee shall accrue sick leave at the rate of one and one-quarter (1-1/4) days for each month of employment, cumulative to a maximum of 150 days. (TM04)
- b. Each regular part-time employee shall accrue sick leave on a pro-rated basis at the rate of one and one-quarter (1-1/4) days for each month of continuous paid part-time employment, cumulative to a maximum of 120 days.
- c. Probationary employees are eligible to accrue sick leave from their start date, but are not eligible to utilize their accrued days until their probationary period has been successfully completed. Any absence by reason of illness during the probationary period shall be considered leave without pay.
- d. Sick leave shall not accrue to any employee for any month in which he has been absent for more than 20 consecutive work days. Sick leave may be taken in increments of one-half (1/2) hour. (T.M. 10/19/09)
- e. Sick leave shall be granted for the following:
 - Personal illness or physical incapacity to such an extent as to be unable to perform the duties of the position.
 - Attending to members of the family within the household, whose illness requires the care of the employee, provided that not more than five (5) working days with pay shall be granted to any employee in any one fiscal year.
 - Enforced quarantine when declared by the Board of Health, or other jurisdictional agency, for the period of such quarantine only and not to exceed earned sick leave available.
- f. Employees shall notify their immediate supervisor of their inability to report for duty at or prior to the beginning of a work day. An employee who is absent from work by reason of illness for five (5) consecutive days shall be required to submit to the department head a physician's certificate authenticating the illness which shall include the diagnosis, prognosis, and estimated return to full duty. If the department head determines that the employee's use of sick leave is not consistent with the purposes of sick leave, he may at his discretion, require a physician's certificate from an employee absent from work for one day.
- g. Any employee whose accrued sick leave has been depleted, and whose illness extends beyond the period noted above, may be granted an unpaid leave of absence by the Town Administrator, per Section 4-14.
- h. Notification of the number of accumulated sick leave days shall be given annually to each employee at the beginning of the fiscal year.

- i. Any employee receiving Workers Compensation under MGL Chapter 152 may use sick leave to supplement the difference between the amount of the Workers Compensation and his regular wages, until such time as his accrued sick leave is depleted. In no event shall the employee collect more than his regular pay.
- j. Any employee who retires in accordance with Chapter 32 of the Massachusetts General Laws after reaching the age of fifty-five (55) shall receive a lump sum retirement bonus equal to thirty-three (33) percent of his accumulated sick leave at the time of retirement, up to a maximum amount equal to forty (40) days' pay. An employee shall notify the Town Administrator in writing of his retirement prior to the January 1st immediately preceding the fiscal year in which his date of retirement will occur.

SECTION 4-14. Leave of Absence. After one year of continuous service, any regular employee may apply for a leave of absence without pay, not to exceed 90 days. The application must be approved by both the appointing authority and the Town Administrator, and will be granted only under unusual conditions. A leave of absence under these conditions is granted to protect the length of service of the employee, but no provision of this By-Law other than seniority shall apply. All unused personal and vacation leave must be exhausted before the unpaid leave of absence begins. If the leave extends beyond thirty (30) days, sick and other annual leave will not accrue; however, any regular employee may remain covered by the Town's group health and life insurance plan, provided he pays 100 percent of the monthly premium. This section does not apply to short-term Military Leave. If the employee fails to return to full duty after the leave has expired, it will be considered a voluntary resignation effective the last day of actual employment.

SECTION 4-15. Paid Personal Leave. Each regular employee is entitled to receive paid leave to conduct personal business, not to exceed three (3) days in any one fiscal year. Requests for personal leave must be made in writing to the department head not later than two (2) days prior to the leave date except in case of emergency; the approval of the request by the department head is discretionary. Personal leave days can not accrue from fiscal year-to-year.

SECTION 4-16. Separation of Employment. There shall be three forms of separation:

- a. **Release.** Release is a permanent separation of employment caused by the elimination of the position or funding for it. The employee who is released will be given first consideration for any current or future Town position for which that employee is qualified.
- b. **Discharge.** Discharge is a permanent separation for cause or inability to perform the duties of the position. This action shall be initiated by the department head and the employee shall have the right to appeal pursuant to Section 7-8 of the Town Charter.
- c. **Resignation.** Resignation is a voluntary, permanent separation initiated by the employee. The employee shall give his department head at least two weeks written notice in advance of the termination date.

Employees who are separated shall be paid accrued vacation time. All other fringe benefits will cease upon the date of separation.

