Town of Seekonk, Massachusetts

Personnel By-Law

July 2003

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030 General Principles

This Personnel By-law, also known as the Personnel Policy, applies to employees of the Town of Seekonk, MA, except those who are employees of the School Department, or whose conditions of employment are determined by a collective bargaining agreement, or whose employment terms are governed by an individual employment agreement to the extent allowed by state law.

The Town of Seekonk is an Equal Opportunity Employer, and all decisions concerning hiring, salaries, benefits, promotions, and other terms and conditions of employment for all employees are made so as to further the principles of non-discrimination.

Rules and regulations for employees will be mandated by and subject to Chapter 268A of the General Laws of the Commonwealth of Massachusetts, as amended.

The Personnel By-law which was in effect prior to the implementation of this By-law is hereby repealed, concurrently with the implementation of this By-law.

Amendments of the policy shall be enacted only by vote of the Town Meeting, in accordance with the requirements of the Home Rule Charter, as revised in 1995.

Should any portion of this By-law be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to affect the validity, legality, or constitutionality of the remaining portions.

The provisions of this By-law are applicable only to employees, and any benefits or accumulations provided by the by-law are considered to be non-transferable between or among employees.

For the purpose of determining any entitlement under the provisions of the policy, any individual who is an employee in any position will not be considered to be the same employee in any other position, so that the benefits and accumulation earned or credited may not be compounded.

The By-law shall become effective on the first day of the fiscal year that immediately follows its adoption. Any amendments to this By-law, after its adoption, shall become effective after ten days from the close of the Town Meeting session at which they may be adopted.

040 Purpose of the Personnel By-Law

These By-laws are enacted by the Town of Seekonk in order to further the following goals:

- To provide a uniform system of personnel administration throughout the Town for employees who fall under the jurisdiction of the Town of Seekonk Personnel By-law.
- To ensure that recruitment, selection, placement, promotion, compensation, retention and separation of these Town employees are based upon employees' qualifications and performance, and are in compliance with Federal and state laws.
- To assist department heads and supervisors in the development of sound employee relations practices and procedures.
- To promote communication between department heads, supervisors and employees.
- To ensure, protect and clarify the rights and responsibilities of employees.
- To maintain parity, as far as is practicable, for employees under the jurisdiction of this by-law with other Town employees who are members of collective bargaining units.

This Personnel By-law shall apply to all Town employees *appointed* and not elected to their positions, and who are not otherwise covered by the provisions of a collective bargaining agreement or by separate employment agreement as allowed by state law.

In the event of a conflict between these By-laws and any Town ordinance, or State or Federal law, the terms and conditions of that ordinance or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any ordinance, rule or law incorporated in these By-laws or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

The Town specifically reserves the right to repeal, modify or amend these policies at any time, by following the procedure for amendment of a by-law. None of these provisions shall be deemed to create a vested contractual right or an employee contract of any type between any employee and the Town.

Initial Implementation

Upon initial adoption of this Personnel By-law, the Personnel Board shall work with the Town Treasurer's Office to create a payroll list showing the following information for each employee covered under the by-law:

- Name and Address
- Department
- Current Position Title, Classification, Grade and Step
- Revised Position Title, Classification and Grade

The payroll list shall reflect only a translation of the terminology of the previous Personnel By-law to that of the new Personnel By-law. No current employee shall accrue or be granted any benefit not earned under the terms and conditions of the previous policy, solely by virtue of the implementation of the newly-adopted policy. No current employee shall experience a reduction in wages/salary or benefits due solely to the implementation of the new by-law.

During the initial implementation of this Personnel By-law, it will also be necessary to make the following adjustments:

- The Personnel Board may recommend a one-time salary adjustment, effective July 1, 2003, for certain positions where the incumbents' current rate of pay is below the minimum or is very low in the range for the individual's length of service. Any adjustments of this kind will be recommended at the discretion of the Personnel Board after consultation with the appropriate hiring authority. Recommendations made by the Personnel Board on such salary adjustments shall be final and shall not be subject to the By-law's grievance procedure.

- Beginning in FY 2003-04, all performance appraisals will be done in the period from January 1 – April 1, with any related merit increase to become effective on July 1st of the next immediate fiscal year. During the first year of implementation, all reviews will be completed before June 15, 2003. The review date of any current employee whose performance appraisal has been previously conducted on an anniversary date other than July 1st will be changed to accommodate the new system. For these employees, the merit increase will be pro-rate to July 1st for the first year.

050 The Personnel Board

The Seekonk Home Rule Charter, adopted in April 1995, reaffirms the role of the Town's Personnel Board, first described in the original home rule charter of 1976. In the Charter, the Personnel Board is charged with establishing a personnel system, which "... shall make use of modern concepts of personnel management and may include, but not be limited to the following elements: a method of administration; personnel policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; disciplinary procedures; and other elements that are deemed necessary."

The Personnel Board shall consist of five members appointed by the Town Moderator. This Board shall be responsible for the administration of all aspects of the Personnel By-law, and shall establish such procedures, as it deems necessary.

The Personnel Board shall be invested with all the powers and duties specified in Section 108C of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

A majority of the Personnel Board shall constitute a quorum for the transaction of business: A majority vote of the Personnel Board shall determine the action the Board must take in all matters upon which it is authorized or required to pass under this By-law. The Personnel Board shall elect a Chairman, Vice Chairman, and other officers annually.

In any matter requiring the immediate action of the Personnel Board, the Town Administrator should contact the Chairperson of the Board, or in his/her absence, the Vice Chairperson of the Board, who shall be responsible to determine the course of action by which the Personnel Board may render a decision.

The Personnel Board may employ clerical and professional assistance, including legal and human resources consultants, and may incur such expenses, as it deems necessary, and subject to the appropriation of funds.

The Personnel Board shall act in concert with the Town Administrator, department heads and other Town officials to develop systems and procedures that will facilitate the effective administration of the by-law. The Personnel Board shall be expected to clearly communicate its needs with respect to information, and all Town officials shall respond in a timely manner to such requests.

Should any appointed Town employee, the Town Administrator, or any elected Town official make an employment decision, or enter into an employment contract or other agreement, or take any other action regarding an employee covered under the provisions of this Personnel By-law, and such action conflicts with the provisions of this Personnel By-law, the Personnel Board is empowered to declare such action null and void.

Further, all present and prospective employees of the Town are advised that no term or condition of employment is effective and binding upon the Town unless such action has been approved by the Personnel Board, or fully complies with Massachusetts General Law Chapter 150E, or an individual employment contract authorized by the laws of the Commonwealth.

101 Titles

Animal Control
Assistant Animal Control Officer (Non-exempt)

Building Inspector
Assistant Building Inspector (Non-exempt)

Computer Services
Network Administrator (Exempt)

Finance
Finance Director (Exempt)

Fire Department
Fire Chief (Exempt)

Human Services Council
Case Worker (Non-exempt)
Dispatcher (Non-Exempt)
Substitute Secretary (Non-Exempt)
Van Driver (Non-Exempt)

Library
Administrative Associate (Non-exempt)
Associate Director (Exempt)
Children's Librarian (Exempt)
Customer Inventory Clerk (Non-exempt)
Customer Service Inventory Associate (Non-exempt)
Customer Service Inventory Supervisor (Exempt)
Director (Exempt)
Junior Substitute (Non-exempt)
Page (Non-exempt)
Senior Reference Librarian (Exempt)
Senior Substitute (Non-exempt)
Staff Librarian (Non-exempt)
Technical Services/Administrator (Non-exempt)

Personnel Board
Secretary (Non-exempt)

Public Works
Assistant Superintendent (Exempt)
Janitor (Non-Exempt)
Superintendent (Exempt)

Town Administrator
Administrative Assistant (Exempt)
Town Administrator's Secretary (Non-exempt)

104 Business Conduct and Ethics Policy

At the time of hire, all Town employees will be provided with information about Massachusetts General Law Chapter 268A, which governs the conduct of employees, special employee status and conflicts of interest. It is the employee's responsibility to become familiar with and strictly adhere to these laws and regulations.

