



TOWN OF HOLDEN MASSACHUSETTS
PERSONNEL MANUAL

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CHAPTER 1

ADMINISTRATION

- 1-1 **TOWN MANAGER'S RESPONSIBILITY**—The Town Manager is responsible for the impartial and equitable administration of these Personnel Rules, in accordance with Section 14-C of the Town Manager's Act of the Town of Holden. He may delegate the actual operations involved in administering these rules to such staff assistant or staff assistants as he may deem practical.
- 1-2 **APPOINTING AUTHORITY**—The appointing authority, except as otherwise provided in Chapter 406 of the Acts of 1951, is the Town Manager.
- 1-3 **PRIORITY OF RULES**—These rules apply to all permanent, temporary, emergency, provisional, seasonal, full-time and part-time employees of the Town of Holden. Any violation of any of these rules may result in disciplinary action. Where there is a conflict between a particular personnel rule and a collective bargaining agreement provision or an approved uniformed department regulation, the collective bargaining provision or uniformed department regulation shall prevail.
- 1-4 **EMPLOYEE RESPONSIBILITY**—The Town Manager shall promulgate and publish additions to and revisions of these personnel rules as necessity arises. It shall be part of the responsibility of each employee to acquaint himself thoroughly with the material contained in this statement of personnel rules and any of its subsequent revisions.
- 1-5 **REVIEW OF RULES**—These rules are to be reviewed by the Town Manager, or his designated representative, at least once each calendar year.
- 1-6 **EQUAL EMPLOYMENT OPPORTUNITY¹**—Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of race, sex, color, religion, national origin, sexual orientation², disability or age³: will be prohibited. Any employee who feels aggrieved may process an appeal in accordance with the grievance procedure hereinafter stated.

¹ For further information, see the Town of Holden Sexual Harassment and Protected Class Harassment policies.

² Sexual orientation does not include children.

³ Applies to persons 40 years of age or older.

CHAPTER 2

DEFINITIONS

2-1 The following terms and words, wherever used in these rules, shall be defined as indicated below:

- A. ALLOCATION--The assignment of an individual position to an appropriate class on the basis of kind of work, duties and the responsibilities of the position.
- B. APPOINTING AUTHORITY--The Town Manager is the appointing authority for all classified positions; in his absence, the designated Acting Town Manager.
- C. APPOINTMENT--The placement of a person in a position in the service of the Town. Appointments shall be of the following types: original, emergency, provisional, part-time, full time, permanent or temporary. Appointments may be accomplished through personnel actions of re-employment, promotion, transfer (re-assignment) or demotion, as well as original appointment.
- D. CERTIFICATION--The act of supplying an appointing authority with the names of applicants deemed eligible for appointment to a vacant position.
- E. CLASS--A group of positions sufficiently similar with respect to general nature of duties, authority, and responsibilities, e.g., the Class of Town Engineer, Class of Librarian, Class of Accounts Clerk, etc.
- F. CLASS SPECIFICATION--The written description of the duties and responsibilities of a class with its title and qualification standards.
- G. COMPENSATION--The salary, wages, fees, and all other forms of valuable consideration, earned or paid to any employee of the service by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.
- H. DEMOTION--The change of an employee to a position having a salary range with a lower maximum rate of pay.
- I. ELIGIBLE--A person who has met the minimum requirements established for a position and whose name has been placed on an eligible list.
- J. ELIGIBLE LIST--Any of the lists of names of persons eligible for appointment to positions in the service of the Town including employment lists, re-employment lists, and promotional list.

K. EMERGENCY APPOINTMENT--A non-competitive appointment made temporarily during an emergency to prevent stoppage of public business or hazard or serious inconvenience to the public when appointment from an eligible is not possible.

L. EXAMINATION--All of the tests of fitness taken together that are applied to determine the fitness of applicants for positions of any class.

M. FAMILY--A number of classes grouped together by their similarity of services provided: all classes within the family are coded by the same first number of a four-digit code assigned to all classes, e.g., the IXXX family includes the public safety service classes of Police Officer (1007) and Fire Captain (1108).

N. FULL-TIME APPOINTMENT--Appointment to a position having established hours of work consisting of a work week not less than 35 hours per week and/or up to a 42-hour week depending on the position-or contract.

O. LAYOFF--The removal of an employee because of lack of work, failure of financial appropriation, or other causes which do not reflect on the employee. Lay-offs shall not be considered as dismissal, or disciplinary in nature.

P. LEAVE OF ABSENCE--An authorized period during which a Town employee does not work in order to take care of serious impending personal business: the leave of absence is without pay.

Q. NORM--The highest pay step established for a class which can be achieved by step increases based on satisfactory performance of duties. The pay step representing a trained and fully operating level of work, after an employee has had sufficient experience and training to learn the job.

R. OPEN COMPETITIVE EXAMINATION--A test for positions in a particular class, admission to which is not limited to Town employees.

S. ORIGINAL APPOINTMENT--The appointment of a person from outside the Town service to a specific position in the Town service.

T. PART-TIME EMPLOYMENT--Appointment to a position having established hours of work which are less than those established for full-time positions of that class.

U. PAY PLAN--A schedule of compensation for all classes of positions recognized under the Town classification plan, including the successive pay rate steps established for each class. All positions allocated to one class will be paid according to the salary range established for that class.

V. PAY STEP--A particular rate of compensation within a series of rate increments established for a class. From the minimum to the maximum pay rate of a class, there may be several pay steps.

W. PERMANENT EMPLOYEE—Employees shall have permanent status upon appointment, subject to Civil Service or Collective Bargaining Agreements.

X. PERMANENT POSITION--Any position which is required, or is likely to be required, without interruption for a period of more than six (6) months.

Y. PERSONAL LEAVE--An authorized period of absence from work of a Town employee to take care of personal business.

Z. PERSONNEL ACTION--All activities affecting any aspect of an employee's status. Includes appointments and changes in appointments, original hiring, re-employment, transfer, promotion, demotion, changes in hours reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.

AA. POSITION--A regularly established job service of the Town.

BB. Reserved for future use.

CC. Reserved for future use.

DD. PROMOTION--The change of a position having a salary range with a higher maximum rate of pay.

EE. PROVISIONAL APPOINTMENT--A non-competitive appointment made temporarily to fill a position, pending a permanent appointment.

FF. RANGE--The minimum and maximum of any pay grade.

GG. REALLOCATION--A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or moving it to another class at the same level on the basis of duties, authority and responsibility of the position. Also known as "reclassification."

HH. BASE WAGE RATE--The actual step an employee has reached within the pay range established of his class position.

II. STEP INCREASE--A pay increase to the next higher step within the pay range established for the class.

JJ. SUSPENSION--An enforced leave of absence without pay for disciplinary purposes.

KK. TEMPORARY APPOINTMENT--An appointment to an approved position for a period not to exceed six months.

LL. TRANSFER--A change of an employee from a position in one class in one department to another position in the same class in another department.

CHAPTER 3

CLASSIFICATION PLAN

3-1 PREPARATION OF A CLASSIFICATION PLAN--The Office of Town Manager has prepared a position classification plan including a written definition for each class of positions in the town service which describes the duties, authority, and responsibilities characteristic of positions properly included in the class. No employee may be appointed to a position not included in the classification plan approved by the Town Manager.

3-2 ADMINISTRATION OF THE CLASSIFICATION PLAN--

A. ALLOCATION OF POSITIONS--Each classified position is placed in a class with those positions which are so similar with respect to difficulty, responsibility, and character of work as to require the same amount of experience and training for satisfactory performance and to merit equal pay within the established pay range for that class.

B. CLASSIFICATION DESCRIPTIONS--

1. A written description of each classification in the classification plan. Each classification description includes a classification title; a description of the representative duties and the general level of responsibility and authority of the work; a statement of qualification requirements for satisfactory performance of the work; and other pertinent information. The classification--description will be a standard for classifying individual positions and for determining when reclassification is warranted.

2. The statements of the classification descriptions are descriptive and not restrictive. They indicate the kinds of duties and level of responsibilities assigned to the class, but do not limit power of a Department Head or supervisor to direct, assign and control the work of the employees under his supervision. The use of examples illustrating the duties should not be construed to exclude others not mentioned which are of similar kind and quality.

C. All Town employees will be given a copy of their appropriate classification description and will be furnished new ones if their positions are reallocated. Copies of classification descriptions for all Town positions are maintained in the Town Manager's Office, and may be reviewed by any Town employee.

D. ANNUAL REVIEW CLASSIFICATION DISCRIPTIONS – At the time of the annual employee performance appraisal and development discussion between the supervisor and the employee, the employee's classification description may be thoroughly reviewed to note any significant changes which may have taken place in the employee's job. The supervisor, with the employees' assistance, will prepare a description of changes, additions, or deletions required in the classification description as necessary and the

Department Head will forward these changes to the Town Manager's Office for classification review.

E. RECLASSIFICATION-- Reclassification of positions may occur when the duties of a position merits reclassification to another class reflecting its duties, authority and responsibilities being performed by the employee.

1. YEARLY REVIEW--Changes in the class specification noted at the time of the yearly performance appraisal will be reviewed by the Town Manager's office for changes significant enough to warrant reallocation to another class, or a rewriting of the class specification. The appropriate Department Head will be notified of positions which have been reallocated, and a new class specification will be forwarded for the supervisor and employee.
2. At other times during the year, new functions or responsibilities, new programs, or a reorganization within a Department may result in such major changes in a position that a reallocation may be warranted. Supervisors who note very significant changes in a position will submit a new proposed class specification to the Town Manager's office, specifying new and/or changed duties, and recommending the appropriate class reallocation. Reallocation recommendations at other than the annual performance appraisal time will only be accepted by the Town Manager if the employee's next annual performance appraisal will not be due within the next three months.
3. With approval of the Town Manager's office, existing classes may be revised or abolished as necessary, and new classes may be created.
4. NEW OR CHANGED JOB CLASSIFICATION - UNION--When the department wishes to establish a new job classification or to change an existing job classification in such a manner as to require a change in wages paid for such job, then before installing the proposed new or changed classification, the Department shall meet with the president of the Union and two other Union members and explain the proposed new or changed job classification and the proposed wage rate with the objective of obtaining agreement with the Union. Whether or not agreement is reached, the Department may proceed to install the proposed new or changed job classification. If the proposed new or changed classification is installed without agreement, it shall be subsequently subject to adjustment as provided below:
 - a. For a period of sixty (60) days after the installation of a proposed new or changed job classification, the parties shall monitor the job and its performance and shall thereafter meet again to review the new or changed job in the light of actual performance conditions. If, as a result of such meeting or meetings, no agreement is reached, then the new or changed job classification may be the subject of a grievance. If, as a result

of such grievance, an adjustment in the rate proposed by the Department is awarded, then such adjustment shall be retroactive to the commencement of the new or changed job.

- 3-3 OCCUPATIONAL CODING--Each class is assigned a four-digit code for record-keeping and classification purposes. Classes which are similar in the overall services they provide are grouped together in an occupational "family". Each family of service-related classes is characterized by the same first number of the four-digit code, e.g., the IXXX family includes all public safety service classes. Within the family, closely related classes are coded in close numerical sequence, e.g., 1005 is the code for Police Dispatcher, 1007 the code for Police Officer, 1107 is the code for the Fire Lieutenant, 1108 the code for the Fire Captain.
- 3-4 The occupational classes established for the Town of Holden as of the date of issuance of these personnel rules are as listed below. Class specifications have been developed for each of these classes. Amendments to the list shall be made as necessary.

CHAPTER 4

PAY PLAN

- 4-1 PAY POLICY - The Town of Holden offers a pay plan consisting of a series of pay rate steps for each class of positions.
- 4-2 MAINTENANCE OF THE PLAN - The Town Manager's Office will be responsible for the review of all factors relevant to the maintenance of sound compensation practices in the Town service; such factors will include pay practices of public and private employers, the cost of living and the ability of the Town to recruit and retain qualified personnel. The Office of the Town Manager will make revisions of the plan which are appropriate not only to accommodate such considerations, but which are necessary because of the abolition, modification or establishment of classes.
- 4-3 STEP INCREASES BY MERIT - Step increases, promotions and other salary actions are based on acceptable performance (merit) and are not considered to be automatic or based on length of service alone.
- 4-4 SALARY SCALES - Interpretation of Ranges - The rates and ranges of the pay in the compensation plan represent a gross compensation for full-time service as defined by Town policy.
 - A. BEGINNING RATES - An employee appointed to a position should normally be compensated at a minimum rate of pay assigned to the class to which the position is allocated. Subject to the approval of the Town Manager's Office, however, original employment at a salary above the minimum step may be made upon written certification by a responsible official that such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate. Conversely, with the approval of the Town Manager's Office, original employment below the minimum may be made where the only available candidate possesses less than the minimum qualifications for a classification. If a person meets all the qualifications of the class, he should be paid at the base hourly rate of that class for the hours worked.
 - B. RESERVED FOR FUTURE USE.
 - C. STEP INCREASES - Step increases within an established range are not automatic but require certification by the immediate supervisor that the employee is performing at an acceptable level of competence. Increases are therefore in support of the Merit System and are initiated by the supervisor forwarding a completed "Supervisor's Step Increase Performance appraisal Form" to the Town Manager's Office. (See Chapter 4A) Those in responsible managerial capacities must keep informed about employee performance.

D. **NORMAL PAY** - The "norm" for each classification is the salary which should be considered the standard for satisfactory performance in the full scope of the duties entailed in a position, after an employee has had sufficient experience to learn the basic procedures and requirements of his job and is usually the highest pay step which can be achieved by step increases based on the employee's satisfactory performance of duties. It is intended that salary increments would not be granted above the norm except on the basis of special merit. Norms for classifications are set at varying percentages above the minimum depending on the difficulty of the work, prevailing wage practices and other salary and classification considerations. (See Chapter 4A on Extraordinary Merit Increases.)

E. **RATE OF PAY ON TRANSFER OR DEMOTION** - When a regular employee is permanently transferred from a position in one class to a position in another class at the same pay rate, or is transferred with no change in class, he shall continue to be paid at the same rate. When a regular employee is demoted to a lower grade, his salary shall be set at:

1. The rate in the lower grade which provides the smallest decrease in pay, if the action is not for cause; or
2. Any appropriate rate as determined by the Town Manager in the lower grade that is less than his existing salary if the action is for cause.

4-5 **EXCEPTIONAL SALARY ACTIONS** - All exceptional salary actions, such as original appointments above or below the minimum, special cash awards, or increases above the norm, should be justified by written statements to the Town Manager specifying the employee's exceptional performance or the unusual employment conditions which make such action necessary.

4-6 **PAYROLL DEDUCTIONS** - The Town agrees to deduct Union dues and other items authorized under Section 17A and 17B of Chapter 180 of the Massachusetts General Laws, as amended from time to time, upon receipt from each individual employee who wishes any such deduction to be made of a written authorization form signed by such employee directing the Town to make such deduction and stating the name and address of the person or organization to which the amount deducted shall be paid.

4-7 **WAGE PAYMENT** - The Town of Holden utilizes a work week extending from Sunday to Saturday. All Town employees will receive pay checks from their respective department heads on Thursday of biweekly unless unforeseen complications prohibit payment (snow, storms, etc.). In this instance, electronic (ESS system) paychecks will be deposited to employees at the earliest possible date.

4-8 **REPORTING PAY** - Except in respect to special standby arrangements, employees who are called in to work during other than normal or scheduled working hours for any reason shall be paid, regardless of how long they actually work, a minimum compensation of not

less than three (3) straight time hours; provided, however, that such compensation shall not be included in the hours worked during the work day of the week for purposes of calculating overtime except to the extent of time actually worked during such period.

CHAPTER 4A

EMPLOYEE PERFORMANCE APPRAISAL AND DEVELOPMENT

4A-1 PURPOSE AND POLICY--

A. The Town of Holden recognizes the need for an operating employee performance appraisal system in order to (1) assure the granting of step increases based on merit, (2) fairly and accurately evaluate an employee's strengths, weaknesses and potential for growth, (3) encourage and guide the employee's development of his special skills and work interests, and (4) provide a method for improving operational programs through employee input.

B. Employee performance appraisals will be prepared by each supervisor for each of their employees (1) when an employee becomes eligible for a step increase, if applicable; (2) annually on his/her anniversary date for additional merit increases (3) at the time of reaching the maximum level of his/her position to determine whether to participate in the incentive bonus program as described in Section 7.

4A-2 MAINTENANCE OF THE SYSTEM--The Town Manager's Office is responsible for the establishment of the employee performance appraisal and development system and for overseeing the program. Employee performance appraisal is the continuing day-to-day responsibility of the supervisors, who will prepare performance appraisal forms for their subordinates as scheduled below. The Town Manager's Office will provide guidance to supervisors and will make revisions to the system as necessary.

4A-3 PERFORMANCE APPRAISAL FOR STEP INCREASE--Pay increases to the next pay step within an employee's class are not attained automatically but must be earned by the employee. In order to receive a step increase, the employee's work must be determined by his supervisor to be of an acceptable level of competence.

A. PROCEDURE--

1. 60 days prior to the anniversary date of an employee's last step increase or his appointment in the first step of his grade (known as the end of the employee's waiting period), the supervisor will prepare the "Performance appraisal Form". In this form he will certify that he has considered the work of the employee in terms of essential work requirements of the position. He will then make a determination that the employee is performing at either an acceptable level of competence or at an unacceptable level of competence.

2. If the employee is determined to have been performing at an acceptable level of competence, the supervisor will indicate so on the form and will send the form to the Department Head for his concurrence no later than 30 days before the

end of the waiting period. The Department Head will forward the form to the Town Manager's Office no later than 15 days prior to the end of the waiting period and a copy of the form will be placed in the employee's permanent file.

3. If the employee is determined not to be performing at an acceptable level of competence, the supervisor will notify the employee in writing no later than 55 days prior to the end of his waiting period, stating specific reasons for the determination, and offering assistance in improving performance and overcoming weaknesses. He will inform the Town Manager's Office that completion of the form will be suspended for 55 days and state the reason.

a. If the supervisor observes a noticeable improvement in performance during the next 55 days to the extent that he expects acceptable performance to continue, he will, at the end of the period, certify the employee to be performing at an acceptable level of competence, state his reasons briefly on the form and forward the form to the Town Manager's office. The employee may be eligible for a step increase at this time, based on the supervisor's recommendation and the significance of the improvement.

b. DENIAL OF STEP INCREASE--If the supervisor does not observe noticeable improvement during this 55-day period, he will prepare the performance appraisal form certifying that the employee is not performing at an acceptable level of competence and state his reasons for his determination. This decision requires approval and concurrence of the Department Head and will be noted on the form. If the supervisor's determination is sustained by the Department Head, the form will be forwarded to the Town Manager's Office and, upon his approval, the step increase will be denied.

c. NOTICE OF DENIAL OF STEP INCREASE--The employee who has been denied a step increase will receive a notice prepared by the supervisor, stating specific reasons for the denial, and informing him that he will be subject to reappraisal six months from the date of the notice, during which time continued assistance will be available from the supervisor. The employee will also be informed that he may appeal the decision to the Town Manager within 15 days of the receipt of the notice and that he may be assisted by a representative of his choice.

d. SECOND PERFORMANCE APPRAISAL-- A new performance appraisal form will be prepared six months from the date of the step increase denial notice.; Employees who have shown significant improvement will be certified as performing at acceptable level of competence, and the new performance appraisal will become part of the employee's permanent file.

4. UNSATISFACTORY PERFORMANCE APPRAISAL--Employees whose work remains unsatisfactory at the end of the six-month period will be certified as such by the supervisor and Department Head. The Town Manager reserves the right to suspend temporarily without pay or permanently discharge any employee still performing at an unacceptable level of competence and will also be informed of the performance appraisal and what action, if any, the Town Manager has determined to take.

5. GUIDELINES FOR SUPERVISORS--The Town Manager's Office will provide guidance material in preparing the performance appraisal form to all supervisors and will arrange for further consultation as needed. Supervisors are encouraged to refer to Department Heads for initial assistance on performance appraisal matters.

6. MERIT INCREASES OF TWO STEPS--In unusual cases, merit increases of two steps may be granted to superior employees whose work is consistently above standards set for satisfactory performance of the job. Recommendations for two step increases must be justified by a written statement from the Department Head and approved by the Town Manager.

7. INCENTIVE BONUS PROGRAM -

8. BONUS --Special bonuses may be granted at the discretion of the Town Manager in any instance for special achievements of a non-recurring nature, such as unusually high-quality performance on a one-time project. Special bonuses must be supported by a written justification from the Department Head to the Town Manager.

4A-4 ANNUAL EMPLOYEE PERFORMANCE APPRAISALS--The annual employee performance appraisal will be more extensive than the performance appraisal for step increase and will indicate not only the supervisor's observation of the employee's strengths and weaknesses, but his potential for growth in the town system, and his special skills and work interests which should be developed for both the Town and employee's benefit. Proper use of the performance appraisal will also serve as a means for identifying work requirements and keeping employees and supervisors informed of them, identifying training needs, helping improve individual performance, recognizing outstanding accomplishments, helping to strengthen supervisor-employee relationships, emphasizing the employee's contribution to the Town's programs and helping to identify strengths and weaknesses of the Town's programs.

A. PROCEDURE--

1. During the month of July the supervisor will prepare the "Annual Employee Performance appraisal and Development Form". In it he will evaluate the employee on a variety of factors and will note strengths and capabilities worthy of special mention. The supervisor will then discuss the performance appraisal with the employee so that he may note his performance in relation to the standards that the supervisor has set for the job. The supervisor and employee will also discuss plans for the employee's future development, his overall career plans, his special work interests and projects or assignments he may wish to involve himself in or may be uniquely suited for. The supervisor will also request the employee's observations of the Department program and/or his assignments, especially his suggestions for improving assignments, functions, or work procedures, and any special problems noted; as necessary, further discussion in this area should be encouraged. The employee will have the opportunity to discuss any other points he feels the supervisor has overlooked and may write any comments he wishes to make on the form. The employee will then certify that he has reviewed the performance appraisal and that it has been discussed with him. The performance appraisal must then be reviewed by the second level supervisor, who will sign the form and make comments as he feels necessary. The employee will have the opportunity to review and comment on the second level supervisor's comments.

2. REVIEW OF CLASS SPECIFICATIONS--At the time of the performance appraisal discussion, the supervisor will also thoroughly review the class specification with the employee to note any major changes either of them feel have taken place in the employee's job, and to clarify duties the supervisor assigns to the job. The supervisor, with the employee's assistance, will prepare a description of major changes, additions or deletions in the employee's duties, and will forward these changes to the Town Manager's Office for classification review. Significant changes in the class specification may be incorporated into a new class specification as necessary or an individual position description may be prepared for significantly different positions within a class. The supervisor and employee will initial current and accurate class specifications concluding the discussion.

3. All Department Heads will review all employee performance appraisal and development forms in order to recognize possible Department program weaknesses, training needs, noteworthy growth or promotion potential of employees, problems in employee-supervisor relations, etc. At the close of the performance appraisal period and completion of all employee-supervisor discussions, each Department Head will submit his description of his program objectives for the last year, and his appraisal of (1) his effectiveness in accomplishing these objectives, (2) program problems identified through the year, including those identified during the performance appraisal period, (3) his specific plans for solving problems, making changes and improving his Department's programs, and (4) his program objectives for the coming year. It is understood and

expected that every program will have encountered some problems and improvements are possible in every program. The Town Manager will discuss these program performance appraisals with Department Heads and assist in planning, training and other improvements.

4. The performance appraisal forms are due into the Town Manager's Office no later than 20 working days after the end of the fiscal year.
- B. NEW EMPLOYEES' PERFORMANCE APPRAISALS--No employee may be subject to performance appraisal if he has been employed by the Town and supervised by his present supervisor for less than six-months. Those employees shall be evaluated prior to the end of six months and again at the end of one year.
- C. SUCCEEDING PERFORMANCE APPRAISALS--All employees, whether evaluated at the end of the fiscal or calendar years, shall be entitled to another complete performance appraisal, including a thorough supervisor-employee discussion, no later than one year after their last performance appraisal. Department Heads are responsible for assuring performance appraisals are conducted when due.

- PERFORMANCE APPRAISAL UPON EMPLOYEE OR SUPERVISOR TRANSFER--
 1. An employee may be subject to a performance appraisal by his present supervisor prior to a transfer or reallocation which results in his working under a new supervisor
 2. A supervisor who will be moving out of the working unit and will no longer supervise his present subordinates will prepare performance appraisals for all of his subordinates prior to his move if current performance appraisals are more than six months old.

CHAPTER 5

HOURS OF WORK AND OVERTIME

5-1 HOURS OF WORKING AND OVERTIME--Except as provided by sub-section 5-8 of this Manual, the normal work week shall be five days, with hours of work as follows:

A. NON-BARGAINING EMPLOYEES - The normal workday shall be outlined in the employee's employment letter or Town Personnel Policy.

B. CIVILIAN EMPLOYEES - The normal workday for civilian employees shall be eight (8) hours and the normal work week for such employees shall be 35-40 hours per week. Such civilian employees shall be paid at one and one half times their regular hourly rate for all hours worked in excess of eight (8) hours in a day or forty (40) hours in a week, provided that overtime shall be paid only once in respect to every hour of overtime work.

C. POLICE DEPARTMENT - See Union Contract

D. FIRE DEPARTMENT - The normal hours of work shall be as follows:

1. Work schedules for firefighters shall be determined by the Fire Chief subject to the approval of the Town Manager.

2. TRADING OF SHIFTS - The practice of "trading time", that is, the voluntary trade of a scheduled shift between employees which has heretofore been unofficially permitted, is hereby recognized and specifically permitted providing:

a. the employees concerned submit a personnel action form indicating the shifts to be swapped and the Fire Chief's approval.

b. trading of shifts will not extend beyond the Town's fiscal year.

5-2 ATTENDANCE --All employees are expected to be in regular attendance at work throughout the year. The only acceptable excuses for absenteeism are listed in Section 9 under Leave.

5-3 OVERTIME OPPORTUNITIES--The Town agrees in respect to planned overtime work that each employee within each job classification be given an equal opportunity to work overtime, provided that the Town reserves the right at all times to determine what kinds

of equipment and/or which skills or job grade may be required to accomplish any particular job or jobs to be accomplished during such planned overtime. If an employee declines overtime offered or is not available after one attempt to communicate an offer of overtime, the employee shall be deemed to have received the equal opportunity provided hereunder. The Town reserves the right to assign overtime work as it shall judge to be in the best interests of the Town in the event of emergency or other circumstances requiring unplanned overtime work.

- 5-4 *BREAK TIME--Employees shall be allowed a fifteen (15) minute "coffee break" in the morning and a fifteen (15) minute "coffee break" in the afternoon at times and places as scheduled by the department head to minimize interruption of work.
- 5-5 *CLEAN UP TIME--For all but clerical employees, there shall be a wash up period five (5) minutes before the noon meal and afternoon quitting time.
- 5-6 *MEAL PERIOD—Every employee shall be entitled to at least a 30-minute meal period after six (6) hours of actual work to be scheduled by their Supervisor or Department Head.
- 5-7 *SCHEDULING--In the scheduling of working hours, shifts, vacations and days off, the Department agrees, except in an emergency, to give consideration to employees with seniority; provided, however, that the Department reserves the right to plan, direct and control the work of the Department at all times.
- 5-8 *WEATHER CLAUSE--Excluding work of an emergency nature, maximum regard in scheduling or modification of work will be given to all employees so as to minimize exposure to severe weather conditions in the summer as well as winter.
- 5-9 EMERGENCY WORK AND CALL BACK (See Appropriate Union Contract)
- 5-10 PRIVATE DUTY DETAILS (See Police Department Union Contract)
*These provisions do not apply to the Fire Department.

CHAPTER 6

RECRUITMENT, EXAMINATION, SELECTION AND APPOINTMENT OF EMPLOYEES

6-1 EQUAL EMPLOYMENT OPPORTUNITIES-

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of race, sex, color, religion, national origin, sexual orientation⁴, gender identity, disability or age⁵, veterans or military status will be prohibited. Any employee who feels aggrieved may process an appeal in accordance with the grievance procedure hereinafter stated.

6-2 RECRUITMENT

A. **Recruitment Policy** (1) Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. In cases where residents of Holden and non-residents are equally qualified for particular vacant positions, the residents shall receive first consideration in filling such vacancies. (2) **Police Residency Requirements**--in accordance with Massachusetts residency requirements for members of a city or town's regular police department, only applicants living in Holden or within 10 miles of Holden's town limits will be considered for permanent positions in the regular Police Department, subject to the Police Collective Bargaining Agreement, (3) **Firefighter Residency Requirement**--The Town also requires that only applicants living in Holden or within 10 miles of Holden's town limits will be considered for permanent full-time positions in the town Fire Department , subject to the Fire Department Collective Bargaining Agreement.

B. **CRITERIA FOR SELECTION**--The recruitment, selection, and promotion of employees will be based solely on job-related skills, knowledge, experience, and education as well as prior demonstrated performance, attitude, and adaptability as they relevantly indicate probable success in the job being filled. Factors are weighted as determined by the Town Manager.

C. **QUALIFICATION REQUIREMENTS**--At the time a position vacancy in a classification occurs, the Town Manager's office will establish or approve the basic requirements for successful performance of the job, i.e., the qualification requirements. These qualification requirements will be based on those described in the class specifications, as well as any other requirements the Town Manager's office deems necessary for the specific position, such as a written or oral examination where appropriate. The Town Manager's office will then certify the most highly qualified candidates to the Department Head. The Department Head will interview and designate

⁴ Sexual orientation does not include children.

⁵ Applies to persons 40 years of age or older.

his choice of the best candidate for the job, and the Town Manager's office will appoint that candidate upon approving the Department Head's designation.

The Appointing Authority for the Town of Holden is the Town Manager.

D. PUBLIC NOTICE OF EXAMINATION AND VACANCY--The official notice of examination for a new or vacant position will be posted internally within the Town Hall and may be posted externally. The Town Manager will also take action to publicize the announcement of each examination which in his judgment informs all qualified and interested individuals that the exam is to be given, including posting of exam notices in all Town offices and installations and on the internet. In the case of professional and technical positions, the examination announcement also may be published in professional and technical journals and papers. Each official announcement of an examination for a vacancy shall specify the title and salary range for which the exam is being announced; the nature of the work to be performed; necessary and desirable qualifications; the time, place, and manner of making application, the weights of each phase of the exam; special requirements or qualifications; and other useful information. Whether an examination will be required for a position, shall be determined by the Town Manager.

E. RECRUITMENT--Department Heads requesting establishment of a new position and/or recruitment for that position should submit that request to the Town Manager's office on a Personnel Action Form at least two weeks prior to the requested effective date.

6-3 APPLICATION AND ELIGIBILITY FOR EMPLOYMENT

A. APPLICATION FORMS--All candidates applying for employment in the Town of Holden must secure and complete an official application form at the Town Manager's Office prior to the end of the working day of the closing date specified for a position in the announcement, if a closing date is mentioned. Each applicant shall sign the form and the truth of all statements shall be certified by his signature.

B. REVIEW OF CANDIDATES--All job candidates, who accurately and honestly complete the application forms, will be reviewed fairly and equally for the position by the designated authority.

C. DISQUALIFICATION--The Town Manager's office has the prerogative to reject any candidate from consideration if they finds the following to be characteristic of any applicant: is physically unfit to perform the essential functions of the job, made a deliberate false, misleading or exaggerated statement of a material fact; practiced deception in his application or examination or in attempting to secure employment; has been convicted of a felony; has been proven guilty of any disgraceful conduct; is a member of any organization attempting or planning to overthrow the U.S. Government by force or violence.

D. INFORMATION PROHIBITED--The application form shall not require information about a person's race, color, creed, nationality or political affiliation except to require the person to certify that he has no affiliation with subversive organizations attempting to overthrow the U.S. Government.

E. APPEAL TO TOWN MANAGER--Any person denied permission to compete for a position because his eligibility conflicts with the rules, may make a written appeal to the Town Manager's office within ten (10) days after notice of action.

F. REFERENCES--As part of the pre-employment procedure, former supervisors, employers (for a reasonable past period) and references provided by candidates on the standard application form shall be checked as a precaution against obtaining undesirable employees. References and other checks shall be documented and made part of the applicant's file. All such information is to be handled as privileged information.

6-4 EXAMINATIONS

A. An examination may be administered to candidates applying for job vacancies in the town service of Holden at the discretion of the Town Manager. The Town Manager shall decide whether there should be an examination for a particular position the Town is seeking to fill.

B. OPEN COMPETITIVE EXAMS--All examinations for original service positions will be open competitive in character. Examinations will be written, oral or both or through an assessment center. Standardized tests may be supplied by the Civil Service Commission or a reliable testing agency.

C. PURPOSE OF EXAM--The exam will be a practical means to measure the fitness of candidates for positions offered in the class. It may include a reasonable investigation of training and experience or record of accomplishment; a test of knowledge, skills, and abilities; and any inquiry into the moral character or any other characteristic or attribute which is necessary to the position being filled.

D. CONDUCT OF EXAMINATIONS--The Town Manager shall insure each applicant an equal opportunity to demonstrate their qualifications and see that no unauthorized person secures examination questions or other material in advance of the testing date. When any applicant is discovered using unauthorized information to assist him in answering examination questions, the monitor shall remove such information from the applicant and report the circumstances to the Town Manager. The Town Manager shall take such action as he considers necessary and shall, if the evidence supports the monitor's report, disqualify the applicant. If the Town Manager is of the opinion that the conditions under which any examination is held are not such as to be fair, he may order that the completed examinations, or any part thereof, be canceled and that new examinations be held.

E. **QUALIFYING EXAMINATIONS**--The Town Manager's office may administer non-competitive qualifying exams for any class of position requiring professional or technical skill and training of a nature which renders competitive examination extremely difficult. The exams may be written or oral, or by an assessment center, and evaluate the individual's experience, training and education.

F. **EXAMINATION ALTERNATIVE**--If a qualifying examination is unavailable at the time a position vacancy occurs or is determined not to be used for hiring for the position, the Town Manager's office will base selection on the qualification requirements established for the position and choose the candidate who possesses the best qualifications to successfully perform the duties of the position.

G. **MINIMUM ELIGIBILITY GRADE**--In all examinations, the Town Manager's Office will establish the minimum grade by which eligibility may be achieved. At the discretion of the Town Manager, a candidate may be required to attain a minimum rating on each section of the exam to receive a passing grade. To compute the final grade, each sectional grade of the exam will be averaged according to the weights assigned by the office of the Town Manager.

H. **WRITTEN RESULTS**--Each person who takes the exam will receive written results of whether he passed or failed the exam and of his relative standing on the list or of his failure to place on the list. Each person has the right to inspect his examination papers privately by arranging an appointment with the Town Manager during normal business hours.

I. **PRESERVATION OF APPLICATION AND EXAMINATION RECORDS**--The applications, examination papers, and other work of applicants for positions, including any correspondence in relation thereto, may be destroyed upon the expiration of the eligible list or lists resulting from such examination, but in any event, such records shall be maintained in the office of the Town Manager for at least a period of one (1) year or longer, as required by law.

J. **ORAL INTERVIEWS**--Oral interviews may constitute any part of the exam and the Town Manager's Office will assign the weight of importance in respect to the total exam.

6-5 **THE EXAMINATION AS RELATED TO OTHER QUALIFICATION REQUIREMENTS**--It is understood that the job-related skills, knowledge, abilities, experience, and education required for successful performance provide the essential qualification requirements for the position, and that the written examination serves as a supplementary factor to be considered in the selection process. The Town Manager's office shall in each selection case determine the relative significance of the exam score as considered in the evaluation of the candidate's total qualification requirements.

6-6 A. **ELIGIBILITY LISTS**--The Town Manager shall establish an eligibility list containing the names of those candidates qualified for the positions. Separate lists shall be established for each position and shall be applicable to all positions of such class in the Town departments. To warrant selection for the position, a candidate must meet all qualification requirements, including passing any exam with a high score, if necessary, and must have demonstrated from his experience, education, and all other relevant factors that his job-related qualifications exceed those of any other candidates.

 B. **DURATION OF THE LISTS**--A name will remain on the eligibility list two years from the date it was officially entered. To requalify for the list, the candidate must submit a new application and/or successfully pass a subsequent re-examination for the position, or receive a one year extension from the Town Manager.

 C. **REMOVING OF NAMES FROM ELIGIBLE LISTS**--The Town Manager may remove a name from the eligibility list permanently or temporarily for any of the following reasons:

 A. Refusal of the eligible to accept appointment which is offered under conditions previously indicated by the eligible as acceptable.

 B. Appointment from the list to fill a permanent position.

 C. By request of the eligible applicant.

 D. Failure to respond within the time specified in the notice, to any inquiry of the Town Manager's office.

 E. Failure to report to work after accepting employment.

 F. Expiration of the term of eligibility on an eligibility list.

 G. Notice by postal authorities of their inability to locate the eligible at his last known address.

 D. **ABOLISHMENT OF LISTS**--The Town Manager's Office reserves the right to abolish an eligibility list at any time this action is deemed necessary.

6-7 **APPOINTMENT--**

 A. **METHOD OF APPOINTMENT**--All vacancies shall be filled by permanent appointment, temporary appointment, promotion, provisional appointment, emergency appointment, transfer or demotion. Appointment to a vacancy shall be recommended by the department head from the qualified candidates and submitted to the Town Manager for final action.

1. PERMANENT APPOINTMENT--A permanent appointment indicates that the employee is to work for the Town on a continuing basis.
2. PROVISIONAL APPOINTMENTS--When the Town Manager finds it essential to fill a vacancy in a position and is unable to certify eligibles for such a vacancy because there is no existing eligible list, or because there is not a sufficient number of persons on appropriate lists who are willing to accept appointments, the Town Manager may authorize the filling of the vacancy by a provisional appointment. A provisional appointment shall expire automatically four months from the date of such appointment. Extensions of provisional appointment may be made only with the approval of the Town Manager. Any provisional appointment shall be terminated automatically within two calendar weeks of the date on which the Town Manager is able to certify the proper number of eligibles from an appropriate list.
3. EMERGENCY APPOINTMENTS--When an emergency makes it necessary to fill a position in order to prevent stoppage of public business or loss hazard, or serious inconvenience to the public, and it is impossible to fill such position under any other provisions of these rules, the Town Manager may appoint a qualified person to such position without certification from an eligible list. Any such person shall be employed only during such emergency, and any such appointment shall automatically end thirty (30) days from the date of appointment. If the emergency continues, the appointment may be extended to sixty (60) days, but no individual may be given more than one such appointment in any twelve-month period.
4. TEMPORARY APPOINTMENTS--When a position is limited in duration, the Town Manager may appoint the best qualified candidate to the position who will accept employment under such conditions. No temporary appointment shall be made for more than a total of twelve months, either continuously or intermittently, in any eighteen-month period. Successive temporary appointments to the same position shall not exceed a total of twelve months in any eighteen-month period.

B. PART TIME POSITIONS--Employees appointed to part-time positions may receive permanent or temporary appointments as appropriate.

C. FAILURE TO REPORT FOR WORK--An applicant who accepts an appointment and fails to report to work within five (5) days after the date set by the appointing authority, shall be deemed to have declined the appointment, and his name shall be removed from the list.

D. PHYSICAL EXAMINATIONS--All new employees may be subject to a physical examination on their ability to perform the essential functions of their job as a condition of employment. The examination shall be at the expense of the Town.

**TOWN OF HOLDEN POLICY
PRE-PLACEMENT PHYSICAL EXAMINATIONS**

The following is the Town of Holden policy for Pre-placement Medical Exams when hiring a new employee. Included is both the Employer's and Physician's role when a new employee is being considered for employment.

**WHO IS CONSIDERED "A HANDICAPPED PERSON"?
WHAT IS THE DEPARTMENT HEAD'S RESPONSIBILITY?
WHAT IS THE PHYSICIAN'S RESPONSIBILITY?**

DEFINITION OF A PERSON WHO IS CONSIDERED "HANDICAPPED?"

*A person who has a physical or mental impairment that substantially limits one or more of such person's major life activities in accordance with the provisions of the Americans with Disabilities Act or Massachusetts General Laws Chapter 151B.

A QUALIFIED HANDICAPPED PERSON IS:

An individual who can perform the essential functions of a job with a reasonable accommodation to the handicap, if needed.

THE TOWN'S OBLIGATIONS

According to Massachusetts General Law (M.G.L.) Chapter 151B, "an employer may condition an offer of employment on the results of a medical examination conducted solely for the purpose of determining whether the employee, with reasonable accommodation, is capable of performing the essential functions of the job...."

A JOB OFFER is an offer of employment which may be subject to the employee passing a medical examination (relating to essential finding of job). The medical examination may be conducted only after the employer has offered the job to the applicant but should take place before the person actually starts working.

The ESSENTIAL FUNCTIONS of a job are those responsibilities of the job as determined by the approved job description that the employee may reasonably be expected to perform in that position, which are critical to the position.

A REASONABLE ACCOMMODATION is an adjustment made in the way a job is done to accommodate the limitations imposed upon an individual by a handicap so as to enable him/her to do a job.

“Chapter 151B requires an employer to make a reasonable accommodation to an individual’s handicap, unless the employer can demonstrate that the accommodation required would impose an undue hardship to the employer’s business.”

The following factors may be considered in determining whether a particular accommodation causes UNDUE HARDSHIP.

1. Whether the reasonable accommodation will prevent the employer from providing service required by the law;
2. Whether the health or safety of the public would be unduly compromised by providing the accommodation;
3. The overall size and resources of the employer’s business with respect to the number of employees, number and type of facilities, and size of budget or available assets;
4. The type of the employer’s operation including the composition and structure of the employer’s workforce;
5. The nature and cost of the accommodation needed.

NOTE: The examining physician may suggest to the town a reasonable accommodation. Each Department head will evaluate whether the suggested reasonable accommodation will impose an undue hardship on their own department.

THE PURPOSE OF THE MEDICAL EXAM

The medical examination should evaluate those abilities necessary to perform the functions essential to the job. The medical exam must meet the following criteria:

1. Administered equally to all prospective employees entering the same job category, not only to those applicants with apparent disabilities;
2. The only information obtained from the medical exam that should be conveyed to the employer is the opinion of the examining physician on forms provided that the prospective employee is either able or unable to perform the essential functions of the job. Any medical history or physical condition that does not pertain to the employee’s present ability to perform the essential functions of the job should not be disclosed to the employer and must be kept confidential.
3. The Town Manager may require a physical examination as a condition of a job offer, in accordance with the Americans with Disabilities Act and Chapter 150B of the Massachusetts General Laws.

THE EMPLOYER'S ROLE

PRIOR TO THE PHYSICAL EXAM

The appointing authority must first make an offer of employment to an applicant. The applicant shall complete a medical history form available at the Town Manager's Office, attest to its veracity, and bring it to the exam. The applicant shall complete a waiver form relative to the future review of the medical records by the Appointing Authority and the Retirement Board, if placed.

A copy of the job description of the position should be forwarded by the Department Head to the examining physician.

AFTER THE PHYSICIAN'S EXAM

The appointing authority shall notify the applicant of the physician's determination.

If the employee questions the reason for their not being hired, if applicable, you may refer the applicant to call the physician for their medical opinion. It is their legal right to have the reason for their disqualification.

THE PHYSICIAN'S ROLE

Examine the prospective applicant.

Determine whether the applicant is Qualified or Not Qualified to perform the functions of the job, with a reasonable accommodation, if necessary, as stated on the Job Description.

IF THE PHYSICIAN BELIEVES THAT THE APPLICANT IS QUALIFIED:

- * Notify the Department Head in writing on the forms provided that the applicant is qualified.

IF THE PHYSICIAN BELIEVES THAT THE APPLICANT IS QUALIFIED, WITH A REASONABLE ACCOMMODATION:

- * If the applicant has a condition which may impair his/her ability to perform the essential functions of a job, the Town Physician shall then consider whether a reasonable accommodation could be made that would enable the employee to perform a particular job. The applicant may suggest a possible suggestion of a reasonable accommodation.

- * Notify the Department Head that the applicant is qualified and state your suggested reasonable accommodation(s).

CHAPTER 7

Reserved for Future Use.

CHAPTER 8

PROMOTIONS, TRANSFER, RESIGNATIONS, LAYOFFS

8-1 SENIORITY - DEFINITION--Seniority shall mean the length of continuous service of an employee in Town employment. Continuous service is employment by the Town without a break in employment.

8-2 BREAK IN EMPLOYMENT--

A. A break in employment causes the loss of all seniority rights and occurs in the following instances:

1. If an employee shall quit of his own accord.
2. If an employee shall be discharged.
3. The employee shall be absent in excess of five (5) consecutive working days without obtaining approval for such absence.
4. The employee shall fail to return to work within five (5) working days after the end of an authorized absence.
5. If, after a layoff, an employee shall not return to work within seventy-two (72) hours after receipt of notice from the Department that he will be rehired under Section 4.
6. An employee shall be absent due to a layoff under Section 4 for a continuous period of more than one (1) year.

B. At the Town Manager's discretion, a Town employee with more than three years of service who resigns but is rehired at a later date may have his former service recited towards his seniority.

8-3 TRANSFER OF AN EMPLOYEE--A transfer of a Town employee from one job to another in Town employment (reassignment, promotion, demotion, temporary reassignment, change from a temporary to a permanent position, or vice versa), shall not affect the employee's seniority.

8-4 PROVISIONAL OR EMERGENCY APPOINTMENTS--Time served on a provisional or emergency appointment shall not be credited toward an employee's seniority should that employee subsequently receive a permanent or temporary appointment.

8-5 PROMOTION POLICY--The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to

more responsible and difficult positions. No supervisors shall deny an employee permission to apply for a promotion opportunity in any Town office or department. When the Town Manager determines that an insufficient number of well-qualified internal employees are available they may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration.

A. STANDARDS FOR PROMOTION--The Town Manager shall apply the following standard in respect to promotions and the filling of job vacancies within the Town Service: The job-related skills, knowledge, abilities, experience and education which, as determined by the Town Manager, will contribute to satisfactory performance of duties of the position.

B. EQUAL QUALIFICATIONS--If, in the reasonable judgment of the Manager, the ability and qualifications of two or more persons are relatively equal, then length of continuous service shall be the determining factor.

C. NON-GRIEVANCE MATTER--Promotion of employees to positions outside the bargaining unit or organizational unit shall be within the sole discretion of the Department and shall not be the subject of grievance or appeal.

D. COMPENSATION--In the event that an employee is assigned or promoted to the next higher pay grade, he shall receive the entrance rate of the new position or one step above his present rate, whichever is the greater.

8-6 DEMOTION--An employee may be demoted to a position of a lower grade, for which he is qualified, for any of the following reasons:

A. When an employee would otherwise be laid off because his position is being abolished, his position is reclassified to a lower grade, lack of work, lack of funds or because of the return to work from authorized leave of another employee to such position in accordance with these rules.

B. When an employee does not possess the necessary qualifications to render satisfactory service in the position he holds.

C. When an employee voluntarily requests such demotion.

8-7 RESIGNATION--An employee may resign from the Town service in good standing by submitting in writing the effective date to the department head. The resignation shall be forwarded to the Town Manager with a statement by the department head as to the resigned employee's service performance and pertinent information concerning the cause of resignation. Failure to comply with this rule may be cause for denying future employment with the Town.

A. Employees are requested to provide the Town with a two-week notice of their intent to resign. Professional employees are requested to provide a months' notice of their intent to resign.

8-8 A. **LAYOFFS**--In the case of layoff or reduction of personnel for lack of work or by reason of fiscal cut back, the laying off or demotion of employees within each job classification shall be determined by length of continuous service in the department: that is, the employee with the least seniority in the job classification shall be laid off or demoted first. In no case shall such layoff or demotion be construed as a dismissal for unsatisfactory performance.

B. **REINSTATEMENT**--Reinstatement within a classification shall be in reverse order of seniority; that is, the employee with the highest seniority shall be rehired or reinstated first. Nothing herein shall restrict the option of an employee to accept a layoff in lieu of a reduction in job classification without loss of his right to be rehired hereunder.

C. **RIGHT TO BE REHIRE**—It is understood that layoff under this section shall, in all respects except the right to be rehired under this section, constitute a termination of employment by the Department. The right to be rehired shall exist for a period of one year from the date of layoff.

CHAPTER 9

LEAVE

9-1 **GENERAL POLICY**--Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with these rules on the basis of the work requirements of the departments and, whenever possible, the personal wishes of the employee.

9-2 **PROCEDURE FOR REQUESTING LEAVE**--For all leave other than holiday, sick, disability, injury and emergency leave, a request must be entered into our ESS System indicating the kind of leave, duration, and dates of departure and return must be approved prior to the taking of leave. In the case of sick, disability, injury and emergency leave, the leave forms shall be completed and submitted for approval immediately upon the employee's return to duty. Unless an absence is substantiated by a leave form approved by the Town Manager, or his designee, an employee shall not be paid for any absence from scheduled work hours.

9-3 **HOLIDAY LEAVE**--The following days and no others shall be recognized as holidays:

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
Washington's Birthday	Columbus Day
Patriot's Day	Veteran's Day
Memorial Day	Thanksgiving Day
Juneteenth (June 19 th)	Christmas Day

Employees may be excused from duty at the discretion of the Town Manager when not required, provided department services are maintained.

A. **COMPENSATION**--Every permanent full-time employee shall be entitled to the above designated holidays on the following terms:

1. If paid on an hourly basis, he shall receive one day's pay at his base rate based on the number of hours regularly worked on the day on which the holiday occurs.
2. If paid on bi-weekly, semi-monthly or annual basis, he shall be granted each designated holiday without loss of pay.

B. **COMPENSATION CONDITIONS**--Payments for a holiday shall be made only if the eligible employee shall have worked on his last regularly scheduled working day prior to such holiday and on his next regularly scheduled working day following such holiday,

or was in full pay status on the preceding and following day, in accordance with other provisions of these rules and regulations.

C. **WORK ON HOLIDAY**--Employees who perform work on a holiday shall be paid on the basis of straight time for hours worked on such day in addition to the amount to which they are entitled under subsection 9-3A, or may be granted compensation time off, at the discretion of the department concerned. No employee shall receive time and ½ for working on a holiday except those subject to a Collective Bargaining Agreement where is so provided.

D. **SATURDAY HOLIDAYS**--When any of the above-named holidays fall on a Saturday, one additional day of holiday leave may be taken by all eligible employees. Scheduling of the same shall be at the discretion of the Manager.

E. **SUNDAY HOLIDAYS**--Whenever one of the holidays set forth in subsection 9-3 falls on a Sunday, the following Monday shall be a legal holiday.

9-4 VACATION LEAVE

A. Each employee shall earn vacation pay each month as provided in Article 19 at the following rates:

1. Ten (10) duty days on a pro rata basis during the first year of continuous service;
2. Fifteen (15) duty days on a pro rata basis after completion of five (5) years of continuous service;
3. Twenty (20) duty days on a pro rata basis after completion of ten (10) years of continuous service;
4. Twenty-five (25) duty days on a pro rata basis after completion of twenty (20) years of continuous service.

B. No new employee shall be entitled to take any vacation until after they have completed one (1) calendar month of actual service after their start date.

C. In each calendar year, each employee shall earn their full vacation based upon each month of service they actually work. Section 9-4(A) sets forth the number of vacation days earned in any calendar year. In any year when an employee completes five (5), ten (10), or twenty (20) years of continuous service, as the case may be, such an employee shall earn vacation days at the relevant higher rate on their anniversary date pro rata.

- 1) The Town shall advance on January 1 each year an employee's vacation days in accordance with this Article, which may be utilized even if the employee has not

earned those days; provided, however, if the employee's employment is terminated for any reason, the employee shall reimburse the Town for used but unearned vacation days.

2) By requesting to use unearned vacation days an employee consents to reimbursement of the Town for the cost of such unearned vacation days upon separation from employment. The employee also consents that the amount owed may be deducted for the employee's last paycheck subject to the Federal Minimum Wage law.

(a) If the employee does not have sufficient pay in their last paycheck to cover the amount owed for use of unearned vacation days, the employee also consents to the Town seeking a small claims court judgment against him/her for the amount due the Town.

(b) In addition, the employee shall execute a payroll deduction form authorizing the Town to deduct the amount owed to the Town for the unearned vacation leave used by the employee from their last paycheck subject to the Federal Minimum Wage law.

D. Definitions

Continuous service shall be determined in the same manner provided for seniority in Chapter 8.

Reference to days "actually worked" means days when an employee is on the job and does not include days when an employee is on full pay status hereunder but does not work, provided, however, that an employee on jury duty or injured in the course of his employment shall be deemed to have actually worked for the purposes of this section, for up to one year.

E. Section E shall be reserved for future use.

F. DEATH OF EMPLOYEE ELIGIBLE FOR VACATION--Upon the death of an employee who is eligible for vacation, payment shall be made to the estate of the deceased employee in an amount equal to the vacation days earned but not paid to the date of the employee's death.

G. TERMINATION OF EMPLOYMENT--Employees who are eligible for vacation under these rules and whose employment by the Town Manager is terminated for any reason, shall be paid an amount equal to the vacation pay earned, but not paid, to the effective date of such termination.

H. VACATION AS SICK LEAVE--Vacation time may be used by employees in addition to, or in lieu of sick leave, with the approval of the Department Head.

I. HOLIDAY DURING VACATION--An employee shall be granted an additional day of vacation if, while on vacation, a designated holiday occurs which falls in the employee's regular work week.

J. VACATION TIME LIMIT--Vacations provided under the terms of this section must be taken before December 31st in the vacation year, unless canceled by the appropriate administrative authority to meet an emergency or to offset a critical shortage of personnel. Such vacations, subject to seniority provisions herein, shall be granted by the Department Head at such time as in his opinion will cause the least interference with the performance of the regular work of the department.

K. CALL BACK ON VACATION--Any employee who has actually started their vacation and is called back to work by the department head shall be paid at a rate of one and one-half times their regular rate for the hours worked during their vacation period, in addition to the regular vacation pay; provided, however, that no compensation time off shall be allowed for such work performed during vacation periods.

L. SICKNESS WHILE ON VACATION--An employee who becomes ill while on vacation leave may not charge such illness to sick leave unless the illness exceeds three vacation days, and the employee files a physician's certificate describing the nature and duration of the illness with his department head.

M. NOTIFICATION OF VACATION ENTITLEMENT--In January of each year the Town shall notify each employee of his vacation entitlement for the forthcoming year.

N. BUY BACK OF EARNED VACATION TIME--An employee who is the Chief Executive Officer or a Department Head and who has attained age fifty (50) and who has completed 15 years of actual service may, at the employee's option, elect to take payment of vacation pay equivalent to a maximum of 18 days of unused earned vacation leave credited to him/her at the end of the calendar year. Payment will be subject to budget availability. Payment will not be made as a result of giving notice of retirement. Payment will be made in a lump sum as part of the next available payroll after the Treasurer's receipt of an election for payment.

O. EXISTING EMPLOYEES (Transition of Vacation Leave earned in 2022) - Any vacation leave earned by existing employees in 2022 for use in 2023 shall be designated as Special Leave to be used as scheduled by their Department Head. Employees must utilize this Special Leave by December 31, 2025, or they shall forfeit such leave, subject to Section J above. Employees terminating employment for any reason prior to December 31, 2025, shall be paid their unused Special Leave.

This subsection is subject to Collective Bargaining Agreements.

9-5 SICK LEAVE--

Employees shall earn sick leave of one (1) day for each month of actual service, provided such leave is caused by sickness, injury, or exposure to contagious disease.

A. MAXIMUM ACCUMULATION OF SICK LEAVE--An employee may accumulate the unused portion of sick leave (granted under section 9-5) up to a maximum of 180 days.

B. ADDITIONAL SICK LEAVE REQUEST--If the amount of sick leave credit provided hereunder and vacation provided under section 9-4 has been or is about to be exhausted, an

employee may make application in writing for additional allowance of sick leave. Such additional allowances may be authorized by the Town Manager after reviewing all of the circumstances, and performance and other facts relevant to his request for the additional allowance.

C. REPORTING ABSENCE--An employee absent on account of illness or injury shall notify the supervisor or Department Head as early as possible before the regular starting time of his workday on the first day of absence in accordance with the Town Manager's notification procedures. Sick leave shall begin on the date that notification of the illness is given by the employee, his family, or his physician.

D. PHYSICIAN'S CERTIFICATE--For absence under this section, the department head or the Town Manager may require evidence in the form of a physician's certificate showing the necessity for absence, such certificate to give the general nature of illness and the expected duration. If such certificate is not filed after request, such absence may be applied at the discretion of the Town Manager, to vacation leave or leave without pay. The department head shall require such certificate at the end of one week of illness and subsequent certificates may be required at the discretion of the Town Manager.

E. MEDICAL EXAMINATION--The Town Manager may require a medical examination of any employee who reports his inability to report for duty because of illness. This examination shall be at the expense of the town by a physician appointed by the Town Manager.

F. ILLNESS AND INJURY NOT COVERED BY SICK LEAVE--Injury, illness, or disability intentionally self-imposed, or resulting from the use of drugs, or alcohol, shall not be considered a proper claim for leave under this section.

G. WORKMAN'S COMPENSATION PAYMENTS--If an employee shall be receiving workman's compensation payments while on sick leave, payments for sick leave shall be limited to the difference between the amount of such workman's compensation payments and the employee's regular rate. In this case, the Town Manager shall debit the employee's sick leave accrual by such amounts as he deems equitable.

H. CONDITIONS OF MEDICAL EXAMINATIONS--The Town reserves the right to have its employees undergo a medical examination. The time, place, frequency, and doctor shall be at the discretion of the Town. Cost of such an examination shall be borne by the Town.

I. SICK LEAVE SETTLEMENT AT RETIREMENT OR DEATH--Upon the retirement or death of an employee who shall have accrued sick leave, payment shall be made to the employee, in the case of retirement, or to the estate of the deceased employee, in the case of death, in an amount equal to the actual amount of sick leave earned, but not expended at the date of such retirement or death, to a maximum of thirty (30) days' pay.

J. NOTIFICATION OF ACCUMULATED SICK LEAVE—Employees should access their leave accruals through the Town's ESS portal, which shall be updated by the Town as of the 31st of December of the previous year.

K. FAMILY SICK LEAVE--Effective October 1, 2007, non-Bargaining Unit employees are permitted to take up to 4 days per calendar year (January 1 through December 31) of their accrued sick leave to care for a family member who is ill, provided that the employee has taken no more than 8 sick leave days in the prior calendar year. For the purposes of this section, a family member is defined as a child, spouse/partner, parent or sibling. Reporting of family sick leave shall be made in accordance with to Section 9.5 C, REPORTING ABSENCE.

9-6 PERSONAL LEAVE - LEAVE OF ABSENCE

A. PURPOSE--The purpose of personal leave and leave of absence is to allow employees sufficient time to take care of persons or personal business. Personal leave is paid leave; a leave of absence is without pay.

B. PAY STATUS—each employee shall be entitled to three personal leave days during the fiscal year beginning July 1st, without loss of pay in addition to vacation leave and holidays granted herein. Such leave shall be taken at a time mutually agreed upon by the employee and the Department Head. The employee's pay for a day of personal leave shall be paid for a normal duty day or workday at his base day rate of compensation. The employee's Department Head may permit, however, the use of a half-day, or hourly increments, of personal leave. The employee's pay for a half-day of personal leave shall be paid equal to one-half of a normal duty day or workday at the employee's base day rate of compensation.

C. REQUIREMENTS--The Town Manager will determine whether individual cases warrant the granting of leaves of absence.

D. EMPLOYMENT STATUS--Employees on leave of absence or personal leave shall not be actively employed by another employer or self-employed.

E. RETURN TO WORK--The employee must report to work at the termination of the leave of absence. If they do not without reasonable explanation, they will be considered to have resigned voluntarily.

F. RETENTION OF SENIORITY AND BENEFITS--The employee will retain accrued seniority and benefits after return to work.

9-7 BEREAVEMENT LEAVE--The purpose of bereavement leave is to enable an employee to take care of personal arrangements and problems caused by the death of an immediate member of his family and to relieve him of the concern over loss of earnings on the regularly scheduled workdays immediately following the death.

A. DEATH OF SPOUSE OR CHILD--Upon the request of an employee upon the death of such employee's spouse or child, the Manager shall grant emergency leave of up to two (2) weeks, meaning ten (10) working days, immediately following such death without loss of pay.

B. DEATH IN IMMEDIATE FAMILY--The Manager shall grant, upon the request of an employee, up to three (3) working days, emergency leave without loss of pay upon the death of such employee's immediate family of such employee's mother, father, brother, sister, father-in-law, mother-in-law, grandparent, stepparents, and stepchildren or other relative living in the immediate household.

C. REFUSAL TO GRANT LEAVE--The Manager may limit such leave to less than three (3) days or refuse to grant any such leave if such employee does not intend to attend the last rites of such deceased relative and/or cannot demonstrate reasonable need for as many as three (3) days' leave.

1. ELIGIBILITY--All Town employees on the active payroll are eligible, regardless of length of service.

2. HOLIDAY ON LEAVE--If a holiday occurs during the bereavement leave, the leave is not in effect. The employee is given holiday pay, if eligible. The bereavement leave is not extended an extra day after the burial due to the holiday.

3. DEATH DURING VACATION--Bereavement leave is not effective during a scheduled vacation. Additional vacation leave to compensate for the bereavement period is not granted.

9-8 MILITARY LEAVE— An employee entering the regular military service or military reserves will be provided a leave of absence as required by Federal Law.

A. REEMPLOYMENT--If an employee applies within 90 days after honorable discharge from military service or hospitalization, he will be rehired with full rights of his old job or its equivalent.

B. SENIORITY AND BENEFITS--Employees in military service will continue to receive credit for seniority accrual and Town benefits.

C. MILITARY RESERVE DUTY—An employee in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Department; provided that such payment by

the Department shall be limited to a period not to exceed two (2) weeks in any twelve-month period and shall not include payment to members of the National Guard who may be mobilized during an emergency in the Commonwealth.

D. EMPLOYEE RESPONSIBILITY--It is the employee's responsibility to:

1. Notify his department head of the date he is leaving for military service.
2. Provide written proof from military or selective service officials to the Town Manager's office indicating date of departure and length of service required.
3. Provide written documentation of all military compensation.

9-9 JURY LEAVE--An employee summoned to jury duty will be excused from his work for the required period necessary to perform this duty.

- A. COMPENSATION--An employee on jury duty in a Massachusetts court, on days on which he or she was scheduled to work, must be paid the full amount he or she would have earned during the first three days of this jury duty.
- B. For employees on jury duty in Massachusetts, after three (3) days while on Federal jury duty, the employee may be eligible for the Town to pay the employee the difference between the jury duty payment made by the Commonwealth or the United State for jury duty, in accordance with the Town Manager's determination on such leave.

9-10 MATERNITY/PATERNITY LEAVE

- A. PARENTAL LEAVE -- In accordance with the Massachusetts Parental Leave Act, M.G.L. c. 149, § 105D, all full-time employees who have worked for the Town for at least three (3) full consecutive months are eligible for parental leave.
- B. USE OF SICK LEAVE--An employee may, on approval by the Town Manager, have maternity leave charged to all or some accrued sick leave, if ill, and be paid while such sick leave is taken before going into a non-pay status. Pay for use of sick leave will not be made beyond that actually earned and not withdrawn when the maternity leave of absence has begun.
- C. RETENTION OF SENIORITY AND BENEFITS—The employee will retain seniority and benefits after return to work.

D. ADOPTION— Employees adopting children shall be provided with leave as provided for in Massachusetts General Laws Chapter 149, Section 105D.

CHAPTER 10

Reserved for future use.

APPENDIX A

Reserved for future use.

CHAPTER 11

GRIEVANCE PROCEDURE

11-1 GRIEVANCE RIGHTS OF EMPLOYEES--The employee who feels that he has received inequitable treatment because of some condition of his employment may personally, or appeal for relief from that condition. It is understood that issues involving the increase or decrease of general wage rates or salaries and issues not having to do directly and primarily with the day-to-day working life of the employee and relationships with his supervisor shall not be considered the subject of a grievance and consequently shall not be the subject of any arbitration.

11-2 PROCEDURE--All grievances shall be handled in accordance with the grievance procedure set forth herein. The procedure to settle grievances shall be as follows:

Step 1 - The employee shall present his grievance to his supervisor or the Department Head, as the case may be. If the supervisor or Department Head cannot reach a resolution agreeable to both parties, the employee shall resume his regular duties. If the dispute involves the employee's workload or schedule, he shall continue to perform his work as assigned until the dispute shall be resolved. The employee shall then prepare a written statement of the grievance which shall be submitted to the department head. The department head shall, within forty-eight (48) hours of the receipt thereof, attempt to resolve the grievance with the employee. If a resolution cannot be reached within said forty-eight hours, the department head shall render a written decision within two working days after the end of said forty-eight hours and forward a copy of his decision and the grievance to all parties and to the Town Manager.

Step 2 - The Town Manager shall then attempt to resolve the grievance with the employee, during a period of seven working days after receipt of the decision of the department head or during such longer period as the parties may agree upon. If a resolution cannot be reached within said period, the Town Manager shall render a written decision within thirty (30) working days after the end of the said period and deliver a copy thereof to the employee. The Town Manager's decision shall be the final decision on the grievance.

CHAPTER 12

CONDUCT OF EMPLOYEES

12-1 GENERAL POLICY--A Town employee is prohibited from engaging in any conduct which could reflect unfavorably upon Town service. Town employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.

12-2 RECEIPT OF GIFTS--

A. A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from any person who has or is seeking to obtain business with the Town of Holden, or from any person, within or outside Town employment whose interests may be affected by the employee's performance or non-performance of his official duties.

B. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional material, e.g., pens, notepads, calendars of nominal intrinsic value, is permitted. However, no employee shall accept a gift of substantial value from a person, contractor or consultant doing business with or seeking to do business with the Town. The State Ethics Commission considers a gift of substantial value to be a gift with a value over \$50.00, or gifts that have a cumulative value of over \$50.00. As a matter of practice, no town employee shall accept a gift with a value over \$50.00, or shall accept gifts with a cumulative value of over \$50.00, from a person, contractor, or consultant doing business with the Town, or seeking to do business with the Town, during any 12 month period. In addition, if the employee accepts a gift under the \$50.00 total or cumulative value, from a contractor or consultant doing business with the Town or seeking to do business with the Town, the employee shall report it in writing to the Town Manager. The report shall include the name of the employee, nature of the gift, approximate value of the gift, and date the gift was accepted.

According to the State Ethics Commission, the term "gift" includes the following: fees, discounts, gift certificates and entertainment, sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events.

C. FLOWER FUNDS OR GIFTS FOR FELLOW EMPLOYEES - Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of nominal value in keeping with the spirit of the event.

D. **SUPERVISORS** - The policies described in all above sections shall apply to supervisors. In addition, supervisors must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from any subordinate.

12-3 **BUSINESS ACTIVITIES AND SOLICITATION**--No employee shall engage in any business other than his regular duties during working hours, including such activities as selling to fellow employees or lending of money for profit.

12-4 **OUTSIDE EMPLOYMENT**--Upon proper notification to and at the discretion of the Town Manager, an employee may engage in outside employment. However, no employee may engage in additional employment which in any manner interferes with the proper and effective performance of the duties of his position, results in a conflict of interest or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. If the Town Manager determines that such outside employment is disadvantageous to the Town, upon notification in writing by the Town Manager, it shall be terminated.

A. **PREFERENCE OF TOWN EMPLOYMENT**--Any employee who engages in employment outside of his regular working hours shall be subject to call to perform his regular Town duties first.

B. **INJURY AND ILLNESS**--The Town shall in no respect be liable nor grant sick leave or disability leave in case any injury to an employee while he is engaged in outside employment, nor any occupational illness attributed thereto.

12-5 **PRIVILEGED INFORMATION**--Many Town employees deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage. If an employee finds that he has outside financial interest which could be affected by Town plans or activities, he must immediately report the situation to his superior. Each employee is charged with the responsibility of insuring that he releases only information that should be made available to the general public. Violation of privileged information or use for private gain can be just cause for discharge of the employee as determined by the Town Manager.

12-6 **TOWN PROPERTY**--

A. Employees should not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

B. TELEPHONE USE--Employees should not use Town telephone facilities for personal calls when the placing of such calls would interfere with the employee's duties, would incur additional financial liability by the Town or should interfere with the use of the facilities for official business. Any such use should be urgent, infrequent and of short duration.

12-7 POLITICAL ACTIVITY--All employees of the Town shall be able to exercise their rights as citizens to express their opinions and cast their votes. No employee shall hold any elective position in the local government. No employee may accept an appointive position unless approved by the Town Manager. He shall not solicit any person to vote at any Town or district political primary, caucus, or election, nor in any way or manner attempt to influence the vote of any elector thereat.

CHAPTER 13

TRAINING

13-1 EMPLOYEE TRAINING--It shall be the responsibility of the Town Manager to foster and promote programs of training of employees for the purpose of improving the quality of personal services rendered to citizens and aiding employees to equip themselves for advancement in the service.

13-2 ADMINISTRATION OF THE EMPLOYEE TRAINING PROGRAM--The Town Manager shall:

- A. Establish standards for training programs.
- B. See that training is carried out as approved.
- C. Provide assistance to Department Heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.
- D. Develop supervisory and management training and other types of training and employee development programs common to all departments.
- E. Provide assistance to Department Heads in establishing standards of performance and procedures for evaluating employee performance, potential for growth and identifying training needs.
- F. Keep a record of all approved training courses and programs and a record of employees who successfully complete such courses and programs.

13-3 IDENTIFYING TRAINING NEEDS--

- A. At the time of the annual supervisor-employee evaluation discussion, the supervisor and employee should discuss areas of interest to the employee and areas where training is either desirable for performance in his present job, or would be helpful to develop additional skills for growth into other positions in the Town service. The supervisor should forward a written report of training needs through the Department Head to the Town Manager.
- B. Department Heads should, through contact with the Town Manager's Office and the public community, keep themselves apprised of training programs that may be of help or interest both to themselves and to their employees, and should nominate employees for appropriate training courses to the Town Manager's Office.

13-4 EDUCATIONAL POLICY-DPW, LIGHT--The Town agrees to reimburse an employee for one-half of the tuition cost of an educational course if:

- A. The employee submits a request for same to the department head and Town Manager prior to enrolling therein and,
- B. The department head and Town Manager shall approve such course as to the institution at which it is given and the relevance of the course contents to the employee's work and
- C. Such an employee shall subsequently complete such a course with a passing grade.

CHAPTER 14

RETIREMENT

14-1

REGIONAL RETIREMENT--All permanent full-time employees of the Town of Holden must join the Worcester Regional Retirement System. For purposes of retirement, "full-time" refers to any employee who works 1040 hours in a calendar year. If an employee is already an active member of any retirement system in the Commonwealth, his deduction rate for retirement will continue at the current rate, that is, at 5, 7, 8, or 9%. New employees will have 9% of their regular (non-overtime) pay deducted for their retirement.

Employees must complete a retirement enrollment form. If they are new members of the Worcester Regional Retirement system, they must also provide a birth certificate. In addition, if the employee is a veteran, he must provide a copy of his discharge papers. All these documents are forwarded to the Worcester Regional Retirement System, where they are kept on file.

An employee who leaves the public service should seek information from the Worcester Regional Retirement board relating to the future status of his retirement deductions and benefits.

OBRA--Employees who are not eligible to join the Worcester Regional Retirement System are required to have retirement deducted from their pay under the OBRA Mandatory Alternative Retirement Program. This program is made available to Town employees through the Commonwealth of Massachusetts.

OBRA enrollment forms are available at the Treasurer's Office. Employees who participate in OBRA will have 7.5% of their pay deducted for this plan.

14-2 OTHER POST EMPLOYMENT BENEFITS

An employee shall contribute one percent (1%) of the employee's base wage per pay period to the OPEB Trust Fund (the "Trust Fund") for retiree health insurance costs. This sub-section shall be effective as of July 1, 2018, and shall only apply to employees hired by the Town after June 30, 2018, subject to the following:

- (a) If an affected employee leaves the employment of the Town and withdraws from the Retirement System, the Town will reimburse the employee for the amount of the employee's 1% contributions to the Trust Fund, excluding any interest that may have accrued.
- (b) If the employee returns to employment with the Town and rejoins the Retirement System, the employee will be required to reimburse the Town for the amount of the health

insurance reimbursement payment the employee received when the employee previously left employment with the Town.

CHAPTER 15

EMPLOYEE BENEFITS

15-1 **HEALTH INSURANCE COVERAGE**--The Town of Holden has available to its employees' health insurance plans. Specific information about Health Insurance is available at the Town Manager's office.

In all cases, the employee will pay the employee share by having it deducted from their paycheck. Insurance premiums are deducted from employees' checks during the month prior to the coverage month.

When employees are first hired, they may choose to enroll in any of the health insurance plans. Each year, there is an open enrollment period where employees may change from one insurance plan to another. Existing employees who wish to enroll in the Town's health insurance group at any other time of the year must have a qualifying event which results in the loss of their existing health insurance coverage. Employees who need to enroll in the Town's health insurance in the middle of the plan year should call the Town Manager's Office for more detailed information.

15-2 **LIFE INSURANCE COVERAGE**--Eligible Town of Holden employees may opt to purchase a Basic term life insurance policy through the Town of Holden. The Town pays 50% of the costs of the policy. The employee's share is deducted from his paycheck.

In addition to purchasing the basic life insurance policy, employees may also purchase additional life insurance at their own expense. See Plan for further details. All premium costs of this insurance are deducted from employees' paychecks.

15-3 **DISABILITY INSURANCE**--Employees of the Town of Holden may purchase disability insurance through an outside carrier. If interested, an employee should contact the outside carrier directly. Information on how to contact such carrier is available at the Town Manager's office. Employees who enroll in the outside disability insurance program may elect to have their premiums deducted through the Town's payroll system.

15-4 **SECTION 125 CAFETERIA PLAN**--The Town of Holden has adopted Section 125 of the Internal Revenue Code, which allows premium amounts deducted from employees' paychecks for health and life insurance to be taken in pre-tax dollars. Employees may enroll in the Cafeteria Plan by completing the proper form at the same time that they enroll in the Town's health or life insurance groups. By doing so, the employee will find that his premium deductions for health and basic life insurance are not subject to state, federal, or Medicare taxes.

15-5 **457 TAX-DEFERRED COMPENSATION**--The Town of Holden sponsors 457 Tax Deferred Compensation Programs. If an employee wishes to participate in a program, enrollment blanks, as well as specific information may be obtained at the Town

Manager's Office. After an employee fills out the paperwork, the deduction for tax-deferred compensation will begin with the first payroll of the next calendar month.

15-6 UNIFORMS AND PROTECTIVE GEAR--Subject to the following two sentences, the Town will provide uniforms and protective gear to employees. The Town reserves the right in all cases to determine what uniforms are to be worn, who will wear uniforms, what protective gear is required and how such gear will be worn or carried or used. In the event that any uniforms or protective gear provided by the Town hereunder shall be mutilated, lost or destroyed, by reason of the carelessness of the employee, the employee shall pay the Town the replacement cost for each such item, less a reasonable depreciation credit for each month that each such item was in service. The Town will pay the cost of keeping uniforms clean in such a manner as may be determined by the Town Manager.

CHAPTER 16

RECORDS

16-1 PERSONNEL RECORDS--

- A. FINANCIAL RECORDS--The Town Accountant shall be responsible for the maintenance of a Personnel Financial Record for each employee. This record shall include: Position classification, step increase, annual salary, salary deductions, attendance records and any other financial records that she/he determines to be in the best interest of the public service.
- B. MAINTENANCE OF PERSONNEL RECORDS--The Town Manager, or their designated representative, shall be responsible for the maintenance of all other personnel records, including the original application for employment, the results of all tests and examinations taken to demonstrate qualifications, the history of employment, current status and title, commendations, record of disciplinary actions, training records and other records that he may find pertinent to the employee's service.
- C. RETENTION OF RECORDS--Such records shall be maintained on a current basis for each employee and shall not be disposed of within the lifetime of an employee.
- D. EMPLOYEE'S RIGHT TO SEE RECORDS--Any employee, upon request to their Department Head, and may arrange to see any of their records in the Personnel File of the Town Manager or the Town Accountant.

16-2 PERSONNEL ACTION FORMS--Personnel Action Forms are used to insure accurate maintenance of Personnel Records relative to leave, employment and personal status changes. Submissions of these forms are to be made according to the following policy:

A. STATUS CHANGES--

- 1. Personnel Actions Forms indicating changes in classification (reallocation of a position, abolishment of position or class, revision of a class, or creation of a new class or position), step increases, appointment dismissal, suspension, disciplinary probation, or transfer (temporary or permanent) should be initiated by the supervisor at least two weeks prior to the effective date of such action and forwarded to the Town Manager's office via the Department Head.
- 2. Personnel Action Forms indicating resignation or changes in address, name, telephone number, etc., should be initiated by the employee and submitted to the supervisor two weeks prior to the effective date of such action or as soon as possible; Department Heads should forward the form to the Town Manager's office. Department Heads should advise their employees to report such changes as

well as changes in education and skills whenever such changes occur to ensure proper maintenance of records and personnel files.

B. LEAVE--Personnel Action Forms indicating proposed days of vacation, sick, bereavement, military, jury or parental leave should be initiated by the employee and processed electronically through the ESS portal prior to the commencement of the leave, if possible.

BENEFIT & LEAVE POLICY FOR EMPLOYEES CONSIDERED LESS THAN FULL TIME

DEFINITIONS:

Full Time Employee: appointment to a position having established hours consisting of at least 35 hours ~~and~~ up to 42 hours on a 12-month basis.

Part Time Employee: appointment to a position having established hours of work which are less than those established for full time positions on a 12-month basis.

Intermittent Employee: appointment to a position with hours of work to be on an “as needed” basis with no established hours or days of week.

GENERAL:

This policy will apply to permanent part-time employees only who work 20 hours or more per week and less than 35 hours per week on a 12-month basis.

This policy shall not be retroactive.

Failure to maintain regular scheduled hours on a year-round basis for a minimum of 20 hours per week will jeopardize continued receipt of benefits and leave.

If a provision of a collective bargaining agreement or practice within the Town conflicts with any policy contained in this statement, the provision or practice shall prevail.

Permanent Part Time Employees 20 or more hours per week

Employees in this category will generally be paid only for those hours actually worked.

Health Insurance

Coverage is available to the employee, employee's spouse and eligible dependents. If at any time an employee ceases to regularly work 20 or more hours, this coverage will only be available at full cost to the employee for a maximum of 18 months unless employee is disabled in accordance with Federal Laws.

Retirement

Part time employee is required to join retirement system at applicable percentage rate at time of appointment if he or she shall work 1040 hours per year or more.

Life Insurance

Employee to be eligible with 50% contribution by the Town. If at any time an employee ceases to regularly work 20 hours or more, this coverage will only be available at full cost to the employee for a maximum of 18 months in accordance with State Law.

An employee shall have worked a minimum of 20 hours per week to receive any accrued vacation leave.

All vacation leave shall be taken within the calendar year.

Sick leave will accrue to a maximum number of hours with no buyback provision at time of retirement or death in accordance with Appendix B.

Paid leave to include vacation, sick, holiday, jury, bereavement, personal, maternity

Sick leave to be accrued after actually working for a month period.

Holiday pay to be for those hours regularly scheduled for that day.

Jury: An employee who shall be required to serve on a jury on days he or she is scheduled to work in accordance with Chapter 234A of the Massachusetts General Laws shall be paid his or her base wages for the first three days, or a part thereof, of such juror service, at their base straight time rate. For fourth and subsequent days of such juror service, the employee shall be paid the difference between the amount received as juror compensation and the employee's base straight time wages. Any employee required to serve on any federal jury on days he or she is scheduled to work shall be paid the difference between the amount paid for juror service and the employee's base straight time rate.

Vacation Leave

A. Each employee shall earn vacation with pay in accordance with Chapter 9 of this Manual.

B. Definitions

Reference to days "actually worked" means days when an employee is on the job and does not include days when an employee is on full pay status hereunder but does not work, provided, however, that an employee on jury duty or injured in the course of his employment shall be deemed to have actually worked for the purposes of this section.

A week for purposes of this section means five (5) working days.

C. Vacation Sequence--The primary two weeks' vacation shall consist of two consecutive weeks; provided, however, that an employee may take his primary two weeks non-consecutively if the employee submits their requested vacation schedule to the Department Head on or before June 1 in any year. No employee shall be required to take them separately except in an emergency. The third, fourth, or fifth week of vacation may be selected in advance by the employee, as determined by the Department Head. The schedule shall be worked out by the Department Head and shall give the fullest possible consideration to senior employees.

D. Death of Employee Eligible for Vacation--Upon the death of an employee who is eligible for vacation, payment shall be made to the estate of the deceased employee in an amount equal to the vacation pay earned but not paid to the date of the employee's death.

E. Termination of Employment--Employees who are eligible for vacation under these rules and whose employment by the Department is terminated for any reason, shall be paid an amount equal to the vacation pay earned, but not paid, to the effective date of such termination.

F. Vacation as Sick Leave--Vacation time may be used by employees in addition to, or in lieu of sick leave, with the approval of the Town Manager.

G. Holiday During Vacation--An employee shall be granted an additional day of vacation if, while on vacation, a designated holiday occurs which falls in the employee's regular work week.

H. Vacation Time Limit--Vacations provided under the terms of this section must be taken before December 31st in the vacation year, unless canceled by the appropriate administrative authority to meet an emergency or to offset a critical shortage of personnel. Such vacations, subject to seniority provisions herein, shall be granted by the Town Manager at such time as in their opinion will cause the least interference with the performance of the regular work of the Department.

I. Call Back While on Vacation--Any employee who has actually started their vacation and is called back to work by the Department head shall be paid at a rate of one and one-half times their base rate for the hours worked during their vacation period, in addition to the regular vacation pay; provided, however, that no compensation time off shall be allowed for such work performed during vacation periods.

J. Sickness While on Vacation--An employee who becomes ill while on vacation leave may not charge such illness to sick leave unless the illness exceeds three vacation days, and the employee files a physician's certificate describing the nature and duration of the illness with their Department Head.

K. Notification of Vacation Entitlement--In January of each year the Town shall notify each employee of their vacation entitlement for the forthcoming year.

Personal Leave

A. Purpose--The purpose of personal leave and leave of absence is to allow employees sufficient time to take care of persons or personal business. Personal leave is paid leave; a leave of absence is without pay.

B. Pay Status--Each employee shall be entitled to three (3) personal leave days during each fiscal year beginning July 1 without loss of pay in addition to other leave, vacation and holidays granted herein. