



SEEKONK | Massachusetts

# Employee Handbook

Providing exceptional  
service to the community



100 Peck Street  
Seekonk, MA 02771

508-336-2900  
[www.seekonk-ma.gov](http://www.seekonk-ma.gov)

## EMPLOYEE HANDBOOK

Please understand that this handbook only highlights the Town's practices for your personal reference and cannot, therefore, be construed as a legal document or contract for employment. No statement of policy or practice contained in this manual, (or any other written statement by the Town) is intended as a contractual commitment, expressed or implied, or promise or obligation of the Town to any individual employee or any group of employees.

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**APPROVED:** At the Board of Selectmen meeting on 9/4/2024

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## INTRODUCTION

As authorized by the Home Rule Town Charter, the Seekonk Board of Selectmen, comprised of five elected members for three year overlapping terms, is the Chief Executive Body of the Town. They draw their authority from the Town Charter and Massachusetts General Laws.

As authorized by Article Six of the Home Rule Town Charter, the Town Administrator is responsible for the implementation of town policies established by the Board of Selectmen. The Town Administrator is the chief administrative officer for the Town of Seekonk and is responsible to the Board of Selectmen for the proper administration of all town affairs.

We have prepared this handbook in order to answer many of the questions employees frequently ask about Town policies. We hope it will help you adjust to the routines that make the Town run smoothly. Please understand that this handbook only highlights the Town's practices for your personal reference and cannot, therefore, be construed as a legal document or contract for employment. No statement of policy or practice contained in this manual, (or any other written statement by the Town) is intended as a contractual commitment, expressed or implied, or promise or obligation of the Town to any individual employee or any group of employees.

These personnel policies apply to all employees of the Town except employees under the control of the School Committee. Collective bargaining agreements and individual employment contracts may supersede benefits listed within the handbook.

All employees should review and become familiar with the policies contained in this manual. Throughout the employee's tenure this manual should be reviewed and referred to on a regular basis.

The handbook is not intended to substitute, replace, overrule, or modify any existing federal or state laws or terms of an applicable collective bargaining agreement nor be inclusive of every policy. In the event that the provisions of this handbook conflict with the terms of an applicable Collective Bargaining Agreement, the terms of the Collective Bargaining Agreement shall prevail. The Town Administrator serves as the administrator of these policies, and unless otherwise noted, the Town Administrator's Office should be contacted for clarification or additional interpretation or information.

## EMPLOYMENT DESIGNATION

All employees will fall under one of the following designations: Individual employment contract, collective bargaining agreement, or at-will. All employees not covered under a collective bargaining agreement or individual employment contract will be considered at-will employees. At-will employees do not have any contract with the Town governing the duration or terms and conditions of employment. At-will employees are free to terminate their employment with the Town at any time, consistent with the Resignation Policy provided in this Handbook, with or without reason. Likewise, the Town has the right to terminate an at-will employee's employment for any lawful reason.

As authorized by the Home Rule Town Charter, the Board of Selectmen is the appointing authority and the Board of Selectmen is solely authorized to modify this at-will employment policy or enter into any agreement contrary to this policy; any such modification must be in writing and signed by the employee and the Board of Selectmen.

### EMPLOYMENT CATEGORIES

The Town of Seekonk assigns positions, determines wages and compensates employees for overtime in accordance with applicable state and local laws and the Fair Labor Standards Act (FLSA).

#### **Bargaining Unit Employees**

Every bargaining unit employee is covered by a collective bargaining agreement (union contract), which establishes the employment rights of all employees in a bargaining unit. If you are covered by a collective bargaining agreement, you may (1) join a union and pay union dues, (2) not join the union but pay an agency fee, or (3) not join a union and not pay any fee or dues. Regardless of the option you choose, the Town will not distinguish between union members and non-union members when applying the union contract. If you choose to pay an agency service fee, you are entitled to the same level of union benefits and protections contained in the collective bargaining agreement as employees who have chosen to pay union dues. If you choose not to join a union or pay an agency service fee, you may still elect to utilize certain union services on a case-by-case basis for a reasonable fee.

A union representative will provide you with information on union membership. If you complete and submit your union dues deduction authorization card or agency service fee deduction request to the Treasurer's office, they will start deducting the amount from your paycheck. Your employment rights are included in the collective bargaining agreement. You are expected to follow all Department and Town policies, rules, and regulations.

#### **Individual Contract Employees and Intern Positions**

All contract employees and interns, whether paid or unpaid, are expected to follow all Department and Town policies, rules, and regulations. You are paid through the Town's payroll system.

#### **Seasonal/Intermittent Positions**

If you are a seasonal, intermittent, or temporary employee you are not covered by a collective bargaining agreement.

## **EQUAL OPPORTUNITY AND COMMITMENT TO DIVERSITY**

### **AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATION**

The Town of Seekonk is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the Town's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the Town. The Town of Seekonk prohibits any harassment of, or discriminatory treatment of, employees based on a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation from the Town Administrator's office and engage in an informal process to clarify what the employee needs and to identify possible accommodations. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the Town of Seekonk's policy to prohibit harassment or discrimination based on disability or because an employee has requested a reasonable accommodation. The Town prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the [Harassment Complaint Procedure](#) to report any harassment, discrimination, or retaliation they have experienced or witnessed.

### **EXPECTANT AND NEW MOTHERS**

In accordance with the Massachusetts "Pregnant Workers Fairness Act," Chapter 54 of the Acts of 2017, the Town will accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the employer significant difficulty or expense.

### **COMMITMENT TO DIVERSITY**

The Town of Seekonk is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in Town policy and the way we do business in Seekonk and is an important principle of sound business management.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Town provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, national origin, ancestry, sex (including pregnancy, gender identity, and sexual orientation), age, criminal record (inquiries only), qualified handicap or disability, mental illness, genetic information, gender, veteran or military status or any other category protected by applicable federal, state, or local law.

The Town complies with all applicable federal, state, and local laws governing employment - discrimination. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The Town is committed to complying fully with applicable disability discrimination laws, and ensuring that equal opportunity in employment, exists at the Town for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Under both state and federal law, qualified disabled persons may be entitled to a reasonable accommodation to permit the individual to perform the essential functions of their job. Reasonable accommodations will be available to all qualified disabled employees and applicants, upon request, so long as the potential accommodation does not create an undue hardship for the Town or prohibits the employee from completing the essential functions of their job. Employees or applicants who believe that they may require an accommodation should contact their immediate supervisor.

If you have any questions, problems, or complaints regarding a violation of this policy, or unlawful discrimination in general, you are encouraged to report your concerns using the complaint procedures specified in the Harassment Policy.

### **HARASSMENT POLICY**

The Town of Seekonk is workplace free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, gender identity, pregnancy or participation in discrimination complaint-related activities (retaliation). The Town of Seekonk does not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

Any retaliation against an individual who has complained about harassment or individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. This policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media).

When discrimination or harassment occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes a violation of this policy:

- Whether the event is linked to the workplace (Town meeting, town-related functions);
- Whether it occurred during work hours;
- The severity;
- The work relationship of the complainant and alleged harasser; including supervisory and subordinate roles
- Adversely affected the terms and conditions of the complainant’s employment or impacted the complainant’s work environment.

Because the Town of Seekonk takes allegations of harassment seriously, we will respond to complaints of 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.

Special care should be taken with respect to one's conduct and comments in the presence of minors. As a general rule, all conduct or comments of a sexual nature in the presence of minors shall be considered a violation of this policy, whether or not such conduct or comments are unwelcome. (This is not intended to preclude appropriate educational discussions if these are within the scope of your employment and are undertaken as part of an approved curriculum).

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 of Seekonk.

This policy is not designed or intended to limit the Town's authority to discipline or to take remedial action for workplace conduct which the Town has deemed unacceptable, regardless of whether that conduct satisfies the definition of harassment.

Harassment means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
- Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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.

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 workplace environment that is hostile, offensive, intimidating, or humiliating to either male or female workers may also constitute sexual harassment.

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; e-mail, web sites, screen savers, or computer graphics;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

## **HARASSMENT COMPLAINT PROCEDURE**

All Town employees share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment and cooperating in any investigation of alleged complaints. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Administrator.

If any of our employees believe that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally. Employees may also file a complaint with their immediate supervisor if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of the Town and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting the Town Administrator at Town Hall, 100 Peck Street, Seekonk, MA 02771, (508) 336-2910 or the Assistant Town Administrator/Human Resource Director. If either of these individuals are the source of the violation or if an employee brings the matter to them and does not believe that the situation has been satisfactorily resolved, the employee should then bring their complaint to the Chairperson of the Board of Selectmen, Town Hall, 100 Peck Street, Seekonk, MA 02771.

### **Complaint Investigation:**

When the Town receives the complaint, it will investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of the policy. The investigation will be conducted in a confidential manner to the extent practicable under the circumstances. The investigation will include private interviews with the complainant and witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. When the Town has completed the investigation, it will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the investigatory results.

Notwithstanding any provision of this policy, the Town reserves the right to investigate and take action in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses

in a complaint, as well as Department Heads, supervisors, etc. who are aware of a complaint or investigation thereof, are required to maintain this information as confidential, so as not to negatively impact an investigation. All employees are reminded of the provisions of G.L. c. 268A, §23 (c)(2), which prohibits a municipal employee or official from improperly disclosing materials or data within the exemptions to the definition of public records as defined by section 7 of chapter 4, and were acquired by the employee in the course of the employee's official duties nor use such information to further his or her personal interest.

**Disciplinary Action:**

If it is determined that discrimination, harassment, retaliation, or other inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, up to and including termination of employment.

**State and Federal Remedies:**

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including 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 the agencies requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

**The United States Equal Employment Opportunity Commission (“EEOC”)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000

**The Massachusetts Commission against Discrimination (“MCAD”)**

**Springfield Office:**  
436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

**New Bedford Office:**  
128 Union St., Suite 206  
New Bedford, MA 02740  
(774) 510-5801

**Boston Office:**  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

**Worcester Office:**  
484 Main Street, Room 320  
Worcester, MA 01608  
(508) 453-9630

**WHISTLEBLOWER POLICY**

Pursuant to Massachusetts General Laws Chapter 149, Section 185, it is illegal for a public employer, including the Town of Seekonk, to retaliate against an employee by taking adverse employment action against an employee because that employee:

- Discloses or threatens to disclose to a supervisor or a public body an activity, policy or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public

health, safety or the environment.

- Provides information to, or testifies before any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, or activity, policy, or practice by the employer or another employer with whom the employee's employer has a business relationship, which the employee reasonably believes poses a risk to public health, safety, or the environment; or
- Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

In order to qualify for the protections of the law, the employee must first report the issue in writing to a supervisor and provide the Town a reasonable opportunity to correct the matter. Reporting is not required where the employee believes the Town is aware of the issue and it is an emergency situation, the employee fears physical harm, or the employee makes the disclosure to the public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

An employee who wishes to report an activity, policy or practice of the Town, employees of the Town, or another employer with whom the Town has a business relationship, which the employee reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment may do so by reporting it to one of the following:

- Town Administrator;
- Assistant Town Administrator/Human Resource Director
- The Department Head of the Department in which the employee is employed.

\*If any of the above individuals fail to act or if an employee brings the matter to them and does not believe that the situation has been satisfactorily resolved, the employee should then bring their complaint to the Chairperson of the Board of Selectmen.

## EMPLOYEE STANDARDS

### CONFLICT OF INTEREST

All public employees, including employees of the Town of Seekonk, are governed by the Massachusetts Conflict of Interest Laws, Chapter 268A.

### CODE OF CONDUCT

Massachusetts General Law Chapter 268A 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.

All employees are expected:

- To be competent and efficient in performing their job duties
- To perform tasks as assigned
- To report to work on time
- To be properly attired for the performance of their duties
- To refrain from possessing or taking illegal drugs or alcohol while on the job
- To respect the privileges of sick leave, leave of absence, and other compensated time
- To use town property properly and only when authorized
- To treat residents and fellow employees in a courteous, respectful, and professional manner
- To maintain the confidentiality of town records
- To turn-off or set personal cell phones to silent or vibrate mode during work hours and should be only used in case of emergency or during break/lunchtime, unless approved by their department head
- To comply with the Home Rule Town Charter, by-laws, and policies and procedures

Employees who are aware of any policy violations are required to report them to their immediate supervisor, or to the Town Administrator/Assistant Town Administrator and Human Resource Director if the violation involves the employee's immediate supervisor. Upon review of the allegations and relevant information, employees found to have violated any Town or Department policy, within this Handbook or without, shall be subject to discipline.

Disciplinary action may vary depending on the circumstances, but may range from counseling to termination of employment of the individual(s) involved.

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

### CODE OF ETHICS

All employees, volunteers, elected and appointed officials of the Town of Seekonk are expected to demonstrate, in their performance of duties and responsibilities, the highest ethical standards so that the public has trust and confidence in the integrity of its government. It is expected that these individuals shall always act in furtherance of the public interest as agents for the public.

All employees, volunteers, elected and appointed officials of the Town of Seekonk shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or

exemption to themselves or to any other person beyond that which is available to every other person.

Employees must be aware of how their daily conduct reflects or fails to reflect the values expressed by the Town as an organization or the employee as an individual.

The Town of Seekonk's general Code of Ethics is based on the State Conflict of Interest Law that applies to all Town employees.

### **CONFIDENTIALITY**

All records which are not deemed public under the Massachusetts public records law are confidential and employees must, therefore, treat all matters accordingly. No Town information may be removed from the Town's premises without permission from the Town Administrator or Department Head, except in the ordinary course of performing duties on behalf of the Town. This includes without limitation; documents, notes, files, records, oral information, computer files or similar materials. Additionally, the contents of the Town's records or information that could be considered confidential cannot be disclosed to anyone, except where required.

Employees must not disclose any confidential information, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside the Town. Employees who are unsure about the confidential nature of specific information must ask their Department Head for clarification. However, nothing contained in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours or other terms and conditions of employment. Additionally, this policy will not be applied or interpreted in such a way as to violate any applicable state or federal law (e.g., Massachusetts Open Meeting Law or Public Records Law, federal Freedom of Information Act, etc.). Employees will be subject to appropriate disciplinary action, up to and including termination, for violations of this policy.

## **EMPLOYMENT RELATIONSHIP**

### **EMPLOYEE PROBATIONARY PERIOD**

Unless otherwise provided by an applicable Collective Bargaining Agreement or individual employment contract; all employees, including part-time, begin employment with a 6 month “probationary period.” At the end of this probationary period, the supervisor or department head will review the employee’s status and if the employee receives a favorable evaluation, they shall be given permanent status. If the employee misses any time during their probationary period, said period may be extended by a commensurate amount of time before the employee’s status is reviewed.

An employee may be discharged during the probationary period by the appropriate appointing authority if the employee is unwilling or unable to perform the required duties or the position, if dependability does not meet the standards, or if the appointing authority determines any lawful reason exists to terminate a probation employee.

### **EMPLOYMENT VERIFICATION POLICY**

All employees who receive an employment verification inquiry regarding a current or former Town employee or official shall direct such inquiry to the Town Administrator’s office for an official Town response. A request may be received from:

- Current or former employees
- Prospective employers of current or former employees
- Governmental agencies
- Financial or lending institutions
- Other organizations such as rental agencies

Under no circumstances is any other Town employee authorized to provide a written or official employment verification response on behalf of the Town. The Town Administrator staff are trained in responding to employment verification requests.