Harassment or discrimination of any kind, especially involving race, color, religion, gender, age, national origin, disability, sexual orientation or veteran or marital status, is unacceptable at work, during business travel and at Town-sponsored or other business related events. The Town of Seekonk is also committed to a drug-free, violence-free, safe and healthy work environment.

The Town Administrator will annually require all Town employees covered under this by-law to request the designation of "Special Employee" status if they are employed in a dual, paid capacity with the Town. Such designation will be conferred by a vote of the Board of Selectmen, in accordance with Massachusetts General Law Chapter 268A.

Employees may not perform or solicit outside work during working time, or engage in work that would interfere with their ability to perform their job requirements to their fullest. Employees may not use Town equipment or resources to conduct outside work, even it they perform the work off-duty.

Employees are encouraged to notify the Town as soon as possible if they become aware of any work-related violations of the By-law or policy. To report a potential violation, an employee should contact his/her supervisor, department head, the Town Administrator, a member of the Board of Selectmen. In the case of a Library employee, he/she may contact any of the previously mentioned individuals, or a member of the Board of Library Trustees. All reports or complaints may be made either verbally or in writing.

The Town will promptly and thoroughly investigate all reported potential violations with the highest degree of confidentiality possible under the circumstances. (Employees who wish to report sexual harassment should refer to the Town of Seekonk's Sexual Harassment Policy, which is incorporated into this By-law.)

If it is determined, after investigation that a violation has occurred, then the Town will take such action as is appropriate under the circumstances. This could include disciplinary action against and/or prosecution of the individual(s) involved. It could also result in revising policies or procedures to prevent the occurrence of future misconduct, and increasing auditing and monitoring procedures to detect any future violations. Disciplinary action will vary depending on the circumstances, but may range from counseling to termination of employment of the individual(s) involved.

The Town of Seekonk will not engage in or tolerate retaliation against an employee who has reported a potential violation under this policy or cooperated with an investigation into reported misconduct.

114 Recruitment and Hiring

Prior to the initiation of any recruitment, (except for temporary positions as described below) the Personnel Board shall be notified in writing of the following information, and shall confirm that the procedure to be followed is consistent with the Personnel Policy:

1) Position name, title and classification
2) Period for which funds have been appropriated, or for which an appropriation will be requested
3) Date on which department head wants to fill the position
4) Method by which department head will use to fill the position.

The Chairperson (or Vice-Chairperson, in the absence of the Chairman) of the Personnel Board is empowered to verbally approve a recruitment procedure for the purpose of expediency, subject to consideration by the full Board at its next regular meeting.

For each position to be filled, regardless of the method used, the following steps will be part of the recruitment procedure.

a) Notice of the position vacancy, to include: the beginning and ending dates for submission of applications; title and classification of the position; department; location; hours; a brief description of duties, responsibilities; and requirements will be posted in the Town Hall, Library, Fire Stations, Police Station, Public Works Department, and Human Services Council, and will remain posted during the application period.

- Any current Town employee who properly files an application and meets the necessary qualifications will be granted an interview, and for that purpose, on request, copies of all applications received shall be forwarded to the Personnel Board within two (2) days of the close of the application period.

- The position availability must be advertised in at least one (1) daily newspaper and one (1) other newspaper that circulates in the Town. This advertising is not necessary when recruiting to fill the following positions: Assistant Animal Control Officer, and the Library positions of Page, and Junior and Senior Substitutes.

For **Non-Exempt positions**, the recruitment procedure listed above will be followed and the department head shall choose from among qualified candidates interviewed the person to whom the position will be offered. The department head may hire a non-exempt employee at a rate between the minimum and the start of the second quartile, based on the experience of the candidate being hired, taking into consideration the rates of current employees in the same position. The department head must obtain Personnel Board approval to hire above the start rate of the second quartile.

All hiring decisions are subject to the approval of the appropriate appointing authority.

For Exempt positions the following procedure shall apply:

a) The department head shall assemble a Selection Committee of no less than three (3) persons, at least one of whom shall be a member appointed by the Personnel Board. The department head also may serve, if he or she so desires.

b) The Selection Committee shall review all candidates' qualifications, and shall personally interview at least five (5) candidates (or as many as filed applications if less than six (6) applications were filed).

c) The Selection Committee shall recommend to the department head, in its order of preference, at least three (3) candidates from among those interviewed (assuming that there are at least three qualified candidates.)

d) The department head either shall choose from among those recommended the person to whom the position will be offered, or shall reject all candidates, in which case the recruitment procedure shall be repeated in its entirety. All hiring decisions are subject to the approval of the appropriate appointing authority.

e) The department head may hire an exempt employee at a rate between the minimum and the start of the second quartile, based on the experience of the candidate being hired, taking into consideration the rates of current employees in the same position. The department head must obtain Personnel Board approval to hire above the start rate of the second quartile.

Within ten (10) days of the acceptance of an offer of employment, the department head shall forward to the Personnel Board a completed Personnel Change Notice.

Any candidate for a full-time or half-time position who is not an employee of the Town or who is not subject to the provisions of the Reduction in Force Section at the time of appointment, shall be appointed contingent upon the satisfactory completion of a physical examination within thirty (30) days at the expense of the Town.

Temporary employees, who shall be recruited directly by the department head and approved by the appropriate hiring authority, shall be hired only for the following reasons:

- To temporarily replace an absent employee, in which case the temporary employee may not perform service as such for more than two hundred and fifty (250) hours in any twelve (12) month period. Such temporary employee shall be compensated at a rate no higher than the first quartile of the classification of the position of the absent employee, unless approved by the Personnel Board.

- To serve in a position that has been established for a limited time period to accomplish a specific objective, in which case the department head shall request the prior approval of the Personnel Board. Such temporary employee shall be compensated at a rate no higher than the first quartile of the classification of the position, unless approved by the Personnel Board.

116 Promotions/Transfers

Employees are encouraged to apply for any vacancy for which they may qualify. Notice of position vacancies will be posted and will include the beginning and ending dates for submission of applications. The posting will also include the title and classification of the position, department, location, hours, a brief description of duties, responsibilities, and requirements. The notice will be posted in the Town Hall, Library, Fire Station, Police Station, Public Works Department, and Human Services Council.

Employees must serve in their current position for at least a year before being considered for a promotion or transfer. Any Town employee who is qualified for and applies for a posted vacancy will be interviewed for the position.

Selection of an employee for a promotion or lateral transfer is based on past work record, education, knowledge of the job duties, as well as time in service. The Town will consider current employees along with outside applicants and select the best-qualified applicant for the position.

In cases where only one employee applies for a position and the hiring department knows the individual's abilities and qualifications, the formal selection process may be dispensed with upon concurrence of the department head and the Personnel Board.

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. The department head may make temporary assignments for a specified time or assignment as necessary. Such appointments are made on "acting" basis and the employee returns to his or her regular position upon completion of the assignment. The actual salary for "acting" appointments is set by the department head, in consultation with the Personnel Board.

When an employee is promoted to a position of higher classification, there should be a minimum salary increase of five percent (5%). If necessary, an increase of up to a maximum of fifteen percent (15%) may be granted to bring the employee to the minimum of the new position's salary range. If a fifteen percent (15%) increase does not achieve the minimum, the employee is to undergo the performance appraisal process and the salary adjusted accordingly on a six-month basis until reaching the minimum.

The next merit increase may be pro-rated based on the number of full months worked since the promotion. All merit increases will be effective on July 1st.

The Personal Board must review and approve all promotional increases for exempt and non-exempt employees.

Promotions do not change the employee's date of hire for the calculation of service benefits.

202 Reclassification

The Personnel Board shall develop and administer an objective procedure, based on competitive market pricing, for the reclassification of a position. The request for the reclassification of a position must be submitted by the Town Administrator, or in the case of a Library position, in conjunction with the chairperson of the Library Board of Trustees. The Personnel Board shall provide a response to such petitions within sixty (60) days.

