



Town of Clarksburg Personnel Policy Manual

Mission Statement: *The mission of Clarksburg Town Government is to provide an effective network of public services in a responsible and efficient manner supporting the common good of our community.*

This Personnel Policy Manual Supersedes Any Earlier Versions

Town of Clarksburg Personnel Policy Manual:

Introduction Letter

Preface A

Contents

1) Definitions 5

2) Expectations 6

3) Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA).....6

4) Confidential Information/Personal Gain 6

5) Lawsuits against the Town of Clarksburg..... 6

6) Authority for Personnel Action 6

7) Conflicts of Interest 7

8) Employment of Relatives (Nepotism) 7

9) New Employees 7

10) Time Sheets and Payday 8

11) Working Hours/Work Week 8

12) Personnel File 10

13) Insurance 10

14) Holidays 11

15) Vacation 12

16) Personal Time: 13

17) Sick Leave 13

18) Bereavement Leave 14

19) Jury Duty Leave 14

20) Attendance 14

21) Absence without Authorization 15

22) Educational Leave/Training	15
23) Licensing Fees	15
24) Travel and Expense Reports/Reimbursement.....	15
25) Telephone	17
26) Computer Usage	17
27) Alcohol-Free & Drug-Free Workplace.....	18
28) Health & Safety	18
29) Personal Appearance and Demeanor	19
30) Participation in Professional Organizations	1
31) Breast Feeding in the Workplace Policy	19
32) Smoking	20
33) Discipline	20
34) Termination/ Resignation	21
35) Key Use Policy	22
36) Building Use Policy.....	22
37) Emergency Closings.....	23
38) Workplace Violence/Harassment	23
39) Sexual Harassment Policy	24
40) Family and Medical Leave Act (FMLA)	26
41) Military Leave	27
42) Employment Leave for Victims and Family Members of Abuse	28

Preface A: Introduction Letter

Welcome New Employee:

The staff of the Town of Clarksburg would like to welcome you. Whether you have just joined our organization or have been with the Town for a while, we are confident that you will or have found our organization to be a dynamic and rewarding place in which to work. We consider the employees of the Town to be one of our most valuable resources and we look forward to a productive and successful association. This Personnel Policy Manual has been especially prepared for you to serve as a guide for the employer/employee relationship. The topics covered in this Personnel Policy Manual apply to all employees of the Town and covers general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. If you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to the Town Administrator or Select Board.

This Personnel Policy Manual nor any other Town document confers any contractual right, either expressed or implied, to remain in the Town's employment or guarantee any fixed terms and conditions of your employment. Your employment is on a voluntary at-will basis and is not for a specific time and may be terminated at any time by the Town or by you. This Personnel Policy Manual is not an employment contract. Rather, it is designed to provide you with general information regarding employment practices and the benefits of the Town. The policy manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules. Policies and rules contained within the manual will be added, updated, or deleted as determined by the Town. You are encouraged to submit suggestions or ideas regarding current policies or additional policies to the Town Administrator or Select Board.

We are pleased that you have joined our organization. The Town provides many valuable services to the residents of Clarksburg. Your position has been designed to assist the Town with accomplishing these services. We hope you will find this position rewarding and challenging.

Sincerely,

Robert Norcross
Daniel Haskins
Colton Andrews

Select Board
Town of Clarksburg

Town of Clarksburg Personnel Policy Manual

1) CLASSES OF EMPLOYEES

APPOINTMENTS - All appointments to positions in the Town of Clarksburg shall be made by the Board of Selectmen. Following a conditional offer of employment, every prospective employee, is required, to be given a medical examination and a general physical exam by a licensed physician designated by the town to ensure they can perform the essential functions of the position they have been offered. The cost of this medical exam shall be borne by the town. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the town withdrawn only if they:

1. Cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others;
3. are unable to perform the essential functions due to a temporary condition or disability not protected by ADA.

FULL TIME - Individuals employed by the Town who work 32+ hours per week for 52 weeks a year and have completed a three-month initial employment period. Full-time employees receive full benefits unless specifically excluded by code or ordinances.

INDEPENDENT CONTRACTOR - Independent Contractors are not considered employees of the Town. Rather, Independent Contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the Independent Contractor.

ON-CALL EMPLOYEE- An on-call employee is an employee who is considered “on-call” but does not work regular hours for the Town. An employee who is on-call status is not required to remain in a fixed location. An on-call employee is not eligible for benefits and on-call wages are not pensionable.

PART-TIME - Regular part-time employees are individuals who do not work daily and whose hours cannot exceed 20 hours per week unless approved by the Town Administrator.

REGULAR PART-TIME - Individuals employed by the Town who work 20- 31 hours per week for 52 weeks a year and have completed a three-month initial employment period. These employees receive full benefits unless specifically excluded by code or ordinances.

TEMPORARY/ SEASONAL EMPLOYEE -An employee designated as a seasonal at time of hire, who performs duties interrupted by the seasons and does not earn benefits including leave, holiday benefits, or any insurance benefits and only works for the Town for no more than six months during one calendar year.

VOLUNTEER EMPLOYEE - A volunteer is an individual who works for the Town for no compensation.

2) Expectations

Employees are expected to treat co-workers, Board Members, vendors, colleagues, customers and other business contacts with respect and dignity, and to be treated in the same manner. Employees are expected to conduct their job functions in a professional, businesslike fashion with minimal interference by other staff members or visitors. Employee attention to responsibilities and work products should be constant, consistent, efficient, and productive. Personal interference or distractions should be kept to a minimum.

The affairs of the Town are important and are to be considered a confidential trust, as well as a responsibility, excepting those matters which fall under the Public Records Law. Employee attitude, ability, productivity, and a sense of responsibility are critical aspects of all job performance.

3) Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA)

The Town is an equal opportunity employer. The Town shall comply with all relevant federal and state laws, including rules and regulations put forth by the Equal Employment Opportunity Commission, (EEOC). The Town shall adhere to all relevant provisions of the ADA. The Town ensures equal opportunity regardless of race, religion, color, creed, national origin, sex, sexual orientation, marital status, familial status, political belief, age, ancestor, gender identity, or any other protected class.

If an employee believes that they have been subjected to discrimination, including harassment, based upon any of these factors, they should immediately contact their supervisor.

4) Confidential Information/Personal Gain

Employees of the Town may deal with confidential information. It is imperative that employees maintain Town integrity and not discuss confidential Town business with people who should not be privy to the information. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the Board of Selectmen, their designee, or the Town Administrator.