For all employment verification requests the Town will only release the following:

- Whether the individual is currently employed with the Town;
- The employee’s current or last job title;
- Beginning and ending (if applicable) dates of employment;

The Town might also release information about salary history, and the history of job titles for a current or past employee. The Town can also state if employee is eligible for rehire. This policy will be referenced in the Town’s response to any inquiries to confirm that the failure to provide additional information is in no way intended to reflect negatively towards the employee.

Exceptions to this policy must be approved by the Board of Selectmen.

### **FINAL PAYMENT TO EXITING TOWN EMPLOYEES**

It is the policy of the Town of Seekonk, that employees who voluntarily resign or are terminated from the Town, may not utilize any paid time off for the purpose of extending the period of employment beyond the last day that the employee report to work. This includes, but is not limited to, vacation, compensatory, sick, personal, administrative, days of choice, or any other paid time off earned by the employee.

Any accumulated leave payable to the employee as a terminal benefit as prescribed by the pertinent

collective bargaining agreement, individual employment contract, or other agreement between the Town and employee shall be paid in full in the final payroll transaction of the employee applicable to their separation from employment. Under extreme extenuating circumstances, the Town Administrator may approve an exception to this policy if they deem it to be in the best interest of the Town.

#### Procedure

A request for consideration of any exception to this policy must be submitted in writing by the employee. A written recommendation of the employee's Department Head shall be submitted with the employee's request to the Town Administrator for review and consideration.

### **JOB ABANDONMENT POLICY**

The Town expects employees to report for work on time for every scheduled shift. An employee who is unable to report to work at the designated time is required to notify his or her supervisor as soon as practicable but no later than the employee's scheduled start time in accordance with the sick leave policy. Employees who fail to report to work for five consecutive business days without notifying the Town of the absence will be considered as having voluntarily resigned as a result of job abandonment.

If the employee is unable to contact the Town for any absence, he or she should ask a representative (such as a family member or friend) to do so on the employee's behalf. If the employee or a representative is unable to contact the Town due to extreme circumstances (such as a medical emergency or natural disaster that prohibits the employee or his or her representative from contacting the Town within three days), the employee or his or her representative must contact the Town as soon as practicable to explain the situation. In extreme circumstances, the employer will consider the explanation and its timing before determining if the voluntary resignation will be upheld.

### **OVERTIME POLICY**

Overtime hours will be paid to non-exempt employees in accordance with the Fair Labor Standards Act. If a non-exempt employee works in excess of 40 hours in any week, overtime will be paid at the rate of 1 ½ times the regular rate of pay.

Overtime work shall only be performed with the prior approval of the Town Administrator. Without prior approval, no employee shall be allowed to work in excess of 40 hours in any week.

Occasionally, conditions will develop that will necessitate the scheduling of mandatory overtime. Employees are required to work overtime unless excused for good cause. If you are scheduled for weekend overtime, all policies governing attendance and punctuality apply the same as on a regular workday.

### **PAYROLL**

#### **Bi-Weekly Pay**

The Town utilizes a bi-weekly (14-day) payroll system. Employees shall receive their payroll advice on the Friday of the week following the normal bi-weekly pay period. Payroll advices shall be issued via the email provided at hire. The payroll advice displays this information:

- Gross bi-weekly itemized earnings
- Year-to-date gross earnings
- Net earnings

- Type and amount of deductions
- Sick, vacation, personal, and compensatory time leave balances

Employees believing their advice to be inaccurate or include an error must immediately notify their supervisor; payroll advice corrections may only be made during a limited timeframe.

The Town utilizes direct deposit. Net pay will be deposited into the bank account provided to the Treasurer's office.

The pay advice includes information on those bank accounts receiving direct deposit. Please note an employee's first pay advice **may** be a paper check that will need to be deposited or cashed. Once direct deposit has gone into effect, the pay advice will read "non-negotiable." Employees seeking to change direct deposit information must contact the Treasurer's office.

### Payroll Deductions (Mandatory)

Deduction	Description
Federal Income tax withholding	Employees must complete a W-4 ( <a href="#">Employee's Withholding Certificate</a> )
Medicare Taxes	Employees hired after April 1, 1986 must pay 1.45%
State Income tax withholding	Employees must complete an M-4 Form ( <a href="#">Massachusetts Employee Withholding Exemption Certificate</a> )
Court ordered child support payments	Minimum order if \$25.00 per week
Retirement – Pre-Tax	Employee contributions is 9% of regular compensation, plus an additional 2% on regular compensation in excess of \$30,000/year (contributions are pre-tax for Federal withholdings)
OBRA for part-time employees, seasonal, and short-term employees – Pre-Tax	Employee contribution is 7.5% of gross compensation (contributions are pre-tax for Federal and State withholdings)
Union Dues or Agency Service Fee	This applies only if you are covered by a collective bargaining agreement

### Payroll Deductions (Voluntary)

- Optional Life Insurance
- Health Insurance which includes Basic Life Insurance
- Dental and Vision (Managers and Confidential Employees)
- Short-Term Disability Insurance
- Massachusetts Deferred Compensation SMART Plan (supplemental retirement savings program) - Pre-Tax
- Personal deduction to a credit union or bank
- Union-sponsored insurance plans including dental and vision (contact your union for more information)

### Salary Increases

Salary increases are established through collective bargaining agreements, individual employment contracts, or the personnel bylaw, and are subject to annual appropriation by Town Meeting.

## PERFORMANCE EVALUATION

All employees will be evaluated annually. Department heads will conduct evaluations based on a schedule to be determined by the Town Administrator, typically following the end of the fiscal year, unless otherwise defined in a collective bargaining agreement.

The employee will then make any comments (in agreement or disagreement). Both the employee and Department Head will sign the evaluation form to ensure each individual had been given the opportunity to discuss its content. The signed evaluation form will then be provided to the Town Administrator's office for the employee's personnel records.

## PROFESSIONAL DEVELOPMENT AND TRAINING POLICY

Employees who are attending a professional development or training program approved by the Town shall be considered to be at work while actually participating in the program.

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 and/or collective bargaining agreements. All out-of-state training requests require prior approval from the Town Administrator.

All requests for professional development or trainings, that are not state mandated, should be made in advance to the Department Head. The Department Head is responsible for analyzing the suitability of the request, including how the requested course will improve skills or service to the Town/Department and forwarding a recommendation to the Town Administrator for final approval.

## PROMOTIONAL POLICY

Article Six, Section 7 of the Home Rule Town Charter states all appointments and promotions in the Town's services shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability to perform the duties of the office or of the employment.

An employee is expected to be employed with the Town for a minimum of one year prior to any promotion.

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Any promotions made on an "acting" basis do not constitute an agreement to permanently hold the position.

If an employee's promotion will result in a move to another department, the previous supervisor shall complete a performance review within 30 days of promotion/transfer. This will assist the new supervisor in assessing the employee's performance at year-end.

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

## **RECRUITMENT AND SELECTION OF EMPLOYEES**

The Town is committed to employing the best qualified candidates while engaging in recruitment and selection practices that comply with all applicable employment laws. It is the policy of the Town to provide equal employment opportunity to all applicants and employees.

### Recruitment Process

- The department head/supervisor submits a request to the Human Resource Director.
- The Town Administrator's office will meet with the hiring manager to discuss the position and determine the most effective recruitment and selection process.
- Recruitment sources will include some or all of the following:
  - Town website
  - Internal posting
  - Online job boards (ie. MMA or other equivalent associations)
  - Social media sites (Facebook and LinkedIn)
  - Newspaper advertising
  - Retained agency search
  - Temporary agency placement
  - Employee referrals
- The Town Administrator's office and department head for the position will review resumes of qualified candidates to identify the most appropriate candidates for interviewing
- The Town Administrator's office may conduct telephone pre-screens of identified candidates and schedule in-person interviews with the hiring committee, which shall consist of some or all of the following individuals: Town Administrator and/or Assistant Town Administrator/Human Resource Director, Department Head, or an individual with experience and knowledge of the position being filled.

Interviews of the top candidates will be scheduled through the Town Administrator's office.

## **RESIGNATION POLICY**

Unless covered by another contract or agreement, the Town requires that all employees present a statement of resignation to their department head or supervisor in writing as soon as possible, but at least thirty (30) days prior to the date of resignation. Earlier notification is always appreciated. Employees who provide such required notice shall be considered to have resigned in good standing.

Failure to provide at least thirty (30) days' notice will result in the employee being ineligible for future employment with the Town. Additionally, failure to complete the final thirty (30) day period in accordance with the notice will result in the employee being ineligible for future employment with the Town. Employees that utilize paid time off during their notification period shall not be considered to have resigned in good standing.

Town employees may be asked to participate in an "exit interview" which is designed to elicit information about the reason(s) for separation of employment. The Town Administrator will use the information gathered through the interviews to pinpoint potential problem areas within the organization.

Unless there is a written agreement in place between the employee and the Town, part-time, temporary, seasonal and substitute employees who reject work and, as a result, do not perform any

work for the Town for a period of 30 days or more will be considered to have voluntarily resigned their position. It is the employees' responsibility to notify their department head in writing of any availability (or unavailability) changes.

### **RETIREMENT PROCEDURES**

It is strongly recommended that Town employees visit the Treasurer's office **at least** one year in advance of their retirement date to understand their benefit options.

Employees who participate in the pension plan who are contemplating retirement should contact the Bristol County Retirement Board ("BCRB") in advance of their contemplated retirement date to get information concerning Board timetables, the retirement process and purchase of creditable service. A personal interview with a designated representative of the BCRB is highly recommended to help each applicant determine a retirement option, appropriate retirement benefits, and dates on which the employee becomes eligible.

### **TOWN PROPERTY AND SECURITY CAMERA POLICY**

Office space, furniture, equipment, vehicles, computers, cell phones, electronic devices and all other materials and equipment provided by the Town of Seekonk to assist you in your work, shall at all times remain the property of the Town. It is your responsibility to become familiar with the proper use of this property and to ensure that it is maintained as needed and properly safeguarded. Town property should not be abused, misused or removed from the premises without proper authorization. The Town has the right to inspect any Town property issued to you at any time. Searches of Town property may be conducted for legitimate employment-related purposes whenever circumstances require.

In light of this, employees are expressly advised that no expectation of personal privacy exists with respect to the use of Town property or any items, information, data, communications or documents stored therein. Employees should also be aware that appropriately-authorized administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any Town equipment. Further, employees are reminded that, to the extent Town computers or information technology infrastructure is used or accessed from an employee's home or outside of the traditional workplace, the data and documents resulting from such use are Town property and may be subject to the Public Records Law. In light of all of this, the Town strongly encourages employees not to store personal items or information in Town owned property or to utilize Town electronic devices or equipment to send, receive or store communications or information that the employee wishes to remain private.

The Town maintains security cameras at several Town buildings and properties that capture video, but not audio recordings. The Town may periodically utilize the video recordings from those cameras to help ensure quality control, employee safety, security, customer satisfaction, detect theft and misconduct, discourage and prevent harassment and workplace violence or for other legitimate business reasons. Access to camera footage shall be limited to those individuals identified by the Town Administrator.

### **UNEMPLOYMENT POLICY**

In the event of separation from the Town, employees will be provided with information related to unemployment benefits. Former employees may or may not be eligible to receive unemployment compensation benefits. The Department of Unemployment Assistance will determine whether or not a claimant is entitled to receive benefits according to current law and the individual merits of the separation involved. The Town will provide separation information to the State as required.

## WORKPLACE POLICIES AND PROCEDURES

### ABSENCE OF TOWN ADMINISTRATOR

This policy shall serve as specific instruction in the event that the Town Administrator is unavailable to make decisions regarding Town affairs.

The Assistant Town Administrator/Human Resource Director will be responsible for making decisions in the absence of the Town Administrator, and they will communicate directly with the Chairperson of the Board of Selectmen. The Assistant Town Administrator/Human Resource Director will be designated “second-in-command” for all issues. In the event the Assistant Town Administrator/Human Resource Director is not available, the Finance Director will assume these duties.

### ATTENDANCE POLICY

The purpose of this policy is to set forth the Town of Seekonk’s policy and procedures for handling employee absences and tardiness to promote the efficient operation of the Town and minimize unscheduled absences.

#### Policy

Punctual and regular attendance is an essential responsibility of each employee with the Town. Employees are expected to report to work as scheduled, on time, and prepared to start working at the beginning of their shift or work day. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided. When an employee is unable to work or will be late for any reason, they must notify their supervisor as soon as possible. If the employee’s supervisor is unavailable, the employee should speak with a member of the Town Administrator’s office.

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA). These exceptions are described in separate policies.

#### *Absence*

“Absence” is defined as the failure of an employee to report for work when he or she is scheduled to work. The two types of absences are defined below:

- *Excused absence* occurs when all the following conditions are met:
  - The employee provides to his or her supervisor sufficient notice in advance of the absence.
  - The absence request is approved in advance by the employee’s supervisor.
  - The employee has sufficient accrued paid time off (PTO) to cover the absence.
- *Unexcused absence* occurs when an employee fails to provide timely advanced notice of their absence, does not have sufficient accrued PTO to cover the absence, or is absent despite the denial of a leave request by their supervisor, subject to circumstances of illness or emergency as described herein. If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify his or her supervisor no later than the employee’s scheduled starting time on that same day or as soon as practicable. (Please refer to your Department’s policy on the minimum required notification) If the employee is unable to

call, he or she must have someone make the call. An employee who fails to notify their supervisor of their absence by the end of their scheduled work day shall be considered on unauthorized leave without pay for the day.

An unexcused absence counts as one occurrence for the purposes of discipline under this policy. Employees with three or more consecutive days of excused absences *because of illness or injury* must give the Town of Seekonk proof of physician's care and a fitness for duty release prior to returning to work.

Planned absences (vacation, leaves of absence, jury duty, funeral or other pre-approved time off) are not considered as occurrences of absence for the purpose of this policy. Use of sick time must be in accordance with employee contracts. Employees who engage in sick leave abuse, including patterned sick leave use, shall be subject to discipline, up to and including dismissal. Patterned sick leave use includes but is not limited to 1) multiple single day absences, or 2) absences on days before and/or after days off.

Employees must indicate the reason for and probable duration of their absence. Should there be a change in the expected date of return, the supervisor must be notified. Employees who do not know in advance the length of the absence must notify their supervisor each day of absence. The only exception would be in the case of serious illness or injury, hospital confinement or approved leave of absence. When these circumstances arise, employees should stay in regular contact to update their supervisor on the situation.

#### ***Tardiness and Early Departures***

Employees are expected to report to work and return from scheduled breaks on time. If employees cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Employees who must leave work before the end of their scheduled shift must notify a supervisor immediately. Tardiness and early departures are each one-half an occurrence for the purpose of discipline under this policy.

#### ***Disciplinary Action***

Excessive absenteeism is defined as two or more occurrences of unexcused absence in a 30-day period and will result in disciplinary action. Seven occurrences of unexcused absence in a 12-month period are considered grounds for termination.

#### ***Job Abandonment***

Any employee who fails to report to work for a period of five days or more without personally notifying their supervisor will be considered to have abandoned the job and voluntarily terminated the employment relationship.

After five 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 and/or denial of excused absence.

## BUSINESS USAGE OF SOCIAL NETWORKING POLICY

This policy provides guidance for the administration of official Town of Seekonk social media accounts, such as Facebook, Twitter, Linked-In, YouTube, Instagram, Snapchat, TikTok, etc. The list of social networking sites is not intended to be exhaustive, and should be deemed to include any social networking sites in existence at the time this policy is reviewed by the employee, or created thereafter.

To establish a new social media account, a Department Head shall first submit a plan to the Town Administrator stating the purpose, content, appropriateness, and custodian of the account.

All employees should be reminded that personal use of social media is strictly prohibited during work hours.