Positions should be submitted to the Personnel Board only if the duties have changed substantially since the last classification, or if it has been at least two or more years since the position was last classified and several changes have taken place that could impact the grade level.

The job description for any position submitted for reclassification must be reviewed and approved by the appropriate hiring authority (Board of Selectmen or Board of Library Trustees) prior to submission to the Personnel Board. To facilitate this review process, all requests for reclassification must include the *Reclassification Request and Review* form authorized by the Personnel Board.

The Personnel Board shall determine whether a position which has been submitted for reclassification consideration is sufficiently different from the original position so that, in effect, a new position has been created, in which case the new position shall be subject to recruitment. Should the Personnel Board determine that the changes are not sufficient to warrant a new position, any employee(s) currently holding the existing position(s) will be considered named to the reclassified position.

Decisions made by the Personnel Board on reclassification requests shall be final and shall not be subject to the By-law's grievance procedure.

203 Reduction in Force

Should the Town elect to reduce the number of employees in any position covered by this By-law, the determination as to which of the employees is/are terminated shall be the responsibility of the department head and the appropriate appointing authority, who shall consider the following factors with regard to each employee in said position.

- Service/Seniority
- Current Performance
- Ratings
- Attendance Record
- Personal Interviews
- Skills/Experience

The Personnel Board must review recommendations regarding reduction in force prior to the effective date of the action.

Any employee terminated as a result of the provisions of this subsection shall receive a severance payment equal to one fifty-second (1/52) of said employee's total gross earnings for the twelve months preceding the date of such termination. The total number of such payments to said employee shall be calculated by dividing said employee's accumulated service days as of the date of termination by three hundred sixty-five (365), rounded if necessary to the next highest whole number.

Should the Town elect to recruit candidates for a position which was subject to a reduction in force within twelve (12) months previous to the date on which the department head wants to initiate recruitment, the Town must first offer the position to previous employees who were terminated under the provisions of this subsection during that twelve month period, in the reverse of the order in which they were terminated.

Such previous employee must respond affirmatively to such offer within three (3) working days of its receipt in order to be appointed. In such cases of rehire where the reason for termination was solely a reduction in force as described in this section, the employee so rehired will be credited with the same number of service days as that employee had accumulated as of the date of termination; provided the rehire results solely from the mandatory offer to rehire described herein.

205 Probationary Period

All new employees of the Town shall be considered to be probationary employees during the first one hundred and eighty (180) days of service. At the end this probationary period, the department head will review the employee's status and after a favorable evaluation, the employee shall be given permanent status. When the probationary employee attains permanent status, benefit and vacation days will be accrued from the date of hire.

An employee may be terminated during the probationary period by the appropriate appointing authority if the employee is unwilling or unable to perform the required duties of the position, or if dependability does not meet standards, or if the appointing authority determines that any lawful reason exists to terminate a probationary employee. The employee and the Personnel Board will be notified in writing as to reason of termination and the effective date of the action.

208 Training

Any Employee who is attending a professional development or training program approved by the department head shall be considered to be at work while actually participating in the program. All provisions of the Personnel By-law apply as if the employee were at a regular work assignment.

The Town shall reimburse related expenses attributable to an employee's attendance at an approved professional development or training program, according to established financial guidelines.

209 Performance Evaluation

Guidelines

The Personnel Board is responsible for developing and administering the performance appraisal instrument and system. All employees will be evaluated annually regardless of classification or position.

Department heads or supervisors will conduct an annual performance appraisal for each employee during the period January1st to April 1st of each year. The Personnel Board will then review each appraisal. Any salary increase related to the appraisal will be awarded at the first pay period following the July 1st beginning of the next immediate fiscal year.

Any employee who has been working for the Town for less than one year will also undergo a performance appraisal during the period specified above. During the first year of service, any merit increase awarded in July will be pro-rated to accurately reflect the number of full months worked prior to July 1st.

All employees must attain a satisfactory score substantiated with written paragraphs to receive a merit increase.

The evaluator should consider the employee's accomplishments based on the job description and position requirements within the department and comment on the evaluation factors pertinent to the position in terms of both strengths and weaknesses.

The employee will then make any comments on areas of agreement or disagreement with the evaluation and sign the evaluation, as will the evaluator, as to the fact that each has been given an opportunity to discuss its contents.

After the form is properly completed it should be forwarded to the Personnel Board. Both the department head and the employee should retain a copy of the evaluation.

The Personnel Board will review the evaluation before the Treasurer's office makes any changes to an employee's pay. If questions regarding an evaluation occur on a particular employee, the Personnel Board will request that the evaluators attend the meeting so the evaluation may be discussed with the Board.

A copy of the signed evaluation will be permanently placed in the employee's file.

303 Vacation Benefits

This vacation policy applies to all full-time and half-time employees regularly working twenty (20) or more hours per week.

It is the responsibility of the employee requesting vacation time to notify his/her department head or supervisor as soon as possible for approval in scheduling the time.

The established period of determining vacation credit will be from the employee's date of hire.
Each full-time employee shall accrue vacation time on a monthly basis based on the following schedule:

Service	Vacation Days Accumulated Per Year
Less than One (1) Year	One (1) day for every 36.5 days employed.
Year 1 – Year 5	Ten (10) Days {1 day for every 36.5 days employed}
Year 6 – Year 10	Fifteen (15) Days {1.5 days for every 36.5 days}
Year 11 – Year 20	Twenty (20) Days {2 days for every 36.5 days}
Year 20+	Twenty-five (25) Days {2.5 days for every 36.5 days}

Half-time employees (regularly working 20-32.4 hours per week) shall accumulate vacation time pro-rated to their weekly hours.

Part-time employees (regularly working less than 20 hours per week) and temporary employees are not eligible to accrue or take paid vacation time.

An employee may accumulate up to a maximum of twenty-five (25) days accrued vacation leave. Vacation time earned in excess of said maximum limit shall be used or forfeited, unless the vacation time requested has been denied in writing by the department head or Town Administrator. In special circumstances, as determined by the Town Administrator, additional carryover may be allowed.

At the discretion of the Town Administrator, an employee leaving for vacation may be advanced up to ten (10) days of accrued vacation pay provided the employee makes the request to payroll at least two (2) weeks in advance of departing.

Vacations shall be scheduled at such times as the department head finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the department head prior to the commencement of the requested vacation.

Paid holidays occurring during vacation are not charged to vacation.

Vacation leave will not accrue while an employee is on leave of absence without pay. Accrued and unused vacation leave may be used to supplement sick leave if the employee has exhausted sick leave accruals.

If an employee transfers from one department within the Town to another, the vacation leave credits shall also be transferred. However, vacation credit earned by one employee cannot be transferred to another employee.

Employees will be compensated for a maximum of twenty-five (25) days of accrued vacation at time of separation from the Town. All vacation in excess of this maximum shall be taken prior to separation, or forfeited. An employee whose employment with the Town ends for any reason other than a termination for misuse of public funds or other type of dereliction of duty in office, will be provided with accrued vacation pay up to twenty-five (25) days. The payment will be made to the employee's spouse or estate if the employment ends as a result of the employee's death.

An employee who terminates employment prior to completion of his or her probationary period has not accrued vacation time, and is therefore not be entitled to payment for unused vacation time.

305 Holidays

Holiday pay will be granted to all full-time employees for the following 12 days:

- New Year's Day
- Martin Luther King's Birthday
- Presidents' Day
- Patriots' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- The Day after Thanksgiving
- Christmas Day

In addition, all full-time employees shall receive one-half day of paid holiday leave on Good Friday and the last working day before Christmas.

If a holiday falls on a Sunday, it will be celebrated on the immediately following Monday; if a holiday falls on a Saturday, it will be celebrated on the immediately preceding Friday.

Should an employee actually perform service for the Town at the direction of the department head during a time when that employee is entitled to a paid holiday leave, the employee will be granted compensatory holiday leave at the rate of two holiday leave hours for each of hour actually worked, with a minimum grant of 8 holiday leave hours.