5) Lawsuits against the Town of Clarksburg

When an employee is approached by a legal process server, they should refer the server to the Select Board and/or their designee. Should an authority not be available, and the employee is required to accept the papers served, it is the employee's priority to locate and forward the information to either of the authorities without opening or reading the documents.

6) Authority for Personnel Action

The Town reserves the right to direct, hire, promote, transfer, and assign employees. The Town also reserves the right to supervise, discipline and discharge employees from their employment with the Town for any Legal reason determined sufficient by the Town, as well as determine and change hours of work, shifts and operational methods. The policies, practices, rules, and regulations may be established or changed/abolished at the sole discretion of the Town. The Select Board will execute personnel actions at their discretion, with consultation and advice from Town Counsel.

7) Conflict of Interest - The Town of Clarksburg expects our employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Town. Business dealings that appear to create a conflict between the interests of the Town and an employee are unacceptable. The Town recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to Town business. However, the employee must disclose any possible conflicts so that the Town may assess and avoid potential conflicts of interest from arising. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in personal gain for the employee or a relative (i.e., spouse or significant other, children, parents, siblings) because of the Town's business dealings. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the State's Board of Ethics to obtain advice on the issue. The purpose of this policy is to protect both employees and the Town from any conflict of interest that might arise. Violations of the policy constitute grave misconduct and may lead to disciplinary action including suspension or termination.

8) Employment of Relatives (Nepotism)

No employees will be appointed, hired, promoted, transferred, or assigned in a manner inconsistent with the Nepotism laws, including the relevant provisions of M.G.L. c. 268A sections 6A, 19,20, 27.

9) New Employees

New employees will complete an informal orientation session with a member of the Select Board and /or Town Administrator. The employee will have the opportunity to complete the necessary employment forms required by the Federal and State Statutes. The Select Board and/or the Town Administrator will explain in general terms the rules and expectations and provide an overview of the pay and benefit packages offered by the Town. The employee will be responsible for reading and following the policies established within the policy manual, including understanding their employment classification. In addition, new employees will be provided with orientation and education specifically to the equipment and tasks required of their new position.

All employees will serve a three-month introductory period, unless otherwise required. The probationary period allows time for the employee to learn the position as well as time for the supervisor to evaluate an employee's potential and performance. During the established probationary period, the Town reserves the right to terminate an employee with or without cause. An evaluation may be completed prior to completion of the period to notify the employee of their status (regular, terminated, or extended probation when applicable.)

Supervisors to all Departments must have all new employees cleared for employment by completing all necessary paperwork and submitting to the Town Treasurer before the employment start date. An applicant is not considered an employee of the Town of Clarksburg until paperwork is completed and submitted to the Treasurer's Office. They will, therefore, not be eligible to work for the Town until cleared for employment by completing the following documentation:

FORMS	Part-Time	Full-Time
Employment Application	☐	☐
Supervisor Hire Letter – Start Date/Rate/Hours per Week	☐	☐
1-9 Employment Eligibility Form	☐	☐
W-4	☐	☐
MA Employee's Withholding Exemption Certificate	☐	☐
Social Security Admin - FORM 1945	☐	☐
Eligibility for Teacher's Retirement (Teachers Only)	☐	☐
OBRA - (Part-time employees)	☐	
Eligible for County Retirement BCR (20 hours +)		☐
CORI Check (SCHOOL and LIBRARY ONLY)	☐	☐
Pre-Employment Drug Test - if Applicable (DPW ONLY)	☐	☐
Fingerprint - if Applicable (SCHOOL ONLY)	☐	☐
Direct Deposit Form & VOID CHECK	☐	☐
Personnel Policy Manual (PPM) Signed Receipt	☐	☐

10) Time Sheets and Payday

Time sheets for the pay period are to be completed by all employees and submitted to the Treasurer the Monday payroll is due. When a Holiday occurs on a Monday, timesheets should be submitted by 9:00 a.m. on Tuesday.

In the event an employee is unavailable to complete and submit his or her time sheet, he or she shall call the supervisor and relay the information. Time sheets must include the employees' name and hours worked daily, holiday time, sick leave used, vacation leave used, leave without pay, etc. The employee must sign the time sheets attesting that all time worked, and leave used is reported for the period. The DPW supervisor will sign their department's time sheets and will include the employees' name and hours worked daily, holiday time, sick leave used, vacation leave used, leave without pay, etc.

11) Working Hours/Work Week

- A. Schedule and Work Week An employee's schedule will be determined by their supervising authority. The work week begins on Monday at 12:00 A.M. and ends on Sunday at 11:59 P.M. There is no differential for early/late shifts.
- B. Overtime -Unless otherwise provided for, non-exempt employees working over 40 hours per week will be paid overtime at 1 1/2 times their hourly wage rate, unless they elect to take compensatory time instead (see section 18C). For overtime eligibility, paid leave (holiday, vacation, personal, sick, and compensatory) only counts towards the 40 hours if used in place of their normal working hours. Employees who repeatedly refuse to work overtime without valid justification may be subject to disciplinary action.

- C. Call In- employees are paid for a 3 (three) hour minimum. Contract employees are exempt from this policy.
- D. Sunday and Holiday Pay - An employee who shall be required to work or to render service on a Sunday shall be paid the rate of two times his/her regular compensation for all hours worked on said Sunday/Holiday. This position shall not apply to the employees of any department engaged in continuous or shift operations or whose duties or working schedule regularly require service to be performed on Sunday. Contract employees are exempt from this policy.
- E. Compensatory (Comp) Time -If at the convenience or request of the employer and agreed to by the employee and Town Administrator, the non-exempt employee can elect to accumulate compensatory time for use as time off at a future date at a rate of 1 1/2 times the number of hours worked. *If at the request or convenience of the employee, the comp time will accumulate on a 1 to 1 basis. Any accrued comp time hours must be used within the 3 months they accrued. All comp time will need to be approved by the Town Administrator or the Select Board.
- F. Lunch and Breaks -An employee required to work for more than six hours during a calendar day shall receive an interval of at least thirty minutes for a meal. In order for this to qualify as an unpaid break, the worker must be completely relieved of his or her duties.

Employees may take one 15-minute break when they are scheduled to work four consecutive hours. Break periods are paid but may not exceed 15 minutes per four consecutive hour period. Additional breaks for exempt employees should not interfere with the employee's performance of their duties.

