

Town of Grafton, Massachusetts Employee Personnel Handbook

DISCLAIMER

Nothing in any of the Town of Grafton's Personnel By-Law, Policies, Procedures or other documents relating to employment with the Town of Grafton ("the Town") creates any express or implied contract or guarantee of continued employment for a specific term. No past practices or procedures, whether oral or written, form any express or implied agreement or contract to continue such practices or procedures. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the limitations set forth in this paragraph create any contract of employment unless: 1) the terms are put in writing, 2) the document is labeled "Contract," 3) the document States the duration of employment, and 4) the document is signed by the Town Administrator.

The Town, acting exclusively through the Town Administrator, reserves the right to add, change or discontinue any aspect of its personnel policies and benefit programs and to revise or modify provisions of this Handbook with proper notice provided to the Town's collective bargaining groups.

Conflicting provisions contained in collective bargaining agreements, to the extent required by law, shall supersede these policies. Where collective bargaining agreements are silent, these policies and regulations may be applied. If there is a conflict between language in the Employee Personnel Handbook and language in an official plan document (such as the group health insurance policy) the official plan document governs.

Subject to the Town Administrator's review and approval, Departmental regulations that establish standards of performance, employee conduct, or action shall continue to be applicable. Employees of the Town that are not otherwise covered by a collective bargaining agreement, employment agreement, or State civil service statutes are at-will employees. Either party may terminate the employment relationship at any time with good cause, with or without notice. The term cause shall include but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

These policies are intended to be in accordance with all applicable State and Federal laws. In the event that these policies are inconsistent with the applicable State or Federal law, the applicable law shall apply.

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CHAPTER I. THE PURPOSE AND COVERAGE

Section 1. Purpose of Rules

It is the purpose of these rules to give effect to the intent and requirements of the Town's Personnel Rules and Regulations. These rules shall be applied in accordance with the intent of the Town's Personnel By-Law which is interpreted and declared to be as follows:

- a) To establish personnel administration rules and regulations in a uniform, standardized manner that will insure the provision of personnel services to employees in accordance with State and Federal laws;
- b) To enable the Town to recruit and retain a qualified work force; and
- c) To govern the appointment, promotion, transfer, layoff, control, and the voluntary or involuntary termination of employees and all other personnel activities.

Section 2. Applicability of the Personnel Policy Handbook

This Handbook shall apply to all employees in the service of the Town of Grafton, unless otherwise specified or exempted herein; except that these policies shall not apply when they are inconsistent with individually negotiated collective bargaining contracts between the Town and certain employees, or where the same are inconsistent with State or Federal legislation affecting municipal employees.

Section 3. Rules and Regulations to be Applicable

In accordance with the provisions of Massachusetts General and Federal laws and the general provisions of the personnel system as adopted by the Town Administrator by resolution and/or ordinance, shall apply to all Town personnel covered by this Handbook. Notwithstanding any section to the contrary, the Town Administrator or designee shall administer the Employee Personnel Handbook.

Section 4. Exceptions to Rules and Regulations

- a) **Overtime – Salaried Employees**
Where it is necessary for overtime work to be performed, Department Heads may specifically authorize such overtime work but every effort shall be made to reduce such overtime to a minimum.
- b) **Overtime – Department Heads**

For the purpose of this document, Department Heads are to be considered salaried employees whose annual compensation shall be their only payment for the positions they hold. There is no intended relationship between the salary and hours worked. They shall receive no

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compensation for overtime, holidays worked or extra duty, but shall be entitled to the authorized leaves, holidays, or special compensatory time-off scheduled with the approval of the Town Administrator.

Section 5 Responsibility of the Town Administrator's Office

The Town Administrator or designee shall perform such duties in connection with personnel regulations in accordance with the Town's Personnel Bylaw. All administrative matters dealing with the provision of human resources shall be routed through the Town Administrator.

Section 6 Personnel Records

The Town Administrator's Department shall maintain the official personnel files for all employees who work for the Town of Grafton. The personnel files maintained in the Assistant Town Administrator's office shall be the official files of the Town and shall include all original documentation pertaining to each employee in accordance with applicable State and/or Federal regulations. Department Heads may maintain files supporting Departmental actions.

Current and/or former Town employees have the right to examine their personnel files and may, on written request, receive a copy of any records contained in their personnel file. An employee may request his or her personnel records in a calendar year up to two times, except where the request is made as a result of receiving notice of negative information placed in his or her personnel file. No personnel files may be taken out of the Town Administrator's office without consent of the Town Administrator.

The personnel records include all original information pertinent to an employee's employment with the Town including the employment application, payroll deductions, performance appraisals, leave records, special commendations, disciplinary actions, education and training certificates and Employee Payroll Change Form. Employee medical records will be kept separate from all other personnel file information. It is the responsibility of employees to inform their Department Heads of changes in their name, address, telephone number, marital status and person(s) to be notified in the event of an emergency and to notify the Town Administrator's office and the Treasurer/Collector's office of changes to their personal status to insure proper coverage.

In accordance with MGL Chapter 149, Section 52C as amended, the Town will notify an employee within ten (10) days of placing information in an employee's personnel record that is, has been used or may be used, to negatively affect an employee's qualification for employment, promotion, transfer, additional compensation or subject (the employee) to disciplinary action.

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Section 7 Public Inspection of Personnel Records

The following information relative to current and/or former employees is available for public information without a signed release from the employee: name, job title and dates of employment or information in accordance with the Massachusetts access to public records statute. Examination of personnel records and other personal data are accessible only to the employee's Department Head, Town Administrator, Clerk, Treasurer/Collector, members of the Town Administrator's Department, and the employee involved. All requests for employment verification should be forwarded to the Office of the Town Administrator.

Section 8 Department Rules

Department Heads are authorized to frame and promulgate rules in addition, and subject to, but not inconsistent with the provisions of this Personnel Handbook. If Department rules conflict with the Personnel Handbook, the Personnel Handbook shall be used. All Department rules shall be forwarded to the Town Administrator's office for review.

Section 9 Conflict

These rules and regulations shall supplement and supersede all previous rules and regulations relating to the same subject. All conflicting rules and regulations are hereby superseded. In the event that any provision of this Personnel Policy Handbook or application thereof shall be held invalid, this act shall not be construed to affect the validity of any other provision, or application thereof of this Personnel Policy Handbook.

Section 10 Recruitment

a) Form of Recruitment

Recruitment shall be in such a form as will fairly test the abilities and aptitudes of candidates for duties to be performed. Examinations may include written, oral, physical, or performance test, or any combination of these may take into consideration reasonable factors such as education, experience, aptitude, knowledge, character, physical fitness or any other qualification determined to be appropriate to judge the relative fitness of applicants to perform the required duties of the job vacancy.

b) Appointment

Except as specially provided otherwise in these rules or the Town's Personnel By-Law, no person shall be appointed to any position unless they have (1) filed a completed application, (2) qualified by passing any required examination or background check as established by the Town Administrator, and (3) certified for appointment according to these rules.

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c) Vacancies in Appointed Positions

Appointments shall be open to any qualified applicant and announcements for such position shall be posted on appropriate bulletin boards and advertised in a paper having at least a general circulation in the Town of Grafton. This does not preclude the placement of job announcements in other locations.

d) Vacancies in Higher Positions

Vacancies in a position above entry level may be filled by promotion whenever it is in the best interest of the Town to do so and promotions shall be on a competitive basis. If the position may not or should not be filled from within existing personnel, public announcement and open competitive process should be followed as previously stated.

Announcement of promotional vacancies shall be posted on appropriate bulletin boards. Individuals seeking promotion must file an application with the Town Administrator's Office.

Section 11 Management Rights

The Town of Grafton shall have the exclusive right to administer through the Office of the Town Administrator and the Board of Selectmen the business of the Town in addition to all other functions and responsibilities which are required by law. Specifically, the Town's exclusive management rights include, but are not limited to the following:

1. To manage and direct its employees, including the right to select, hire, promote, transfer, assign, evaluate, layoff, and recall or to reprimand, suspend, discharge or discipline for just cause to maintain order among employees;
2. To promulgate and enforce employment rules and regulations and to otherwise exercise the prerogatives of management;
3. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed;
4. To determine the Town's goals, objectives, programs, and services.
5. To determine the size, composition, and duties of the work force, the number of shifts required, to establish work schedules, to establish hours of work, to establish, modify, consolidate, or abolish jobs (or classifications); and to determine staffing patterns, including, but not limited to the assignments of employees, duties to be performed, qualifications required, and areas worked;
6. To relieve employees from duty due to the lack of work, lack of funds, or for other legitimate reasons which improve the economy or efficiency of the Town;
7. To determine when a job vacancy exists, the standards of quality and performance to be maintained.
8. To determine the necessity to schedule overtime and the amount required;
9. To maintain the security of records and other pertinent information;
10. To determine the budgets;

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11. To maintain and improve the efficiency and effectiveness of the Town's operation; and
12. To determine and implement necessary actions in emergency situations.

Section 12 Handbook Modification

These policies are subject to unilateral change without notice and may be modified, supplemented or deleted as the need arises. Any policy that is declared by the Federal or State government to be illegal shall immediately become null and void. The voiding of any one policy for this reason in no way nullifies any other part of this manual. Periodic modifications may be required to adjust to changing conditions and regulations. The Town of Grafton reserves the right to revoke, discontinue or alter existing policies at any time in its sole discretion, as well as the right to reduce or substitute alternative benefits that may or may not be equivalent or comparable.

Changes or additions to the manual/handbook will become effective when notice of changes is given by the Town Administrator to the employee(s) covered by such changes.

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CHAPTER II DEFINITION OF TERMS

1. Appointing Authority

The person(s) or official(s) authorized by the Town's Personnel Bylaw to make employee appointments and disciplinary actions.

2. Exempt Position

In accordance with the Fair Labor Standards Act (FLSA), exempt employees are those employees of the Town serving as Department Administrators or those employees who otherwise perform management/administrative responsibilities or require professional qualifications. Exempt employees classified as such by the FLSA are paid a salary for all hours worked. Please see the Addendum section of this Handbook for a detailed explanation of FLSA standards.

3. Regular Full -Time Position

An employee other than police who is employed for not less than seven (7) hours per diem, five (5) days per week, fifty-two (52) weeks per year, less legal holidays and authorized leave, normally from 8:30 a.m. until 4:30 p.m. (2,080 hours annually) and has defined responsibilities as contained in a job description.

4. Non-Exempt Position

All Town employees who are not classified as exempt employees. Non-exempt employees, other than police, will be paid overtime in the form of compensatory time off for all hours worked over 40 in one week. Police or employees covered by a collective bargaining agreement are paid overtime pursuant to the provisions of an employment agreement or collective bargaining contract.

5. Part-Time Employee

A part-time employee is an employee who is normally scheduled to work fewer than twenty hours per week. These employees are not entitled to holiday pay, vacation pay, sick pay, health insurance or other benefits offered by the Town unless specified otherwise in a collective bargaining agreement.

6. Regular Part-Time Employee

An employee who works a minimum of twenty (20) hours per week (1,020 hours annually) on a regularly scheduled basis and has defined responsibilities as described in a job description. These employees are granted holiday pay, vacation pay, or sick pay on a pro-ratio basis as determined by the number of regularly scheduled hours compared to the normal work week.

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7. Seasonal Employee

Employees serving in a position for a specified period of time, such as for a summer season, would be considered seasonal. Seasonal employees are not entitled to holiday pay, vacation pay, sick pay, group health insurance or any other benefits regardless of the number of hours worked per week.

8. Work Week

All employees other than Police will work a five day work week and be paid on the basis of a minimum of a 35 hour work week, or as specified in a collective bargaining agreement. The normal pay period runs from Monday through Sunday. Employees are normally paid on a bi-weekly basis.