SECTION 4-17. Grievance Procedure. A grievance is defined as a dispute regarding an alleged violation of an expressed provision of this By-Law. Any employee may at his discretion, discuss a potentially grievable issue with his immediate supervisor in order to settle a dispute. The grievance shall cite which section of this By-Law is alleged to be violated, and shall be processed under the following procedures:

- Step 1. Within ten (10) working days of the event giving rise to the grievance, or within ten (10) working days of the time when the employee should have reasonably known of its occurrence, whichever is later, the employee so aggrieved shall file the grievance in writing on a form approved by the Town, with his immediate supervisor or department head, whichever is applicable. The supervisor or department head shall meet with the aggrieved employee and respond in writing to the employee within ten (10) working days of the date of the meeting.
- Step 2. If the grievance is not settled at Step 1, or within ten (10) working days of the deadline for the response by the supervisor, the employee may submit the grievance in writing to the Town Administrator. The Town Administrator shall meet with the aggrieved employee and the department head and respond in writing within ten (10) working days of the date of the Step 2 meeting.
- Step 3. If the grievance is not settled at Step 2, or within ten (10) working days of the deadline for the response by the Town Administrator, the employee may submit the grievance in writing to the Board of Selectmen. The Board shall meet with the employee and the appropriate department head at its next regularly-scheduled meeting following the date of the receipt of the grievance in the office of the Board. The Board shall render a final decision in writing within ten (10) working days of the date of the meeting with the Board.

The parties may by mutual agreement, extend any time limits stipulated above.

SECTION 4-18. Insurance

- a. **Health Insurance** - All regular employees, including those serving their probationary period, who work at least 20 hours per week are eligible to participate in a group health insurance plan offered by the Town under the same conditions and contributions as other Town employees. For any indemnity plan that may be offered pursuant to Massachusetts General Laws Chapter 32B, the Town shall contribute 50% of the cost of the premium.
- b. **Group Life Insurance Policy** - All regular employees, including those serving their probationary period, are eligible to purchase a \$5,000 life insurance policy. The cost of the premium will be shared equally by the employee and the Town. (T.M. 10/20/03)
- c. **Worker's Compensation** - The Town shall incur the full cost necessary to provide medical and related coverage for expense of work-related injuries for each employee injured while carrying out his duties and responsibilities at his place of work, or in any other location where his duties are performed, subject to the provisions of MGL Chapter 152.

- d. **Retirement Benefits** - In accordance with Massachusetts General Law Chapter 32, as amended, all regular employees who work at least 20 hours per week shall have deductions made from their wages to enroll in the Retirement System of the Commonwealth of Massachusetts. Each retiree shall be eligible to receive group health and life insurance under the same conditions as when employed by the Town.
- e. **Individual Health Insurance Contracts** - Pursuant to Article LXXXIX Amendment of the Second Article of Amendment to the Constitution of the Commonwealth and Chapter 43B of the General Laws of the Commonwealth, the Town of Grafton is hereby empowered to pay for in whole or in part, individual or family health care insurance coverage and benefits for persons unable to be covered by group health plans and health maintenance organization plans offered by the Town.

The Board of Selectmen is hereby authorized to approve reimbursement by the Town to employees and retirees of the Town who reside outside the service area of any health maintenance organization plan offered by the Town, for reasonable expenses incurred by such retirees in the purchasing of individual or family health insurance contracts, or under such contracts, in such amounts and in such manner and under such conditions as the Board of Selectmen deem to be in the best interest of the Town, subject to availability of funds.

The Board of Selectmen shall have the authority to issue rules and regulations concerning administration of this Section, including but not limited to, the type and coverage of any insurance plans to be subject to reimbursement by the Town, and the amount of such reimbursement. No person who resides within the service area of a health maintenance organization plan offered through the Town, or is otherwise eligible to be covered by any health insurance plan offered through the Town shall be eligible for reimbursement pursuant to this Section.

Reimbursement pursuant to this Section shall not be allowed in the event the Town obtains group indemnity health insurance available to all employees and retirees of the Town, or if provision is made under Chapter 32B or any comparable statute for providing health care coverage to retirees otherwise ineligible for coverage by the health insurance plans offered by the Town.

Only retirees otherwise eligible to participate in group health insurance plans of the Town under any section of Chapter 32B of the General Laws accepted by the Town, or rules and regulations promulgated pursuant to said Chapter, but unable to do so because of the lack of a group indemnity health insurance plan, shall be eligible for reimbursement under this Section.

SECTION 4-19. Holiday Leave. All regular employees in benefit status shall be allowed the following twelve (12) legal holidays with pay: New Year's Day, Martin Luther King Day, President's Day, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve shall be observed as a paid holiday only when it falls on a Monday through Friday, provided employees shall only be eligible for overtime compensation if they are required to work after the end of their regularly scheduled work day, and Christmas Day. When one of the foregoing falls on a Sunday, the holiday will be observed the following Monday. When one of the foregoing falls on a Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on an employee's regularly-scheduled day off, or when an employee is scheduled to work on a holiday, in addition to his regular pay, he shall receive straight-time pay for the actual hours worked in addition to his holiday pay, or be given an additional day off with pay. Whenever it is impractical to give time off to an employee on a legal holiday because of the necessity of continuing essential services, the employee may be given

compensatory time off for the actual number of hours worked. An employee shall be in full pay status on the preceding, and following scheduled work day of the holiday in order to qualify for holiday pay.(T.M. 10/19/09)

Nothing in this section shall apply to either elected officers or employees of the School Committee, nor does this section apply to seasonal or temporary employees who work less than six months in any one year, and nothing is intended to supersede the laws of the Commonwealth of Massachusetts.