- G. Longevity Pay-All full-time and permanent part-time employees who have had the following continual years of employment are eligible for longevity pay. Payment shall be made annually on the second pay period in November. The date for determining the years of service shall be their anniversary date.

Years for Longevity Pay

05-09	\$200.00
10-14	\$300.00
15-19	\$400.00
20-24	\$450.00
25+	\$500.00

- H. Additional Compensation for Certification- The Town Treasurer, Tax Collector and Town Accountant can become certified through the MCTA or MMAAA. Certification shall entitle the employee to an additional **\$1,000** in compensation for their position. This certification shall be made available in the next fiscal year and in the event the employee loses their certification it shall be removed from their compensation for the following fiscal year.

12) Personnel File the Town maintains records on every employee related to their employment with the Town. The employee's personnel file may contain information such as employment application/resume or cover letter, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records. Any information obtained for Equal Employment Opportunity

Commission (EEOC) compliance (Form EEO-4) and/or any medical information, confidential files and accessed only on a need-to-know basis as authorized by the Select Board and /or their designee.

Personnel files are confidential and only accessible to others on a need-to-know basis for personnel action. Upon request of the Select Board, the Town Administrator, or the Treasurer, and with the Select Board, the Appointing Town Administrator their personnel records. Employees should contact the Select Board, the Town Treasurer, to establish a convenient review time.

13) Insurance

Employees who regularly work 20 or more hours per week are eligible to enroll in the Town's medical insurance plan. The Town currently pays seventy-five percent (75%) of the medical insurance premium. Rates are subject to change July 1st. New employees that qualify for employee benefit, including health insurance benefits, must sign up within 30 days of hire, otherwise, apply at the next open enrollment period.

Employees qualified for health insurance benefits through the Town of Clarksburg reaching Medicare eligible age, must sign on to Medicare within one month prior to reaching 65 or lose insurance benefits from the Town.

When an active employee is aged 65 and eligible for Medicare but still working and eligible for group coverage through the Town of Clarksburg, the group health coverage becomes primary. The employee should notify the Social Security Administration that they have group coverage and want to defer Medicare Part B coverage until retirement. A copy of the Medicare Card showing Part A should be sent to the Treasurer. DEFRA (Deficit Reduction Act of 1984) also applies to non-working spouses of active employees who are 65, eligible for Medicare and covered under the health coverage of an active employee spouse who may or may not be age 65. The spouse should notify Social Security of the group coverage through their working spouse and defer Medicare Part B.

Retiree Health Insurance Enrollment

At the time of retirement, you must be receiving your retirement benefits to be eligible for the Town's insurance. The Town currently pays seventy-five percent (75%) of the insurance plan and twenty-five percent (25%) will be deducted from your BCR/MTRS check. Rates are subject to change for January 1st. A retiree may remain in any existing insurance plan he or she is enrolled in at the time of retirement and eligible for as a retiree. This policy applies to all types of insurance and benefits available to retirees. As a reminder, each retiree (and/or spouse of a retiree) must provide MIIA and our accounts with evidence of their Medicare eligibility per MGL Chapter 32B, Section 18A or they can face losing coverage eligibility.

Retirees who marry/remarry after retirement may add their new spouse to insurance(s) but must do so by the end of the next open enrollment period. Spouses of deceased retirees will be able to continue their coverage, but no new coverages may be added, nor may any additional people be covered. Retirees may alternate between existing levels of coverage during open enrollment (i.e. different dental plans), but may not add new plans that they are not already enrolled in.

14) Holidays

The Town may observe the same holidays as recognized by the Commonwealth of Massachusetts, most of the Town Offices will be closed. If an employee must work due to weather or other emergencies, double time wages will be earned:

Hours per week		4 DAY A WEEK EMPLOYEES
Hours/Week	% of FT	Pro-rated Holiday Hours
20.00-21.99	62.50%	5
22.00-23.99	68.75%	5.5
24.00-25.99	75.00%	6
26.00-27.99	81.25%	6.5
28.00-29.99	87.50%	7
30.00-32.00	100.00%	8

Hours per week		5 DAY A WEEK EMPLOYEES
Hours/Week	% of FT	Pro-rated Holiday Hours
20.00-21.99	50.00%	4
22.00-23.99	55.00%	4.4
24.00-25.99	60.00%	4.8
26.00-27.99	65.00%	5.2
28.00-29.99	70.00%	5.6
30.00-31.99	75.00%	6
32.00-33.99	80.00%	6.4
34.00-35.99	85.00%	6.8
36.00-37.99	90.00%	7.2
38.00-40.00	100.00%	8

The following days shall be paid holidays for employees:

- New Year's Day
- Martin Luther King Day
- President's Day
- Patriot's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving (Friday workers)
- Christmas Day

If a holiday falls on a Saturday, the Friday preceding is observed as a holiday. If a holiday falls on a Sunday, the following Monday is observed as the holiday. If a holiday falls on a day not normally worked by that employee another day of that week will be considered a holiday that the employee can take off at a pro-rated rate. Regular employees shall receive a pro-rated share of compensation at their regular straight time hourly rate, per the following table above.

15) Vacation

Vacation for New Employees- Subject to the approval of the Town Administrator, newly hired employees who have completed their (3) three-month introductory period will receive 1 week of vacation. In the event that an employee who exercises this option separates from the employment within the 1 year of employment, said employee's final pay remittance will be reduced by an amount corresponding to the negative balance of vacation credits from their final paycheck.

Regular full-time and regular part-time employees vacation leave as follows:

Regular part-time and regular full-time employees vacation time renews at their anniversary date; See the chart below. Example: Normal weekly hours = the same vacation time.

24 Hour Week	
Years Worked	Vacation Earned
0	3 days
1-4	6 days
5-9	9 days
10-19	12 days
20+	15 days

32 Hour Week	
Years Worked	Vacation Earned
0	4 days
1-4	8 days
5-9	12 days
10-19	16 days
20+	20 days

40 Hour Week	
Years Worked	Vacation Earned
0	5 days
1-4	10 days
5-9	15 days
10-19	20 days
20+	25 days

Department of Public Works - employees of this department may not schedule vacation times from December 1st - April 1st to be available for snow plowing and removal.

Town Clerk- may not schedule vacation time during the Election.

Each anniversary, vacation must be taken, or time will be lost. Vacation time cannot be accumulated from year to year. The timing of all regular vacations is subject to approval of the Department Head.