Should a paid holiday leave day fall on a day when a full-time employee is not scheduled to work, due to a scheduled day off or a vacation leave, the employee will be granted compensatory holiday leave hours in an amount equal to the number of hours in the employee's normal working day. This compensatory paid holiday leave time must be taken within 120 days of the date upon which it is granted.

Half-time employees regularly working 20 or more hours will qualify for paid holiday leave if, and only if, their regularly scheduled working day coincides with a holiday leave day. They will receive compensation in an amount equal to the actual number of hours the employee is regularly scheduled to work on that working day.

306 Compensation Guidelines

It shall be the responsibility of the Personnel Board to review position classifications and rates of pay/grade ranges at reasonable intervals. Rates of pay shall be reviewed at least every three years.

A grade range is a range of dollars established by the Town to pay for a particular job. Grade ranges vary by job depending on labor market factors and job requirements. Each grade level has a range of dollars assigned. Ranges may be increased, decreased or left as is. The Personnel Board will review these ranges along with the merit matrix on an annual basis and a recommendation will be made whether they need to be adjusted. Final decisions are subject to Town Meeting approval.

Whenever the Personnel Board reviews the wage and salary provisions of this By-Law, it shall take into account and give such weight as it may deem desirable to the following:

- Rates of pay for like positions in other Massachusetts towns considered by the Personnel Board to be comparable to Seekonk.

- Current level of the following cost-of-living indexes; Consumer Price Index for Urban Wage Earners and Clerical Workers, Boston, MA; the Consumer Price Index; and the Massachusetts Municipal Personnel Association Benchmark Titles, Salary, Survey Data

Exempt Employees

An exempt employee is a salaried employee who is not covered by, or who is exempt from the Fair Labor Standards Act (FLSA) and its Amendments, and is not paid overtime. The FLSA establishes the legal minimum wage, defines overtime pay requirements and establishes guidelines for determining the salaried or hourly classifications of jobs.

Merit reviews for eligible exempt employees are conducted during the annual performance review process which occurs in January – April of each year; any merit review increases are effective July 1st of the next immediate fiscal year. The merit increase percentage for exempt employees is determined by the employee's department head, based on the employee's performance review rating and the position in the salary range, using the merit matrix guidelines developed and administered by the Personnel Board.

Non-Exempt Employees

A non-exempt employee is an hourly employee who is covered by the provision of the FLSA.
Merit reviews for non-exempt employees are conducted during the annual performance review process which occurs in January – April of each year; any merit review increases are effective July 1st of the next immediate fiscal year. The merit increase percentage for exempt employees is determined by the employee's department head, based on the employee's performance review rating and the position in the salary range, using the merit matrix guidelines developed and administered by the Personnel Board.

Merit Increases

This compensation program was designed to recognize and reward individual performance. Merit increases for employees should reflect their contributions during the previous 12 months. The merit matrix is a set of recommended merit increase guidelines used by department heads to determine salary increases for employees, based on job performance and position in the salary range. Actual increases granted may vary depending upon budgeted dollars available and total increases recommended.

When making merit pay decisions, the following factors should be considered:

- performance rating
- position of current pay within the salary range
- employee's qualifications
- experience in current position
- how the employee compares to his/her peers with regard to performance and pay

If an employee is being paid over the maximum of the current salary range, merit increases are generally granted only in cases of outstanding performance.

If an employee receives a merit rating of less than satisfactory, no merit increase is recommended. The department head or supervisor and the employee must develop a performance improvement plan to be executed over the next six (6) months. At the end of six (6) months, the department head or supervisor should review the employee again; if the employee's performance has improved, a merit increase may be given at this time. The increase amount, if any, is effective as of the date of the follow up review and is **not** retroactive.

New hires will also be reviewed for a merit increase on July 1st. They will receive a pro-rated increase based on the number of full months worked prior to July 1st (i.e. someone hired on May 15th will receive 1/12 of the recommended increase on July 1st, in order to adjust the employee to the July 1st annual timing).

Promotions

A promotion is defined as a change in position where the new position has a higher salary grade. An employee is expected to be employed in the current position for a minimum of one year prior to any promotion.

When an employee is promoted to a position of higher classification, there should be a minimum salary increase of five percent (5%). If necessary, an increase of up to a maximum of fifteen percent (15%) may be granted to bring the employee to the minimum of the new position's salary.

If a fifteen percent (15%) increase does not achieve the minimum, the employee is to be reviewed and the salary adjusted accordingly on a six (6) month basis until reaching the minimum. The Personal Board must approve all promotional increases.

If an employee's promotion will result in a move to another department, the current department head or supervisor should complete a performance review within thirty (30) days of promotion/transfer. This will assist the new department head or supervisor in assessing the employee's performance at year-end.

Demotions

If an employee requests placement to a position with a lower classification, or is demoted as a result of poor performance, the employee's salary is to be adjusted, in consultation with the Personnel Board, to fit into the new salary range relative to that employee's experience and seniority.
If the demotion is related to a re-organization and there are no performance issues, the salary remains the same if the current salary is within the new salary range. If the current salary exceeds the new salary range, the employee will receive no further increases until the range changes to accommodate the existing salary.

Lateral Transfers

A lateral transfer is a job change either from one department to another or within the same department, where both jobs have the same salary range. Generally, when a lateral transfer takes place the employee should not receive a pay increase

307 Sick/Family Care Time

Sick/Family care time is available to all full-time and half-time employees regularly working twenty (20) or more hours per week. Sick/Family care time is granted to provide eligible employees with time to care for themselves or family members when they are sick. Newly hired employees must complete a ninety (90) day waiting period before sick/family care time may be used.

An employee requesting use of sick/family care time is expected to notify his or her department head or supervisor as soon as possible after determining the need to take the available time.

Full-time employees hired on or after July 1, 2002 are eligible for up to eighteen (18) paid sick/family care days per calendar year, accumulated at the rate of 1.5 days per month employed. Half-time employees regularly working twenty (20) or more hours per week are entitled to nine (9) sick/family care days, accumulated at the rate of .75 days per month.

Full-time and half-time employees hired prior to July 1, 2002 are eligible for an additional two (2) days of paid sick/family care time annually.

Sick/family care days may be used for personal illness, doctor appointments and to care for sick members of an employee's immediate family.

An employee who is collecting workers compensation benefits may receive sick leave benefits to supplement the workers compensation benefits in an amount sufficient to the equal the employees regular rate of pay during the temporary period of disability, provided however, such supplementary benefits shall not be paid in excess of the accrued sick leave credited to the employee.

Prior to being entitled to any compensation, a full-time employee who is on sick leave for a period of five (5) days or longer may be asked to provide the department head with a report from a qualified doctor which shall contain a diagnosis of the sickness whenever possible.

When an employee goes on sick leave he/she must notify his/her department head or supervisor immediately. Notification should be as soon as the employee decides not to report and no later than within thirty minutes of the start of the scheduled workday. Failure to do so may result in denial of such sick leave pay. The employee should also let the supervisor know when he/she expects to return to work

Unused sick/family care time may be carried over to the next calendar year. The maximum carryover is one hundred and twenty (120) days.

Any employee hired prior to September 1, 1992 who resigns, or who leaves due to a reduction in force, retirement, job related injury, or death will be entitled to receive a one-half (50%) lump sum payment of accumulated sick/family care time within thirty (30) days of the last day employed.

Any employee hired after September 1, 1992 who is involuntarily terminated for any reason, including a reduction in force, retirement, job related injury, or death is eligible for a one-quarter (25%) payment of accumulated sick/family care time, but in no event shall that payment exceed twenty-five hundred dollars ($2,500.00). Any employee hired after September 1, 1992 who voluntarily resigns is not eligible for payment of accumulated sick/family care time.

308 Insurance Benefits

The Town of Seekonk provides all full-time and half-time employees regularly working twenty (20) or more hours per week such medical benefits as proscribed by Massachusetts General Law 32B.