9. Continuous Service

Length of employment with the Town of Grafton of a full-time or regular part-time employee, uninterrupted except for military leave, vacation leave, sick leave, jury duty leave, disability, maternal/paternal leave, or any other authorized leave of absence covered in this Personnel Handbook. Service should not be considered continuous if there is a break of service resulting in the employee being in a non-pay status for a period of time exceeding thirty (30) days excepting authorized leave of absence.

10. Allocation

The placing of a position in its proper classification or grade level, based upon duties required by the Town to be performed, the level of accountability, independence and supervisory responsibilities exercised.

11. Anniversary Date

The date of appointment as an employee of the Town.

12. Applicant

An individual who has completed and submitted an application or resume for employment with the Town.

13. Appointment

The act of the appointing authority in selecting and certifying in writing the person whom it deems best qualified for the position which is to be filled in accordance with the provisions of this Handbook.

14. Break in Service

Any separation from the classified service of one scheduled workday, or more, whether by resignation, layoff, dismissal, disability, retirement, or absence without leave of one (1) workweek or more when the employee is subsequently reemployed. An authorized leave without pay shall not be considered as constituting a "break in service".

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15. Call-Out Time

Authorized time worked by an employee who, after departing from his shift, receives orders to work in response to natural or man-made emergencies.

16. Candidate

An applicant or employee who is under consideration for a position.

17. Class

A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specification and pay range.

18. Class Specification

A written description of a class consisting of a class title, a general Statement of the distinguishing features of work, level of independence, responsibilities and the required minimum qualifications for the class

19. Classification Plan

The official or approved system of grouping positions into appropriate classes consisting of (1) an index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.

20. Classified Service

All offices and positions in the service of the Town of Grafton as defined in the Employee Personnel Handbook herein.

21. Classification and Compensation Plan

The official schedule of pay approved by the Town Administrator assigning one or more rates of pay to each class title.

22. Compensation

The salary, wages, fees and other forms of consideration earned or paid to any employee by reason of service in a position, but does not include allowances for expenses authorized and incurred as incidental to employment with the Town.

23. Demotion

Assignment of an employee from one class title to another which has a lower maximum rate of pay.

24. Department

The primary organizational unit which is under the immediate charge of a Department Head who reports directly to the Town Administrator.

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25. Department Head

For the purpose of this Handbook, the term Department Head may mean an employee appointed by the Town Administrator to manage a Department or a Board/Committee in accordance with the Town's Personnel By-law.

26. Dismissals

Dismissals are involuntary discharges or separation from employment with the Town for delinquency, misconduct, inefficiency, or inability to perform the work of the position or other cause as determined by the Town.

27. Eligible

A person whose name is on an appropriate employment list and who is not ineligible for appointment for other reasons.

28. Employee

An individual who is legally employed by the Town and is compensated through the Town payroll for their services. Individuals or groups compensated on a fee basis are not included. Synonymous with incumbent.

29. Examination

The process of testing, evaluating or investigating the fitness and qualification of applicants and employees.

30. Grievance

A grievance is defined as any complaint by an employee that he/she has been treated unfairly, unlawfully or in violation of his/her rights under Town By-Law of Collective Bargaining Agreement with regard to any matter pertaining to his/her employment with the Town.

31. Immediate Family

Defined as spouse, child including step-child, parent including step-parent and foster parent, sister, brother, mother-in-law, father-in-law, grandparent, grandchild, aunt, uncle, brother-in-law, and sister-in-law.

32. Lateral Transfer

A lateral transfer involves placing an employee in a different position that falls within the same salary range. The position may or may not be in the same Department.

33. Layoff

The involuntary non-disciplinary separation of an employee from a position

34. Overtime

Authorized time worked by an employee in excess of their total normal working hours per week.

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35. Overtime Pay

Compensation paid to an employee for overtime work performed in accordance with these rules.

36. Pay Grade

A symbol indicating the pay range of a class of positions.

37. Pay Rate

A specific dollar amount, expressed as either an annual rate, a weekly rate, or an hourly rate, as shown in the Classification and Pay Plan of the Town. Unless otherwise specified, the pay rate shall be specified on an hourly basis.

38. Position

Any office of employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by competent authority.

39. Position Number

A number assigned each position for purposes of identification

40. Probationary Employee

A working test period not exceeding a duration of six (6) months or as specified in a collective bargaining agreement or by State civil service statute during which an employee is required to demonstrate their fitness to perform duties for the position to which assigned. An employee may be terminated by the Town Administrator or upon the recommendation of a Department Head, or Committee to the Town Administrator at any time with good cause, with or without notice.

41. Promotion

A promotion is an advancement to a position at least one grade level higher, which requires minimum qualifications of significantly increased complexity.

42. Separation

Leaving a position by any type of personnel action including resignation, layoff, release, dismissal, removal, permanent disability and death.

43. Suspension

An enforced leave of absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

44. Temporary Promotion

Unusual circumstances such as prolonged illness, extended vacations, or a leave of absence, may require the selection of an employee to fill a higher level

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position for a period of time less than 21 calendar days.

45. Transfer

Assignment of an employee from one position to another position. Transfers can take place within a Department, between Departments, between positions of the same pay range or between positions of different classes.

46. Vacancy

A position which has been newly established or which has been vacated by a previous incumbent

47. Work Day

Scheduled number of hours an employee is required to work per day.

48. 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 other employees shall be 40 hours, unless otherwise provided.

49. Personnel Records

Official personnel records of an employee including but not limited to disciplinary records, performance evaluations, and documents pertaining to the hiring, promotion, transfer and compensation of an employee including benefits.

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CHAPTER III GENERAL PERSONNEL POLICIES

Violation of any of the following personnel policies may result in disciplinary action up to and including dismissal from employment with the Town.

Section 1 Equal Employment Opportunity and Non-Discrimination

Federal and State laws prohibit discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment on the basis of race, color, religion, sex, national origin, disability or age except where age and sex are essential bona fide occupational requirements, or where a qualified disabled individual is unable to perform the essential requirements of their job without reasonable accommodation.

The Town commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964;

Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

All employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based solely upon merit, fitness and such occupational qualifications as each individual might possess. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, or other non-job related criteria. The Town shall not discriminate on the basis of disability unless the disability renders the individual unable to satisfactorily perform the essential functions of the job.

The Town of Grafton, recognizing the right of an individual to work and to advance on the basis of merit, ability, and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, national ancestry, or age, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training programs, and all terms and conditions of employment. The Town of Grafton shall strive to eliminate any systemic discrimination that may be pervasive throughout the place of employment, or throughout the personnel program that could adversely affect the Town's goals relative to equal employment opportunity.

Employees are encouraged to report all violations of this policy to their immediate Department Head. However, should an employee's immediate Department Head be involved in the violation, the employee should report the incident to the Town Administrator or the Ms. Susan Mitchell at Mirick O'Connell who is Town's Harassment Grievance Officer. Her telephone number is (508) 791-8500, ext. 420.

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Section 2 Code of Ethics

The Town has in effect, and will establish from time to time, such reasonable rules as it considers necessary to ensure the orderly and efficient conduct of its business, to assure the safety of its employees and property, and to comply with applicable State or Federal laws. To avoid misunderstandings and conflicts of interest which could arise, the following policy will be adhered to by employees of the Town.

All employees of the Town of Grafton shall be aware of and abide by the State “conflict of interest law” that is designed to ensure that a public employee’s private financial interests and relationships do not conflict with their public obligation to act objectively and with integrity. The law is broadly written to prevent a public employee from becoming involved in a situation that could result in a conflict, or give the appearance of a conflict. A copy of this act is available in the office of the Town Clerk or on the Town’s website for employee reference.

Employees required by law, regulation, or as in incident to their position, to maintain registration, license, or certification, are personally responsible for acquiring and maintaining such documentation, unless collective bargaining agreements provide otherwise. Failure to abide by this Code of Ethics may result in disciplinary action up to and including termination of employment.

Section 3 Political Activity

The Federal Hatch Act restricts political activities of public employees. No employee, official or other person shall solicit orally or by letter, contributions or services for any political party or candidate from any employee during his/her hours of duty, service or work with the Town.

Nothing herein contained shall be construed to restrict the right of an employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours or to campaign actively during off-duty hours in all areas of political activity.

It is considered to be in the best interest of all municipal employees that they shall not be pressured by direct or indirect political influences. As a safeguard against this, the behavior on the part of municipal employees shall be as follows:

- 1) All employees shall refrain from using their influence publicly in any way for or against any candidate for elective offices during work hours. They shall not circulate petitions or campaign literature for elective officials or be in any way concerned with soliciting or receiving any subscription, contribution, or political service from any person for any such elective official.

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- 2) No officer or employee of the Town shall use their official authority or influence on any other officer or employee for the purpose of interfering with an election or a nomination for office or affecting the result thereof (except by casting their vote).
- 3) No officer or employee of the Town shall directly or indirectly coerce, attempt to coerce, command, or advise any other said officer or employee to pay, lend, or contribute any part of their salary, time, or compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes during work hours.

Section 4 Dress Code

Employees are expected to maintain the highest standards of personal cleanliness and present themselves in a neat, professional appearance at all times. When job responsibilities place employees in direct contact with town officials, State officials, legislators or the public, they represent the Town with their appearance as well as their actions. Employees who are improperly attired may be required to leave work to change their attire.

Dress code violations as determined by the Town may result in disciplinary action being taken up to and including termination from employment with the Town.

Section 5 Non - Harassment Policy

It is the Town's policy to provide a workplace free from discomfort or pressure resulting from ridicule, slurs, and harassment either relating to distinctions based upon race, national origin, sex, age, religion or disability or simply from a lack of consideration for a fellow human being.

In addition to this policy, if any employee feels that he or she has been subjected to any form of harassment, they may file a complaint with their Department Head or the Town Administrator. A copy of this policy is contained in the Addendum Section of this Handbook.

Section 6 Workplace Privacy

The workplace is intended to be a place of work. An important part of work is communications and record keeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Each employee must understand that personal items and personal communications received or stored on Town premises or Town equipment are not entitled to a guarantee of privacy. Management reserves the right to search Town property and documents in employee desks, lockers, file cabinets, etc.

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Electronic media raises similar issues. The Town provides electronic and telephonic communication and when necessary, computers to employees. Although assigned to employees, these items belong to the Town. Similarly, any computer files created on a Town computer belong to the Town. Employees should not use Town computers for personal business without the express written permission of the Town. The Town reserves the right to review voice mail, electronic mail, computer files and other electronic information generated by or stored in the Town's electronic systems.

Section 7 Outside Employment

Town employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of Town service. Any employee who is included in the Town's Emergency Preparedness Plan accepting outside employment under the terms of this section will make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the Town. Every employee granted permission to engage in outside employment under this rule shall agree to respond immediately to any emergency call to duty by the Town whenever the Department Head or the Town Administrator determines his/her services to be necessary.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the Town's worker's compensation plan on account of the injury resulting from the outside employment. Equipment, facilities, vehicles or property of the Town shall not be used by employees for outside employment.

Section 8 Computer/Internet Policy

The purpose of this policy is to ensure the proper use of the Town of Grafton's telecommunication systems which includes telephones, facsimile machines, computers, printers and other peripherals, programs, electronic mail, networks, web site, Internet, cellular phones, radios and pagers. This policy may be updated from time to time and amended at the discretion of the Town Administrator.

The following personal computer use is absolutely forbidden:

1. To access any material which the Town considers pornographic;
2. To purchase goods or services, even if charged to the employee's personal credit card;
3. To transmit or knowingly accept receipt of any communication which is pornographic, obscene or which in the Town's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction; or
4. To conduct personal business.

Important Notice: The Town has the capacity to examine computer usage of individual employees in detail. Even though the item has been "deleted" and the employee cannot retrieve it, does not mean that the Town cannot do so. It is also

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possible to generate a report of every Internet connection made by the user and of how much time was spent in each connection.

The Town's workplace privacy policy (Section 6) prohibits the use of the Town's computers for personal business without the express written permission from the Town Administrator.

Please note that employees who use personal electronic equipment including but not limited to cell phones, pagers, camera phones and computers) on Town property or at town work sites to engage in conduct which would be prohibited if conducted using Town equipment, will be considered to have violated this policy.

For further details, please see the copy of the Town's Information Technology Resources Policy that has been placed in the Addendum of this document.

Section 9 Solicitation and Distribution

Town employees are prohibited from soliciting or distributing literature to any other employees of the town, engaging in discussion or advocating a position on behalf of an organization including any labor union or employee organization during their working hours or the working hours of the employee solicited. The term working hours in this section shall not include lunch breaks or other recognized work break time. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

Section 10 Use of Town Property

An employee shall not use Town property, equipment or vehicles except in the performance of official duty, nor permit its use by an unauthorized person, either on or off duty.

Section 11 Work Place Violence

The Town of Grafton maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the public, or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace that is free from the intimidation, threats or violent acts.

Workplace violence includes but is not limited to harassment, threats, physical attack or property damage. A threat is the explicit or implicit expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional hostile physical contact with another person such as hitting fighting, shoving, or throwing objects. Property damage is intentional damage to property that includes property owned by the Town, employees or others.

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Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen must be reported immediately to Department management or the Town Administrator. Management will assess and investigate the incident to determine the action to be taken. Anyone witnessing an act of violence must inform the Town Administrator of all reported incidents of workplace violence and will inform the employee of their right to have the Police Department notified. If an employee of the Town is alleged to have committed an act of violence, he/she will be placed immediately on leave of absence with pay pending the outcome of an investigation by the Town.

In critical incidents in which a serious threat or injury occurs, emergency responders such as Police, Fire or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team that consists of staff from the affected Department and may include the Town's Substance Abuse Coordinator, Police Department and others as deemed necessary.

The Department Head or designee will orient all new employees to Departmental procedures regarding reporting incidents of violence, what to do if the employee is threatened or if an incident of violence actually takes place and dealing with the after effects of an act of violence.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

Section 12 Alcohol and Drug Policy

The Town of Grafton has a strong commitment to its employees to provide a safe place and to establish programs promoting high standards of health. Consistent with the spirit and intent of this commitment, the Town of Grafton has established a policy regarding drug and alcohol use or abuse.

While the Town of Grafton has no intention of intruding into the private lives of its employees, the Town does expect employees to report to work in condition to perform their duties. The Town recognizes that an employee's off the job and on the job involvement with drugs and alcohol can have an impact on the work place and on an employee's ability to accomplish their work in a safe and efficient manner.

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The illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town property is an offense that warrants disciplinary action, up to and including termination from employment. Any illegal substances will be turned over to the appropriate law enforcement agency. Employees who are involved with off-the-job drug activity may be considered in violation of this policy.

Employees who are under the influence of alcohol and/or drugs, either on the job or when reporting to work, or who possess or consume alcohol or drugs during work hours, have the potential for interfering with their own, as well as their co-workers safe and efficient job performance. Employees engaged in such activity will be subject to disciplinary action up to and including termination.

Employees must follow the directions of their health care provider concerning prescription medications and must immediately notify their supervisor of their use of prescription drugs that could affect the performance of their job. Employees engaged in safety sensitive functions that do not report such use prior to commencing work would be considered to have violated the policy. The Town must be notified of any prescription drug or over the counter drug use at the time of any testing or screening for controlled substances.

Drug-Free Workplace Policy Dissemination:

- A. The Town will give a one-time notice to all employees that it is a condition of employment to refrain from using, possessing or otherwise dealing in drugs on or off the job and that a drug testing program is being implemented.
- B. A notice of drug testing will be included with all vacancy announcements for those positions where drug testing is required as part of the employment process.
- C. A notice of the Town's drug testing policy will be posted in appropriate and conspicuous locations on the Town's property and copies of the policy will be made available for inspection during regular business hours by the public in the Town Administrator's office.

Alcohol Use Prohibitions

- A. The consumption of alcohol on Town premises, in a town vehicle or while on duty is prohibited and will result in disciplinary action, up to and including discharge.
- B. Off-duty abuse of alcohol which adversely affects an employee's job performance or adversely affects or threatens other interests of the Town is prohibited and may result in disciplinary action up to and including discharge.
- C. The personal possession (whether on the person, or in a desk, locker or Town vehicle) of alcohol on Town premises or on duty will result in disciplinary action up to and including discharge.

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- D. It is against Town policy to report to work or to perform job duties under the influence of alcohol.
- E. For the purpose of this policy, an employee is presumed to be under the influence of alcohol if a blood test or scientifically acceptable testing procedure shows a forensically acceptable positive proof of alcohol usage.
- F. An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town may decide to take further action (i.e. removal from service, referral to counseling and/or disciplinary action) based on medical information, position held, employee's work history, job conduct and other relevant factors. The determination of what action is appropriate in each case rests solely with the Town.
- G. Refusal to submit to or efforts to tamper with an alcohol test will result in disciplinary action up to and including discharge.
- H. Employees who are arrested while either on- or off-duty for an alcohol-related incident must immediately notify their Department Head or the Town Administrator of the arrest. Failure to notify an appropriate Town official may result in disciplinary action up to and including discharge.

Drug Use Prohibitions

- A. The use, sale, purchase, possession, manufacture, distribution or dispensation of illegal drugs at any time, whether on- or off- duty and whether on or off Town property is cause for immediate disciplinary action up to and including discharge.
- B. It is against Town policy to report to work or to perform job duties under the influence of drugs, including prescription drugs which induce an unsafe mental or physical State. Employees who violate this policy may be subject to disciplinary action up to and including discharge.
- C. For the purpose of this policy, an employee is presumed to be under the influence of drugs if a urine test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of drug usage. A confirmed positive test will result in disciplinary action up to and including discharge.
- D. Consistent with this Policy, an employee perceived to be under the influence of drugs will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The Town will take further action (i.e. removal from service, referral to counseling and/or disciplinary action) based on medical information, position held, employee's work history, job conduct and other relevant factors. The determination of what action is appropriate in each case rests solely with the Town.
- E. Refusal to submit to or efforts to tamper with the results of a drug test will result in disciplinary action up to and including discharge.

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Please note that the activities listed above are not meant to be inclusive but only as examples of activities that may result in disciplinary action being taken by the Town up to and including termination of employment.

The Town's Drug Free Workplace Policy has been prepared so as not to conflict with the public policy and further not to discriminate or be abusive. Drug testing is only one of several steps that must be taken to achieve this objective. When incorporated into a comprehensive anti-drug effort, testing can go a long way in combating drug abuse in the workplace. The Town reserves the right to make any changes or modifications of this policy and testing program at any time in order to remain in compliance with applicable State and/or Federal laws or regulations.

For further details, a copy of the Town's Drug and Alcohol Testing Program is enclosed in the Addendum Section of this Handbook.

Section 13 Requirements in the Event of Emergencies or Disasters

Each employee of the Town of Grafton is responsible for the preparation, protection, and maintenance of facilities and services of the Town before and after a disaster such and before restoration of normal service levels following a disaster. Efficient and loyal performance on the part of each employee is deemed critical and therefore is required under such circumstances. The prompt return to duty after any type of disaster is the responsibility of all employees of the Town of Grafton.

The Town Administrator or its designee shall initiate the phases of the Town's Emergency Disaster Preparedness Plan upon notice of onset of an emergency occurrence. Employees shall be designated as Essential, Non-Essential, or Emergency Personnel by the Town in accordance with the Town's Emergency Disaster Preparedness Plan. All employees shall continue to work in whatever capacity assigned by their supervisor until such time as they are released to seek shelter, as determined by the Town Administrator or designated representative. Essential personnel shall be the last to be released prior to the event and shall be released on a case by case basis. Emergency personnel shall remain at their designated posts until released by their supervisors in accordance with directions of the Town Administrator or designee.

As soon as the immediate threat or crisis to the Town has passed, all employees must contact their respective Departments to receive instructions. Employees shall return to duty on or before the time given by their respective Department representative in accordance with the guidelines of the Town's Emergency Preparedness Plan and specific directions of the Town Administrator or his/her designee. Failure on the part of any employee to act in accordance with the guidelines of the Town's Disaster Preparedness Plan or the specific directions of the Town Administrator or his/her designee and/or to contact their Department or return to duty as instructed may result in immediate termination without further warning.

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Section 14 Bulletin Boards

Information of interest to employees is posted on bulletin boards in each building on the official bulletin board maintained by the Town Administrator or designee. In addition, informational notices are distributed to Departments and, on occasion, material is enclosed with employee paychecks. Bulletin boards are for official use only and are not for personal use or solicitation. Various collective bargaining agreements may contain provisions for the use of bulletin boards for union announcements.

Section 15 Criminal Offenders Records

In accordance with Massachusetts General Law, all police and school Department employees must complete a nation-wide criminal background examination through finger printing as a condition of employment.

All other Town employees must complete a State of Massachusetts background examination as a condition of employment. The examination process is administered by the Town.

Section 16 Introductory Hiring Period

All employees are subject to an introductory hiring period of one (1) year from date of employment unless described differently in a Town collective bargaining agreement.

An introductory hiring period may be extended for a period not to exceed six (6) months upon written request of the Department Head and approved by the Town Administrator and Personnel Board. An Introductory Hiring period shall not exceed a total of eighteen (18) months.

The Department Head shall use the introductory hiring period to closely observe and evaluate the work of all employees newly employed and to encourage their effective adjustment to the job, and the service of the Town.

A new employee may be dismissed without recourse to appeal rights at any time during the introductory hiring period when, in the judgment of the Town, the employee has an unsatisfactory previous employment record or the quality of his or her work is not such as to merit continuation in the service of the Town and such dismissal is approved by the Town Administrator.

During the introductory hiring period when an employee is found to be physically unfit for performance of the duties of the position which they seek to hold, or is addicted to the habitual use of narcotics or intoxicating beverages, or has an unsatisfactory previous employment record, or has failed to submit pertinent information requested by the Town Administrator, or has practiced fraud or deception in obtaining this employment, or made false Statements in their

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application, the Department Head shall recommend to the Town Administrator termination of their employment with the Town after such findings.

Section 17 Attendance Records

Departments are responsible for maintaining and reporting employee records of attendance. The Town Administrator's office shall review Departmental attendance records periodically to ensure consistent administration of attendance standards of all employees.

Section 18 Smoking in the Workplace

In accordance with the Town's Board of Health regulation, there shall be no smoking permitted in any public buildings in the Town of Grafton.

Section 19 Vehicle Use

Vehicles owned by the Town of Grafton are issued to personnel employed in positions designated by the Town for the benefit and convenience of the Town in order to provide timely and appropriate service to its citizens. The vehicle is assigned, therefore to the position and not to the employee.

An employee shall not use Town property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, including family members, either on- or off-duty except as otherwise approved by the Town Administrator or Department Head or as specified in a collective bargaining or employment agreement.

Town vehicles shall be assigned to Departments, individual position, or to a general car pool on the basis of work responsibility as determined by the Town Administrator.

Normally, no Town-owned vehicle shall be driven outside the limits of the State of Massachusetts without the permission of a Department Head who shall obtain approval from the Town Administrator of any instances in which a vehicle is to be driven out of State.

Section 20 Vehicles, Equipment, Supplies

Employees are responsible for items such as equipment, vehicles, supplies, credit cards, and keys etc., issued to them by the Town of Grafton and which are in their possession or control. Employees must return all property belonging to the Town of Grafton on or before their last day of work. The Town may take any and all action deemed necessary to recover town property and may withhold from an employee's final paycheck the cost of items that are not returned to the Town.

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Section 21 Use of Town Counsel

All employees and members of Town Boards/Committees are required to notify the Town Administrator for approval in writing of any matters that require a legal opinion from the Town Counsel.

Section 22 Town Commitments

No employees including Department Heads are authorized to execute contracts, grants, or any agreements on behalf of the Town of Grafton unless authorized by the Town Administrator in accordance with MGL's as amended.

Section 23 Personnel Changes

No change to the status of an employee's employment with the Town of Grafton should be made without completion of an Employee Personnel Change Notice. A copy of this form is enclosed in the Addendum Section of this Handbook.

Section 24 Use of the Municipal Center

It shall be the policy of the Town Administrator that the Municipal Center and its meeting rooms are available for governmental, political, and educational activities that do not interfere with the conduct of government. The Board of Selectmen delegates to the Town Administrator the right to approve or disapprove the use of

the Municipal Center facilities by any organization. The Town Administrator and the Chief of Police, in consultation, shall provide for the assignment of police officers when they are considered necessary by the Town. The cost of supervision and provision of police officers shall be the responsibility of the using organization.

Any group granted permission to use any Town facility, shall be responsible for the following:

1. Conduct of participants and their guests
2. Return of any equipment/fixtures to their proper place
3. Replacement or repair of any damaged equipment/fixtures
4. Adherence to all State and local ordinances
5. Any other specific cost required deemed appropriate by the Town for each activity

Special Conditions:

1. There is no smoking allowed in the Municipal Center
2. Food and beverages are not permitted with out prior written approval of the Town Administrator

Section 25 Employee Personnel References

Any requests for an employee reference based on employment with the Town of Grafton shall be referred to the office of the Town Administrator.

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Section 26 Legal Clause

The Town shall provide defense counsel for any employee whenever the employee shall be sued for damages arising out of the discharge of his official public duties.

Section 27 Designation of Masculine Noun or Pronoun

The masculine noun or pronoun as used in these rules shall be held to include the feminine, the singular to include the plural, and the plural the singular.

Section 28 New Personnel

When a request is made for new personnel the Department Head shall, before recommending the applicant for approval by the Town Administrator, satisfy themselves that the applicant is qualified and of good moral character and must be a citizen or legal resident of the United States, and is within the age of employment and willing to undergo a physical examination, which shall be required of all new employees at the Town's expense.

Section 29 Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing their job. When a Department Head believes that the physical condition of an employee constitutes a hazard to persons or property, the Department Head may request the employee to submit to medical examination by a licensed medical physician at the Town's expense.

Section 30 No Strike

Since municipal employees provide a service to the public whose interruption in many instances may be detrimental to public safety, no municipal employees shall engage in any work stoppage, slowdown, or strike. Any employee engaging in such work stoppage, slowdown, or strike shall be subject to immediate dismissal without any rights to any of the benefits provided by the Town.

Section 31 Conflict of Interest

No employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Section 32 Whistle Blower Policy

It is the policy of the Town of Grafton to encourage employees and independent contractors to report information – without fear of actual or threatened discrimination, retaliation or reprisal – that they in good faith reasonably believe is evidence of gross

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misconduct, gross mismanagement; gross misuse or waste of public resources or funds; fraud; violations of law; abuse of authority in connection with the conduct of municipal operations or contracts; or a specific danger to health, security or safety.

The Town shall not recommend, take or threaten to take any action having a negative or adverse impact on an employee or independent contractor because he or she:

1. made or is perceived to have made a report;
2. sought remedy under applicable law after making a report;
3. participated in or cooperated with an inquiry or review by an authorized official of the Town or any other governmental entity with jurisdiction over the Town of Grafton, regarding a matter that would constitute a report or a violation of this whistleblower provision, or with an enforcement or judicial proceeding arising from such an inquiry or review;
4. refused to obey an order that would violate law; or
5. refused to work or authorize work when a hazardous safety or security condition presents an imminent danger of death or serious injury, there was no reasonable alternative to refusal, there was not sufficient time to eliminate the danger in absence of refusal and the individual where possible, notified the Town of the condition and of the intent not to perform or authorize work.

Employees or contractors are requested to notify the Town Administrator or any other Town official, office or Department Head within the Town of Grafton that the employee or independent contractor reasonably believes has authority to act on the matter in person, in writing, through the telephone (508) 839-5335, extension 180, email or by any other reasonable means.

Section 33 Workday Rules and Procedures

Work Permits and Deviation of Hours

State and Federal laws require that any employee under the age of 18 who has not graduated from high school must apply for a work permit. No one under age 16 will be employed by the Town of Grafton. Any employee under 18 years of age must have a current deviation-of-hours form and a work permit on file to work past 10:30 p.m. Employees must complete a Federal I-9 form and have a Social Security number on file at the Treasurer/Collector's Department prior to starting work.

Attendance

Your work schedule has been developed to provide the coverage necessary for superior customer service. To provide the quality of service the Town of Grafton's customers have come to expect, we count on you to be ready to start work at your appointed time and to work your entire scheduled shift.

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In the event of sickness or other emergency, you are required to report your anticipated absence or late arrival to your supervisor as early as possible on the first day of your absence. Always keep your supervisor advised of your planned return-to-work date.

Excessive absences may result in temporary or permanent layoff if you are unable to attend work as scheduled or fulfill the requirements of your job.

If a physician's documentation is required before returning to work, you will be notified. Absence of three consecutive days, during which no notification is given to your supervisor or permission obtained, is considered job abandonment and voluntary resignation.

Timekeeping

You will be assigned an employee number when hired and will retain that number over the course of your employment. You must record your actual starting time at the beginning of your shift and record your actual quitting time at the end of your shift on the Town of Grafton's official time record form by swiping a time card through the Town's time clock.

The Town of Grafton complies with applicable Federal, State and local laws, which require records to be kept regarding the hours worked by its employees. The timecard must also note whenever you leave the work location for any reason other than authorized company business.

An employee may not work before his/her scheduled starting time or after scheduled quitting time unless approved by a Department Head or the Town Administrator, in writing.

Falsifying a time record, repeatedly neglecting to follow proper timekeeping procedures or failing to obtain proper authorization from a supervisor as required by this policy will result in disciplinary action, including the possibility of discharge.

Work Schedule

The workweek begins at 12:01 a.m. on Monday and ends at 12 midnight on Sunday. The normal workweek consists of a minimum of thirty-five (35) hours during a consecutive five-day period. The normal work shift is seven (7) hours. Work schedules may be changed periodically at the discretion of the Town of Grafton. The Town will advise you in advance of your work schedule.

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Section 34 Bonded Employees

All employees who are required to handle cash must be bonded. Further details and information are available from the Office of the Town Administrator.

Section 35 Cash Control Policy

The Town of Grafton realizes the importance of cash control procedures. The Town will take the following steps whenever a cash variance occurs. The procedures specified will apply to the individual cash register operator on whose cash register the variance was discovered.

- For any cash variances of more than \$5.00 on any shift, the following provisions will normally apply to the cash register operator on whose register the variance was discovered.

Gross shortages and/or carelessness will not be tolerated. Any incidence of gross shortages and/or carelessness will be handled at the supervisor's discretion and may vary from the procedure described above, depending on the circumstances.

Although the above is the normal policy, management may make exceptions at-will depending on the supervisor's view of the circumstances (for example, a history of shortages or other suspicious circumstances may result in more serious discipline or discharge).

Any warnings that are issued, whether written or oral, will be documented and a copy will be filed in the employee's personnel file. Both the supervisor in charge and the employee involved will sign the warning notice. The cash drawer will be checked whenever a change in cash register operators occurs.

The Department Head will instruct all employees authorized to operate the cash register on this policy before they use the cash register for the first time. Furthermore, after having been advised of this policy, employees will sign a letter of understanding, which will be kept in each employee's personnel file.

It is understood that the Town may conduct an audit of the management of cash at any time.

Section 36 Individuals with Disabilities

The Town of Grafton is committed to realizing the full potential of all its employees regardless of their physical or mental disabilities. The Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations to allow disabled employees to perform the essential functions of their jobs. Accommodation is an interactive process where you work with your employer to find a reasonable accommodation. If you require an accommodation, contact your Department Head or

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Town Administrator to discuss accommodation options. The Town of Grafton will make the final determination of what accommodation is reasonable.

Section 37 Credit Investigation

A thorough credit investigation will be conducted on every applicant who may be handling cash, checks or credit cards on behalf of the Town of Grafton. Any attempt by a prospective employee to misrepresent the facts about credit information, prior convictions or related transgressions may result in disqualification or immediate dismissal.

No credit checks will be conducted without the knowledge and authorization of the prospective employee.

Section 38 Training

The Town will pay for courses recommended or required by the Town Administrator for Department Heads, or by Department Heads for their personnel for job enhancement. The Town will pay the full tuition cost including books for said courses. Courses will be limited to a Community College, State College or equivalent at the undergraduate level. The funding for these courses will be expended from the Board of Selectmen's operating budget. Final approval as to eligibility of a course for reimbursement will be made by the Board of Selectmen. Reimbursement will be made upon the completion of the approved course. The employee must receive a passing grade of not less than a "B". Courses for job certification are not eligible per this policy.

Section 39 Personnel Records

A personnel file will be maintained on each employee in the Office of the Town Administrator. This file will contain factual information regarding your employment at the Town of Grafton, including the date you began work, your wage rate, your job performance, any on-the-job accidents you may have had, reports of any disciplinary action taken for infraction of rules, wage increases, recognition and awards you've received and suggestions you may have submitted to management.

To ensure that your personnel file is current, it is your responsibility to notify the Office of the Town Administrator promptly of any changes in your name, address, telephone number, marital status, number of dependents, beneficiary designees, emergency contacts and so forth.

You may review your file at reasonable intervals in the presence of a designated manager, provided you schedule an appointment in advance. You may submit corrections or comments on any material in your file that you consider inaccurate or with which you disagree.

The Americans with Disabilities Act and the Family and Medical Leave Act requires that medical information be maintained in separate, confidential files.

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Section 40 Employment Service with the Town

For purposes of calculating eligibility and leave available under the Family and Medical Leave Act, refer to the Town of Grafton's Family and Medical Leave Policy.

For all other employee benefits, use the following definition of length of service: a regular full-time employee's continuous employment with the organization, commencing with the last date of hire.

Length of service may affect employee benefits, pay and vacation pay. However, length of service, no matter how long, will not change an employee's at-will status.

You will be credited with length of service from your last date of hire. Employees hired through a temporary agency and employees hired for an interim period shall not attain service-with-the-Town status.

Your length of continuous service with the Town and the employment relationship shall terminate if any of the following occurs:

- You quit or retire.
- You are discharged or otherwise terminate your employment.
- You are absent from work for three consecutive working days without properly notifying the Town of Grafton and being excused.
- You fail to report for work following a leave of absence or vacation, unless the extended absence is excused in advance by your supervisor.
- You fail to report for work as soon as possible and, at the latest, within three working days following notification to return after a Town layoff, unless excused in advance by your supervisor.

Section 41 Payroll

Employees are paid on a regular bi-weekly basis for time worked since the preceding pay period. State and Federal laws require the Town of Grafton to make deductions from employees' pay for Federal income tax, FICA taxes and State income tax. Such payments are sent by the Town to the appropriate governmental agencies. In addition, any authorized voluntary deductions (for example, health insurance premiums or retirement plan contributions) will be automatically withheld from an employee's paycheck once the employee has notified the Town in writing.