Requests for vacation must be submitted in advance and pre-approved by the employee's supervisor or Town Administrator. The annual leave will be approved after considering the best interest of the Town and the employees' unit. Employees who need to use annual leave due to extenuating circumstances before they finish the qualifying period may ask their supervisor or Town Administrator, grant paid annual leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Should two employees request the same period of vacation, their

supervisor or the Town Administrator and/or their designee has discretion regarding the approval of the leave requests.

An employee who has passed the three-month introductory period and has separated from the service of the Town for any reason shall be entitled upon termination to cash compensation payout for unused vacation leave. The pay-out will be based upon the employee's salary at the time of termination.

At the discretion of and with the prior approval of the Town Administrator and Select Board at the end of the anniversary year unused vacation time, not exceeding five (5) days or forty (40) hours, for 40 hour a week employee and four (4) days or thirty-two (32) hours, for 32 hour a week employees etc. may be compensated for, at the regular rate of pay.

16) Personal Time:

Each employee is allowed three (3) days of personal upon hire and each time per anniversary year which may be taken in units of not less than four (4) hours. However, they are not entitled to use paid personal time until they have been employed continuously for the three-month probationary period. Personal time off requires prior approval of the Department Head. Personal time cannot accrue and must be used prior to anniversary date.

17) Sick Leave

All regular full-time and permanent part-time employees shall be granted 5 days of sick leave upon hire and accrue 10 days of sick leave each anniversary year; however, they are not entitled to use paid sick leave until they have been employed continuously for the three-month probationary period. Employees who are sick before they finish the qualifying period may ask their supervisor to grant paid sick leave with the understanding that their leave balance will be affected if their employment is terminated before completing the qualifying period. Employees may not accrue sick leave while on a leave without-pay status.

Employees shall be permitted to roll over sick leave each anniversary year of employment. All full-time and permanent part-time employees shall accrue 10 days of sick leave each year. The maximum amount of sick time accrued is 50 days. At no point shall an employee's total sick leave balance exceed their maximum. Any day more than their maximum will be considered lost.

After an absence of five days, an employee must present a doctor's note stating that the employee is fit to return to work. The Town may, at its discretion and expense, request a second opinion to ensure that the employee can complete the necessary functions of the position. Abuse of sick leave may result in disciplinary action up to and including termination.

Upon termination or resignation, any unused sick leave shall not be cashed in for compensation. Employees who retire will be able to cash in on unused sick days at a rate of \$50/day at the maximum of \$2,500.00.

EXTENDED SICK LEAVE - All full-time and permanent part time employees may be granted of extended sick leave with pay at the discretion of the Board of Selectmen. Extended Sick Leave will only be granted after an employee has exhausted his/her accrued sick leave and vacation leave. After the first 30 days of Extended Sick Leave with pay a leave of absence with or without pay may be granted by the Board of Selectmen. Reasonable accommodation will be provided to allow an employee to return to work. The

employee may be terminated if unable to perform their job or another job with or without reasonable accommodation. Any employee returning to duty who has been absent more than one week must obtain a certificate from their physician allowing the employee to return to work and indicating any physical limitations the employee has acquired.

SICK BANK- Employees will be permitted to transfer sick leave from one employee to another with the approval of the Town Administrator and Select Board. The receiving employee must have exhausted all accrued sick leave and vacation leave. The contributing employee must make the transfer request in writing and must maintain at least 10 sick days. The transferred sick leave will not change the receiving employee's employment status. The transferred sick leave is considered forfeited by the contributing employee and additional sick leave must be re-accrued. Employees shall not be coerced, intimidated or adversely persuaded to transfer their accrued sick leave to the receiving employee. Doing so may result in disciplinary action up to and including termination. The donated leave will be paid at the recipient's pay grade. After an absence of five days, an employee must present a doctor's note stating that the employee is fit to return to work. The Town may, at its discretion and expense, request a second opinion to ensure that the Town of Clarksburg employee can complete the necessary functions of the position. Abuse of sick leave may result in disciplinary action up to and including termination.

18) Bereavement Leave

An employee may be granted up to 5 (five) working days of paid bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family. 3 (three) days from extended family and 1 (one) day of bereavement leave may be granted by the supervisor for the purpose of the employee attending the funeral of a member of the employee's family/friend. Immediate Family includes spouse, domestic partner, child, parent, sibling. Extended family includes grandchild, grandparent, -in-law or step- variants thereof, and other relatives residing in the employee's house.

19) Jury Duty Leave

Any regular full-time or regular part-time employee who is required to serve on a jury shall be allowed authorized leave with pay less any amount received (jury or witness fees) for such service. This also applies when an employee is subpoenaed as a witness or required to appear before a court or legislative committee/quasi-judicial body in response to a subpoena or other directive. A probationary employee will notify their supervisor immediately in order that arrangements may be made to cover the position. The Town reserves the right to request that an employee who is called into jury be excused if their absence creates a hardship on the operational effectiveness of the department to which they are assigned.

The employee is responsible for turning over the legal record of the jury duty to the Treasurer, excluding mileage and actual expense fees. If an employee chooses to use vacation leave, the employee may keep jury or witness fees in addition to their mileage and actual expense fees. The employee may keep any witness fees or court payment if the services are performed on the days of his/her regularly scheduled weekend or days off. Benefits continue to accrue while an employee is on jury duty. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed

20) Attendance

Employees are expected to report to work as scheduled. If the employee is late, they must contact their supervisor. If the tardiness/absence is deemed unreasonable or the employee failed to provide advance notice, it may result in disciplinary action. Advance notice should be given, if possible, to allow for a

replacement to be scheduled, if necessary. If the employee's supervisor, Town Administrator or the Select Board are unavailable, a message should be left with the senior staff member explaining the situation. Failure to notify the office of an absence or tardiness may result in disciplinary action.

21) Absence without Authorization

Absence is the failure to report to work and/or to remain at work as scheduled. It includes late arrivals and early departures as well as absences for an entire day. Regular and punctual attendance is essential for efficient operations. If an employee does not know in advance that they will be absent or unavoidably late, they should telephone the office to ensure their supervisor, Town Administrator, or Select Board and the staff is notified as soon as possible. Failure to request advance approval or to report an absence as described above may result in disciplinary action up to and including termination. An employee who fails to call in for three successive days to report such absences will be considered to have voluntarily terminated employment with the Town.

22) Educational Leave/Training

The Town encourages training for employees where the training improves employee productivity, knowledge and skills when Town's services and programs will be more efficient and effective. The Town may provide full or partial funding for training that is a work-related program, seminar, conference, convention, etc. and is pre-approved by the employee's supervisor, Town Administrator and the Select Board.

23) Licensing Fees

The Town will pay for the licensing fees and/or annual renewal fees with the approval of the Town Administrator & Select Board.

24) Travel and Expense Reports/Reimbursement

All employees shall have their travel approved by the supervisor, Town Administrator or Select Board. All employees driving on Town business are required to provide verification of valid driver's license with appropriate endorsements for the types of equipment operated.

Employees completing the Town business may be compensated for travel expenses, meals, mileage and/or incidental expenses at a rate established by the Town. Receipts must be included for lodging, travel, meals, and appropriate ancillaries. If meals are included in tuition, registration fees, or hotel charges, or if only a fraction of the day is authorized for travel, the per diem or expense allowance shall be reduced accordingly.

MEALS - Employees will be reimbursed for the actual cost of meals plus taxes and gratuity with the following limits.

Breakfast:	\$10.00
Lunch:	\$20.00
Evening Meal:	\$30.00

A receipt is required. Meals served in conjunction with scheduled meetings may exceed the above limits but require receipt and meeting notice, with stated meal prices. Meals are only reimbursed if the employee is out of Town during the normal meal period or on official Town business.

TRAVEL - LODGING - Employees will be reimbursed for lodging, only if the meeting site is over one hundred (100) miles from Town and if the total meeting and travel time will exceed eight (8) hours. The total number of overnight stays shall not exceed the number of meeting days scheduled. Employees are required to submit receipts for all lodging.

If a Town vehicle is not available, employees may use their own vehicle and receive a mileage reimbursement. When employees use their own vehicles for Town business.

Employees may request an expense advance as approved by the supervisor to offset undue financial hardship on employees traveling for the Town business. The advance must be justified with reasonable requests for meals, lodging, gasoline cost, public transportation, etc. Pre-approved registration fees and lodging expenses can be paid directly to the training agency or hotel in advance or reimbursed to the employee upon return. The employee must provide an itemized expense report with attached receipts documenting the expenditures of the trip. If the travel advance exceeds the receipts documenting expenditures, the employee must reimburse the Town the difference. Any legitimate balance owed to the employee for receipts exceeding the travel advance will be promptly reimbursed by the Town.

Use of Town Vehicles

The Town shall designate the positions that require the use of Town vehicles on a take-home basis. All Town vehicles are to be used for only business purposes and, if possible, are to be available and shared among all employees when needed for Town related business. Employees using a Town vehicle will be required to keep a mileage and maintenance log. Employees who believe their position warrants the designation of a Town vehicle should discuss such during the annual evaluation period when other budgetary items are reviewed.

Employees operating Town vehicles must observe and obey traffic laws, including the prohibition against texting while driving, and exhibit extreme care of the vehicle. Employees and other authorized passengers are required to always wear seat belts. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by closing all windows and locking all doors. Employees are prohibited from smoking in the Town vehicles.

Municipal vehicles will not be used to transport passengers who are not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors etc.) Family members shall not be transported in Town vehicles.

Vehicular Accidents

When an employee is involved in a motor vehicle accident with a Town vehicle, the employee must notify the supervisor, Town Administrator or Select Board and/or their designee immediately. Law enforcement should be contacted to complete an investigation of the accident. Employees must cooperate with and are permitted to discuss the incident with Emergency Services Personnel, the Select Board the insurance adjusters, and law enforcement. The employee may also be asked to assist with completing the necessary forms for insurance claims. The supervisor, Town Administrator or Select Board and/or their designee shall conduct an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents where the Town employee was driving or operating machinery under

the influence of alcohol or illegal drugs (which is absolutely prohibited) will result in discipline up to and including termination.

Personal Vehicle

All employees of the Town of Clarksburg using their own vehicles on official Town business are required to carry auto liability insurance with minimum limits as required by the State of Massachusetts. The Town's travel reimbursement program incorporates insurance expenses in the mileage rate calculation for personal vehicle use. In an accident, the non-owned vehicle owner must use their own automobile insurance. This same policy applies to employees using their own vehicle only on occasion for business as well as those required to use their personal vehicle as a condition of employment.

The Town of Clarksburg will not reimburse an employee, or other private owner, or their insurer, for any deductible or liability claim paid by their personal auto insurance policy, or for any damage to the vehicle.

If any personal property is damaged or stolen because of being transported or stored in a vehicle, the property is not covered by the Town. Employees should consult with their personal lines insurance provider to determine if coverage for property in vehicles is included in their homeowner's insurance policy. Parking/speeding tickets, auto repairs are not reimbursed as travel expenses.

25) Telephone

Town telephones are to be used for Town business. Personal telephone calls should be kept to a minimum and should not interfere with an employee's work. Employees violating this policy may be subject to disciplinary action up to and including termination.

26) Computer Usage

The Town's electronic communications equipment, systems and /or tools should be used for the Town business only. Personal computers use that is deemed excessive or inappropriate by the Town or computer use that is illegal is prohibited and may result in disciplinary action up to and including termination. There is no use of Town equipment permitted by unauthorized people including co-workers, friends and family of employees. New employees may be given a period of instruction on the Town's computer equipment.

All Employee communication must be conducted in a professional, timely manner, whether by telephone, written correspondence, email or in person. In all cases, employees represent the Town. All Town written communication must meet a standard set by the Board of Selectmen. Use the following standard fonts: Times New Roman, Calibri, Arial or Garamond with a clear and easily read size.

Email -Employees are responsible for the content, dissemination of their messages and the timely response to messages received. Personal email use that is deemed excessive or inappropriate by the Town, or emails that are illegal are prohibited and may result in disciplinary action up to and including termination. This responsibility includes ensuring that their messages are accurate, courteous and that do not violate another's right to privacy or confidentiality. If an employee has a question pertaining to the content of an email, they should consult with their supervisor.

All emails are public records and must include the following disclaimer:

“All emails created or received by an employee of a government unit is a public record. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics. G. L. C. 4, § 7(26). Email is; therefore, a public record and it is subject to the requirements of the Public Records Law. M. G. L. c. 66.”

Security

The Town owns the contents of all files stored on its systems; all messages are transmitted over its systems and reserves the right to access them. The Town expressly reserves the right to monitor the use of the Internet by employees and to review and search for all computers.