The decisions about which insurers, plans, deductibles, employee contributions, etc. will apply for each employee who voluntarily elects to participate in such plans is made by the Seekonk Board of Selectmen, subject when applicable, to the vote of Town Meeting.

Employee eligibility is subject to Chapter 32B of the Massachusetts General Laws and any permissible rules and regulations adopted by the Board of Selectmen.

309 Bereavement Leave

Bereavement leave with pay is granted by the Town of Seekonk to allow an employee to grieve the death of an immediate family member, a close relative or an individual living in the immediate household.

All full-time and half-time employees regularly working twenty (20) or more hours per week are eligible for paid bereavement leave.

Up to five (5) business days of bereavement leave with pay may be granted for the death of a spouse, child, step-child, parent or step-parent.

Up to three (3) business days of bereavement leave with pay may be granted for the death of a brother, sister, grandparents, grandchild, parents-in-law, son/daughter-in-law, sister/brother-in-law or other member living in the immediate household regardless of the relationship.

One (1) business day of bereavement leave with pay may be granted to attend the funeral of an aunt, uncle or other close relative.

311 Jury Duty

The Town of Seekonk provides paid leave for an employee to appear in court when required.

All full-time and half-time employees regularly working twenty (20) or more hours are eligible for this benefit.

A regular full-time employee who is called to serve on a jury, or summoned to appear in any court case pertaining to the Town of Seekonk as a witness for the Town, may be granted a paid leave of absence. Such a leave shall only be granted for the time required to appear and it shall in no way affect the employment rights of the employee.

The Town of Seekonk will compensate an employee called to appear in court at the full rate of pay (less any fees received for appearing) for a normal scheduled day for a period not to exceed three (3) days. After this period the Commonwealth will compensate the employee as per section 3 of Chapter 234 of the general laws, as amended.

Employees serving jury duty are expected to be at work during their normal scheduled shift time whenever court has been adjourned for the day.

314 Tuition Reimbursement

The Town of Seekonk will provide full-time employees reimbursement for accredited, authorized courses that will have a direct impact upon their handling of job responsibilities or achievement of performance results.

All full-time employees of the Town of Seekonk who have completed one year of continuous service are eligible for this benefit.

The employee seeking this benefit must complete a Tuition Reimbursement request and seek approval from the department head prior to enrolling in a course.

It is the department head's responsibility to determine what courses are job-related and to approve the employee's Tuition Reimbursement request. After the department head approves the course it must be forwarded to the Town Administrator's Office for final approval. Final approvals are subject to an allotment being available for tuition in the annual Town budget. Courses must always be approved in advance of registration. Once the course has been approved by the Town Administrator funds from the appropriate budget line will be encumbered to pay for the benefit.

The Town of Seekonk will consider for reimbursement only those courses that are job-related. Courses may be taken at undergraduate or technical level accredited colleges, universities or technical schools. The course(s) must not interfere with the employees work schedule or job responsibilities.

The Town of Seekonk will reimburse employees for pre-approved courses up to a maximum of five hundred dollars ($500) per calendar year. This amount may be applied to either one course or more than one course, provided the total amount does not exceed the reimbursement limit. Employees must receive a grade of "C" or higher for courses that are approved. For educational institutions that offer a pass/fail grade, the employee must receive a "pass" grade.

Reimbursements are subject to funds being available for tuition. The Town will set an annual allotment during the preparation of the annual budget. If the allotment is not set or there are no funds left in the budget, an employee will not be able to receive a tuition reimbursement until a new budget is approved.

Within three (3) months of course completion, an employee must submit a copy of both the course grade transcript and the paid tuition bill to the Town Administrator's Office. The Town Administrator's Office will process the information and submit a check request to the Finance department. The reimbursement check will then sent to the employee.

If an employee's employment with the Town of Seekonk terminates before completing a pre-approved course, no reimbursement will be provided. If an employee resigns within six months of completing the course, the reimbursement will be returned to the Town.

318 Limited Duty

Limited Duty

An employee who is temporarily incapacitated for full duty for any reason, but is capable of limited duty, may be assigned limited duty at the recommendation of the department head and with the approval of the Town Administrator.

In order for the Town to make a determination of the employee's ability to perform limited duty, the employee will release to the Town Administrator, attorneys, physicians and anyone else who has a reasonable need for access to the records in order to carry out the provisions of this article, all medical records/reports applicable to the temporary incapacity. The employee will fully cooperate with the evaluation process.

The Town may require an employee to undergo an evaluation by a physician or specialist designated by the Town to determine the employee's ability to perform limited duty. If the employee seeks an opinion from his/her physician, the employee will do so immediately after receipt of the Town physicians and document that it has been done so to the satisfaction of the Town.

The employee's physician's opinion will be provided as soon as possible but in no event more than seventeen (17) calendar days from the employee's receipt of the Town physician's opinion, except in extraordinary circumstances. Where the employee's physician expresses an opinion in writing that expressly conflicts with the Town's physician's opinion, the two physicians shall choose a third physician, whose opinion will decide the issue. The Town will pay the expense of the third physician.

Employees who are determined fit to perform limited duty, requested to do so and fail to do so, shall be removed from the payroll and be subject to disciplinary action, up to and including termination.

403 Salary and Wage Plan

At the session of the Annual Town Meeting prior to the beginning of each Fiscal Year, the Personnel Board, after having consulted with the Board of Selectmen and the Finance Committee, shall recommend a Salary and Wage Plan for consideration. Such plan shall be an Appendix to the By-law, and shall be considered to have the status in Law of the By-law itself. As such, no change to the Appendix shall be made unless made by the Town Meeting in accordance with the provisions of the Charter.

The Personnel Board shall be responsible for the administration of the Salary and Wage Plan. No warrant for payroll may be drawn unless it is in agreement with the wages and salaries approved by the Personnel Board.

No provision of this section shall be allowed to result in a penalty to any employee due to the failure of the Personnel Board, any department head, or any other Town official to properly discharge their responsibilities, and such retroactive salaries and wages as are necessary to restore to any employee the level of compensation which such employee may have been actually entitled by proper application of the provisions of the policy shall be authorized.

405 Employment Termination and Suspensions

Termination

Employees may not be terminated for poor performance of duties unless the Performance Improvement Process (section 716) has been followed.

However, termination for just cause for other than performance related reasons or actions shall not require that the Performance Improvement Process be followed.

The Personnel Board must be immediately notified of the termination of any employee.

Suspension

An Employee may be suspended from employment, without pay, by the department head, as a disciplinary action. Employees may not be suspended for poor performance of duties unless the Performance Improvement Process has been followed. Suspensions for just cause for other than performance related reasons or actions shall not require that the Performance Improvement Process be followed.

A notice of suspension must be filed with the Personnel Board within seven (7) days of the effective date of suspension.

410 Shift Differential

All non-exempt full-time, regularly scheduled employees shall be entitled to premium pay as a shift differential when at least fifty percent (50%) of their hours worked during any calendar day falls between the hours of 7 p.m. to 7 a.m.

The shift differential premium shall be five percent (5%) of the employee's scheduled hourly base rate, paid for each hour actually worked during the periods specified above.

502 Hours of Work / Scheduling

The scheduling of hours is the responsibility of the department head, both as to the quantity of the hours worked per employee and the times at which those hours are worked. However, it is expected that all employees will work on an average in any fiscal year at least the minimum number of hours per week for their classification as shown below.

Classification	Regularly Scheduled Hours
Full-time (with Benefits)	32.5 – 40
Half-time (with Benefits)	20 – 32.4
Part-time (without Benefits)	1 – 19.9
Temporary (without Benefits)	varies

If an employee is not able to work the scheduled minimum or the department is no longer able to schedule those hours, then the employee's classification is to be changed to the appropriate classification that accurately reflects the employee's schedule.

If an employee regularly works in excess of the classification and the department has the budget to support an ongoing schedule of more hours, the employee's classification should be changed to the appropriate level.

507 Overtime Pay

Overtime hours worked will be paid to non-exempt employees according to the following guidelines:

- Overtime will be paid at the rate of 1½ times the base rate for hours worked in excess of forty (40) hours in any week or in excess of eight (8) hours in any day.