Please note that it is the employee's responsibility to notify your Department Head of any changes in your dependent status so that forms for tax deductions and insurance can be updated. In addition, it is the employee's responsibility to immediately notify your Department Head and the Treasurer/Collector's Department if you lose your paycheck. Once you have notified the Treasurer/Collector's office, a stop-payment will be put on the check as soon as possible. You will be required to reimburse the Town for any bank charges that are incurred for the stop-payment.

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Section 42 Expense Reimbursement

For all work-related expenses, employees must obtain the prior approval of their supervisor. No expense will be reimbursed without an original receipt including a copy of a credit card Statement showing payment or a confirmation letter/email showing receipt of payment. Copies of checks do not constitute a payment receipt. Routine travel costs to and from work are not reimbursable.

Mileage expenses will be reimbursed to any employee who uses a personal vehicle for company business, provided that he or she receives authorization in advance from the appropriate supervisor. This mileage reimbursement will be at the standard rate established by the Town of Grafton.

Section 43 Job Safety

Safety is everyone's full-time job. We care about your safety, but safety is your responsibility too. No job is so important and no job effort is so urgent that you cannot take the time to perform work safely. Being alert will help prevent accidents to you and others. Please report accident hazards or potential hazards immediately to your supervisor or to the Town Administrator

You are expected to cooperate with management on all safety and health procedures and to properly use all equipment and devices provided for such purposes. The Town may provide additional safety training as needed or may post rules and regulations on the bulletin board. The Town of Grafton will be as safe as you make it.

General Safety Rules

Employees are encouraged to submit safety suggestions. The general safety rules and regulations are as follows:

- Each employee shall comply with Occupational Safety and Health Act standards and all rules, regulations and orders that apply to his or her own action and conduct.
- You should report all unsafe conditions to your supervisor at once.
- You should report all injuries, however slight, to your supervisor immediately.
- Good housekeeping throughout the facility is essential to safety, efficiency and satisfactory working conditions. Please do your share in helping to keep the facilities clean and neat.
- Employees shall not operate any equipment until they have been properly instructed by their supervisor.
- Sharp edges projecting from any source should be dulled or corrected to eliminate hazards.
- Loose-fitting clothing (flowing ties, long sleeves, shawls, coats) or dangling jewelry shall not be worn around moving equipment or machinery.

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- When making deliveries or on service calls, employees may not pick up hitchhikers, and they may not enter private homes unless or until they confirm that an adult (over 18 years old) is present.

The following are examples of behaviors that may result in disciplinary action or discharge:

- Running or traveling in an unsafe manner on Town-owned property.
- Failing to obey warning signals.
- Fighting on Town property.
- Endangering others by carelessness or horseplay.
- Violating safety rules or failing to report an accident.
- Possessing or using weapons on town time or property.
- Making threatening remarks or innuendos to others—even in jest—that could be perceived as threats to an employee's job security or to an employee's safety either on or off the job.

Lock Out/Tag/Out Program

Please see the Town's Lock Out/Tag-Out Program in the Addendum Section of this Handbook for details regarding the use of the Municipal Center facility.

Employment at the Town of Grafton is on an at-will basis and may be terminated by the employee or by the Town at any time for any cause or no cause. Nothing in the above examples and nothing said by any person or Stated in any document shall limit in any way the Town of Grafton's right to terminate employment at will.

Section 44 Violence and Weapons

Because the Town of Grafton is concerned about the safety of its employees, customers and visitors, the possession or use of weapons (such as knives and handguns) is strictly prohibited on company premises. This policy applies to all employees, consultants, vendors and contractors. Violations may result in disciplinary action, up to and including immediate dismissal.

If you have been threatened by anyone, have sworn out a protection-from-abuse order against anyone, or have reason to fear assault or bodily harm from someone, please alert your Department Head or the Town Administrator. Provide them with a description of the individual, and any other pertinent information (license plate number; color, make and year of vehicle; etc.) that would allow them to identify the individual.

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CHAPTER IV APPOINTMENT AND DISCIPLINARY ACTION

Section 1 Recruitment

It is the policy of the Town to fill each position with the most qualified person. Vacancies may be filled by promotion or transfer within the organization if in the best interest of the Town. Newspaper advertisements may include publications in Saturday and/or Sunday papers as well as one (1) weekday edition in a local publication. Position vacancies due to involuntary termination may not be permanently filled sooner than the Town's Grievance Procedure has been completed but temporary appointments may be made by the Town Administrator to fill these vacancies as necessary.

New employees may be required to meet the minimum physical requirements for the job applied for in accordance with their job description and may be required to be examined by a licensed physician as selected by the Town Administrator.

All employees shall be required, as a part of their working agreement, to furnish to their Department Head with any change in address, to be filed as a part of the personnel record of such employee. The same shall be forwarded to the Town Treasurer/Collector and the Town Administrator.

Section 2 Promotion

Promotion of employees to a new position or classification may be made by the Town Administrator and shall include a one hundred eighty (180) day promotional introductory hiring period from the date of promotion. Failure of an employee to successfully perform the duties of the new position during the promotional introductory hiring period may result in an extension of the promotion, demotion, dismissal, disciplinary action, reclassification or transfer depending upon the availability of positions and budgetary resources.

Employees filling in for a senior person on a "temporary" basis for less than ten (10) working days will not receive special pay consideration during or after the completion of the temporary assignment. Employees filling in for a senior person for a period of time greater than ten (10) working days may receive special pay consideration during or after completion of the special assignment. The level of compensation shall be determined by the Town Administrator and will be based on the length of the assignment, the level of employee's performance and the classification level of the senior position.

An employee who is promoted either permanently or temporarily shall be advanced to a wage in the higher classification level at the salary most near to that of the previous salary based on market conditions and qualifications of the employee subject to verification of available funding.

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Section 3 Transfer

When it is in the best interest of the Town, an employee, other than a Department Head, may be transferred by the Town Administrator either voluntarily or involuntarily within the Department, or to a different Department.

An employee who is transferred from one Department to another with the same grade and comparable position will be placed at the same rate of pay in the new Department. The transferring employee shall not be lowered in salary due to a lateral transfer and is not entitled to a salary increase.

In the event that an employee should be moved or volunteer to be moved from a position with a higher grade salary to a position of lower salary and grade unrelated to disciplinary action or performance, that reduction shall be considered a non-punitive reduction in grade and salary as opposed to a demotion. Examples of events leading to such reduction could be, but not limited to assuming a new position after lay-off, voluntary reduction in grade and step, for budgetary reasons of the Town, or reorganization within a Department of the Town.

Section 4 Resignation from Employment

To resign in good standing, an employee must give his/her Department Head at least two (2) weeks notice in writing of intent to resign from his/her position. No paid leave for scheduled work times shall be paid after notice of resignation is given unless waived by the Department Head with approval of the Town Administrator. To resign in good standing a Department Head must provide at least thirty (30) days notice to resign from his/her position in writing to the Town Administrator.

Section 5 Exit Interview

The Town Administrator may conduct an exit interview with each employee who is leaving the employment of the Town. Exit interviews conducted by the Town Administrator do not preclude such interviews by Department Heads. Each employee who is terminating their employment should meet with the Assistant Town Administrator to receive an explanation of benefits. Before receiving his/her last paycheck, an employee must surrender any Town property or materials assigned to him/her and must complete any separate actions as prescribed by the Department Head or Town Administrator.

A copy of the "Exit Interview" form is included in the Addendum section of this Handbook.

Section 6 Lay-Offs/Reduction in Force

Any involuntary separation not involving delinquency, loss of certification, required ability, misconduct or inefficiency is considered a lay-off. When it becomes necessary to reduce the workforce, the Town has the sole authority to determine which employees will be laid off based on the best interests of the Town. Employees whose employment is terminated in accordance with this section will be

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considered for re-employment with the Town in the reverse order of their termination for a period of six (6) months from the effective date of their termination if they are physically and mentally qualified to perform all of the duties of their previous position with the Town. An employee who is restored to permanent duty within one (1) year of the effective termination date shall have any unused leave benefits that the employee may have accumulated at the time of his/her termination restored.

Section 7 Dismissal from Employment

Dismissals are discharges or separations made by the Town for delinquency, misconduct, inefficiency, violations of policy, inability to perform the work of the position or any other behavior that the Town considers unacceptable in accordance with an employee's "at-will" employment status.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a Statement of the cause or causes therefore shall be delivered by registered mail to the last know address of the person sought to be removed.

(b) Within five (5) days of delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by legal counsel, shall be entitled to present evidence, call witnesses and to question any witness at the hearing.

(c) Between one (1) and ten (10) days after conclusion of the public hearing or if the officer, member of a multiple member body, or employee of the town fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of the multiple body or town employee or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as Stated in this section shall be deemed a rescission of the original notice and the officer, member of the multiple member body or town employee shall, forth with be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person has been appointed for a fixed term is not reappointed when the original term expires.

Section 8 Suspension from Employment

With the approval of the Town Administrator, a Department Head may, for disciplinary purposes, suspend without pay an employee in his/her Department for a length of time he/she considers appropriate. An employee who is suspended shall be given written notice of the reasons for the action. No suspension shall be for

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more than fifteen (15) days. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure Stated above.

During the investigation, hearing, or trial of an employee on any civil cause or criminal charge when suspension would be in the best interest of the Town, in accordance with an employee's "at-will" status of employment with the Town may suspend an employee without pay for not more than fifteen (15) days for violations of policy or any other behavior that the Town considers unacceptable.

Section 9 Demotion

A demotion takes place when a position is reclassified, an employee is assigned to a position in a lower classification level, either for disciplinary reasons or when it is determined that the employee cannot meet the performance requirements of his/her position. The demoted employee must be able to meet the requirements of the lower position and/or vacant position to be filled must exist prior to the demotion.

An employee may be demoted in accordance with the employee's "at-will" status of employment with the Town subject to the approval of the Town Administrator. Demotion may be accomplished by reducing their pay within the pay grade of the position held or by assigning them to a position of a lower grade, or both. An employee who is so demoted shall be given notice by the Department Head or supervisor of the reasons for the action. An employee may request or accept a voluntary demotion when assignment to less difficult or responsible work would be to their advantage and in the best interest of the Town.

Section 10 Loss of Job Qualification

Any employee who is unable to perform his/her job adequately because of loss of a required license or other requirement relative to the position will be discharged. The employee may apply for other positions with the Town.

Section 11 Unauthorized Leaves of Absence

An employee, who fails to report to work or fail to return from a scheduled break in work without authorized leave may result in disciplinary action being taken by the Town up to and including termination of employment with the Town and will be considered to have resigned without notice.

Section 12 Guidelines for Disciplinary Action

Instances arise when an employee must be reprimanded, suspended or discharged. When this happens, the Department Head should submit a "Disciplinary Action Form" in which he/she outlines the circumstances involved and the recommended disciplinary action to be taken. A copy of this form is contained in the Addendum Section of this Handbook.

The Department Head must show the Disciplinary Action Form to the employee for his/her signature with the understanding that the employee's signature only

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acknowledges that the employee has seen the report. The employee's signature does not indicate agreement with the contents of the report or the action being recommended to be taken, nor does it prevent the employee from appealing the action taken by the Town.

The employee must sign the report. If he/she does not sign the report by the end of the full scheduled workday, he/she will be subject to disciplinary action up to and including discharge.

It is not possible to list all acts and omissions which may result in disciplinary or corrective action. The disciplinary action that is appropriate for any particular misconduct is at the Town's sole discretion. Disciplinary actions are taken in a progressive nature, except, in the sole opinion of the Town, where the seriousness of the offense warrants a deviation from the following progressive disciplinary action system. The Town reserves the right to discipline or terminate an employee at-will, with or without cause without having to go through progressive disciplinary steps.

The following is a description of possible disciplinary actions that may be taken by the Town:

Oral Warning:

The purpose of an oral warning is to allow the supervisor to bring to the employee's attention the need to improve his/her performance, work habits, behavior or attitude to serve as a warning against further repetition of the unacceptable conduct. The supervisor should utilize the occasion to identify and explain in detail the area needing improvement and inform the employee as to how such improvement can be achieved. Documentation of oral warnings will be made a part of an employee's personnel file.

Written Warning:

In situations where an oral warning has not resulted in an employee's improved performance, or when an employee commits a more serious offense, a written reprimand will be issued to the employee. This shall include a complete description of the incident(s) or problem(s), and refer to specific dates, times, locations, personnel involved if applicable and rules or regulations violated. This warning should also refer to previous oral warnings if applicable. The employee will be notified that further actions of a similar or worse nature may result in more severe corrective action up to and including discharge from employment with the Town.

Suspension (without pay):

In the event that problems or offenses continue to occur and the employee has previously received oral or written reprimands, or if the nature of the problem is more serious in nature as determined by the Town, an employee may be suspended for a specific period of time.

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Such suspension shall be without pay and if more than one (1) day, shall be issued on a consecutive working day basis unless otherwise designated by the Town Administrator. A suspended employee may not be permitted to work on his/her normal day(s) off, nor take paid leave time, nor make up the time by working overtime in lieu of a payroll deduction for the period of the suspension.

Suspension (Pending Investigation of Misconduct):

Conduct on Duty

An employee may be suspended when his/her inappropriate conduct is so serious that immediate removal from the workplace is necessary. The employee shall be required to leave Town property pending the completion of an investigation. The Town Administrator may elect to suspend the employee with or without pay for up to fifteen (15) days. A suspended employee may not be permitted to work on his/her normal day(s) off, nor take paid leave of time, nor make up the time by working overtime in lieu of a payroll deduction for the period of the suspension. Some examples of conduct warranting such action would be theft, insubordination, threat of violent action, destruction of Town property or reporting to work under the influence of alcohol or drugs, or violations of the chain of command.

Please note that the list above of misconduct examples is not meant to be all encompassing or all inclusive. When an investigation has been completed, the Town will decide what disciplinary action, if any will be taken up to and including discharge.

Illegal Conduct On or Off Duty

Employees who are arrested and/or charged with a criminal offense(s) will

be placed immediately on suspension without pay until the final resolution of their case is determined by the court or until the Town completes its internal investigation.

Depending upon the results of the Town's internal investigation, or any adjudication by the court, the employee may be disciplined by the Town up to and including discharge.

Termination

In those situations where the progressive disciplinary actions have not resulted in modification or improvement in the identified behavior or action, or where the employee commits a serious infraction, the Town of Grafton may determine, at its sole discretion, that an employee's employment with the Town should be terminated.

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Section 13 Nepotism

Applicants for employment, promotion, transfer, or any other change of working status, who have members of their immediate family working for the Town or members of any Town Board/Committee, shall have their applications considered by the Town Administrator on the following basis:

- 1) New hires may not be hired in a Department where an immediate family member is already employed;
- 2) If in the best interests of the Town, an individual may be promoted within his current Department regardless of any immediate family member being part of that same Department;
- 3) An individual may not transfer or be promoted to another Department if the other Department has a member of his or her immediate family already employed.

For further details, please see the Town's Nepotism Policy in the Addendum section of this document.

Section 14 Grievance Policy and Procedure

A grievance is defined as any complaint by an employee that he/she has been treated unfairly, unlawfully or in violation of his/her rights under Town policies with regard to any matter pertaining to his/her employment with the Town. This definition includes, but is not limited to, discharge, suspension, involuntary transfer and demotion. Also, if an employee believes that he/she has not received or been credited with or has otherwise lost wages or benefits to which he/she feels entitled, he/she must present his/her grievance in accordance with this procedure or such wages or benefits may be forfeited.

An employee who feels that he/she has a grievance must follow the following procedure:

Step 1 Any employee who feels that he/she has received inequitable treatment because of some condition of employment may discuss the grievance orally with his/her Department Head for relief from that condition within ten (10) working days of the occurrence or knowledge of the event. The immediate 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 resolved by the decision of the Department Head, the employee may file an appeal in writing with the Town Administrator within ten (10) working days of receipt of the Department Head's decision in Step 2. The Town Administrator shall, upon request, meet with the employee within a reasonable time after receipt of the employee's appeal. The Town Administrator shall reply in writing

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to the employee's grievance within ten (10) working days after a meeting with the employee is held. The Town Administrator will send one (1) copy of the reply to the employee, one (1) copy to the Department Head and place one (1) copy in the employee's personnel file.

Step 3 If the grievance is still not settled at Step 2, or within ten (10) working days of the deadline for the response of the Town Administrator, the employee may submit the grievance in writing to the Board of Selectmen. The Board shall meet with the Town Administrator, Department Head and the employee at its next regularly scheduled meeting following the date of the receipt of the grievance in the office of the Board of Selectmen. The Board shall render a final decision in writing within ten (10) working days of the date of the meeting with the Board.

A grievance shall be considered settled at the completion of any step unless it is appealed within the time limits set forth in this section. This section shall be strictly construed. The time limits of this grievance procedure may be extended by management due to illness, vacations, business trips or emergency. The employee will be notified in writing by the Town if an extension is required. If the response time limit falls on an employee's scheduled day off, the reply by management will be given to the employee on the employee's scheduled workday immediately following his/her return to work.

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CHAPTER V THE CLASSIFICATION PLAN

Section 1 Application of this Article

The provisions of this Article are applicable to all employees except when the provisions of this Article are in conflict with those exempt as specified in Article I, Section 3 of this Handbook.

The classification of a position is based on the application of a Position Appraisal Method consisting of a set of universal evaluation criteria or minimum qualifications that are required to successfully perform the essential functions of a position. Each position is assigned a numerical point value based on the application of degree levels within each of the evaluation criteria; the sum point total will determine which grade level a position is to be classified.

Section 2 Administration of the Classification Plan

Every employee of the Town, unless covered under an employment agreement occupies a position in a classification plan. The Town Administrator or designee has the responsibility to ensure that positions allocated in the municipal budget have a corresponding grade in the classification plan. The Town Administrator determines titles for positions subject if applicable to the requirements of collective bargaining agreements. Department Heads are responsible for bringing to the attention of the Town Administrator the need for new positions and material changes in the nature, duties, responsibilities, working conditions or any other factors that may affect the classification of any existing or proposed position. After approval by the Town Administrator, the Town Administrator shall either allocate the new or revised position to the appropriate grade within the existing classification plan.

Section 3 Amendments to the Classification Plan

Grade levels of positions shall be added to and deleted from the position classification plan upon review and approval by the Town Administrator.

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CHAPTER VI THE COMPENSATION PLAN

Section 1 Coverage of the Compensation Plan

The provisions of this Article are applicable to all employees except when the provisions of this Article are in conflict with those exempt as specified in Chapter I, Section 2 of this Handbook. It is the policy of the Town to develop and maintain a compensation plan that is competitive with the market place enabling the Town to recruit and retain a quality work force. External salary data is collected on a regular basis from comparable communities as determined from the geographical recruitment area as well as operational and demographic criteria on a position by position basis. The Town may make changes to the salary ranges for each grade level as it deems necessary in order to maintain competitiveness with the market place.

The compensation of all union employees is based on the provisions contained in a collective bargaining agreement. Non-union compensation is established through the Town's compensation plan.

Section 2 Development of the Salary Range Structure

The Town's salary structure contains grade levels that have been determined by application of a position rating system as well as market considerations. Each pay band or salary range represents the current market value for all positions within each grade level. Each salary range or pay band has a lower, middle, and excess market range or quadrant.

Salary range mid-point is developed based on the average mid-point of survey data collected for all positions in each grade level.

Salary range minimum is developed based on 80% of the salary range mid-point.

Salary range maximum is developed based on establishing a 70% differential greater than the salary range minimum.

Section 3 Annual Salary Plan Adjustments

Annual salary plan guidelines are used to administer individual salaries throughout the fiscal year. Based upon external market data, budget parameters, and the Town's ability to pay funds are provided for employee compensation purposes throughout the year. It is the general policy of the Town of Grafton to make salary adjustments at the beginning of each fiscal year as well as during the fiscal year based on an employee's years of service in a position as well as merit. An employee's movement or growth within a salary range is not and should not be considered an automatic natural progression.

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Section 4 Maintenance of the Compensation Plan

The Town Administrator is responsible for overseeing the administration of the Town's wage and compensation plan(s) after adoption by the Town. The Town Administrator may correct individual discrepancies in salaries that may affect the intent of the Wage and Compensation Plan(s). In order to recruit the most qualified candidate which would serve the best interest of the Town, the starting wage and compensation of a new employee may be set by the Town Administrator (Personnel Board)? above the minimum step in the position's grade level depending upon the qualifications of the applicant and/or market conditions.

Section 5 Salary Adjustments

A. Starting Salary: New Employee

It is the policy of the Town to hire new employees within the "hiring range" of the salary range for each grade level. A hiring range is defined as between the minimum and mid-point of a salary range for that position. It is understood that the Town reserves the right to hire a new employee above the hiring range based on the qualifications of an employee as well as market conditions. All employees covered under a wage and classification plan shall be paid at a wage listed within the grade or classification level that is established for their respective position.

B. Promotion

An employee may be promoted in two (2) ways:

1. **Organizational Promotion:** the employee may be appointed to a different position that is classified in a higher salary range than the position is currently assigned; and
2. **Job Revaluation/Reclassification:** duties and responsibilities of an employee's job may be expanded and as a result, the position requires an employee to have additional knowledge, skill, and/or ability, etc. Based on the application of the Town's position rating system, the position is assigned a new classification level. An employee whose position has been assigned to a higher salary range should be treated as having received a promotion at the next common review date.

In general, a promotional increase for a regular, full-time employee should advance an employee to the quartile in the new pay band that exceeds his/her current rate of pay. Additional factors should also be considered:

Relationship to Subordinates' Salaries: usually, the salary resulting from a promotion should exceed the salary paid directly to a subordinate. Factors such as length of service of subordinates and budget considerations may affect the amount of compensation.

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C. Temporary Promotion

Employees filling in for a senior person for a period of time greater than 31 days may receive special pay consideration during or after the completion of the assignment. In such instances, consideration should be given to the length of the assignment, level of performance, and job level of the more senior person. Generally, a lump-sum awards based upon performance is given at the successful completion of the assignment.

D. Demotion

A demotion takes place when a position is permanently reclassified or an employee is assigned to a position in a lower pay band. This may be either voluntary or involuntary. Normally, an individual's salary will not be reduced upon demotion or reduction in job classification. However, the employee's relative position in the new pay band will affect future salary increases – consistent with defined merit guidelines.

E. Merit Compensation

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 mutually-agreed upon goals and objectives. The written 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 review process. They are not automatic. The Department Head shall perform the evaluation, and the Town Administrator shall review it. To be eligible for a merit increase, an employee must have been actively working for the Town (in an active pay status) for at least 30 of the 52 weeks of the relevant review cycle. Merit increases are calculated using the annual employee's salary in effect, immediately proceeding the effective date of the merit increase. Merit increases are directly linked to the employee's overall performance, provided that the employee's current salary does not exceed the maximum of the position's salary range.

Merit performance reviews ensure that eligible employees are considered for merit pay increases but do not guarantee that an individual employee will receive an increase. A merit increase is a salary increase earned by an employee whose performance has met or exceeded the requirements of the position. An employee who receives an overall performance rating of Unsatisfactory is not eligible for a salary increase until the level of performance is improved.

The Town has established four (4) overall levels of employee performance rating: Exceeds Expectations, Meets Expectations, Needs Improvement, and Unsatisfactory. Please see the evaluation forms in the Appendix of this Handbook.

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A merit increase budget is established by the Town Administrator through the Town's annual budgetary process. The amount of funds designated for salary adjustment is based on the competitive pay practices of the Town and its ability to pay.

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, Department Head, and the Town Administrator. The Board of Selectmen's decision on the appeal shall be final.

Section 6 Managing Employee Performance

It is the policy of the Town of Grafton to compensate employees based on their years of service in a position and performance. It is the principal responsibility of the Town Administrator to manage the performance evaluation process in accordance with the performance management guidelines and performance management cycle as approved by the Town Administrator.

Please see the Performance Management Reviewer's Guide and appraisal forms in the Appendix of this Handbook for further details regarding the administration of the performance management system.

Section 7 Payment at a Listed Grade

All employees shall be paid at a wage within the minimum-maximum salary range for the grade level established for each position.

Section 8 Pay Period/Pay Days

Normally employees are paid bi-weekly with the payroll period ending on Saturday and checks available on Thursday. In the event that the date checks are available occurs on a holiday, payroll checks will be distributed on the nearest preceding work day.

Section 9 Payroll Deductions

Mandatory payroll deductions are made depending upon the number of exemptions claimed for Federal and State income taxes and retirement contributions. Union employees are required to have deductions for union dues or agency fees. Optional payroll deductions are made based on employee authorization for health insurance, life insurance, dental insurance, deferred compensation, savings bonds and for other contributions as approved by the Town Administrator.

Subject to the applicable Federal or State law, the Town may be obliged to retain and pay over to a third party a portion of employee's earnings.

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Section 10 Consolidated Omnibus Budget Reconciliation Act (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued, at the employee and dependent's expense, at group rates for up to thirty-six (36) months following a qualifying event which results in a loss of coverage.

Section 11 Health Insurance Portability and Accountability Act (HIPPA)

Permanent employees regularly required to annually work twenty (20) or more hours per week are covered under the Federal Health Insurance Portability and Accountability Act of 1996 (HIPPA). HIPPA provides employees with certain rights that create a "portability" of health insurance coverage from one employer to the next. This does not mean that an employee can take his/her current health plan into a new employment situation. It means that an employee can receive "credit" for prior coverage when joining a new plan that may have waiting periods for pre-existing conditions. This requires a transfer of prior coverage information from the old employer to the new employer. The Town will provide to each employee who loses health insurance coverage a full certificate of coverage. The certificate of coverage provides: the date of certification, identifying information including the name of the employee, the employee's health insurance plan identification number, names of dependents to whom the certificate applies, name of group health plan, name of employer, name, address, phone number of the plan Administrator and the first and last day of coverage. This certificate will be issued whenever an individual loses health insurance coverage or would lose coverage except for an election under COBRA.

Group health and dental benefits and premium rates for individuals electing continuation are the same as for active employees and their dependents plus an administrative charge. Individuals electing continuation must pay the entire monthly premium in advance.

Employees will be notified of their COBRA rights upon employment and at the time of a qualifying event as explained above. It is the employee's responsibility to keep the Town informed of any address changes or other pertinent information regarding themselves and/or their dependents.

Please note that if an employee declines health insurance coverage, he/she must complete a "Declination of Coverage" form. A copy of this form is included in the Addendum section of this Handbook.

Section 12 Insurance Plans

The Town of Grafton makes available to all regular full or permanent part-time employees group life, accidental death, long-term disability, sickness, group hospitalization and dental insurance programs. Family coverage is also available.

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Please see the Addendum section of this Handbook for a list of current premiums and insurance carriers. The level of coverage, and respective premium costs are subject to possible change by the Town. The Town will provide proper notice in advance of any proposed changes to an insurance plan(s) in accordance with statutory notification requirements.

For information regarding employee insurance, employees should contact the office of the Town Treasurer/Collector.

Section 13 Deferred Compensation Plan

A tax sheltered savings program, which excludes contributions to the plan from gross income for Federal personal income tax purposes, is available to employees. To begin a pre-tax retirement savings plan please contact the Town Treasurer/Collector's Office.

Section 14 Section 125 Plan

The Town offers a pre-tax program which excludes from Federal income tax purposes expenses for medical, child care or dependent care. To participate in this program, please contact the office of the Town Clerk, Treasurer/Collector.

Section 15 Unemployment Compensation

State law requires the Town to reimburse the State of Massachusetts for unemployment benefits paid to former employees of the Town. It is the responsibility of individuals to file claims with the State Division of Employment and Training. The Town reserves the right to contest claims for unemployment compensation.

Section 16 Workers Compensation

To preserve rights under the law, an employee must notify the Town Administrator immediately if involved in an on-the-job accident that results in personal injury. Employees, injured on-the-job are protected against loss of income and medical expenses by provisions of the Massachusetts Workers Compensation Act (Chapter 152). Employees receiving workers' compensation benefits may, upon request, receive vacation, sick or personal leave accrued at the time of injury to supplement workers' compensation benefits up to the amount of base wages the employee received each week before the injury occurred.

Injury report forms are available in the office of the Town Treasurer/Collector's office.

Section 17 Retirement System

As a condition of employment, all employees who are scheduled to work at least twenty (20) hours per week are required to join the State of Massachusetts Municipal Employees Retirement System.

The Town Treasurer/Collector or designee will provide assistance and direction to an employee eligible for retirement. Retirement applications must be made by an

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employee in accordance with the rules and regulations of the State of Massachusetts Municipal Employee Retirement System.

Section 18 Death Benefit

Upon the death of a Town employee who is on the Town's payroll, his/her estate or designated beneficiary is eligible to receive his/her accumulated annual leave funds, retirement contributions and life insurance.

Section 19 Overtime Compensation

It is the policy of the Town of Grafton that all work be accomplished within the normal work day. On occasion, the Town may determine that overtime is necessary to complete the assigned work beyond the normal work day. Each position authorized by the Town of Grafton shall be designated as exempt or non-exempt from the payment of overtime in accordance with the provisions of the Fair Labor Standards Act (FLSA). Vacation days, sick days, and holidays are counted as time worked in the computation of overtime. For further details, please see the FLSA Guidelines in the Addendum Section of this Handbook.

All overtime work must be authorized by the employee's Department Head in advance of said employee working beyond the normal work day. A non-exempt employee shall receive a rate of pay for hours worked beyond 40 hours per work week that is equal to one and one-half times his/her normal rate of pay. Documentation of overtime work shall be submitted by the employee(s) Department Head to the Treasurer/Collector Department.

Exempt positions in accordance with the Fair Labor Standards Act (FLSA) are not eligible for overtime compensation. These positions are expected to work the hours necessary to complete their respective duties.

Non-exempt positions shall be paid overtime for work in excess of forty (40) hours in a work week in accordance with the provisions of the Fair Labor Standards Act (FLSA). A summary of the provisions of the Fair Labor Standards Act (FLSA) is included in the Addendum section of this Handbook.

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CHAPTER VII Employee Leave Policies

Section 1 Application of this Chapter

The provisions of this Chapter are applicable to all employees except when the provisions of this Article are in conflict with those exempt as specified in Article I, Section 3 of this Handbook.

Regular employees, working for the Town one thousand forty (1,040) hours or more during a fiscal year are eligible to participate on a prorated basis in the following fringe benefit programs offered by the Town unless otherwise indicated.

Leave for union employees, is based on the provision of various respective collective bargaining agreements. Non-union compensation is established through the Town's Classification and Compensation plan.

Section 2 Holidays

All permanent full-time employees shall receive regular pay for the following twelve and one-half (12.5) holidays:

New Years Day	January 1
Martin Luther King Day	January (Third Monday)
President's Day	February (Third Monday)
Memorial Day	May (Last Monday)
Independence Day	July 4
Labor Day	September (First Monday)
Columbus Day	October (Second Monday)
Veteran's Day	November 11
Thanksgiving Day	November (Fourth Thursday)
Friday after Thanksgiving	November (Fourth Friday)
Christmas Eve (half day)	If it falls on a regular work day
Christmas Day	December 25
Patriot's Day	3 rd Monday in April

If any holiday falls on a Saturday, it shall be observed on a Friday; if a holiday falls on Sunday, it shall be observed on Monday. Holidays shall be observed on those dates as specified by Federal or State law.

- 1) An employee who works on any one of these holidays or on the day on which it is observed, if the holiday falls on Sunday and is observed on Monday shall be paid holiday pay. However, an employee shall be entitled to be paid in the event he works on the holiday and also on the day on which it is observed for only one such day.
- 2) When a holiday occurs on a weekend or during an employee's vacation, the employee may have a compensatory day off to be determined by the Department Head.

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- 3) An employee who is absent without authorization shall not be paid for official holidays.
- 4) An employee who is absent without authorization on the working day immediately preceding or following a holiday shall lose pay for the holiday as well as for the other day or days off.
- 5) Employees who are eligible for overtime pay shall be paid overtime for time worked during holiday provided all other requirements for overtime pay have been met.
- 6) Earned and unused holiday pay will be paid to the employee upon their termination or resignation from employment with the Town.
- 7) In the first year of employment (subject to the provisions above), a full-time employee may, with their supervisor's permission, utilize up to one (1) week of vacation time after 6 months, to be deducted from the first installment of vacation time earned in accordance with the provisions as Stated above.

Section 3 Religious Holiday Policy

The Town of Grafton does not discriminate against employees because of their religious beliefs. The Town will make reasonable accommodation for the religious practices of employees, including modifying an employee's work schedule to enable the employee to have certain religious days off.

Employees desiring to take alternate holidays for religious or other personal reasons may submit a written request to the Town Administrator for approval to take alternate days off from the holidays described above.

Section 4 Vacation Leave

All full-time and permanent part-time employees shall earn vacation leave in one fiscal year (July 1 – June 30) of continuous regular or regular part-time employment to be taken once accrued and after a 6-month probationary period is completed. It is understood that the Department Head or Town Administrator has the exclusive right to decide and approve when vacation time is to be taken by an employee.

- a) Schedule

Years Service Completed	Earned Vacation Time
(1) Employed 1 year, but less than 5 years	two weeks
(2) Employed 5 years, but less than 10 years	three weeks
(3) Employed 10 years but less than 20	four weeks
(4) Employed more than 20 years	five weeks

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b) Rules and Definitions

- (1) Vacation Leave Days are calculated on the employee's regularly scheduled base hours and shall be accrued on the employee's hire date.
- (2) Any regular employee shall be granted an additional day of paid vacation leave if while on vacation, a holiday that is listed in Section 2 of this policy above occurs.
- (3) Termination of Employment:
 - (a) Termination of employment prior to a full year of service does not entitle the employee to any paid vacation.
 - (b) Final payment of all accrued vacation pay must be approved by the Department Head and Town Administrator.
- (4) Vacation dates shall be scheduled with the approval of the Department Head.
- (5) In the first year of employment (subject to the provisions above), a full-time employee may, with their supervisor's permission, utilize up to one (1) week of vacation time, to be deducted from the first installment of vacation time granted.
- (6) Vacation time is not accumulative from year to year, except approval of the Town Administrator. Vacation leave may be carried over with approval of the Town Administrator for up to ten (10) days. This shall be subject to written notification by the Town Administrator to the Board of Selectmen.
- (7) Upon written recommendation of a Department Head, the Town Administrator in his sole discretion, may grant to a new employee, a vacation allowance up to three (3) weeks on his/her start of employment date in recognition of an employee's prior experience and length of professional experience. This shall be subject to notification in writing by the Town Administrator to the Board of Selectmen.
- (8) This section shall not apply to seasonal or temporary employees who do not work at least six (6) months in any one (1) fiscal year.

Section 5 Sick Leave

Sick leave is a benefit limited to absences caused by illness, injury, exposure to contagious disease, serious illness of a member's immediate family, or illness or disability arising out of or caused by pregnancy or childbirth.

All employees upon successful completion of six (6) months of continuous service for the Town, shall accrue sick leave at a rate of one and one-quarter days for each month of continuous service for absences caused by illness or injury. Employees are

not eligible to utilize their accrued days of sick leave until six months of continuous service with the Town has been successfully completed.

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Employees shall be entitled to sick leave without loss of pay if the employee has notified his/her supervisor or designee of the absence and cause thereof within one (1) hour of the start of the work day, or as soon thereafter as practicable.

The Town at its exclusive discretion, reserves the right to request a written certificate from a Town selected physician, at the cost to the Town, establishing incapacity as a condition of payment of sick leave benefits or for an employee who seeks to return to work after being absent, whether paid or unpaid, to determine the employee's fitness for work.

If an employee uses sick leave for purposes other than legitimate illness or non-working injury as well as in an excessive manner, the employee may, at the sole discretion of the Town, be subject to disciplinary action up to and including termination of employment.

Any portion of such allowance not used in any fiscal year by an employee shall accumulate indefinitely for the use of the employee in later years.

All regular employees will receive one and one-quarter (1 and $\frac{1}{4}$) days for each month of employment or fifteen (15) days a year for sick leave cumulative to a maximum of 120 days; regular part-time employees may accrue up to 120 days.

An employee who is absent from work by reason of illness or to care for an immediate family member within the household for five (5) consecutive days shall be required to submit to the his/her Department Head a physician's certificate authenticating the illness..

Section 6 Special Leave with Pay

Department Heads, with the prior approval of the Town Administrator, may grant or be granted special leave with pay and actual expenses to attend professional conferences, conventions or short schools, or to visit other communities in the interest of the Town, for which proper appropriation has been made. Such employees shall submit an itemized list of expenses for such travel together with paid receipts which shall be the basis for any and all petitions or requests for reimbursement of expenses incurred. Reimbursements shall be issued to the applicant when approved by the Town Administrator.

Section 7 Maternity/Paternity Leave

The Town of Grafton grants maternity/paternity leave in accordance with the provisions of the Massachusetts General Law. All employees having completed their probationary period shall be granted eight (8) weeks of unpaid maternity/paternity leave without loss of seniority or benefits for the purpose of giving birth or adopting a child under the age of eighteen (18) or under the age of twenty-three (23) if the child is mentally or physically disabled. Upon expiration of the maternity/paternity leave, employees will be restored to the same or similar position.

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In the event that the employee is eligible for both FMLA and maternity/paternity leave; that employee's leave will be charged to both forms of leave simultaneously.

(Please see the Family and Medical Leave Policy that is included in the Addendum section of this Handbook for further details).

Employees requesting leave pursuant to this policy must provide notice to the Town Administrator at least two (2) weeks prior to the beginning of the anticipated leave.

Employees are entitled to use any accrued vacation, sick, personal and compensatory time (non-exempt employees) during this period. If accrued vacation, sick, personal and compensatory leave extends beyond eight (8) weeks, employees will be entitled to use said leave up to a maximum of twelve (12) weeks in total. Employees are required to return to their positions when their leave expires if they are physically and mentally able or must provide a doctor's note stating their anticipated date of return.

Section 8 Family and Medical Leave (FMLA)

In accordance with the provisions of the Federal Family and Medical leave act of 1993 (FMLA), employees having completed at least twelve (12) months of continuous service and who have worked at least 1,250 hours during the preceding twelve (12) months, shall be entitled to take up to twelve (12) weeks of unpaid leave annually. All earned leave (vacation and sick) must be taken as part of the FMLA.

For further details, a copy of the Family and Medical Leave Act (FMLA) is included in the Addendum section of this Handbook.

Section 9 Military Leave

Any employee of the Town that is called to temporary active military duty as a member of a reserve component of the Armed Forces of the United States - Reserve or National Guard, shall be granted a military leave of absence in accordance with Federal Regulations from their employment with the Town and shall also be entitled to compensation for any difference between his military pay and his/her regular base pay upon providing satisfactory evidence of completion of the training period for not more than fourteen (14) work days including Saturdays and Sundays during such military leave of absence and, in addition thereto, shall be granted the same leaves of absence or vacation with compensation to other like employees of the Town. Military duty and summer training will not be considered an interruption of Town employment for the purposes of computing dates of service or seniority.

Upon being released from service with the Armed Forces, such employee shall be reemployed by the Town in the capacity in which formerly employed at the time of departure, provided that such employee is physically and mentally suited to perform the required duties and if such employee makes an application to the Town Administrator's Office and to the Head of the Department for reemployment.

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Such application must be made within thirty (30) days following termination of service with the Armed Forces and if approved the applicant must report for work when instructed.

No leave of absence shall be granted any employee who voluntarily leaves the employ of the Town for the purpose of becoming a member of the Armed Forces except in time of national emergency.

All employees of the Town, who are members of the National Guard or any of the reserve components of the Armed Forces of the United States, shall be entitled to leaves of absence from their respective duties on all days during which they are required to be on active duty. The Department Head may require the employee to request written authorization for such leave substantiated by a copy of the written orders of his/her commanding officer. They shall receive regular pay during such absences less the compensation received for such service.

Section 10 Bereavement Leave

A regular or probationary employee shall be granted a leave of absence with pay in the event of death in his/her immediate family not to exceed three (3) days. "Immediate family" shall consist of spouse, child including step-child, parent including step-parent and foster parent, sister, brother, mother-in-law, father-in-law, grandparent, grandchild, aunt, uncle, brother-in-law, and sister-in-law. Employees may be granted additional bereavement leave of another two (2) days at the direction of the Town Administrator in the event of the death of a spouse, child or parent which shall be taken from an employee's accrued Personnel Leave, Sick Leave or Vacation Leave. In the event of the death of a Town employee, a maximum of two (2) hours of paid leave will be allowed to attend the funeral.

In the event the funeral or memorial service of an aunt, uncle, niece, nephew, spouse's/partner's brother or sister or spouse's/partner's grandparents or grandchildren occurs on a work day, the employee shall be granted leave with pay to attend the funeral or memorial service. In extenuating circumstances, Department Heads may grant additional days of bereavement leave to be deducted from sick leave with the approval of the Town Administrator.

In the event of serious illness in the household of an employee, such employee shall be granted leave for attendance upon members of the family whose illness requires the care of the employee, provided that not more than three (3) working days with pay shall be granted the employee for this purpose. In the event that the employee may be required to attend to a member of the household for longer than three (3) working days, said employee may be granted extended leave or emergency leave of absence on the recommendation of the Department Head and approved by the Town Administrator.

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Department Heads shall require satisfactory proof of illness or of the need for attending a member of the immediate family and may disallow family illness leave in the absence of such proof. Employees who use their family illness leave without just cause may be subject to disciplinary action.

Section 11 Jury Leave

Employees who are required by due process of law to render jury service or court service shall submit all such fees received to the Town Treasurer and receive their regular pay during such period and the time spent in such service shall be reported as jury service or court leave. Mileage allowances received for such service may be retained by the employee. An employee of the Town who serves as a grand or traverse juror in a Federal court or in the courts of the Commonwealth shall receive from the Town the difference between their pay and the compensation received from the jury service, exclusive of any travel or other allowance.

Employees required to serve on a jury shall promptly notify their immediate supervisor or Department Head. The Town shall pay the difference between the compensation received for serving on jury duty and an employee's regular compensation.

Section 12 Extended or Emergency Leaves of Absence

Extended or emergency leave of absence without pay may be granted by the Town Administrator for a period not to exceed sixty (60) days. Extended or emergency leave of absence may also be granted on the recommendation of the Department Head and the Town Administrator.

Any employee requesting an extended or emergency leave of absence shall designate a specific period of time which the leave of absence is to cover, and in the event such leave of absence is requested for reasons of physical disability, it shall be required that the employee's physician submit to the Town an indication of the nature of the disability and the time for which such leave of absence is requested.

Section 13 Civic Duties

All employees entitled to vote at National, State, Municipal or Special Elections shall, when necessary, be allowed sufficient time off with pay to exercise this right.

Section 14 Effect of Leave

When any leave of absence without pay exceeds time worked or its equivalent in any month, service credit for all employment privileges shall cease until active employment is resumed.

Section 15 Absence without Leave

An employee who fails to appear for work for any reason shall be required to notify the Department Head stating a reason for such absence. Failure of an employee to comply with this regulation may result in disciplinary action. Such notification by the

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Department Head and employee shall be made part of the personnel record of the individual.

Section 16 Small Necessities Leave Act

In accordance with MA General Laws Chapter 149, Section 52D, employees who are eligible can take up to 24 hours of unpaid leave during a 12 month period to (1) participate in school activities directly related to the educational advancement of a son or daughter such as parent teacher conferences); (2) accompany a son or daughter of the employee to routine medical or dental appointments, and (3) accompany an elderly relative of the employee to routine medical or dental appointment(s) or appointment(s) for other professional services related to the elder's care. The 24 hours of leave provided by this Act is in addition to the time provided by the FMLA. As with the FMLA, the leave can be without pay, or with use of paid leave if the employee so elects. Unlike the FMLA, the Small Necessities Leave may be taken intermittently or on a reduced leave schedule. If the necessity for leave under this section is foreseeable, the employee shall provide the Town with not less than seven (7) days written notice before the date of the leave is to begin. If the leave is not foreseeable, the employee shall provide the Town with such notice as is practicable.

Section 17 Worker's Compensation Return to Work Policy

Application of this section:

- * To ensure that the employee gets prompt and appropriate medical treatment.
- * To get the injured employee back to work in a modified or light duty capacity, if opportunities for light duty exist; and
- * To provide cost containment for workers' compensation.

WHEN AN INJURY OCCURS:

The first action when an accident with injury occurs is to provide prompt medical attention, either at a local hospital or a town identified or approved physician. Immediately notify the office of the Town Administrator who functions as the Worker's Compensation Officer. The supervisor should assist in obtaining information for filing the Employer's Report of Occupational Injury or Disease which should be received by the office of the Town Administrator no later than seven (7) days from the date that an accident has occurred.

MAINTAIN EMPLOYEE CONTACT:

During the recovery period, weekly contact will be maintained with the employee by the supervisor. Medical updates from both the employee and the physician will be obtained by telephone or by personal visit.

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IDENTIFY RETURN-TO-WORK DATE:

Once the injury has occurred, helping the employee get back to work becomes the objective of the supervisor, Worker's Compensation Officer, Town Administrator, the employee and physician.

IDENTIFY ALTERNATIVE PRODUCTIVE WORK ASSIGNMENTS:

The injured employee's immediate supervisor has the responsibility for developing an alternative or modified job. This responsibility can vary based on the Department. Alternative productive work can be full or part-time, one time or ongoing. Consider:

- Tasks not being done by anyone now.
- Jobs being done only occasionally
- Tasks now being done, which if assigned to someone else, would free other employees to do other work.

The Town will obtain a written Statement from the physician stating that the employee is capable of performing the tasks designated in the alternative work assignment. It is important that the doctor completely understands the alternative work assignment. The supervisor is responsible for monitoring the injured employee's progress and coordinating with the Town Administrator's office to see that the employee returns to his/her regular job as quickly as possible, recognizing the nature of the injury, the likely recovery period and the work assignment to which the employee will return.