27) Alcohol-Free & Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988 (41 USC Sec.701, et seq.) the Town is committed to providing an alcohol-free and drug-free workplace. The Town prohibits the unlawful manufacture, distribution, sale, possession or use of a controlled substance or alcohol in the workplace or while conducting business. All employees must comply with this policy and notify the supervisor, Town Administrator or the Select Board and/or their designee in writing of any drug statute conviction for a violation occurring in the workplace as soon as possible and no later than five (5) days after such conviction. The Select Board and/or their designee is responsible for notifying the appropriate federal granting agency of the conviction when the employee involved is working on a federal grant or contract, within ten (10) days of learning of the conviction. Employees who violate this policy may be subject to disciplinary action.

Employees who have tested positive, or otherwise violated the policy, are subject to discipline up to and including termination of employment.

28) Health & Safety

The Town has a safety program and complies with the Mass. Safety Standards. Relevant safety regulations are addressed by delegating safety responsibilities, establishing procedures, providing training, inspecting workplaces, and providing/requiring the use of safety equipment, etc.

If an employee notices a potential hazard, they should repair the hazard if capable and qualified or they should promptly refer the problem to the supervisor, Town Administrator or the Select Board. Employees must use safe driving habits and wear seat belts while traveling in Town vehicle. Employees required to drive automobiles, or equipment will have their driver's licenses periodically inspected by the supervisor to ensure the employees have maintained the required endorsements. Employees should not operate or use equipment if not authorized or do not have the appropriate licensure.

If an employee sustains an injury while on the job, they should notify their supervisor or the Select Board as soon as possible after the injury occurred and prior to leaving work for the day, if possible. An Accident Report and appropriate Worker's Compensation forms must be completed, and the incident must be documented in writing by the injured employee and /or witnesses as soon as possible following the injury.

The Town maintains Worker's Compensation coverage pursuant to the provisions of the Mass. Worker's Compensation Act.

29) Personal Appearance and Demeanor

Employees are expected to dress appropriately for their position, their daily activities, and their expected public contact. Employees attending business meetings, board meetings, or other related contact should dress professionally in business attire. The office, though it has a casual atmosphere, may receive visitors, board members, etc. and all personnel are to be dressed appropriately. Hair and clothes should be neat. Any part of an employee's dress, appearance or hygiene that is deemed unprofessional or that may endanger the employee and/or staff may be prohibited by the Town Administrator or the Select Board. The supervisor may order an employee to take unpaid time to go home and change if their attire is not considered appropriate.

Department of Public Works employees (DPW) OTHER BENEFITS

The Town of Clarksburg provides a \$250 clothing allowance for boots and gloves with a receipt for reimbursement.

All OSHA/DOT approved safety work gear for each member of the Department of Public Works who has completed their initial employment period each fiscal year will be purchased by the DPW supervisor.

Each member of the DPW will receive 7 T-shirts, 3 sweatshirts, annually through the DPW supervisor.

30) Participation in Professional Organizations

The Town views personal development through professional organizations as essential to keep abreast of changing laws, rules, and legal opinions as well as maintaining a network of professional colleagues which are beneficial for research, feedback and productive information. Professional contacts are also beneficial for the growth and image of the Town.

Employees are encouraged to pursue professional organization affiliations that represent a positive effect in the community. Employees should consult with the Select Board or Town Administrator before joining such organizations if work time may be required to attend activities, training, meetings, etc. Employees that have received pre-authorization from their supervisor, Town Administrator or the Select Board may attend such functions as excused paid absence without using vacation leave. The employees' supervisor, Town Administrator or the Select Board will monitor the work time required to attend such functions to ensure the time is reasonable and the activity projects a positive image for the Town.

31) Breast Feeding in the Workplace Policy

Women returning from maternity leave who wish to continue breastfeeding or need privacy for any needs concerning this practice will be provided a private place (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break times provided as mutually agreed upon. Additionally, the Town will make every effort to provide suitable facilities for milk storage during the employee's daily work period.

32) Smoking

Town Buildings are non-smoking facilities.

This policy is enacted under the authority of MGL C. 270 S. 22.j, and extends the limitations of MGL Chapter 270 section 22 as follows:

- Smoking is prohibited within 50 feet of any public building in the Town of Clarksburg.
- Employees of the Town of Clarksburg are prohibited from smoking while working regardless of location or circumstance (excluding during breaks, provided smoking during a break does not violate any other aspect of this policy or MGL C. 270 S. 22).

Notes (defined in the MGL):

No smoking in Town buildings (MGL C. 270 S. 22.b.2)

No smoking in Town owned vehicles (MGL C. 270 S. 22.b.3)

"Smoking" includes both tobacco and non-tobacco substances (MGL C. 270 S. 22.a) "Public Building" includes sheds and garages or any other Town building (MGL C. 270 S. 22.a)

"Employees" include anyone being compensated by the Town of Clarksburg, including contractors, temporary employees, and public officials. (MGL C. 270 S. 22.a)

Civil penalty of \$100 for each violation (MGL C. 270 S. 22.m)

33) Discipline

Upon suspected violation of federal, state or local laws, Town rules, and/or regulations, employee conduct/behavior/performance standards, Town policies, or insubordination, the employee may be subject to disciplinary action. The supervisor of the employee in question shall notify the Select Board or the Town Administrator who will task the supervisor and/or the Personnel Director to fully investigate and document situations that may require disciplinary action. Employees may be suspended (with or without pay) pending investigation. The employee will be interviewed during the investigation process. Prior to the investigation interview, the Select Board will inform the employee of the suspected violation and in general terms what the interview will be regarding.

The supervisor, Town Administrator or Select Board, as well as the employee may request an attendee to accompany them in the interview, if desired. The attendee, however, will be permitted for observation only and will not be permitted to participate in the interview.

Upon conclusion of the investigation, it will be decided whether discipline needs to occur. The Select Board shall inform the employee of the results of the investigation. If deemed necessary, the Personnel Director shall be present to document the hearing. During the hearing, the employee will be able to respond to the findings of the investigation. Upon completion of the hearing, the Select Board will write a letter to the employee documenting the investigation and stating the findings and declaring the appropriate form of discipline as determined by the Town.

Appropriate discipline, as determined by the Town, will be rendered in one of the following forms:

Oral Reprimand

The Select Board or Town Administrator, with notification to the Select Board, will meet with the employee and explain the problem as well as the necessary action required to correct the problem. The Select Board will also outline the time in which the employee must correct the problem, and the consequences should the employee not conform or comply with the necessary action. The Select Board will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand. The employee and the Select Board will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

Written Reprimand

The Select Board or Town Administrator will document the problem in a letter to the employee. The Select Board will meet with the employee, present the letter, and explain the problem. During the meeting the Select Board will clarify the necessary corrective action, the time to conform or comply with the corrective action, and the consequences should the employee not satisfactorily complete the necessary action. The letter to the employee will clarify that the employee is receiving a written reprimand as part of the disciplinary procedure. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and received the Written Reprimand.

Suspension

The Select Board or Town Administrator will document the problem in a letter to the employee and indicate whether the employee is being suspended with or without pay. The Select Board will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting the Select Board will clarify the necessary corrective action, the time to conform or comply with the corrective action, and the consequences should the employee not do the necessary action. The letter to the employee will clarify the effective dates of the suspension and the date and work schedule and the date that the employee is to return to work. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and that the form of discipline was suspension.

Demotion--Loss of Duty

The Select Board or Town Administrator will document the problem in a letter to the employee and indicate the specific conditions of the demotion to include modified job duties and compensation, as warranted. The Select Board will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting, the Select Board will clarify the necessary corrective action, and the consequences should the employee not comply with the necessary corrective action. The Select Board will determine if the demotion is a temporary disciplinary measure or a permanent job modification. In the event the demotion is a permanent job modification, the employee's job description will be updated to reflect such. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required and that the form of discipline was a temporary or permanent demotion and loss of job duties/responsibilities. If the employee's job description was updated, the employee must sign the updated job description to reflect that the employee has had the modified duties communicated to the employee.

Termination

If the appropriate disciplinary action is termination, a letter to the employee will document the problem and summarize the results of the investigation and hearing. The letter will detail the effective cause and date of discharge.

34) Resignation/Termination

Employees who voluntarily resign from the Town should give a written two-week notice. Employees will be provided with their final paycheck at the next pay period. A written exit interview should be conducted. Depending on the circumstances surrounding the resignation, employees who resign from the Town may be eligible for re-employment. Former employees will be required to complete an application/resume, as determined, and proceed through the regular hiring procedure as other applicants. A former employee who is re-hired by the Town will be considered a new employee and required to complete the three-month introductory period. The date of service, for seniority purposes, will be the date of the subsequent hiring. Subsequent employment and participation in the retirement system will be made in accordance with the rules and regulations of the retirement plan, as well as all applicable federal and state laws.

The Select Board and /or their designee have authority to determine if Town workload, funding or other business decisions are such that terminations (via layoff or reductions-in-force, RIF) are required. Whenever possible, employees will be provided with at least two (2) weeks' advance notification before the layoff or RIF. The insurance company will work in conjunction with the Treasurer to ensure relevant benefits information is forwarded to the employee at the last known address. Employees must keep the Town informed of the address and telephone number where they can be contacted in the event of a recall. If the Town is unable to contact an employee within seven days of the recall, the employee will be eliminated from the recall list and the Town will have no further obligation to recall that employee. The Town will have no obligation to recall the employee if they have been on a continual layoff for a period of one (1) year.

Employees terminated by the Town will receive a letter stating the reason and the effective date of the termination. The terminated employee's final paycheck will be issued at the next pay period. Introductory employees may be discharged for any reason that the Town deems appropriate within the three-month Introductory period. The Town will follow the procedure outlined in the Employee Discipline section to terminate a non-probationary employee. All Town property such as cell phones laptops etc. will be turned in on their last of employment if not these funds will be deducted from their final paycheck

35) Key Use Policy

The Town of Clarksburg recognizes its commitment to the preservation and protection of its assets and to the maintenance of confidentiality of certain records and documents held in public trust. It is recognized that access is essential to the smooth operation of the Town. This access also implies an equally critical concern for the security and integrity of building facilities and their contents. The foregoing needs, concerns, and impacts have provided the framework and rationale for the key control policy and procedures which follow.

POSSESSION OF UNAUTHORIZED KEYS

Any person found to be in possession of an unauthorized key shall be liable for its use and subject to disciplinary or legal action. Keys are not to be loaned or transferred to others and if so, may result disciplinary or legal action and the original owner will be liable for its use. Unauthorized keys shall be confiscated by the police department and people who are not authorized will be removed from the facility.

36) BUILDING USE

All buildings owned and operated by the Town of Clarksburg shall only be used by Town officials or employees. Outside groups may request use of the facilities by the appropriate department head responsible for that building. Patrons and visitors are allowed to conduct official Town business. Any person who is not employed or an official of the Town of Clarksburg, volunteer or guest, will only be allowed in the building if under the direct supervision of a department's employee or official unless prior approval for use of the facility obtained. If an employee or official is not present, then that department is closed and the presence of any non-employee or official in a building owned by the Town of Clarksburg will not be allowed.

37) EMERGENCY CLOSINGS

The Town Administrator has the authority to close the Town's offices and facilities due to emergencies. In the event the Town's offices and facilities are closed due to an emergency condition a general announcement will be made. Such absence shall be paid.

It is the employee's responsibility to report to work as scheduled including during inclement weather conditions. In the event inclement weather conditions prevent an employee from reporting to work, the employee is required to notify their supervisor. Such absence shall be unpaid or charged against the employee's available vacation balance.

38) Workplace Violence/Harassment

The Town is committed to providing our staff with a friendly, courteous and impartial work environment. The Town acknowledges that human relationships are subject to conflict and that some employees may be exposed to violence by the nature of their jobs. The Town is committed to maintaining a safe, healthy and efficient work environment in which acts of violence by employees or citizens will not be tolerated. Any form of harassment or hazing that creates a hostile work environment will not be tolerated.

The Town will strive to provide a safe and secure work environment. Employees should avoid or minimize potentially violent situations to protect themselves from harm. If an employee anticipates a particularly confrontational situation, they should promptly notify their supervisor, the Select Board and/or their designee.

Threats or acts of violence experienced or witnessed should be reported to the employee's supervisor, Town Administrator or the Select Board and/or their designee as soon as possible. The Town will promptly investigate any complaint received that pertains to workplace violence. The Town will take appropriate, prompt actions against any employee who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

This policy prohibits employees from bringing unauthorized firearms or other weapons (including pepper spray, stun guns, batons, etc.) into Town Buildings, or into Town vehicles or Equipment. Employees are also prohibited from carrying unauthorized firearms or other weapons in personal vehicles if they are conducting Town business. The only exception to this policy would be an active Police Force Member.