- Partial hours worked in excess of forty (40) hours per week shall be computed within quarter-hour increments. For the purpose of such computation, any portion of a quarter-hour shall be credited as a quarter hour increment.

Overtime work to shall be performed only if requested by the department head. Without such request, no employee shall be allowed to work beyond a total of forty (40) hours per week or eight (8) hours per day.

Exempt employees are not eligible for overtime pay.

510 Longevity

A longevity payment shall made to all regular full-time and half-time employees regularly working twenty (20) or more hours per week. The payment is to be made each year on the first payday in December, according to the following guidelines:

Years of Service	Full-Time	Half-Time
5-9	$100	$ 50
10-14	$200	$100
15-19	$300	$150
20-24	$400	$200
25+	$500	$250

This longevity payment applies to individuals employed by the Town as of July 1, 2003. No other employee is eligible.

512 Service Credit

Accumulation of service credit begins on an employee's date of hire and will continue until an employee is terminated.

Each employee shall be credited service as follows:

Type	Regularly Scheduled Hours	Service Days
Full-time	32.5-40	1 per day of employment
Half-time	20-32.4	1 / 2 per day of employment
Part-time	1-19.9	1/ 4 per day of employment

Should a previous employee be hired within one (1) year following termination, the employee shall be credited with fifty percent (50%) of that employees previously earned service. If the employee is rehired between one (1) year and two (2) years following termination, twenty-five percent (25%) of the previously earned service shall be credited. After the expiration of two (2) years from the date of termination, no previous service shall be credited.

522 Workplace Violence

The Town of Seekonk is committed to providing a safe environment for all of its employees. The Town will not tolerate any acts or threats of violence against its employees on Town property or for work-related reasons off Town property. This policy applies to all employees of the Town of Seekonk.

The Town of Seekonk prohibits acts or threats of violence in the workplace or in other settings in which employees find themselves in connection with their employment. The Town will not tolerate acts or threats of violence by or towards employees who are on Town premises at any time. Firearms, weapons and explosives of any kind are strictly prohibited. The Town will intervene in all situations involving workplace violence. The Town will take prompt action, up to and including termination, against any employee who engages in any threatening behavior or acts of violence or who uses obscene, abusive or threatening language or gestures, while conducting business on or off Town property at any time.

When dealing with residents, former employees or visitors to Town facilities, the Town of Seekonk will take appropriate action to help prevent violence and/or threats of violence from occurring in our work place. Such action may include, but is not limited to, notifying the police or other law enforcement personnel and prosecuting violators, where appropriate.

Employees are responsible for adhering to this policy and informing their department head of any threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments. Reports of actual or threatened violence will be treated seriously and with as much confidentiality as possible under the circumstances. The Town of Seekonk will not tolerate any form of retaliation against an employee for reporting such incidents.

Employees may call their department head or the Town Administrator to report any threat, acts of aggressive behavior, offensive comments or incidents of violence by a Town employee, former employee, resident or visitor. Calls will be held in confidence to the extent possible under the circumstances.

602 Family Leave

The Town of Seekonk will grant eligible employees an unpaid leave of absence upon the birth of the employee's child, the adoption or foster care placement of a child into the employee's home, or when an employee is needed to care for a seriously ill or injured family member. These guidelines should be interpreted to ensure compliance with the federal Family and Medical Leave Act (FMLA) and applicable state law.

Employees who have worked for the Town of Seekonk for at least twelve (12) months and worked at least one thousand, two hundred and fifty (1,250) hours during the preceding twelve (12) months are eligible.

Eligible employees may take a family care leave for the birth of the employee's child, the adoption or foster care placement of a child into the employee's home or when the employee is needed to care for a child, spouse, parent or parent-in-law with a serious health condition. A total of one hundred and twenty (120) days of family care leave is permitted in a twelve (12) month period, measured backward on a rolling basis.

The amount of leave time available for family care leave generally will be reduced by any FMLA leave the employee has already taken during the previous twelve (12) month period. A leave taken for birth, adoption, or a foster care placement generally must be taken in a single block of time. Such leave must also be concluded within twelve (12) months of the birth, adoption, or foster care placement.

The total leave time available to employees, including any extensions, shall not exceed six (6) months within a twelve (12) month period, measured backward on a rolling basis. A leave for the serious health condition of an employee's child, spouse, or parent may be taken all at once, or, when medically necessary, as intermittent or reduced leave. Intermittent leave must be scheduled in cooperation with the Town to minimize business disruptions. In some cases, the Town of Seekonk may need to transfer an employee to another position of equal pay and benefits to accommodate a proposed treatment schedule.

Employees must notify their supervisor in writing at least thirty (30) days in advance of their need for family care leave, or as soon as possible if the need for or the timing of leave is unexpected. All leave requests to care for a sick family member must be supported by a medical certification form signed by a health care professional. Employees are responsible for submitting this to The Town of Seekonk within fifteen (15) calendar days after requesting leave. Failure to do so will result in the delay or denial of the leave. The Town may require re-certification if there are changes in the family members condition or the employee requests an extension. If an employee returns to work after failing to submit the required medical certification, they may be penalized for unexcused time off and/or be subject to disciplinary action.

Department heads are responsible for initiating the paperwork needed to process family care leave requests.

Approved family care leaves are without pay. Employees are required to use any accrued sick to cover the unpaid portion of their leave if their leave is for a health condition. The Town of Seekonk will continue to pay its share of an employee's medical premiums during an approved leave as though the employee were continuously employed. To maintain insurance coverage, employees must continue to pay their portion of the premiums on time as determined by the Town Treasurer. If an employee does not pay the required premiums, the employee's insurance coverage may be terminated, subject to the provisions of COBRA.

Employees may continue to participate in all other Town of Seekonk benefit plans during leave only to the extent that they are eligible under the terms of those plans.

Returning From Leave
Employees are expected to notify their supervisor at least two (2) weeks before their scheduled return date. Employees who return to work by the end of an approved leave will be returned to their former position or one with equivalent duties, pay, and terms and conditions unless a reduction in force or other reorganization during the leave has resulted in the elimination of the employee's former position. Employees who fail to return to work at the end of an approved leave will be terminated.

Extensions
Employees who have exhausted their leave may apply for an extension in writing to the appropriate appointing authority. However, the granting of an extension is discretionary and must be approved by the appointing authority, in consultation with the Personnel Board.

603 Personal Leave

All full-time and half-time employees regularly working twenty (20) or more hours are eligible for two (2) personal days of paid leave per year.

A personal day is intended for use at a time mutually agreed upon in advance by the employee and his/her supervisor department head to help meet personal needs which may arise during the year. Such needs may include: religious holidays, moving, court appearances, etc.

Personal days should be scheduled in advance with the approval of the department head. Personal days cannot be accumulated or carried over from year to year, and cannot be used to extend a vacation or sick time.

Employees who resign or are terminated will not be paid for unused personal days.

605 Military Leave

This policy is intended to and will be interpreted to accomplish compliance with the federal Uniformed Services Employment and Re-Employment Rights Act (USERRA) and applicable state laws related to granting military leaves of absence for employees.

This policy applies to all regular Town employees who need a leave of absence to attend a period of required active duty for training in any one of the uniformed services. This would include the U.S. Armed Forces (including the Coast Guard), the Army National Guard and Air National Guard (when engaged in active duty for training, or full-time National Guard duty) and the commissioned corps of the Public Health Service.

An employee requesting military leave is expected to provide his/her supervisor with notice and with documentation verifying the need for leave as soon as possible after learning of the need for leave, unless advance notice is precluded by military necessity. At the end of military duty or training, the employee is expected to apply for reinstatement in accordance with this policy.

Every employee, other than a temporary employee, is entitled to a leave of absence to perform military duty or training obligations, whether such service is initiated by the employee or the military service. There is no limit on the frequency or length of military leave. However, employees are expected to take the Town's operating needs into account in arranging for military leave whenever possible.

At the Special Town Meeting of July 24, 2000, voters adopted Massachusetts General Law, Chapter 33, Section 59, *Effect of Military Service on Salary or Vacation Allowance of Public Employees*. This allows Town employees called for military service to be paid for a period of time not exceeding 17 days "without loss of ...ordinary remuneration as an employee or official of the Commonwealth .."

An employee who has worked for the Town of Seekonk for at least 3 months and leaves work for military duty or training is entitled to his or her full pay based on the provision listed above.

Following a seventeen (17) day period of full pay, the Town will pay the difference between the employee's military pay and his/her regular wages, for a period to be determined by law or by the Seekonk Board of Selectmen. The continuation of health and life insurance benefits will also be determined as allowed by law or by the Seekonk Board of Selectmen.

At the completion of their military leave, employees who report to work within the designated time frame and give timely notice of their intent to return, generally will be reinstated to the position they held before taking leave, or to one of similar seniority, pay and status in accordance with applicable federal and state laws. Employees are expected to give their department head notice of their intent to return to work after completing their military obligations.

703 Sexual Harassment

TOWN OF SEEKONK SEXUAL HARASSMENT POLICY

I. INTRODUCTION

It is the goal of the Seekonk Board of Selectmen and the Town of Seekonk to promote a workplace that is free of sexual harassment. Each and every employee has the right to work in an environment free from all forms of discrimination and harassing conduct. Sexual harassment is a form of misconduct which undermines and destroys the integrity of an employment relationship and demeans both sexes.

Sexual harassment of employees occurring in the work place or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because we take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it-is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

This policy applies to all individuals, both male and females, working for the Town. It applies to all employment relationships, including supervisor/subordinate and same level employees.

All employees are prohibited from engaging in behavior that is sexually harassing in any way. Supervisory level employees are responsible for monitoring the workplace to keep it free of sexual harassment and for reporting to the Town Administrator's Office, 100 Peck Street, Seekonk, MA 02771, (508) 336-2910 any violations of this policy that they become aware of and any complaints of harassment reported to them.

Please note that this policy sets forth the Town's goals of promoting a workplace that is free of sexual harassment. This policy is not designed or intended to limit the Town 's authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

DEFINITION OF SEXUAL HARASSMENT

A. In Massachusetts, the legal definition for sexual harassment is this:

"Sexual Harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(1) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for an employment decision; or

(2) such advances, requests or conduct have the purpose or effect of unreasonable interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

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

C. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity; deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities.

E. Sexual harassment is not limited to prohibited behavior by a male employee toward a female or by a supervisory employee toward a non-supervisory employee. For example:

- A male as well as a female may be the victim of sexual harassment; a female as well as a male may be the harasser.
- The harasser does not have to be the victim' s supervisor. The harasser may also be an agent of the employer, a supervisory employee who does not supervise the victim or a non-supervisory employee (co-worker).
- The victim may be the same sex as the harasser.
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may also be someone who is affected by such conduct when it is directed toward another person. For example:
- The sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another co-worker, or may interfere with the co-worker's work performance: and/or
- An employee who is forced to work in an environment where preferential treatment is given to those who submit to sexual advances may be adversely affected by such conduct.

F. All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town.

III. COMPLAINTS OF SEXUAL HARASSMENT

If any employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting the Town Administrator's Office, 100 Peck Street, Seekonk, MA 02771 (508) 336-2910. Male and female staff members are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If any of these individuals are the source of the violation, the employee should report the matter to the Chairperson of the Board of Selectman or Personal Board.

SEXUAL HARASSMENT INVESTIGATION

When the Town receives the complaint, the allegation will be investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. It will also include an interview with the person alleged to have committed sexual harassment. When the investigation is completed, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be provided with the disposition of the complaint.

There may also be interim actions 'taken while the complaint is being investigated.

If it is determined that inappropriate conduct has occurred, there will be prompt action to eliminate the offending conduct. Where it is appropriate, there will also be disciplinary action, up to and including termination of employees violating this policy.

EMPLOYEE RESPONSIBILITY

Each Town of Seekonk employee is personally responsible for:

1) Insuring that the employee's conduct does not sexually harass any other employee, applicant for employment, recipient of public services, or any other individual in the workplace.

2) Cooperating in any investigation of alleged sexual harassment by providing any information the employee possesses concerning the matter being investigated.

Supervisory level employees are responsible for monitoring the workplace to keep it free of sexual harassment and for reporting to the Town Administrator, 100 Peck Street, Seekonk, MA 02771 (508) 336-2910 any violations of this policy that they become aware of and any complaints of harassment reported to them.

DISCIPLINARY ACTION

If it is determined that there has been a violation of this policy, including but not limited to inappropriate conduct or any failure of an employee to meet its obligations under the policy, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances. Any disciplinary action will be imposed in accordance with any applicable procedures.

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC - 180 Days; MCAD 6 Months).

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

   Boston Office: 10 Congress Street
   10th Floor Boston, MA 02114 (617) 565-3200

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

   Boston Office:
   One Ashburton Place
   Room 220 Boston, MA 02108
   (617) 727-3990

   Springfield Office:
   424 Dwight Street Room 601
   Springfield, MA 01103
   (413) 739-2145

704 Attendance

Reporting to work regularly and punctually is expected of all employees. Regular attendance is considered an essential function of every job.

Absence is defined as an employee's non-appearance for a scheduled work shift. Planned absences (vacation, leaves of absence, jury duty, funeral or other pre-approved time off) are not counted as occurrences of absence for the purpose of this policy.

Excessive absenteeism or tardiness, or patterns of absence or tardiness, regardless of cause, will be considered a performance deficiency. The different operational needs of various functions within the Town define the required business hours of that function. As such, it is the department head's responsibility to define, communicate and consistently enforce the requirements in their functional area. Employees are responsible for understanding and adhering to the attendance requirements established by management.

Employees prevented from coming to work must personally notify their department head or supervisor as soon as possible. Notification should preferably occur as soon as possible or ninety (90) minutes before scheduled start time, but no later than the scheduled start time.

Employees who are unable to reach their department head or supervisor should notify another member of the department concerning the delay or intended absence. Employees who fail to notify their department head or supervisor in a timely manner may be subject to disciplinary action. Employees are responsible for knowing the appropriate contact phone numbers. Employees are expected to specify the reason for the absence and the date of expected return. Should there be a change in the expected date of return, the department head or supervisor must be notified. Employees who do not know in advance the length of the absence must notify their department head or supervisor each day of absence. Employees absent due to injury or illness must, when requested, furnish a physician's statement indicating the reason for the absence and releasing the employee to perform their job.

After five (5) consecutive days of absence for medical reasons, employees may be required to provide a physician's statement. Refusal to provide this statement when requested may result in disciplinary action.

All employees are required to report to work on time. Employees are expected to be at their assigned jobs, ready to work, at the specified starting time, both at the beginning of their shift and after all breaks and lunches. Excessive tardiness will result in disciplinary action.

The department head is responsible for maintaining a daily attendance record for every employee. Attendance records must match payroll schedules and should be maintained as a permanent record.

Employees who fail to personally notify their department head or supervisor of their absence for three consecutively scheduled workdays will be terminated for job abandonment. Job abandonment is considered a voluntary resignation.

705 Grievance Policy

The Town of Seekonk provides all employees a means of obtaining further consideration of problems when they remain unresolved at the supervisory level through this grievance procedure. A grievance shall mean a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of Town's personnel policies and procedures.

Strict adherence to the procedures outlined below is mandatory. However, time limits may be extended for good cause shown unless other procedures are provided by Federal or state law regulations. Every attempt will be made to resolve the grievance to the mutual satisfaction of the employee and the Town.

Procedure

Step 1. An employee must present a grievance to the employee's immediate supervisor and department head. They shall attempt to resolve after it is presented to them.

Step 2. If the employee is not satisfied with the solution by the department head, the employee must submit the grievance, in writing, to the Town Administrator within ten (10) working days of receiving an answer on Step 1. This written notice shall include the following:

a) Statement of the grievance and relevant facts.
b) Remedy sought.
c) Reasons for dissatisfaction with the department head's solution.

The Town Administrator shall attempt to resolve the grievance within ten (10) working days after it has been presented to him/her. The appointing authority for the employee will be advised of the grievance and the Town Administrator's proposed resolution.

Step 3. If the employee is not satisfied with the solution proposed by the Town Administrator, the employee must submit the grievance, in writing, to the Personnel Board within ten (10) working days of receiving an answer on Step 2. The Personnel Board shall address the grievance and respond with a determination within sixty (60) days.

Step 4. If the employee is not satisfied with the determination of the Personnel Board, he or she may request a hearing with the Internal Arbitration Board. The five (5) member Internal Arbitration Board is comprised of: one (1) member of the Personnel Board; two (2) non-exempt employees covered under the Personnel By-law – one appointed by the Town Administrator and one appointed by the Library Director; and two (2) exempt employees covered under the Personnel By-law who are joint appointments of the Town Administrator and Personnel Board. The members of the Internal Arbitration Committee shall serve for two-year renewable terms. The sole function of the Internal Arbitration Board is to hear employee grievances that have progressed through the first three steps of the grievance procedure outlined above.

Prior to a hearing with the Internal Arbitration Board, the employee filing the grievance must agree in writing to release all parties participating from any liability and understand that the decision of the Internal Arbitration Board is final and binding on all parties.

No part of the above procedure shall be in conflict or violation of any State or Federal laws and regulations. Questions or requests for additional guidance concerning procedural or substantial matters relating to the grievance should be directed to the Personnel Board. No punitive action shall be carried out against the employee for utilizing the grievance procedure outlined above.

716 Performance Improvement Process

The Performance Improvement Process is designed to provide a fair and consistent way to address unsatisfactory performance, including such issues as work quality, attendance and tardiness, productivity, conduct, policy violations, and other work-related issues. In general, it is the Town's policy to counsel, in a positive and constructive way, those employees whose performance does not meet established standards.

The objective of this approach is three-fold:

- to improve productivity and job satisfaction
- to provide clear documentation which records the performance problem and actions taken
- to ensure that employees understand Town's standards and the consequences of failing to meet them

Department heads are responsible for clearly communicating job standards and expectations to employees and providing ongoing feedback through discussion and performance appraisals. All feedback should be honest and constructive. When necessary, department heads or supervisors must clearly identify and discuss performance deficiencies. Department heads or supervisors are responsible for documenting performance counseling discussions with employees and distributing such documentation in accordance with this policy. Department heads and supervisors also are responsible for promptly notifying and consulting with the Personnel Board when dealing with employee performance problems.

The Personnel Board must be immediately notified of the termination of any employee.

During the first ninety (90) days of employment, the sequence and number of counseling steps for those violations generally considered correctable is as follows:

1. Final Written Notice
2. Termination

For employees employed ninety (90) days or more, the sequence and number of counseling steps for those violations generally considered to be correctable is as follows:

1. Verbal Counseling
2. Written Notice
3. Final Written Notice
4. Termination

Based on the performance problem or nature of the violation it is the department head or supervisor's decision to select the appropriate step at which performance counseling begins. For example, certain violations warrant a final written notice as the initial step, without verbal counseling and written notice having been imposed. Certain violations also warrant immediate termination with no prior warning. In addition, the Town may use the performance improvement process to impose progressive disciplinary action when an employee commits different types of violations.

Verbal Counseling: The verbal counseling is a private conversation between the supervisor and the employee about a performance problem. Sometimes, but not always, the verbal counseling is conducted after the supervisor has had previous conversations with the employee about the problem, but it has not been resolved. During the verbal counseling, the employee should be told that if the performance problem continues, formal written counseling would need to occur. The verbal counseling should be documented dated, signed by the supervisor (not the employee) and forwarded to the Personnel Board.

Written Notice: If the performance problem continues, a formal written notice is recorded. This written notice should include the following information:

1. Explanation/illustration of the performance problem citing examples, dates and times, and attaching documentation, if applicable.
2. Clear performance expectations, including a time frame in which improvement must occur. Employees may be asked to participate in drafting such an action plan;
3. Consequences if performance expectations are not met or performance problem reoccurs;
4. Upon conclusion of the counseling meeting, the employee and his/her supervisor sign the written documentation of the meeting. If an employee refuses to sign the form, the supervisor should note that on the form.

Copies of all performance counseling documentation, other than documentation of verbal counseling discussions, must be provided to employees at the time of the counseling session. Original documentation of all counseling sessions must be included in the employee's personnel file.

Performance Improvement: If the employee corrects the performance deficiency the department head or supervisor should document this in writing and forward a copy to the Personnel Board. Such documentation should also be placed in the employee's personnel file.

Final Written Notice: The final written notice is generally the third step in the performance improvement process. In addition to following the steps previously outlined, for the final notice department heads or supervisors must ensure the following:

1. The final written notice should refer to previous counseling sessions, including the verbal counseling and written notice if applicable;
2. The written notice must state that it is a "Final Written Warning" and "failure to meet and maintain acceptable standards will result in termination." A specified time frame in which improvement is required should be established unless it would be inappropriate to set a time frame. For example, a final written notice for a policy violation ordinarily will not include a time frame. Instead, it should specify "any further occurrence will result in termination."
3. The department head should be present during the final written notice discussion.

Performance Improvement: If the employee corrects the performance deficiency, the department head should document this in writing and forward a copy to the Personnel Board. Such documentation should also be placed in the employee's personnel file.

Termination: Termination is usually appropriate if an employee has received notice of his or her performance problems and has failed to make acceptable progress toward correcting it. Frequently, termination will be the final step after the receipt of performance counseling, written notice, and final notice. However, the Town may in its discretion deviate from the rigid application of these steps depending upon the employees overall performance and the nature and severity of the situation.

Some issues of misconduct are of such a serious nature that they may result in immediate suspension or termination without previous warning. The following list of policy violations normally results in immediate suspension or termination without prior warning. These violations are not limited to actions on Town property but may include any situation in which an employee represents the Town of Seekonk. This list is not all-inclusive.

- *Dishonesty of any kind including theft or misappropriation of money, supplies, merchandise, inventory or time by any employee or through an accomplice toward the Town, its employees, vendors or members of the public*
- *Using, possessing, passing, selling or receiving illegal substances or alcoholic beverages on Town property, including Town owned vehicles*
- *Reporting to work under the influence of alcohol or illegal drugs*
- *Willful destruction, defacement or removal of Town property or that of an employee*
- *Misuse of the Town's electronic communication systems, including e-mail, Internet, Intranet and phone systems*
- *Failure to follow the Town's safety procedures*
- *Falsifying Town paperwork or documents including, but not limited to, employment application, time sheets or payroll records, or presenting false/altered documents (i.e., medical documents) to the Town*
- *Insubordination or refusal, without justifiable cause, to comply with instructions from a supervisor*
- *Unauthorized manipulation and/or distribution of Town financial or inventory data*
- *Negligent or intentional acts, omission to act or recklessness resulting in damage to Town property, financial loss to the Town or injury to others*
- *Romantic involvement or fraternization between any member of management and any employee in either a direct reporting relationship or within the sphere of influence, which minimizes leadership effectiveness*
- *Misuse or abuse of position for personal gain*
- *False, reckless or malicious accusations against another employee, Town resident or vendor*
- *Violating provisions of the Workplace Violence or Business Conduct and Ethics Policies included in the Personnel By-law*

Suspension may be warranted in unusually serious situations at the Town's discretion. A prompt, thorough investigation is required, and the Town Administrator is responsible for immediately contacting the Personnel Board to receive guidance. Generally, if an employee is suspended pending an investigation, the suspension should be limited to three (3) working days.

The Town, acting in conjunction with the Personnel Board, reserves the right to terminate employment at any time, with or without notice or cause, and further reserves the right to apply, or not to apply performance counseling in individual cases as it deems appropriate.