SECTION 4-20. Vacation Leave. Vacation leave is earned in one fiscal year --July 1 to June 30-- of continuous full or part-time employment, to be taken once accrued and after probationary period in the following fiscal year. Any regular employee who has successfully completed his six month probationary period shall be entitled to vacation leave with pay according to the following:

<u>Length of Service</u>	<u>Vacation Allowance as of July 1</u>
one (1) year but less than five (5) years	two (2) weeks
five (5) years but less than ten (10) years	three (3) weeks
ten (10) or more years	four (4) weeks

Vacation leave is not cumulative from year to year, except upon the written approval of the Town Administrator in cases where an employee's vacation is canceled to meet an emergency or offset a critical personnel shortage. The Town Administrator may, in his sole discretion, authorize a carryover of not more than ten (10) days. This shall be subject to notification in writing to the Board of Selectmen.

Any regular employee shall be granted an additional day of paid vacation leave if while on vacation, a holiday listed in Section 4-19 occurs.

Any regular employee who has successfully completed the probationary period, but who has been employed for less than 12 months as of July 1, shall be eligible for a vacation leave allowance at the rate of one paid vacation day for each completed calendar month of continuous employment in the prior fiscal year, not to exceed ten (10) days.

Upon the death of any employee, the Town shall pay to the employee's beneficiary an amount equal to the employee's accrued vacation allowance, up to the date of his death.

Upon the written recommendation of the department head, the Town Administrator in his sole discretion may grant to a new employee, vacation allowance of up to three (3) weeks on his start date, in recognition of prior experience and length of professional service. This shall be subject to notification in writing to the Board of Selectmen.

This section shall not apply to seasonal or temporary employees who do not work at least six months in any one year.

SECTION 4-21. Call In Pay. All regular employees paid on an hourly basis subject to the provisions of the federal Fair Labor Standards Act (FLSA), who are recalled to work for unscheduled hours, will be paid a guarantee of three (3) hours minimum, subject to Section 4-7(c).

SECTION 4-22. Performance Review. A written evaluation of each employee's performance shall be conducted annually by the department head on such form as the Town Administrator shall require. The purpose of the performance review is to provide a periodic, formal process to review the employee's performance matched against prior mutually-agreed upon goals and objectives. The written performance evaluation shall be reviewed with the employee and signed by both parties attesting to the review; however, the employee only attests to the review itself, not necessarily its contents.

Base Wage increases are based on merit and ability as determined through the annual performance review process. They are not automatic. The department head shall perform the evaluation, and the Town Administrator shall review it. Employees who receive a satisfactory or better evaluation shall be eligible for a base wage increase. The Town Administrator shall determine the amount of any increase in light of the availability of appropriated funds and the employee's overall performance. If the employee receives a satisfactory or better review from his department head and funds have been appropriated, the employee may appeal the Town Administrator's decision to award a base wage increase below the average on a percentage basis (including the decision to award the employee no base wage increase) to the Board of Selectmen, which shall confer with the employee, the department head, and the Town Administrator. The Board of Selectmen's decision on the appeal shall be final.

SECTION 4-23. Longevity. Any regular employee who reaches the maximum of the rate range of their classification and is no longer eligible for progression step increases, and has reached 15 years of continuous service from his anniversary date, shall receive, in the following fiscal year and thereafter, a longevity payment equal to five (5) percent of their base pay. Anyone who is hired after January 1, 2010 will not be eligible for this benefit. (T.M. 10/19/09)

SECTION 4-24. Miscellaneous Provisions

This By-Law shall be consistent at all times with the provisions of the Family Medical Leave Act of 1993 (FMLA) and Massachusetts General Law Chapter 109 of the Acts of 1998, the so-called "Small Necessities Leave Act."

The Town of Grafton conforms to the requirements of the Americans with Disabilities Act (ADA). In keeping with the recommendation of the Report of the House Committee on Education and Labor (Report No. 101-485), the Town shall take all action necessary to comply with the Act.

The Town of Grafton is an Equal Opportunity Employer; it pledges that all candidates for employment, and all officials and employees of the Town will be treated equally in all actions affecting them. It also means that the Town has a policy of nondiscrimination which guarantees that all applicants for employment and all employees will not be discriminated against because of race, color or national origin, age, sex, sexual orientation, religion, political affiliation, veteran status, or disability.

SECTION 4-25. Classification Plan - Supervisor, Professional, Clerical Positions

The Town Administrator shall create and maintain a classification and compensation plan for all Town employees covered by this Personnel By-Law, which shall be subject to the approval of the Board of Selectmen.