If a Town employee has violated this policy, such action will warrant disciplinary action, up to and including termination. If necessary or appropriate, the Town will notify the necessary law enforcement personnel.

If there is fear that domestic violence could result in workplace violence, employees should notify their supervisor, Town Administrator or the Select Board and/or their designee immediately so appropriate security measures can be arranged.

39) Sexual Harassment Policy

I. Introduction

It is the goal of the Town of Clarksburg to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings related to their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

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

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work 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 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.
- *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.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor.

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 Commonwealth of Massachusetts.

III. Complaints of Sexual Harassment

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

If you would like to file a complaint you may do so by contacting your agency's Sexual Harassment Officer. The Sexual Harassment Officer is also available to discuss any concerns you may have and to provide information to you about the Town's policy on sexual harassment and the Commonwealth's complaint process. The procedures for reporting sexual harassment can be located on the HRD website at or by contacting the Human Resources Division.

IV. Sexual Harassment Investigation

When a state agency receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted by the Sexual Harassment Officer in such a way

as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The Sexual Harassment Officer will also interview the person alleged to have committed sexual harassment. When the investigation is completed, the agency will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the state agency will act promptly to eliminate the offending conduct, and where it is appropriate will impose disciplinary action.

V. Disciplinary Action

If it is determined that an employee has engaged in inappropriate conduct, the state agency will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include other forms of disciplinary action deemed appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time for filing a claim (EEOC - 300 days; MCAD - 300 days).

1. The United States Equal Employment Opportunity Commission ("EEOC") One Congress Street, 10th Floor BOSTON, MA 02114, (617) 565-3200.
2. The Massachusetts Commission Against Discrimination ("MCAD") BOSTON Office: One Ashburton Place, Rm. 601, BOSTON, MA 02108, (617) 994-6000. Springfield Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103, (413) 739-2145.
- 3.

40) Family and Medical Leave Act (FMLA)

The FMLA, M.G.L. Chapter 175M and this Rule provide for periods of time where an employee can be on a leave of absence for their own serious health condition, that of a family member or for another qualifying reason.

M.G.L. Chapter 175M defines family member as: the spouse, domestic partner, child, parent, or parent of a spouse or domestic partner of the employee; an individual who stood in loco parentis to the covered individual when the employee was a minor child; or a grandchild, grandparent or sibling of the employee.

In order to be eligible for this leave, the employee must meet the eligibility requirements in M.G.L. Chapter 175M or must have been employed for three (3) consecutive months, whichever is sooner.

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

41) Military Leave

Employees who are members of a reserve component of the armed forces of the United States are entitled to receive their regular pay reduced by compensation received as base pay for military service, while called to active duty for the time periods specified in G. L. c. 33, § 59 and shall be subject to the provisions of Chapter 708 of the Acts of 1941 as amended, Chapter 805 of the Acts of 1950 as amended, or Chapter 671 of the Acts of 1966 and amendments thereto. Such employees are also subject to the provisions of 38 U.S.C. Chapter 43, §§ 4311 - 4316, as amended, and shall be entitled to all rights and benefits derived therefrom

42) Employment Leave for Victims and Family Members of Abuse

I. Introduction

If an employee who is, or whose family member is, a victim of abusive behavior, including domestic violence, or have family members that are victims up to 15 days of paid or unpaid leave for a qualifying employee to seek or obtain medical attention, counseling, victim services or legal assistance; 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; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

II. Covered Individuals

A “family member” is defined in the statute as:

- (i) a parent, stepparent, child, stepchild, sibling, grandparent or grandchild.
- (ii) a married spouse.
- (iii) people in a substantive dating or engagement relationship and who reside together.
- (iv) persons having a child in common regardless of whether they have ever married or resided together; or
- (v) people in a guardianship relationship.

B. Leave

An employer must permit an employee to take up to 15 days of paid or unpaid leave from work in any 12-month period if all the following criteria are met:

- (i) the employee, or a family member of the employee, is a victim of abusive behavior as defined in the Law.
- (ii) the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; 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; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- (iii) The employee is not the perpetrator of the abusive behavior.

The employer has sole discretion to determine whether any leave taken under the Law is paid or unpaid.

C. Confidentiality of Documents

An employer can request that an employee provide documentation evidencing that the employee or employee’s family member has been a victim of abusive behavior, and that the leave is or has been taken

consistent with the Law. The types of documents an employee can provide are described in Section IV of this Advisory, below.

An employer is required to keep confidential all information related to the employee's leave under the Law. This information shall not be disclosed by the employer, except to the extent that disclosure is:

- (i) requested or consented to, in writing, by the employee.
- (ii) ordered to be released by a court.
- (iii) otherwise required by applicable federal or state law.
- (iv) required during an investigation authorized by law enforcement; or (v) necessary to protect the safety of anyone employed at the workplace.

Any documentation provided to an employer under the Law may be maintained by the employer in the employee's employment record but only for as long as required for the employer to decide as to whether the employee is eligible for leave.'

TOWN OF CLARKSBURG
EMPLOYEE RECEIPT & ACCEPTANCE

I hereby acknowledge receipt of the Town of Clarksburg Personnel Policy Manual. I understand that it is my continuing responsibility to read and know its contents. I also understand and agree that the Town of Clarksburg Personnel Policy Manual is not an employee contract for any specific period of employment or for continuing or long-term employment. Therefore, I acknowledge and understand that unless I have a written agreement with the Town of Clarksburg that provides otherwise, I have the right to resign from my employment with the Town of Clarksburg at any time with or without notice and with or without cause, and the Town of Clarksburg has the right to terminate my employment at any time with or without cause. I have read and understand and agree to all the above and the Town of Clarksburg Personnel Policy Manual.

Signature _____

Print Name _____

Date _____

CONFIDENTIALITY POLICY AND PLEDGE

Any information that an employee learns about the Town of Clarksburg, or its employees or residents, as a result of working for the Town of Clarksburg that is not otherwise publicly available constitutes confidential information. Employees may not disclose confidential information to anyone who is not employed by the Town of Clarksburg or to other persons employed by the Town of Clarksburg who do not need to know such information to assist in rendering services. The disclosure, distribution, electronic transmission or copying of the Town of Clarksburg confidential information is prohibited. Any employee who discloses confidential information will be subject to disciplinary action (including possible separation), even if they do not actually benefit from the disclosure of such information. I understand the above policy and pledge not to disclose confidential information.

Signature _____

Print Name _____

Date _____