### **Guidelines:**

- All Town social media sites shall be approved by the Town Administrator. Only authorized employees (as identified by the Town Administrator) may participate in social media as an official representative of the Town. Only authorized users can create social media accounts using a Town email address. Accounts registered to a Town email address belong to the Town, shall indicate as much in the profile, should include a link to the Town's general website or department-specific website based on the account in question, and are official government communications;
- No posting shall violate existing Town By-laws, Town Charter, Town Policies, and Rules and Regulations;
- Caution must be exercised when responding to comments or messages. The Town is not obligated to respond to any comment or message. The employee should only comment when absolutely necessary and with verifiably accurate information;
- Employees shall not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging, defamatory, malicious, obscene, threatening or intimidating while using social networking sites;
- Legally protected personal information that has been obtained from Town (e.g. information that is not public record under the Public Records Law, G.L. C66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations) shall not be posted;
- Policies or plans that have not been finalized (unless permission by the Town Administrator or Department Head has been granted) by the Town shall not be posted.
- Any employee authorized to post information shall not express personal views or concerns through such postings. Postings shall only reflect information from the Town.
- A copy of social media content must be retained in accordance with Public Records Retention Schedules;
- Posting content regarding Town related matters may result in the violation of Open Meeting Law. Please refer to the Open Meeting Law Guide on possible violations for improper deliberations outside of a posted meeting;
- All communications on behalf of the Town should be written or displayed in a professional and respectful manner, ensuring the communications do not violate a law or result in any harm, embarrassment, adverse publicity or potential liability for the Town, its residents, volunteers or employees; and
- Posting information on any Social Media site will not replace required notices and postings

required under Massachusetts General Law.

### **Monitoring:**

The Town reserves the right to remove from public view any post, comment, photo, or remark that does not conform with this Policy or that contains the following content:

- Content that violates the host site's terms of use or policy;
- Comments not topically related to the particular social media article or thread;
- Content that is abusive, defamatory, disparages an individual or contains personal attacks, insults or threatening language, unless otherwise protected by the First Amendment;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination based on any protected class under state or federal law;
- Sexual content;
- Solicitations of commerce, commercial promotions, or spam content;
- Conduct or encouragement of illegal activity;
- Information that may compromise the safety or security of the public or public systems;
- Personal and private information, and protected health information;
- Personnel data; or
- Content that violates a legal ownership interest of any other party.

Employees removing posts from public view pursuant to the above are required to document the original post, the date of deletion, and the reason the post was deleted from the platform.

Violation(s) of this Policy may result in disciplinary action, up to and including termination from employment. Violations may also result in referral to the appropriate authorities for civil or criminal prosecution. Employees shall report violations of this Policy to their supervisor, or in the case of Department Heads, directly to the Town Administrator.

The Town Administrator reserves the right to make limited exceptions to the social networking policy.

### **CREDIT CARD POLICY**

The use of a Town credit card is strictly limited to those Town employees and officials who have received the express written authorization of the Town Administrator to do so. The Town credit card cannot be used for personal purchases of any kind. Use of credit cards for personal purchases or expenses with or without the intention of reimbursing the Town is strictly prohibited and will result in termination or removal from one's position with the Town. The Town credit card shall not be used to circumvent the Massachusetts or Town procurement law. All Department Heads are required to review the month end statement and authorize any valid charges for payment. This includes charges made by any designated individual. No cash advances (ATM, traveler's checks, money orders, etc.) are allowed using the credit card. The Town credit card is not to be used to pay invoices or statements of any kind.

All purchases made with a Town credit card shall be paid for within the grace period so that no interest charges or penalties will accrue. Any incentive program benefits derived by the use of Town credit cards will be the property of the Town. The Town Administrator will determine the use of such

incentive program benefits. All authorized cardholders shall take all measures necessary to ensure the security of the Town credit card and the card number.

Lack of proper documentation or authorizations, or misuse of a Town credit card by an authorized employee or official, may result in loss of credit card privileges, personal liability and/ or disciplinary action against the employee or official, up to and including termination of employment or removal from position. The cardholder will provide all information required by the financial institution issuing the card in order to receive a Town credit card, including social security information as required by the Federal Patriot Act. When using the Town credit card, the Town employee or official must ensure that the goods or services to be purchased are budgeted and allowable expenditures. All unauthorized expenses or expenses which lack a sufficient appropriation will not be paid by the Town of Seekonk. The Town reserves the right to collect payment for unauthorized expenditures from the Town employee or official.

The Town employee or official who utilized the card for a given expenditure is responsible for managing any returns or exchanges related to that expenditure and ensuring that proper credit is received for returned merchandise. The cardholder will review the next statement to ensure that the return was properly credited. Random audits may be conducted for credit card activity and receipt retention as well as other internal accounting controls. It is the responsibility of the Town employee or official to immediately notify the Town Administrator or his designee of any lost or stolen credit card.

The Town of Seekonk is a municipal government exempt from sales tax. When possible, sales tax shall not be included with the cost of any purchase. Please be sure to have a copy of the Town's tax-exempt certificate with you when making a purchase.

The Town of Seekonk will be billed monthly. A master statement will go to the Town Accountant and individual statements will go to cardholders. Itemized receipts must be obtained by the cardholder and turned in to the Town Accountant within one week of purchase date. It is incumbent upon each Department Head to submit invoices to the Accounting Department promptly so as to avoid interest fees and late charges. If receipts are submitted late causing finance charges, the responsible party may have the credit card use revoked.

The Department Head shall verify that goods and/or services purchased with the credit card have been received by the Town prior to authorizing payment. The credit card will be reconciled monthly by the Finance Department for unauthorized charges and other discrepancies. The use of the Town credit card is a privilege, but also requires greater vigilance and responsibility. Employees and officials must follow all existing procedures set forth by the Town Administrator's Office and the Finance Department for their purchases. A failure to do so may result in disciplinary measures including suspension, dismissal, removal, revocation of credit card privileges and/or repayment of unauthorized expenditures.

Each authorized cardholder must sign an Agreement to Accept Town Credit Card prior to issuance of the credit card. Forms will be kept on file in the Town Accountant's Office.

### **CRIMINAL OFFENDER RECORD INFORMATION (“CORI”) POLICY**

This policy is applicable to the criminal history screening of prospective and current employees,

subcontractors, volunteers and interns, and professional licensing applicants for the Town of Seekonk.

The Town generally performs Criminal Offender Record Information (“CORI”) checks for positions as required by State or Federal law and for positions that include responsibility for handling financial transactions regularly. The Town will generally perform CORI checks upon hire or rehire (following separation from employment) and again after every three (3) years of consecutive employment.

Where Criminal Offender Record Information (“CORI”) checks are part of a general background check for employment, volunteer or internship work or licensing purposes, the following practices and procedures will generally be followed. Violations of CORI laws and regulations are actionable in accordance with state law and may also result in disciplinary action against an employee found to have violated said laws and regulations, up to and including termination from employment. Persons authorized to access CORI are reminded of the obligation to report any violation of the CORI laws or regulations associated with the iCORI account to DCJIS within 72 hours of learning of said breach or violation, pursuant to state regulations.

- CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (“DCJIS”) and only after a CORI Acknowledgment Form has been completed. A new CORI Acknowledgment Form shall be completed on an annual basis. If a new CORI check is to be made on a subject within a year of their signing of a CORI Acknowledgment Form, the subject shall be given notice of 72 hours before a new CORI check will be conducted.
- All CORI obtained from the DCJIS is confidential, and access to the information is limited to those individuals who are required to process and/or review CORI information in order to fulfill their duties. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications.
- An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI for the Town will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. The Town shall keep and maintain a current list of each individual authorized to have access to, or view, CORI, which list shall be updated every six months.
- CORI registration certification is effective for two calendar years, pursuant to state regulations. All registrants seeking to renew their registration must do so before the end of their current effective period. All persons authorized to access CORI are required to be retrained bi-annually, at the time of registration renewal.
- CORI used for employment purposes shall only be accessed for subjects who are otherwise qualified for the position for which they have applied within the Town. Unless otherwise provided by law, a criminal record will not automatically disqualify a subject. Rather, determinations of suitability based on background checks will be made consistent with any applicable law or regulations.
- Prior to running a CORI check, the applicant’s identity will be verified with government-issued photographic identification, e.g. a driver’s license. If the individual has not been issued such a form of identification, then the information may be verified with a government-issued non-photographic identification, such as a birth certificate or social security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgment Form, shall be maintained on file for at least one year from the date the

Form was signed by the applicant.

- If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the subject to ensure the record belongs to the subject. If the information in the CORI record provided does not exactly match the identification information provided by the subject, a determination is to be made by an individual authorized by the Town to make such determinations based on a comparison of the CORI record and documents provided by the subject.
- In connection with any decision regarding employment, volunteer or internship opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record shall be disclosed to the subject.
- If a determination is made that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:
  1. Relevance of the record to the position sought;
  2. The nature of the work to be performed;
  3. Time since the conviction;
  4. Age of the candidate at the time of the offense;
  5. Seriousness and specific circumstances of the offense;
  6. The number of offenses;
  7. Whether the subject has pending charges;
  8. Any relevant evidence of rehabilitation or lack thereof; and
  9. Any other relevant information, including information submitted by the subject or requested by the Town of Seekonk.
- If the authorized official of the Town makes an adverse decision based on the results of a criminal history background check, the subject will be notified. The subject shall be provided with a copy of this CORI policy and a copy of the criminal history at issue, as well as the source thereof. The subject will also be provided a copy of DCJIS' ***Information Concerning the Process for Correcting a Criminal Record***. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. The Town will document all steps taken with respect to the receipt and review of additional documentation from the applicant and/or DCJIS pertaining to the dispute of the CORI record. .
- All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside the organization, including dissemination at the request of the subject. The log shall contain: 1) the applicant/subject's name; 2) the applicant/subject's date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); 5) the disseminant's contact information; and 6) the specific reason for the dissemination.
- All CORI information, including CORI Acknowledgment Forms and copies of government-issued identification, will be maintained in a secure fashion, including electronically with encryption technology. CORI shall be destroyed within seven years from: the date of hire, or

date of entrance into volunteer service or date of licensing decision, as applicable, whichever is later. Hard copies will be stored in a separate, locked, location, and shall be destroyed by shredding or other similar means prior to disposal. Electronically-stored CORI shall be permanently deleted from all hard drives on which they are stored and from any system used to back up the information.

### **DELEGATION OF AUTHORITY POLICY**

A "delegation of authority" is the formal recorded conveyance of authority from one Town employee to another Town employee to bind the Town within the scope of authority to a legally enforceable obligation. Any such transfers of powers and duties are significant and are therefore limited to short term or extended absences, which require prior approval from the Town Administrator.

Delegations of authority should be limited both in scope and length to those which are necessary to achieve efficiency while maintaining accountability. Delegations of authority are appropriate where the delegation will enhance the effectiveness and efficiency of the department's operations without risking the integrity of the internal control necessary for accountability. No delegation of authority shall be made where checks and balances would be minimized.

Each department is responsible for making proper notification to the Town Administrator's office prior to any delegating of authority for absences. Employees with delegated authority are accountable for the documents they sign and shall be responsible for assuring payment, performance and adequate record-keeping.

In the absence of the Town Administrator, the Assistant Town Administrator shall have full delegation authority and will communicate directly with the Chairperson of the Board of Selectmen. In the event the Assistant Town Administrator is unable to assume the delegated authority, the Board of Selectmen shall authorize an appropriate individual to assume the roles and responsibilities to be designated.

### **DISCIPLINARY ACTION POLICY**

Discipline will be utilized when employees do not perform their duties in a satisfactory manner, if they violate policies, or engage in other misconduct. Nothing in this policy shall be construed to restrict rights otherwise granted in Collective Bargaining Agreements, for an employee disciplined, to utilize applicable grievance procedures.

Disciplinary action may include, but is not limited to, verbal warnings, written warnings, suspension and/or termination of employment. The Town reserves the right to omit or accelerate any steps during the discipline process if appropriate under the circumstances. Some circumstances warrant that the Town terminate an employee immediately, and thus not follow the steps noted above.

A Department Head shall have the authority to take disciplinary action, up to and including a suspension not to exceed 5 working days provided that such action has been reviewed with the Town Administrator, prior to implementation.

The Town Administrator shall have the authority to take disciplinary action, including suspensions. The Town Administrator may also recommend to the Board of Selectmen that it impose discipline

involving suspension, demotions, or terminations.

Only the Board of Selectmen shall have the authority to terminate an employee. Department Heads and the Town Administrator shall give their recommendation on any such proposed terminations.

The following list provides examples of unacceptable behavior and conduct that may result in immediate termination. The list is for illustrative purposes only and is not intended to be exhaustive.

- Falsifying an employment application;
- Job abandonment (treated as voluntary resignation);
- Insubordination or failure to carry out job assignment;
- Careless, inefficient performance of job duties, including failure to maintain acceptable standards of work quality;
- Willful destruction, misuse or unauthorized use of Town property;
- Stealing Town property;
- Arriving or being at work under the influence of alcohol and/or other non-prescribed drugs or abusing prescription drugs;
- Use of, or possession of non-prescribed drugs or dangerous weapons while on Town property;
- Improper use of time sheets or falsification of pay records;
- Falsification of any records;
- Engaging in illegal activities;
- Engaging in sexual activities during working hours;
- Disrespectful or discourteous treatment of fellow employees, residents or visitors;
- Engaging in unlawful harassment;
- Threatening bodily harm to a co-worker, resident or visitor;
- Excessive absenteeism or tardiness; and
- Violations of any Town policies, procedures, or practices.

### **DISPUTE RESOLUTION**

The employee should raise any questions, concerns, problems or complaints regarding their work, day-to-day relations with the Town, or the application of Town policies with their Department Head. The employee and Department Head are encouraged to work together to resolve the problem at this level. The Department Head shall discuss the matter with the employee and, if appropriate, others who may be involved with the problem or complaint and attempt to reach a satisfactory understanding and resolution of the problem. An employee shall not be penalized for the decision to raise any question, concern, problem, or complaint.

### **DISRUPTIVE & ABUSIVE CUSTOMERS POLICY**

An abusive and/or derogatory customer can be defined as someone creating a disturbance by name calling, swearing, threatening, yelling, not permitting an answer to a question posed, and not responding to reasoning, etc.

Employees are advised to be aware of their own emotions, and not allow them to control the employee's attitude and approach or cloud their thinking. Avoid a physical confrontation by remaining calm and professional, even under stressful situations.

**1. For Telephone Occurrences, Employees Should State the Following:**

*“Sir/Madam, if you continue to speak to me in this manner, I will hang up the telephone. If you wish, you may speak to my supervisor.”*

- If the supervisor is not present, let the customer know that the supervisor will call them back.
- If the individual continues to be belligerent/abusive notify them that the call will be terminated by hanging up.

**2. For In-Person Occurrences State the Following:**

*“Sir/Madam if you continue to speak/treat me this way, you may speak with my supervisor.”*

- If the supervisor is not present, let the customer know that the supervisor will contact them upon his/her return.
- If at any time an employee feels that they are in physical danger, they should call 911 and let them know that there is an unruly individual at the location. STAY ON THE PHONE.
- Press the Panic Alarm Button (located in the Treasurer’s and Collector’s Offices).

**EMPLOYEE APPEARANCE/DRESS CODE**

All employees are expected to dress in a professional manner or what is most commonly referred to as business casual. Appropriate business casual dress typically includes slacks or khakis, dress shirt or blouse, tucked-in collared shirt, a dress or skirt, knit shirt or sweater.

Employees must always present a clean, well-groomed, professional appearance and wear clothing free of holes, tears, or other signs of wear. Cologne or perfume should not be used in excess.

The following is a list of examples that are not considered to be business casual dress and should not be worn. This list is intended to be illustrative only and is not intended to be all-inclusive:

Jeans (all colors)	Spaghetti straps	Sneakers
Cargo pants	T-shirts	Slippers
Stretch pants	Tube tops	Athletic shoes
Mini skirts	Tank tops or halter tops	Athletic clothing
Shorts	Crop tops	Hiking boots
Sweatpants	Flip flops/sliders	Visible undergarments
Sweatshirts		

Your supervisor can provide clarification. The Town, however, reserves the right to ask any employee improperly dressed to go home and change with loss of pay for the time spent away from the job or to simply advise the employee to refrain in the future from wearing a particular article of clothing which violates the spirit and intent of this work rule.

Violations of this policy may result in discipline, up to and including termination. The Town reserves the right to make limited exceptions to this policy for employees in need of a reasonable accommodation. Certain employees may be required to meet special dress and grooming, such as wearing uniforms or safety equipment/clothing, depending on the nature of their job. Exceptions may also be made for employees who work in the field such as the Building Inspector, Conservation

Agent, Health Agent and Public Works employees. Requests for a reasonable accommodation or other exceptions to this policy must be submitted to the Town Administrator for approval in advance.

## **EMPLOYEE FRATERNIZATION POLICY**

The purpose of this directive is to establish restrictions on fraternization. As an organization that is heavily dependent upon its human resources, the Town of Seekonk has a vital interest in the maintenance of harmonious, efficient, and productive working relationships between its employees. Personal relationships that cause unrest, lend themselves to the perception of favoritism, adversely affect morale, or otherwise disrupt the good working order of the Town are undesirable.

This Policy is established to create and maintain a professional code of conduct within the Town of Seekonk to dispel the appearance of favoritism and/or actual or perceived potential conflicts of interest within the Town to ensure the credibility of employees of the Town, and to ensure the safe and efficient operation of the Town.

### **Restrictions**

**Supervisory Staff:** Employees serving in a command, management or supervisory position, including those designated to serve as temporary supervisors are strictly prohibited from dating or being otherwise involved in a romantic relationship with any other employee whom they presently, or may in the future supervise or manage. This includes all employees of the supervising employee's department or who work in the same building, seasonal employees, administrative staff, and other supervisory/managerial personnel. It shall be the responsibility of the manager/supervisor to report his/her romantic relationship(s) with other employee(s) to his/her Department Head. Supervisory positions include any position where an employee has authority, direct or indirect, over another employee by virtue of their rank or job classification.

**Non-Supervisory Staff:** Non-supervisory employees are strictly prohibited from dating or being otherwise involved in a romantic relationship with any other employee of their department. This includes seasonal employees, administrative staff, and other employees in the employee's department. It shall be the responsibility of the employee to report his/her romantic relationship(s) with other employee(s) to the Department Head.

**Pre-Existing Relationships:** The restrictions described, above, shall not apply to dating or romantic relationships that existed prior to the hire date of one or both employees or prior to the effective date of this Policy. Nonetheless, those relationships must be disclosed in accordance with this Policy.

**Reporting:** Failure by an employee to report relationships covered under the Policy compromises the integrity of the Town's operations, disrupts the work environment, causes decline in morale and can reduce productivity. Any failure to report relationships as required by this Policy shall constitute misconduct and may subject an employee to disciplinary action.

The Town shall review violations of this Policy on a case-by-case basis and determine appropriate action. Appropriate action may include, but is not limited to: moving, reassigning, transferring or changing assignments (including shifts) and/or discipline up to and including termination of employment with the Town.

Employees who are currently involved in a dating or romantic relationship prohibited by this policy

are required to notify their Department Head within seven (7) days of the Policy's effective date.

This Policy is for Town use only and is not intended to enlarge an employee's criminal or civil liability. Violations of this Policy, if proven, can only form the basis of a complaint by the Town, and then only in an administrative proceeding.

### **INTERNAL INVESTIGATIONS**

In accordance with the Home Rule Town Charter, Article Five, Section 3B and Article Six, Section 2H the Board of Selectmen may investigate and may authorize the Town Administrator to investigate any town agency or office appointed or hired by them or the Town Administrator, and they shall have access to all records they deem necessary for this purpose. In furtherance of any investigations undertaken, the Board of Selectmen may subpoena witnesses, administer oaths and take evidence, and require the production of evidence.

Throughout the course of any investigation, members of the Board of Selectmen and employees with knowledge of an ongoing investigation are obligated to confine the disclosure of any information concerning the investigation to authorized individuals only. Such authorized individuals acknowledge that the premature release of information associated with an investigation could have a detrimental effect on the results of the investigation and could potentially victimize any individual being investigated.

### **MONTHLY ACTIVITY REPORTS**

All Department Heads under the jurisdiction of the Board of Selectmen and the Town Administrator shall submit monthly Activity Reports for their respective Departments. Such reports shall be submitted no later than the tenth (10th) day following the month in which the activity took place. All reports shall be sent electronically to the Administrative Assistant in the office of the Town Administrator.

Activity Reports shall include a summary of the activities that took place within your Department. Examples include for Police, the number of accidents investigated, crime responses, number of citations issued, number of meetings attended, etc. For Fire, the number of calls responded to, for fires, medical, accidents, or other, meetings attended, etc.

Each Department has unique functions and responsibilities. It is incumbent upon all Departments affected by this policy to develop a reporting mechanism which accurately reflects the number and scope of activities performed by your respective Department. If any Department needs assistance in preparing this report, they may consult with the Town Administrator.

In addition, Department Heads who attend seminars and conferences are required to submit a summary report of the issues discussed at the meeting and the issues that were pertinent to the employee's position.

The timely submission of these reports and the effort and content of these reports shall be a consideration in measuring the performance of the Department Head.

### **NEPOTISM POLICY**

The Town is committed to a policy of employment and advancement based on qualifications and

merit and does not discriminate in favor of or in opposition to the employment of relatives. However, close relatives will generally not be hired or transferred if:

- One close relative would supervise or evaluate the other; or
- One close relative would supervise or evaluate the immediate supervisor of the other.

Close relative is defined as spouse, civil union partner, in-law relation, child (including biological, step- children, children of the employee's civil union partner, adopted children, and individuals for whom the employee serves as a guardian or in loco parentis capacity), parents (including step-parents, parents of the employee's civil union partner, adopted parents, former guardians or an individual who cared for the employee in an in loco parentis capacity), parent of the employee's spouse or civil union partner, grandparents, sibling or sibling of the employee's spouse or civil union partner. Domestic partner is defined as an individual who lives with the employee for more than six months in an intimate, financially interdependent relationship equivalent to that of spouses.

If a relationship occurs that results in two employees of the Town becoming close relatives when they are currently in a position reflecting the aforementioned conditions, the employee must notify his or her Department Head. The Department Head, in consultation with Town Administrator, and the affected employees, will attempt to derive an alternate employment arrangement within the Town. If such an arrangement cannot be achieved within six months, the continued employment of one or both employees in the relationship will be decided by the Town Administrator.

Any exceptions to this policy must be approved by the Town Administrator. Written justification for the exception must be submitted to the Town Administrator prior to any employment decisions.

### **OUTSIDE EMPLOYMENT POLICY**

Outside employment that constitutes a conflict of interest or creates the appearance of a conflict under the Massachusetts Conflict of Interest Law (M.G.L. Ch. 268A) is prohibited. Employees may not receive any income or material gain from individuals outside the Town for materials produced or services rendered while performing their job with the Town of Seekonk. Additionally, an employee's outside employment must never involve the utilization of Town time, property or facilities, or the explicit or implied sponsorship of the Town.

Certain positions may be eligible for designation as a "special municipal employee" by a vote of the Board of Selectmen, pursuant to M.G.L. Ch. 268A, § 1(n). The application of the Conflict of Interest law as it relates to outside employment may be less restrictive for positions designed for "special municipal employee" status.

### **PERFORMANCE IMPROVEMENT PLAN (PIP) PROCESS**

It is the Town's policy to counsel, in a positive and constructive way, those employees whose performance does not meet established standards for issues including but not limited to work quality, attendance and tardiness, productivity, conduct, policy violations.

The objective:

- To improve productivity and job satisfaction;
- To provide clear documentation which records the performance problem and actions taken;
- To ensure that the employee understands the Town's standards and consequences of failing to

meet them.

Department Heads are responsible for clearly communicating job standards and expectation to employees and providing ongoing feedback through discussion and performance evaluations. When necessary, Department Heads may address unsatisfactory performance through counseling and, if necessary, a documented Performance Improvement Plan. Such communications shall be constructive and identify performance deficiencies and how to improve. Failure to correct issues once identified by a Department Head may result in discipline up to and including termination from employment.

### **PERSONNEL RECORDS POLICY**

The Town of Seekonk maintains personnel files for all employees in accordance with Massachusetts law (M.G.L. Ch. 149, § 52C). All personnel records shall be maintained by the Town Administrator's Office in a secure place for each employee of the Town. These records shall be considered confidential.

The Department Head or Town Administrator shall notify an employee within 10 days of the employer placing in the employee's personnel record any information to the extent that the information is, has been used or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

Upon written request, the Town shall provide an employee with an opportunity to review their personnel record within 5 business days of such request. The review shall take place at Town Hall during normal business hours.

Also, upon written request, the Town shall provide an employee with a copy of their personnel record within 5 business days of such request.

An employer shall not be required to allow an employee to review the employee's personnel record on more than 2 separate occasions in a calendar year; provided, however, that the notification and review caused by the placing of negative information in the personnel record shall not be deemed to be 1 of the 2 annually permitted reviews.

If the employee disputes any information contained in their personnel record, removal or correction of such information may be mutually agreed upon by the Town Administrator and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position which shall become a part of their personnel record. The statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file. If an employer places in the personnel record any information which such employer knew, or should have known to be false, then the employee shall have remedy through the collective bargaining agreement, other personnel procedures, or judicial process to have such information expunged. The provisions of this section shall not prohibit the removal of information contained in a personnel record upon mutual agreement of the employer and employee for any reason.

## PERSONAL SOCIAL NETWORKING POLICY

This policy is intended to provide guidance with regard to the personal use of social networking sites during non-work hours and on equipment not belonging to the Town of Seekonk.

This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can:

- 1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees;
- 2) expose the Town to liability for behavior that may be harassing, offensive, or maliciously false; or
- 3) interfere with productivity and/or ability to perform the duties and responsibilities as officials of the Town.

Employees are encouraged to remember that information posted on the internet can be easily traced back to its author, and should think before posting information to any online source. Town employees who engage in use of social networking sites, such as Facebook, Twitter, Linked-In, YouTube, Instagram, Snapchat, etc. abide by the terms of this policy and any such additional related policies that may be issued by the Town of Seekonk. The list of social networking sites shall include any social networking sites in existence at the time this policy is reviewed by the employee, or created thereafter.

### **Guidelines for Personal Usage:**

An employee's activity online can adversely impact their employment if they are viewed as a representative of the Town. Ultimately, employees are solely responsible for what they post online. Any type of conduct that adversely affects an employee's job performance, the performance of coworkers or otherwise adversely affects Town residents, customers, suppliers, people seeking assistance from the Town or the Town's legitimate business interests, may result in disciplinary action up to and including termination.

- Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites;
- Employees should never represent themselves as a spokesperson for the Town, their board or committee unless designated to do so. An employee expressing their personal opinion, must include the following disclaimer: *"The postings on this site are my own and don't necessarily represent the town's position or opinions."*
- Employees are strongly encouraged to consider the impact of their statements before making them;
- Employees shall not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging, defamatory, malicious, obscene, threatening or intimidating while using social networking sites;
- Employees should not comment about rumors, political disputes, personnel issues, or residents/persons seeking assistance from the Town of Seekonk;
- Be aware of Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee; and
- Social media communications are included within the definition of public records, and certain posts or activity may be subject to public records requests.

Use of social networking sites, for personal use, during work hours or on equipment owned and/or maintained by the Town of Seekonk is strictly prohibited, and is governed by the “Access and Use of Telecommunications Systems” policy.

### **RETURN OF TOWN PROPERTY POLICY**

The Town may loan employees property, materials, equipment, and/or written information to help them perform their jobs. Employees are responsible for protecting and controlling any loaned property. Employees must also promptly return the same upon request or the employee may be held financially responsible for such property not returned or returned in a damaged or broken condition.

### **TELECOMMUNICATIONS SYSTEMS POLICY**

The purpose of this policy is to set in place the standards for the proper and allowed uses of the Town’s telecommunications systems and equipment including, but not limited to, its computers, telephones, handheld devices, electronic mail (e-mail), facsimile machines (faxes), emergency notification systems, radio communication systems and the internet.

The Town’s telecommunications systems and equipment, including computer hardware and software, are valuable assets owned by the Town that should only be used for Town business. However, brief and occasional personal use of the e-mail or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or breaks), and does not result in expense or harm to the Town or otherwise violate this policy. Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities or results in an inordinate amount of non-working time.

Electronic communications should not be used to solicit or sell products or services that are unrelated to the Town’s business, for political or fundraising activity, to distract, intimidate, or harass co-workers or third parties or to cause disruption in the workplace. All electronic equipment and software are the property of the Town of Seekonk and the Town may monitor the use of such property at any time. Therefore, Town employees should not expect any right to privacy in connection with their use of any Town telecommunications systems or equipment.

The Town has the right to inspect any and all files stored on the Town’s network or on individual Town issued computers or external storage devices in order to assure compliance with Town policies and State and Federal laws. Notwithstanding the Town’s right to retrieve and read any email or other electronic messages, faxes or internet postings generated from or sent to a Town-issued IP or email address or electronic device, employees shall not retrieve or read any messages that are not sent to them unless express permission is given by the intended recipient.

#### **No Expectation of Privacy/Public Access:**

The Massachusetts Public Records Law broadly defines the term “public record” to include all documentary materials or data, regardless of its physical form or characteristics, created or received by any official or employee of any governmental unit. As a result, all photographs, papers and electronic storage media including e-mail of which a governmental employee is the “custodian” constitute “public records.” Therefore, use caution as emails, faxes, records of phone calls made and received, and internet sites visited can be considered public information and can be reviewed not only

by the Town, but also any third party who has the legal right to request the information in accordance with Massachusetts General Law. All emails sent and received as principal addressee at a Town-issued address, or any address when in an official capacity, as well as faxes and internet postings should be considered a public record subject to legal discovery and record retention policies.

- Use of the Town's computers, networks, and internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems. The use of a password is to control access to the equipment and is not intended to create a right or expectation of privacy. For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off.

#### **Examples of Inappropriate Use:**

- Using computers for unlawful or malicious activities;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages or to offend, harass, abuse or otherwise communicate offensive, unlawful, or inappropriate messages or messages;
- No user shall pirate software or download and transfer software for which the user does not have the proper licensing;
- All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by the Town's designated IT individual, or his/her designee, and have been subjected to virus detection procedures approved by the Town Administrator, or his/her designee;
- Users shall not engage in activities that could cause congestion and disruption of networks and systems including, but not limited to, consuming excessive system resources;
- Installation of computer software and hardware without authorization from the Town's designated IT individual;
- Viewing or transmitting pornography from Town systems is strictly forbidden;
- Copying Town-owned software for personal use is a violation of software license agreements and is therefore forbidden;
- Making unauthorized copies of Town Files or other Town Data;
- Misrepresenting oneself or the Town;
- Destroying, deleting, erasing or concealing Town files or other Town data, or otherwise making such files or data inaccessible to the Town or to other authorized users of the Town Systems;
- Engaging in private or personal business activities, including excessive use of instant messaging and chat rooms and using recreational games.

This list is for illustrative purposes only and is not intended to be exhaustive.

Any employee who violates this policy or uses the Town's telecommunications systems for improper purposes shall be subject to discipline, up to and including termination.

#### **Confidentiality of Email**

As noted above, electronic mail is subject at all times to monitoring and the release of specific information is subject to applicable state and federal laws and Town rules, policies, and procedures

on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of Town policy for any employee, including system administrators and supervisors, to access electronic mail or computer system files of another employee to satisfy curiosity. All searches and review shall be for official Town purposes and require prior approval from the Town Administrator.

### **Electronic Mail tampering**

No employees shall send email under another employee's name nor shall any employee change any portion of a previously sent email message without prior authorization.

### **Policy Statement**

The internet and use of electronic equipment, software and systems is to be used to further the Town's mission, to provide effective service of the highest quality to the Town's residents and staff, and to support other direct job-related purposes. Employees are individually liable for any and all damages incurred as a result of violating the Town's security policy, copyright and licensing agreements. All Town policies and procedures apply to employees' conduct on the internet, especially, but not exclusively, relating to: intellectual property, confidentiality, Town information dissemination, standards of conduct, misuse of company resources, anti-harassment, and information and data security.

## **TRAVEL/CONFERENCE POLICY**

There is no objection to a spouse and/or other family members traveling on an official trip, but no expenses attributable to them will be reimbursed by the Town of Seekonk.

The following expenses may be reimbursable:

### **Conference Approval and Registration Fees**

Approval for professional conferences or training programs must be submitted to the Town Administrator on a Travel/Conference Authorization Form. A descriptive brochure outlining the conference starting and finishing times and dates must be included. It is the employee's responsibility to submit the required information to the Town Administrator's office.

Employees must provide a distance report, for in state travel, obtained from the internet on sites such as "MapQuest" or "Google," in order to obtain reimbursement for said mileage. Mileage reimbursement shall be based on distance from Town Hall.

### **Travel Expenses**

Employees will be reimbursed for all travel related expenses only when the travel has been approved in advance by the Town Administrator. Employees are expected to limit travel expenses (e.g., overnight accommodations, transportation costs) to the lowest available or most reasonably priced option available. Employees should not drive to meetings and conferences when the travel time to the destination requires more than one day. Travel expense shall be reimbursed at the IRS rate.

## **Lodging**

Receipts for lodging are required. Reimbursement of lodging will be limited to the minimum number of nights required to conduct Town business.

## **Meals and Miscellaneous Expenses**

The Town will reimburse on a per diem basis expenses incurred while on approved travel leave. The rate shall be the most current General Services Administration (GSA) per diem rate for the location of the event. The per diem shall be for all out-of-pocket expenses including food, professional association, banquets and gatherings, intraconference transportation, and service gratuities.

The employee will be reimbursed for actual business-related expenses. Receipts must be attached to the employee expense reimbursement form.

## **Travel Expense Report**

Within five (5) days after returning from the trip, a Travel Expense Report must be forwarded to the Town Administrator's office. Required receipts should be attached to the travel expense report. Expenses will be paid as soon as the expense report has been audited for compliance with this policy.

## **Non-Reimbursable Expenses**

The following expenditures incurred by an employee, even in the course and scope of their duties, shall not be reimbursed:

- Massachusetts sales tax;
- Alcoholic beverages including liquor, beer and wine;
- Flowers and gifts for employees or others;
- Charitable contributions;
- Political contributions;
- The personal portion of any trip;
- Family expenses, including those of a partner when accompanying employee on Town business, child or pet care;
- Entertainment expenses;
- Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations;
- Personal losses incurred while on Town business;
- Expenses paid for by any other organization;
- Mileage while traveling as a passenger in a privately owned car;
- Personal travel insurance;
- Medical or hospital expenses;
- Theft, loss or damage to personal property while on Town business;
- Personal toiletry articles, postage, reading material, personal telephone calls while on Town business.

## MUNICIPAL PRACTICES AND PROCEDURES

### BOARD OF SELECTMEN AGENDA ITEMS

To allow a more streamlined and organized approach for the preparation of the Board of Selectmen's Meeting Agenda (*hereinafter referred to as "the Agenda"*).

**Policy:**

It is the policy of the Board of Selectmen that any member of the Board, members of the Town's Administrative Staff, Department Heads, members of other Town Boards and Commissions, or the General Public may place items for consideration on the Agenda, provided that the following guidelines have been adhered to:

- Item(s) must be approved by the Chairperson of the Board of Selectmen prior to placement on the Agenda.
- Item(s) must be reviewed with the Town Administrator.
- Item(s) must be submitted, inclusive of the appropriate documentation and backup information to the Executive Assistant, no later than 12:00 p.m. on the Wednesday prior to the meeting. *(This does not apply to an item of an emergency nature, as shall be determined by the Chairperson of the Board of Selectmen. In the absence of the Chairperson of the Board, the Vice-Chairperson of the Board shall make the decision. In the absence of both the Chairperson and the Vice-Chairperson, the Clerk of the Board shall make the decision.).*
- The Chairperson of the Board of Selectmen reserves the right to defer an Agenda item if the backup information, or the information being presented is not made available as defined in paragraph #3 above.

### INSPECTION FEES

All building inspection fees and permits for **signs** are waived for all Town of Seekonk town buildings. This policy includes the Seekonk School Department, Seekonk Water District and the Seekonk Housing Authority. This waiver *does not* include fees for plumbing, gas, and electrical inspections.

It is also the policy of the Board of Selectmen that the Town and all of its departments shall apply for and obtain all building, plumbing, gas, and electrical permits in full accord with the General Laws and the applicable codes.

### OPEN MEETING LAW POLICY

The Massachusetts Open Meeting Law applies to governmental entities at the state and local levels. In general, the Law requires most meetings be open to the public, notice of such meetings and the meeting contents must be publicly posted at least 48 hours in advance. Accurate records of the meeting shall be kept and made available to the public.

To review the complete Law, or if you have questions about the Open Meeting Law, please go to [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting) or contact the Attorney General's Division of Open Government at (617) 963-2540 or [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

## POSTING MEETINGS POLICY

In accordance with M.G.L c. 30A, § 20 all meetings of a public body shall be open to the public, except in an emergency, and shall be posted at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to the meeting.

All notices shall be printed in a legible, easily understandable format and shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The Meeting Posting Form can be found on the P-drive, under the Forms folder.

All notices shall be filed with the Town Clerk and posted in a manner conspicuously visible (bulletin board, electronic display, website, or in a loose-leaf binder), to the public, including persons with disabilities, at all hours in or on the municipal building in which the Town Clerk's office is located.

Meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting, and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.

In addition to the above, the process for the Town of Seekonk is as follows:

- Each department, board, committee, commission and/or subcommittee shall follow the Open Meeting Law.
- Complete (4) Meeting Notice Forms (P Drive under Forms) within 48 hours of the meeting;
- Submit the notices to the Town Clerk; and
- Town Clerk will: 1) time stamp; 2) distribute copies to the department, board, committee or commission; and 3) post the notice on the Bulletin Board in the window of the main entrance of the Seekonk Town Hall, located at 100 Peck Street, Seekonk, MA.

If you have questions about the Open Meeting Law, contact the Attorney General's Division of Open Government at (617) 963-2540 or [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

## PUBLIC RECORDS REQUEST POLICY

The Town of Seekonk is subject to, and will comply with all provisions of, the Massachusetts Public Records Law, G.L. c. 66, § 10. Listed are the Records Access Officers for the Town of Seekonk, also known as RAO.

- Town Clerk
- Town Administrator
- Finance Director
- Police Chief
- Fire Chief
- DPW Superintendent
- School Superintendent

Requests for public records made in accordance with the law to an RAO shall be processed and

responded to in a manner consistent with the Public Records Law.

## PURCHASING POLICY

### ***Purpose***

In accordance with Chapter 30B of the Massachusetts General Laws (Uniform Procurement Act), the Seekonk Home Rule Charter has designated the Town Administrator as the Chief Procurement Officer (CPO) for the Town of Seekonk (except for the School Department). It is the responsibility of the CPO to ensure that all goods; materials and services are purchased in conformance with the requirements of Chapter 30B.

### ***Policy***

Below is a summary of the revised Uniform Procurement Act of 2000 which describes how goods and services are to be purchased.

Each Town Department shall adhere to the requirements of this policy. In all instances of purchases over \$25,000 in value, the Board of Selectmen shall approve said purchases prior to either entering into a contract or actually receiving the good or service sought. For all goods and services with a value of less than \$5,000, proper business practices must be used in obtaining a competitive price. In each instance where the purchase of a good or service is between \$5,000 but less than \$25,000 in value, each Department Head shall be required to do the following:

- Perform a “Good Faith Effort”\* to obtain three (3) written price quotes from vendors who supply the good or service bought;
- Fill out the attached Quotation Form and submit it to the Town Administrator for his approval; and
- Submit the approved Quotation Form to the Director of Finance for payment.

Should any Department Head fail to adhere to the requirements of this policy, the Director of Finance is authorized to deny or otherwise not approve of any purchase and so notify the Board of Selectmen. Said Department Head may be personally held liable for willful disobedience of this policy and maybe subject to disciplinary action.

\*“Good Faith Effort” is defined as requesting a quote from a vendor despite the fact that the vendor may or may not respond to the request

## SURPLUS PROPERTY DISPOSITION POLICY

### ***Purpose***

To guide Town Departments in the disposal of unused, antiquated, or surplus of Town property in accordance with Chapter 30B of the Massachusetts General Laws. All property owned by the Town as defined herein shall be disposed of by one of the following methods.

### ***Methods of Disposal***

- Annual Town Auction
  - Any Town Department may submit surplus property to the Public Works Department for disposition at the Town’s Auction.

- Advertisement & Solicitation of Competitive Price Quotes
  - For any surplus property that is either unique in character whereby its sale value would not be achieved by its disposal at the Town Auction or whose value exceeds \$5,000 the Town shall formally advertise the solicitation of competitive price quote property shall comply with M.G.L. c.30B, §15.
  - As with any public bid, the Board of Selectmen shall award the bid to the party whose proposal is deemed to be the best interest of the Town of Seekonk as is described in M.G.L. c.30B, §15.
- Sale or Donation to Government Entity or Charitable Institution
  - At its discretion, the Town may either sell, at less than fair market value or donate surplus property, to a governmental entity or any organization which has an Internal Revenue Service tax exempt status by reason of its charitable nature.
  - For property with a value under \$500, the Department Head must receive permission from the Board of Selectmen prior to disposition of said property.
  - For property with a value of over \$500, the Department Head must receive an affirmative vote by an Annual Town Meeting or at a Special Town Meeting.

### **TOWN COUNSEL OPINIONS POLICY**

Legal services are available to assist Town Departments, Boards, Committees, or Commissions in the adherence to applicable Federal, State, or Local Laws, rules and regulations.

#### **Policy**

Each Department Head, Chairperson of a Board, Committee, or Commission, prior to the request for legal assistance, shall attempt to resolve their matter by:

- Referencing the Massachusetts General Laws at <https://malegislature.gov/Laws/GeneralLaws>. They can also be found in both the Town Clerk's Office and Town Administrator's Office;
- Contact surrounding municipalities (*if the issue is general in nature and is applicable to all municipalities*); or
- Contact Local/Regional State or Federal agencies.

The Town Administrator has the authority to approve requests for the use of Town Counsel. When legal services are required, a request must be made to the Town Administrator for approval. The request may be done verbally or in writing, e-mail is preferred.

If the request for legal services is approved, the Department Head shall submit the issue(s) in writing to Town Counsel. This will ensure that a clear set of circumstances is presented for Town Counsel to address.

If the request for Town Counsel is rejected by the Town Administrator, the requestor may appeal the decision to the Board of Selectmen. The decision of the Board of Selectmen will be final.

In the event of an emergency where the need for legal assistance is immediate, the requestor shall first contact the Town Administrator with their legal request. If the Town Administrator is unavailable, Town Counsel may be contacted. At the conclusion of contact with Town Counsel in the absence of the Town Administrator, the requestor shall immediately make notification to the

Town Administrator in writing of their action.

In the event that an employee, board, committee, or commission member is served with a subpoena, or is requested to sign a written affidavit, or other legal document involving Town business, the party shall seek advice from the Town Administrator prior to signing any such document(s).

## WORKPLACE SAFETY

### ALCOHOL AND DRUG FREE WORKPLACE POLICY

In compliance with the Drug-Free Workplace Act of 1988. Any employee who wishes to seek assistance may contact the Employee Assistance Program offered through the Town.

While on Town premises or while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, manufacture or be under the influence of alcohol or illegal drugs.

Employees who are convicted under a federal or state criminal drug statute for a violation occurring in the workplace or who plead guilty, including pleas of nolo contendere, (i.e., no contest) must inform the Town Administrator in writing within five (5) days of such conviction or plea.

Employees who violate any aspect of this policy may be subject to disciplinary action, up to and including termination.

### EMPLOYEE SAFETY POLICY

The Town strives to provide a healthy and safe work environment for its employees. It is each employee's responsibility to perform and complete his or her work assignments in a safe manner in compliance with all Town policies and any applicable safety laws or regulations. If an employee becomes aware of a situation that may endanger his or her own health or safety or someone else's health or safety, the employee shall notify a supervisor immediately.

Some departments (i.e. Fire/Police) may have their own safety policy manual. It is the responsibility of employees to identify and become familiar with the emergency plan for their respective departments.

Accident investigations should be conducted by the immediate supervisor. The responsibility of the Department Head will be to make sure that an accident investigation is complete and that emphasis is placed on determining the cause for each and every incident. The Department Head must also review the accident and render a decision as to whether or not the accident was avoidable. In reviewing documentation regarding accidents, the Department Head, will also make a determination as to whether any rule, regulation, policy, procedure, or state/federal law was violated by the employee involved.

All employees who operate a Town-owned vehicle must have a valid driver's license appropriate to the type of vehicle(s) being operated. In addition, all employees who drive or are passengers in any vehicle used to conduct Town business are required to wear seat belts, refrain from smoking, stay within the posted speed limits, and adhere to all motor vehicle regulations. Employees must immediately notify the Department Head of any changes in status of any license, certification or other documentation that governs the fulfillment of their duties or for which the employee receives a stipend or other compensation.

Failure to comply with the safety standards established by a department can result in the Town's denial of responsibility for any worker's compensation claims.

## **MOTOR VEHICLE DRIVING RECORD POLICY**

It is recognized that the driving of a motor vehicle is often required when Town employees and officials are conducting business on behalf of the Town of Seekonk. This policy seeks to safeguard employees, officials and the general public from the risks associated with the use of Town vehicles by individuals with unacceptable driving records.

Following a conditional offer of employment, a motor vehicle driving record check will be conducted on all final job candidates for whom driving a motor vehicle is an essential job function. Thereafter, checks will be run annually for these employees.

The Town will review motor vehicle driving records and assign to applicants, employees and officials a driver's status according to the following classification system:

### **Satisfactory**

The individual is eligible to drive while conducting Town business. His or her driving record indicates not more than one moving violation in the past 12 months.

### **Probationary**

The individual is eligible to drive while conducting Town business with the stipulation that the individual's motor vehicle record will be checked periodically over the probationary period that is required for the particular position the employee was hired for. The individual's driving record indicates more than one moving violation in the past 12 months, but no more than two moving violations in the past 24 months. Any violations during the probationary period may result in termination of employment or other disciplinary action.

### **Unacceptable**

An applicant for employment with an unsatisfactory driving record will not be hired. Some examples of unacceptable infractions include, but are not limited to, the following:

- Suspended or revoked license.
- Three or more moving violations in the past 36 months.
- Any violations involving drugs, alcohol, controlled substances, etc. within the past 24 months.
- Leaving the scene of an accident within the past 24 months.
- Reckless driving within the past 24 months.
- At fault in an accident resulting in fatality or serious injury within the past five years.

### **Procedure for Existing Employees**

The Town will maintain copies of valid driver's licenses for all current employees with driving responsibilities, as well as for those employees who use Town vehicles to conduct Town business. Any covered employee without a valid driver's license will not be allowed to operate a Town vehicle. If driving is an essential job function and the employee cannot be reasonably accommodated, employment may be terminated.

### **Procedure for Job Applicants Following Conditional Offer of Employment**

The Town of Seekonk will check the motor vehicle records of any job applicant when driving is an essential job function or when a Town vehicle may be needed for Town business. The applicant's job offer is contingent on eligibility under the Town's policy outlined above. The motor vehicle record check will include a review of all states listed on the individual's employment application and

resume.

If the applicant does not have a valid driver's license or has a driving record that falls at or below the criteria listed under the unacceptable status (defined above), the applicant will not be hired for positions where driving is an essential job function or requires the use of Town vehicles. If the applicant's driving record meets the probationary status criteria, he or she will be placed into that status upon hire with further periodic review.

### **SMOKE AND VAPE-FREE WORKPLACE POLICY**

In accordance with Massachusetts General Laws, Chapter 270, Section 22, there will be no smoking or vaping in any Town buildings and vehicles. Employees may smoke only in those outside areas which are designated smoking areas. Any employee who wishes to learn about a smoking cessation program may contact the Employee Assistance Program offered through the Town.

### **TOWN VEHICLE USAGE POLICY**

Town vehicles may be used for official Town business only with the prior approval of the Department Head or Town Administrator. Passengers who are not employed by the Town must be authorized by the Town Administrator in order to be transported in Town vehicles.

A Department Head or Town Administrator may assign a driver only after determining that the driver meets the standards set forth in the Town's insurance policies, the Town's Driving Record Policy and such other requirements as the Town may adopt. The Department Head shall also determine that the driver has a valid driver's license in the appropriate vehicle category and verify that the driver has a safe driving record. Employees must inform their Department Head of any changes that may affect their ability to meet the requirements of this policy including, but not limited to, loss or suspension of license.

In the event of a license suspension, vehicle use privileges shall be suspended and/or terminated. Employees are required to notify their Department Head of any violations or summonses received while in possession of, or while operating a Town vehicle. Failure to do so may result in loss of vehicle privileges and/or other disciplinary action as may be appropriate.

Any operator of a Town-owned vehicle who is cited for a violation of the motor vehicle laws may be subject to disciplinary action. Disciplinary action may include a written warning, suspension or permanent loss of the right to operate a Town-owned vehicle, disciplinary suspension or termination of employment.

Employees who drive a Town vehicle shall, in addition to meeting the approval requirements above, drive safely and maintain the security of the vehicle and its contents at all times. Employees are also responsible for any driving or parking infractions or fines as a result of their use of a Town vehicle; however, parking fines may be reimbursed with approval by the Town Administrator if those fines occur on official business and under extenuating circumstances.

All Town vehicles shall be marked with distinctive markings approved by the Town Administrator, identifying the vehicle as belonging to the Town of Seekonk. Vehicles may be unmarked if specifically approved by the Town Administrator.

Employees driving Town vehicles are subject to all applicable state and federal statutes and regulations. Unless previously authorized by the Town Administrator, employees may not take Town vehicles home. All other vehicles will be assigned on a daily basis by the Department Head and garaged at the appropriate Town facility when not in use.

Employees may use their own vehicles for Town business, but only with the prior approval of the Town Administrator. Employees who use their personal vehicles for approved business purposes may receive a mileage reimbursement based on the IRS mileage rate, the rate specified in an applicable collective bargaining agreement or an annually budgeted automobile allowance. This allowance is to compensate for the cost of fuel, oil, depreciation, insurance and all other costs associated with operating the vehicle within Town limits.

Fuel for Town vehicles shall be supplied by the Town's fuel tanks located at Department of Public Works.

The Town Administrator reserves the right to make limited exceptions to this policy.

Only employees who are approved by the Town Administrator as being required to respond to emergencies on a 24-hour basis as needed may use a Town vehicle assigned to them for commuting purposes. No employee may use a Town vehicle for non-business purposes, except those employees assigned a vehicle for commuting purposes and then only for minimal purposes. Such use will be in accordance with the regulations of the Internal Revenue Services and will be treated as taxable compensation in accordance with Internal Revenue Service regulations. Unless specifically granted by contract or other agreement, no employees in this category may use Town vehicles for personal use.

***Vehicle Cleanliness:***

In accordance with Town regulations, employees and passengers are prohibited from smoking and/or vaping while in municipal vehicles. Vehicles are to be washed as needed. Each driver shall ensure that both the exterior and interior are maintained in a presentable condition and are free of debris at the end of each day.

***Cellular Phones and Handheld Electronic Devices***

The use of cellular phones and handheld electronic devices is prohibited while operating a Town vehicle, unless otherwise permitted for Public Safety officials as provided by specific public safety guidelines. As set forth in MGL c.90, §13B, no operator of a Town vehicle shall hold a mobile electronic device or use a mobile electronic device unless the device is being used in hands-free mode. No operator of a Town vehicle shall read or view text, images or video displayed on a mobile electronic device; provided, however, that an operator may view a map generated by a navigation system or application on a mobile electronic device that is mounted on or affixed to a vehicle's windshield, dashboard or center console in a manner that does not impede the operation of the motor vehicle. For the purposes of this section, an operator shall not be considered to be operating a Town vehicle if the vehicle is stationary and not located in a part of the public way intended for travel by a motor vehicle or bicycle.

***Reporting Vehicle Accidents:***

Employees must report any accident, theft, or damage involving a Town vehicle or a personal vehicle

used for Town business to their Department Head, regardless of the extent of damage or lack of injuries. The following procedures will be observed at all times:

- Report the accident immediately to the police in the city or town the accident occurs in;
- Contact your Department Head immediately after contacting the local police department;
- Provide the officer with the vehicle registration from the Town of Seekonk along with your driver's license. Do not just simply exchange papers with the other operator(s);
- Make record of the make/model/color/license plate or the other vehicle(s) involved;
- If the vehicle is towed, obtain the tow company's name and location of where the vehicles are being towed;
- Upon your return to work, or sooner if requested, complete and submit an incident report and report of injury (worker's compensation form) to your Department Head for insurance purposes and Town files; and
- The Department Head shall notify the Town Administrator and the Director of Finance and prepare and submit insurance claims as directed.

### **WEATHER AND EMERGENCY EVENTS POLICY**

This policy applies to all Town Offices except non-administrative Department of Public Works and non-administrative Public Safety personnel.

The Town Administrator, after review and assessment of weather conditions with the Superintendent of Public Works, is the only authority who will make all decisions relative to the closure of the Town Offices, delayed openings, and/or early releases due to inclement weather or emergency events. The Town Administrator shall notify the Chairperson of the Board of Selectmen of such determination.

The Town Administrator's office will notify Department Heads of any delays or closures of Town buildings. Department Heads are responsible for notifying staff of the closure or delay. Impacted employees will be compensated for the period that the municipal building in which they work is closed, unless they were previously scheduled to be on vacation, sick or other leave for that period.

If an employee must leave during an inclement weather event upon their own volition, they should communicate directly with their Department Head. However, should an employee leave, they should be advised that they will be paid only for the hours worked. Salaried employees will be required to make up the time if they choose to leave under the same circumstances. In these scenarios, with the approval of the Department Head, vacation time or personal time may be utilized to offset the loss of wages. If an employee is concerned about the weather conditions, they should speak directly to their Department Head, who will be updated on whether the Town Offices will remain open or not.

### **WORKPLACE VIOLENCE PREVENTION POLICY**

The Town of Seekonk has zero-tolerance policy for workplace violence and 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.

#### **Weapons and Explosives:**

Employees and officials of the Town are prohibited from bringing to the workplace, or possessing on any Town property, building or parking area: firearms, ammunition, knives, starter pistol, flare gun,

explosives and or blasting caps, or any other dangerous weapon. Having been issued a valid Class A or B License to Carry (LTC) or Firearms Identification Card (FID) by the Department of Public Safety does not supersede this prohibition. Law enforcement employees (Officers) are exempt from this provision as it applies to weapons issued by the Town of Seekonk Police Department.

Any violation of the provisions of this policy by an employee or Town official shall subject the employee or official to appropriate disciplinary action, up to and including termination, and possible criminal action being sought.

**Procedure for Reporting Violence:**

Each incident of workplace violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the Department Head or the Town Administrator. In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified by the immediate supervisor who must then report the incident immediately to the Town Administrator.

Workplace violence includes, but is not limited to, harassment, threats, intimidation, physical attack, or property damage. The following are a few examples of conduct that the Town will not tolerate pursuant to this policy:

- Any behavior prohibited by the Town's Harassment Policy;
- Any form of oral or written threat that suggests or infers physical harm or an act of violence;
- The use of Town property, services or equipment such as phones, faxes, copiers, computers, vehicles, etc., for the purpose of threatening any individual with physical harm or an act of violence;
- Any physical assault, or threat of physical assault, such as hitting, pushing, punching, kicking or holding;
- Impeding or intentional blocking of the movement of another person with the intent to cause harm or intimidation.

Employees are responsible for adhering to this policy and informing their Department Head of any threat(s) or act(s) of violence, aggressive behavior, offensive act(s), threatening or offensive comment(s). Report of actual or threatened violence will be treated seriously and with as much confidentiality as possible under the circumstance. The Town of Seekonk will not tolerate any form of retaliation against an employee for reporting such incident(s).

**Exceptions Pursuant to M.G.L. Ch. 258, Section 10:**

This policy is not intended to be construed to provide explicit and specific assurances of safety or assistance, nor be cause for intervention by a municipal employee which causes injury or places a victim in a worse position.

## LEAVES OF ABSENCE

### BEREAVEMENT LEAVE POLICY

Bereavement leave with pay is granted to full-time employees in order to grieve an immediate family member, a close relative or an individual living in the immediate household. There is no waiting period before becoming eligible for bereavement leave under this policy.

Full-time employees will be granted the following:

- Up to one (1) business day of bereavement leave with pay for the funeral of an aunt, uncle or other close relative.
- Up to three (3) business days of bereavement leave with pay for the death of a brother, sister, grandparent, grandchild, parent-in-law, son/daughter-in-law, sister/brother-in-law, or other member living in the immediate household regardless of the relationship.
- Up to (5) business days of bereavement leave with pay for the death of a spouse, child, step-child, parent or step-parent.

To the extent this language conflicts with the language of an applicable collective bargaining agreement or individual employee contract, such agreement or contract will govern.

### COURT/JURY DUTY POLICY

Employees called for jury service or summoned as a witness on behalf of any city, town, or county of the Commonwealth, or the state or federal government are entitled to leave with pay.

Full-time employees who are 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 leave shall be granted only for the period of such service, and it shall in no way affect the employment rights of the Employee. An employee must notify their supervisor as soon as they are summoned in order that appropriate schedule and duty changes may be made.

The Town will compensate employees called to appear in court at their regular rate of pay for such service. Employees must submit their certificate of court service to their Department Head in order to be compensated. For the first three days of jury service, the employee shall receive their regular pay from the Town. Thereafter, the employee's pay from the Town will depend on the amount of jury pay received from the Commonwealth. If the employee's jury pay is greater than their regular pay, they will receive just their jury pay. If their jury pay is less than their regular pay, they will be provided the difference up to their regular pay for that period.

If you are dismissed from jury service within two (2) hours before the end of your regularly scheduled shift, you will be required to report for work unless instructed otherwise by your Department Head. The Town does not pay for service as a federal juror; that pay is provided by the government.

### DOMESTIC VIOLENCE LEAVE POLICY

Town employees, who are eligible, may receive up to fifteen (15) days of unpaid leave per twelve

(12) month period if the employee or a qualifying family member of the employee is a victim of “abusive behavior,” as defined by the applicable law, and the employee is using the leave from work to:

- Seek or obtain medical attention, counseling, victim services or legal services;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings; or
- Address other issues directly related to the abusive behavior against the employee or family member of the employee.

This leave will not apply to an employee, who is the perpetrator of the abusive behavior against such employee’s family member.

### **Process for Taking Leave**

An eligible employee must provide appropriate advanced notice of at least seven (7) days, except in cases of imminent danger or in the event of an emergency. In cases of imminent danger, an eligible employee is required to provide notice of his/her absence within three (3) work days that the leave was taken or is being taken under the policy. Notice must be given in writing to the Town Administrator’s office.

An eligible employee includes all full-time and part-time employees of Town. A qualifying family member of an employee is a:

- Person who is married to the employee;
- Person in a substantive dating or engagement relationship and who resides with the employee;
- Person having a child with the employee; or,
- Parent, step-parent, child, step-child, sibling, grandparent, grandchild of the employee and person in guardian relationship with the employee.

An eligible employee who provides written notice for such leave under the policy must provide at least one of the following documents to substantiate the need for such leave:

- Protective order, order of equitable relief or other documentation issued by a court as a result of abusive behavior against the employee or employee’s family member;
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee’s family member;
- A police report or statement of a victim or witness provided to the police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee’s family member;
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty of abusive behavior, or been convicted or adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this policy;
- Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee’s family member;
- A sworn statement, signed under the pains and penalties of perjury, provided by a

counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other similar professional who has assisted the employee or employee's family member in addressing the effects of the abusive behavior; or,

- A sworn statement, signed under the pains and penalties of perjury, by the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Provided that an employee gives the notice required under this policy for the need for leave, the employee will not be disciplined for the unauthorized absence if the employee then gives, within thirty (30) days of the unauthorized absence, sufficient documentary evidence of the need for the leave by providing at least one of the documents listed above.

Upon receipt of such documentation, Town shall maintain the same in the employee's confidential personnel file, but only for as long as required for Town to make a determination as to whether the employee is eligible for leave under this policy. All information of the employee's leave will be kept confidential by Town. The information shall not be disclosed by Town unless the disclosure is: requested or consented to, in writing, by the employee; ordered to be released by a court; otherwise required by applicable federal or state law; required in the course of an investigation authorized by law enforcement; or necessary to protect the safety of anyone employed at the workplace.

Eligible employees are required to exhaust all available annual or vacation leave, personal leave and sick leave prior to requesting or taking leave under this policy, unless Town waives this requirement. All leave time under this policy will be unpaid. This leave may run concurrently with leave under the Family Medical Leave Act (FMLA) for eligible employees. Town shall notify the employee when such a determination is made.

Town does not condone or permit any retaliation against an employee for exercising his or her rights under this policy and the applicable law. Employees taking leave under this policy will not lose any benefit accrued prior to the taking of said leave and will be restored to the same or equivalent position upon return from such leave.

### **FAMILY MEDICAL LEAVE ACT (“FMLA”) LEAVE**

This Policy is to provide employees with a brief overview of the Family Medical Leave Act (“FMLA”). Please refer to <https://www.dol.gov/agencies/whd/fmla> for additional information.

In compliance with the Family Medical Leave Act (FMLA) of 1993, the Town of Seekonk observes the following policy for eligible employees. This policy integrates with and is included with paid leave policies as provided by collective bargaining agreements. Additionally, this policy runs concurrently with and is integrated with parental leave as provided by M.G.L. c. 149, s. 105D.

### **FAMILY AND MEDICAL LEAVE DEFINITIONS**

**ELIGIBLE EMPLOYEES:** an employee who has worked for the Town for at least twelve months and provided at least 1,250 hours of service during the twelve months preceding the start of the leave (eligible part-time employees' leave will be pro-rated).

**FAMILY MEMBER:** spouse; spousal equivalent or life partner; a child, step child, or foster child; a ward of an employee who lives with the employee and who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that family medical leave is to commence; or, a parent of the employee including biological, adoptive, step or foster, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter.

**HEALTH CARE PROVIDER:** A doctor of medicine or osteopathy authorized to practice medicine or surgery in the state in which the doctor practices, and any other person determined by the Secretary of Labor to be capable of providing health care services, including;

- podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;
- nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; and,
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from the Town that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement.

**INTERMITTENT LEAVE:** Time away from the job taken in separate blocks of time due to a single illness or injury.

**REGULAR LEAVE:** A continuous uninterrupted block of time away from the job.

**REDUCED LEAVE SCHEDULE:** Reduction in the number of hours per workday or workweek.

**SERIOUS HEALTH CONDITION:** An illness, injury, impairment or physical or mental condition that involves:

- incapacity or treatment as an in-patient in a hospital, hospice, or residential medical care facility;
- incapacity caused by a health condition requiring absence from work or other activities for more than three calendar days and involves continuing treatment of a health care provider; or,
- continuing treatment by a health care provider for a chronic or long-term health condition, which is incurable or if left untreated would result in incapacity for more than three calendar days.

**TWELVE-MONTH PERIOD:** A "rolling" period measured backward from the date an employee uses any family medical Leave.

## **ELIGIBILITY**

An eligible employee shall be entitled to a total of 12 work weeks or up to twenty-six (26) weeks of military caregiver leave during any 12-month period for one or more of the following:

- to care for the employee's own serious health condition which makes the employee unable to perform his/her job;

- to care for the serious health condition of a family member;
- the birth, adoption, or foster care placement of a child;
- to care for a covered service member with a serious injury or illness (employee's spouse, child, parent, or next of kin);
- for any qualifying exigency arising out of the fact that an employee's spouse, child, or parent is on active military duty or call to covered active-duty status.

Leave for the birth or placement of a child must be taken and concluded within the twelve months following the birth or placement. Spouses employed by the Town are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

## **Military Family Leave Entitlements**

### Qualifying Exigency Leave

Eligible employees with a spouse, son, daughter or parent on active duty or call to covered active-duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) weeks leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

### Military Caregiver Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a son, daughter, parent or next-of-kin who is a covered service member during a single twelve (12) month period. A covered service member is:

- a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a “*serious injury or illness*”;
- a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leaves to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a “*serious injury or illness*.”

The term “serious injury or illness” means:

- in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and
- in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the

line of duty while on active duty in the Armed Forces) and that manifested before or after the member becomes a veteran.

\*\*The FMLA definition of “*serious injury or illness*” for current service members and veterans are distinct from the FMLA definitions of “serious health condition.”\*\*

## **PROCEDURE**

### **Notice**

Eligible employees will provide written notice to the Town Administrator of their intent to use family medical leave thirty (30) days in advance when the leave is foreseeable for planned medical treatment or for the birth or placement of a child. When unforeseen events occur for which the employee is eligible for family medical leave, the employee (or spouse or family member) must provide notice as soon as practicable and must comply with the normal call-in procedures. This would ordinarily mean at least verbal notification within one or two business days of when the need for leave becomes known to the employee. The notice will include the reason for the leave, the date the leave shall begin, and the intended date of return. Whenever possible, the employee shall complete and submit the Request for Family Medical Leave Form to the Town Administrator’s office to request family medical leave. The Town Administrator or designee will provide a written response to the employee within a reasonable amount of time.

### **Certification**

Leave for serious medical conditions must be supported by certification by a health care provider.

Certification shall include:

- Identification of the practitioner and the type of medical practice.
- The date the serious health condition commenced and the probable duration of the condition.
- Diagnosis of the serious health condition.
- Statement of the regimen of treatment prescribed for the condition (including estimated number of visits, nature, frequency and duration of treatment, including referred or ordered treatment of other health care providers).

In instances of the employee's serious health condition:

- Statement that the employee is unable to perform work of any kind, or
- Statement that the employee is unable to perform the essential functions of his/her position (based on statement of essential functions of the position by the employee's department head or Town Administrator, using job descriptions whenever possible).

In instances of care for a family member:

- Statement that the family member is in need of the employee's assistance for basic medical, hygiene, nutritional needs, safety, or transportation;
- Statement that the employee's presence would be beneficial or desirable for the care of the family member; and,
- Employees must certify the care he/she will provide and an estimate of the time period.

The certification must be received with the request to use family medical leave or within fifteen days of being asked to do so or provide the Town a reasonable explanation for the delay. If the need for leave was not foreseeable, the employee must still attempt to provide the certification within fifteen days or as soon thereafter as practical. Certification forms are available through the Town Administrator’s office. Failure to provide medical certification may result in denial of leave or denial

of continuation of leave.

If the Town has reason to doubt the validity of a medical certification, the employee may be required to obtain a second opinion from a health care provider designated by the Town at the Town's expense. If the two opinions differ, the Town may require a third opinion, which will be final and binding, from a health care provider mutually agreed to and at the Town's expense.

Recertification by the health care provider may be required every thirty days. Recertification must include the employee's explicit intent to return to work and a probable date of return.

Recertification may be required more frequently if:

- The employee requests an extension of leave.
- Significant changes occur from the original certification circumstances.
- The Town's receives information that casts doubts upon the continuing validity of the certification.
- The inability of the employee to return from leave because of the continuation, reoccurrence, or onset of a serious health condition.

### **Intermittent Leave / Reduced Schedule**

Under some circumstances, employees may take family medical leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

Serious health condition (employee or family member) leave may be taken intermittently or on a reduced schedule. Employees requesting intermittent or reduced schedule family medical leave must make a reasonable effort to schedule treatment so as not to disrupt the Town's operations and administration. The Town may require a temporary transfer to an alternative position to better accommodate the reoccurring periods of leave. In no case will the increment of leave be less than one hour. Employees permitted to use intermittent leave must comply with the Town's regular call-out procedure for each day on which they are absent, including specifically referring to the FMLA qualifying reason for the leave.

### **Paid Leave and Medical Benefits**

In all circumstances, family medical leave is unpaid leave in the first instance (although you may be eligible for workers' compensation benefits). Paid leave may be substituted for unpaid family medical leave as provided for below. However, upon depletion of any available accrued paid leave benefits, the family medical leave becomes unpaid leave. The substitution of paid leave time for unpaid leave time does not extend the twelve (12) week leave period as family medical leave runs concurrently with other types of leave. Further, in no case can the substitution of paid leave time for unpaid leave time result in the employee receiving more than 100 percent of his/her regular salary or wages.

- If family medical leave is requested because of the birth, adoption, or foster care placement of a child, any accrued paid sick, vacation, personal leave, and compensatory time may first be substituted for unpaid family medical leave. Thereafter, the remaining family medical leave becomes unpaid leave.
- If family medical leave is requested because of the employee's own serious health condition, or to care for a covered family member with a serious health condition, any accrued paid sick leave may first be substituted for unpaid family medical leave to the extent provided by the applicable collective bargaining agreement, individual employment contract or personnel bylaws. In the event sick leave accrual totals less than the approved duration of family medical leave, then

personal, vacation and compensatory leave may be substituted for unpaid leave. Thereafter, any remaining family medical leave becomes unpaid leave.

During any portion of the family medical leave, whether the accrued paid leave is applied or for which any portion of the leave is unpaid, the employee will continue to accrue sick leave, vacation and other leave in accordance with the provisions of the applicable collective bargaining agreement, individual employment contract, or policy.

The Town will continue the contribution to the employee's group health plan during the family medical leave. The employee will have his/her contribution deducted from the applied paid leave as a regular payroll deduction. Upon the depletion of said leave, the employee must make arrangements to pay his/her contribution to the health premiums.

If the employee fails to make his/her premium payment within 30 days of the depletion of available paid leave, the Town will cease the maintenance of health coverage. The Town will recover from the employee premiums paid during any period of unpaid family medical leave if the employee fails to return to work after the family medical leave entitlement has expired, except in the instance of continuation, reoccurrence, or onset of qualifying family medical leave circumstances or other circumstances beyond the control of the employee.

### **Restoration to Position**

Employees who are not required to submit medical certification must submit a report to the department head every thirty (30) days regarding the employee's status and his/her intent to return to work on a probable date. Prior to returning to work employees on family medical leave due to their own serious health condition must submit certification to their department head from the health care provider that the employee is able to resume work, i.e., is fit for duty.

On return from family medical leave, the employee will be returned to the same or an equivalent position (equivalent benefits, pay and other terms and conditions of employment). The employee has no "right" to be returned to the same position. The Town may deny restoration to a key employee (one who is salaried and among the highest paid 10% of employees) if it is necessary to prevent substantial and grievous economic injury to the operations of the Town. The Town will notify Key employees of this status as soon as practicable, and the Town will notify said employees if restoration is denied.

If an employee works at another job during the leave without prior written approval by the Town, the Town will assume that the employee has resigned his or her position and may terminate the employee's employment. Similarly, if an employee fails to return from a leave on the agreed upon date, except for reasons beyond his or her control, the Town will assume that the employee resigned.

### **Denial**

Conditions under which family medical leave and/or reinstatement may be denied include (but are not limited to):

- Ineligibility of employee;
- Unqualified leave under the Family Medical Leave Act;
- Employee fails to give timely advance notice for foreseeable leave (temporary denial up to 30 days after employee provides notice of need);

- Employee fails to provide in a timely manner requested medical certification (temporary denial up to time of submittal);
- Employee fails to supply fitness-for-duty certificate (up to time of submittal);
- Employee would not otherwise have been employed if leave had not been taken;
- Employee unequivocally advises Town of intent not to return to work;
- "Key" employee status;
- Fraudulent acquisition of family medical leave; and,
- Employment with another employer while on family medical leave.

To the extent that any state law, collective bargaining agreement, or individual employment contract contains leave requirements which differ in any way from those stated in this policy, the Town will satisfy the federal, state or contractual requirements. Any family or medical leave which qualifies under both state and federal laws will be used concurrently to the extent permitted by those laws (i.e., Massachusetts Parental Leave, Workers' Compensation Law, etc.).

All notifications, certifications, and questions must be submitted to the Town Administrator's office. Deliberation, interpretation, and determination will be based on the Department of Labor Family Medical Leave Act Rules and Regulations regarding federal Family and Medical Leave (29 CFR Part 825), and Massachusetts parental leave (MGL Chapter 149, section 105D).

### **FLEX TIME POLICY**

It is recognized that a salaried employee may devote a great amount of extra time outside the normal office hours to the business of the Town. To that end, a salaried employee, who is deemed an "Exempt" employee under the Fair Labor Standards Act, may be allowed to take flex time. The use of flex time is subject to the approval of the Town Administrator or their designee.

Flex time may be accrued for each hour worked in excess of ten hours per pay period beyond the employee's scheduled hours in a given workweek. Paid holidays will be considered time worked when calculating the earned flex time. Flex time shall be limited to a total accrual of 80 hours in a fiscal year, any unused flex time shall not be carried over from one fiscal year to a subsequent fiscal year. Once approved by the Town Administrator, the accrual of flex time earned shall be recorded and maintained in the Town's financial system, which is to be managed in coordination with payroll. The request from an employee for the use of flex time shall not be unreasonably withheld.

In no event shall the employee be allowed to seek reimbursement for flex time earned. Rather it is assumed that as a professional position, the employee may from time to time request a reasonable amount of time off in recognition of the time over and above the normal workweek that they serve the Town as outlined by this policy.

### **HOLIDAYS**

The following holidays are observed by the Town of Seekonk:

Holiday	Date
New Year's Day	January 1
Martin Luther King Day	3 <sup>rd</sup> Monday in January

Holiday	Date
President's Day	3 <sup>rd</sup> Monday in February
Patriots Day	3 <sup>rd</sup> Monday in April
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans Day	November 11
½ Day Thanksgiving Eve	4 <sup>th</sup> Wednesday in November
Thanksgiving	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	4 <sup>th</sup> Friday in November
½ Day Christmas Eve	December 24
Christmas Day	December 25
½ Day New Year's Eve	December 31

Please refer to your collective bargaining agreement or individual employee contract for additional language related to holidays.

The following excludes Town departments and buildings that are open on Saturday and/or Sunday. In Massachusetts, holidays falling on Sunday are observed on Monday. The Town further recognizes that holidays which fall on a Saturday will be observed on the preceding Friday. At the discretion of the Town Administrator, those Town departments which work a shortened Friday schedule may close in observance of a ½ holiday. (Example: When Christmas Eve falls on a Saturday, the Town Administrator may decide to close Town Hall the preceding Friday in order to observe the holiday in accordance with the agreed schedule)

Full-time employees who are normally scheduled to work on the holiday, shall receive the holiday off with pay. Part-time employees who regularly work less than 20 hours may be eligible for holiday pay (refer to your collective bargaining agreement or individual employment contract). Non-union part-time and temporary employees are not eligible for holiday pay.

An employee will be required to work all of his/her scheduled hours on the workday immediately preceding and the workday immediately following the scheduled holiday in order to receive holiday pay, unless the employee has been preapproved for the use of vacation, personal, or flex time.

### MILITARY LEAVE POLICY

The Town of Seekonk fully recognizes, honors and enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

For this special period of unpaid time off, the Town of Seekonk will determine the average hours during the measurement period, excluding the special unpaid leave period, and will use that average as the average for the entire measurement period.

Questions regarding this policy should be directed to the Town Administrator's office.

The Town of Seekonk is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Town's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Town Administrator's office.

## **ELIGIBILITY**

Employees taking part in a variety of military duties are covered under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including active duty, reserve or National Guard, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. This policy also covers individuals serving in the active components of the armed forces and the National Disaster Medical System (NDMS) as well as reservists for the Federal Emergency Management Agency (FEMA) when they are deployed to disasters and emergencies on behalf of FEMA. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

## **PROCEDURE**

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide their Department Head with notice of the need for leave as far in advance as is reasonable under the circumstances.

To request a temporary or extended military leave of absence, the employee should provide written notice. Written notice is preferred, but not required under the law or this policy.

The Department Head will review the request for leave of absence and provide notification to the Treasurer's office. In the event of verbal notice by the employee, the Department Head should notify the Town Administrator's office for direction.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

When the employee intends to return to work, he or she must make [application for reemployment](#) to the Town, within the application period set forth below. If the employee does not intend to return to work, he or she should notify the Town as soon as practicable.

## **REEMPLOYMENT**

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

- *Less than 91 days of military service* – reinstated to a position that the employee would have attained if employment had not been interrupted by military service; or, if found not qualified for such position after reasonable efforts by the Town, in the position in which the employee had been employed prior to military service.
- *More than 90 days and less than 5 years of military service* – reinstated to a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or, if proved not qualified after reasonable efforts by the Town, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
- *Employee with a service-connected disability* - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in another position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Town; or, if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

## APPLICATION FOR REEMPLOYMENT

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment to the Town Administrator according to the following schedule:

- If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.
- If service is for 31 days or more but less than 181 days - the employee must submit an application for reemployment with the Town Administrator's office no later than 14 days following the completion of service.
- If service is over 180 days - the employee must submit an application for reemployment with the Town Administrator's office no later than 90 days following the completion of service.
- If the employee is hospitalized or convalescing from a service-connected injury - the employee must submit an application for reemployment with the Town Administrator's office no later than two years following completion of service.

## EXCEPTIONS TO REEMPLOYMENT

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- The Town of Seekonk's circumstances have so changed as to make reemployment impossible or unreasonable.
- Reemployment would pose an undue hardship upon the Town.
- The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
- The employee did not receive an honorable discharge from military service.

## **GENERAL BENEFITS UPON REEMPLOYMENT**

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward eligibility for FMLA leave. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

## **MODIFIED DUTY POLICY**

An injured employee, or an employee who is partially disabled in any circumstance where he/she is not confined to their home and where he/she is determined capable of performing modified duty assignments, may be required to work modified duty status, provided the following holds true:

- 1) A modified duty assignment is available and has been identified by the Town.
- 2) Capability to perform modified duty shall be determined by the employee's physician and the Town's physician. If they fail to agree, a third physician mutually agreeable between the parties shall examine said employee and the opinion of the physician so selected shall be conclusive on the parties. The Town will pay for the cost of the examination. In the event that the employee's private physician and the Town physician cannot agree on a third physician to examine said employee, the employee shall be required to be examined at a Certified Occupational Health Facility with the cost of that examination being paid for by the Town. The results of the examination at the Certified Occupational Health Facility shall be conclusive on the parties.
  - (a) Alternatively, the Town may require the employee to have the employee's treating physician complete the "Physician's Release to Return to Work" form established by the Town in advance of any examination by the Town's physician. A sample form is attached in Appendix A (but is subject to modification by the Town based on the nature and type of injury). The Town shall have the discretion to accept the employee's physician's capability determination as set forth on said form in lieu of requiring the employee to be examined by the Town's physician. The employee will submit the form to the Town Administrator's office.

The granting of modified duty pursuant to either of the above methods is subject to review by the Town at intervals of thirty (30) days. Such review may include, but is not necessarily limited to, a requirement that the employee provide an updated "Physician's Release to Return to Work" form from the employee's treating physician.

Light duty assignments will be defined as clerical work or public relations duties.

Prior to reporting to light duty, the employee must be informed of the type of work he/she must do and the shift to which assigned. This must be done before the examination of the impartial physician referred to in subparagraph (a) above. This will aid the doctors in determining if modified duty is possible.

The employee must be granted time off for doctor's visits and therapy.

Modified duty assignments shall in no way further impair or add to the employee's injury.

The policy shall apply only where the incapacity is expected to be temporary and irrespective of whether the injury is sustained on or off the job. The modified duty policy shall apply only to injuries for which the incapacity for full duty is expected to exceed one (1) month. In addition, modified duty assignments shall not themselves begin within the one-month period except by mutual agreement of the Town and the employee.

The modified duty policy will not be administered in a discriminatory or retaliatory fashion.

An employee who expects to be incapacitated from full duty for a period exceeding one (1) month may submit a request to return to work on a modified duty basis. In making such a request, the employee must have their treating physician complete the "Physician's Release to Return to Work" form established by the Town. The completed form must be submitted to the Town Administrator's office. The Town will review the information provided and notify the employee as to whether the employee's request can be accommodated and if so, under what terms. Additional information may be requested from the employee and/or the employee's physician where the Town determines that it requires additional information in order to make an informed decision on the employee's request. The Town's decision on whether or not to grant an employee's request for modified duty shall not be subject to the grievance procedure.

Modified duty assignments shall in no way further impair or add to the employee's injury.

### **PARENTAL LEAVE POLICY**

A full-time employee with at least three (3) months of service with the Town may receive up to eight weeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 (if the child is mentally or physically disabled), for adoption with the employee. The employee shall give at least two weeks' notice to his or her Department Head of the anticipated date of departure and intention to return, or provide notice as soon as practicable if the delay is for reasons beyond the employee's control. An employee may use available sick, vacation, or personal leave, during the period of the leave. An employee does not accrue sick leave or vacation leave, and is not eligible for holiday pay during parental leave. The employee is responsible for payment of 100% of health and life insurance premiums if the leave of absence extends beyond 60 calendar days and no accrued leave time remains. Any two Town employees shall only be entitled to eight weeks of parental leave in aggregate for the birth or adoption of the same child. Any leave beyond eight weeks must be approved by the Town Administrator's office in consultation with the Department Head. Any parental leave which qualifies under both state and federal laws will be used concurrently to the extent permitted by those laws (e.g. Family and Medical Leave Act leave, etc.).

## PERSONAL LEAVE

Personal days are made available to full-time employees. Requests for personal leave must be submitted for approval in advance through either the Town's designated timekeeping system or public safety timekeeping systems (Police, Fire, and Dispatch). Except in case of an emergency, employees must obtain prior approval from their Department Head. Every effort should be made to notify the Department Head no less than 3 hours prior to the start of your scheduled shift. Personal leave may not be carried over from year to year.

For more information on your individual benefit, please refer to your respective collective bargaining agreement or individual employment contract. Any department may supersede this policy with their own for the purposes of determining appropriate staffing levels and notification time.

## SICK LEAVE POLICY

(Refer to collective bargaining agreement or individual employment contract)

Sick leave is to be used only for illness or disability which is not job related which incapacitates the employee from performing their work duties. Employees who engage in sick leave abuse, including patterned sick leave use, shall be subject to discipline, up to and including dismissal. Patterned sick leave use includes but is not limited to:

- multiple single day absences, or
- absences on days before and/or after days off.

If an employee experiences time off the payroll without pay, their sick leave accrual benefit may be affected.

When the Town Administrator (or his or her designee) has reason to believe that an employee has engaged in patterned sick leave use or other forms of sick leave abuse, he or she may require the employee to provide medical documentation satisfactory to the Town Administrator, documenting the medical necessity of the employee's absence. This documentation may include without limitation a medical examination by a physician, psychologist or other specialist retained by the Town and/or the production of a physician's certificate from the employee's physician.

When an employee uses sick leave for three or more consecutive work days, the Town Administrator (or their designee) may require a physician's certificate documenting the medical necessity of the employee's absence and determining the employee's fitness to return to duty. The Town Administrator (or their designee) may also require the employee to be examined by the Town's physician for the purpose of obtaining an opinion from the Town's physician on the same issues. Where the employee's physician expresses an opinion in writing that 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.

At the Town's request, the employee will release to the Town all relevant medical records and reports requested by the Town to assist in the determination of the employee's eligibility for sick leave and/or fitness to return to duty.

## SICK LEAVE PROCEDURE

Employees who are going to be out sick, must notify their supervisor or the supervisor's designee of their absence as soon as practicable and as required by the department's policy.

All employees that report directly to the Town Administrator, must call 508-336-2911 to call out sick. Notification of an absence should be made as soon as possible, but no less than 1 hour prior to the beginning of their regularly scheduled shift. Failure to follow these procedures may result in the absence being considered unexcused.

## SMALL NECESSITIES LEAVE ACT

Under Massachusetts law, employees who are eligible for FMLA leave are also entitled to an additional 24 hours of unpaid leave under the Small Necessities Leave Act ("SNLA") leave. SNLA leave may be taken within a calendar year, for the following reasons:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee to routine medical or dental appointments and for other professional services related to the elder's care, such as interviewing at nursing or group homes. An elderly relative is defined as one who is 60 years of age, or older, and related by blood or marriage ("marriage" refers only to legal marriages, and divorce nullifies the relative- by-marriage status).

Employees are required to use any available paid time off (i.e., personal, sick, vacation) while out on SNLA leave. If you have no paid time off available, the SNLA leave time will be unpaid.

Employees requesting to take SNLA leave are required to submit a request in writing to their Department Head for approval. Or you may use the Town's [SNLA form](#) attached in Appendix A. If the leave is foreseeable, the request must be submitted not less than seven (7) days prior to the beginning of the leave. If the leave is not foreseeable, employees must provide such notice as practicable.

Requests for leave must be supported by documentation verifying the need to take the leave. Such documentation could include, but is not limited to, a doctor's note, an appointment card, a teacher's note, or a receipt for services rendered. Supporting documentation must be submitted to their department head, either prior to, or immediately upon return from SNLA leave. Failure to provide such documentation will result in the time off being counted as an unexcused absence, subject to disciplinary action.

If you have any questions concerning eligibility or requirements under the SNLA, please contact the Town Administrator's office.

## **VACATION LEAVE PROCEDURE**

(Refer to collective bargaining agreement or individual employment contract)

Vacations shall be scheduled at such times as the Department Head finds it 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. The Town reserves the right to deny any application for vacation.

Requests for vacation leave must be submitted for approval in advance through either the Town's designated timekeeping system or public safety timekeeping systems (Police, Fire, and Dispatch).

Department Heads are required to notify the Town Administrator or their designee when use of vacation time is planned with less than 48 hours' notice. After submitting the vacation request in the timekeeping system, call the Town Administrator's office directly to make notification of the vacation request.

Paid holidays occurring during vacation are not charged to vacation. Employees who take vacation leave without following this approval procedure will be subject to discipline up to and including termination.

## **WORKERS' COMPENSATION POLICY**

The Town of Seekonk provides protection against loss of income and medical expenses incurred for job-related injuries or illness, through Workers' Compensation insurance.

When an employee is injured on the job, it is important the employee take immediate action.

- All injuries while on the job, regardless of how minor, should immediately be reported to the Department Head, or in their absence, to a member of the Town Administrator's office. Failure to properly report an incident covered by Workers' Compensation may result in denial of coverage;
- The employee must complete the Worker's Compensation Insurance Company's report of injury form;
- All documentation should be forwarded to the Town Administrator's Office within 24 hours of the injury and will be kept in a separate medical file.

Injuries incurred by Police Officers and Firefighters in the performance of their duties are governed by MGL, Chapter 41, Section 111F rather than the workers' compensation laws. It shall be the responsibility of the Police Chief or Fire Chief to make the determination that an injury to a Police Officer or Firefighter was incurred during the performance of his or her duties.

Any time lost by the employee as a result of such injury covered under 111F shall not be charged against the employee's sick leave. Eligible employees shall receive pay in accordance with 111F and any applicable collective bargaining agreement.

## BENEFITS

### EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Town provides confidential and voluntary assistance to employees and their family members who may be faced with financial concerns, legal issues, substance abuse problems, relationship difficulties, illness of a family member, emotional, or child care problems, etc.

Employees and family members can contact the Town's Employee Assistance Program (EAP) on their own without a referral, which may be reached 24 hours a day seven days a week.

The Town Administrator reserves the right, under certain circumstances, to require employees to utilize the EAP services as a condition of continued employment.

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, attorney, treatment center, or other professional that would be appropriate to assist in resolving the problem. Where an employee may only need information, the solution may be offered over the telephone.

Employees, who need to visit the EAP during regular work hours, must use available vacation or personal time. For reasons of illness, sick time may be used for treatment or rehabilitation on the same basis that it is granted for other health problems.

The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage as well as his/her ability to pay.

**NOTE: All contact between an employee and the EAP is held strictly confidential, and the service is free to the employee and their immediate family.**

Please contact the Town Administrator's office or view the Town's website at [www.seekonk-ma.gov](http://www.seekonk-ma.gov) for details related to this plan, including the Town's current EAP provider contact information.

### EMPLOYEE BENEFITS

All Town benefits can be located on the Town's website under the Treasurer's Department page.

## APPENDIX A

## APPLICATION FOR REEMPLOYMENT AFTER MILITARY SERVICE

Name: \_\_\_\_\_ SSN: \_\_\_\_\_

Position: \_\_\_\_\_

Department: \_\_\_\_\_

Date Able to Return to Work \_\_\_\_\_

### To Town Administrator or Designee:

I am applying to return to the position listed above as soon as possible. Documentation verifying my dates of leave is attached.

Branch of Service: \_\_\_\_\_

*(You are required to attach a copy of your discharge orders or other acceptable documentation of your release from military service.)*

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

**NOTE:** Please contact the Treasurer's office, 508-336-2930, immediately upon your return to work to reinstate your benefits and retirement contributions.

**PHYSICIAN'S RELEASE TO RETURN TO WORK FORM**

Employee's Name:	Date:
Physician's Name:	Telephone #:

**To be completed by Physician**

After reviewing the attached job description and the specific tasks within the job description please complete either (A) or (B) as appropriate and sign and date below.

(A) The above-named employee has been released by the above-named physician to return to Full Duty as of \_\_\_\_\_ (Date) with NO RESTRICTIONS.

(B) The above-named employee has been released by the above-named physician to Return to Work on \_\_\_\_\_ (Date) WITH THE FOLLOWING RESTRICTIONS through \_\_\_\_\_ (Date):

These limitations/restrictions are: <input type="checkbox"/> Temporary limitations/restrictions <input type="checkbox"/> Permanent limitations/restrictions		
<b>Check applicable boxes and provide limitations/restrictions.</b>		
<input type="checkbox"/> Lifting (Max weight in lbs) _____ lbs.	<input type="checkbox"/> Walking _____ hours per day	
<input type="checkbox"/> Repetitive Lifting _____ lbs.	<input type="checkbox"/> Standing _____ hours per day	
<input type="checkbox"/> Carrying _____ lbs.	<input type="checkbox"/> Sitting _____ hours per day	
<input type="checkbox"/> Pushing/pulling _____ lbs.	<input type="checkbox"/> Crawling _____ hours per day	
<input type="checkbox"/> Pinching/Gripping _____ lbs.	<input type="checkbox"/> Kneeling _____ hours per day	
<input type="checkbox"/> Reaching over head	<input type="checkbox"/> Squatting _____ hours per day	
<input type="checkbox"/> Reaching away from body	<input type="checkbox"/> Climbing _____ hours per day	
<input type="checkbox"/> Repetitive Motion Restrictions:		
<input type="checkbox"/> Other Restrictions:		

**IF THE ABOVE RESTRICTION(S) CONSTITUTE MODIFIED DUTY AND SUCH DUTY IS NOT AVAILABLE, THE EMPLOYEE MAY BE SENT HOME RATHER THAN RETURNED TO WORK.**

My signature indicates that I have read and understand the employee's job description and the listed tasks within the job description and that my findings are based on my medical assessment of this employee's ability to perform the job duties.

Physician's Name (Please Print):	
Physician's Signature:	Date:

I AGREE THAT:

I will follow through with all of the restrictions listed above. I will notify my supervisor of any departure from these restrictions.

Employee's Signature:	Date:
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## SMALL NECESSITIES LEAVE ACT EMPLOYEE CERTIFICATION

Under Massachusetts law, employees who are eligible for FMLA leave are also entitled to an additional 24 hours of unpaid leave under the Small Necessities Leave Act (“SNLA”) leave. SNLA leave may be taken within a calendar year for qualifying reasons listed below.

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Employee Name

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Department

I certify that on \_\_\_\_\_ I will/did take \_\_\_\_\_ hours for the following purpose:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school.
- To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations.
- To accompany an elderly relative of the employee to routine medical or dental appointments and for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

**Must enter the number of hours utilized under the appropriate type of leave.**

Sick Leave \_\_\_\_\_

Vacation Leave \_\_\_\_\_

Personal Leave \_\_\_\_\_

Flex Time Leave \_\_\_\_\_

Unpaid Leave \_\_\_\_\_

Requests for leave **must** be supported by documentation verifying the need to take the leave. Such documentation could include, but is not limited to, a doctor’s note, an appointment card, a teacher’s note, or a receipt for services rendered. Supporting documentation must be submitted to their department head, either prior to, or immediately upon return from SNLA leave. Failure to provide such documentation will result in the time off being counted as an unexcused absence, subject to disciplinary action.

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Name

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Signature

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Date

**TOWN ADMINISTRATOR’S OFFICE USE ONLY**

- Supporting Documentation Attached

Approved By:

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Town Administrator’s Representative

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Date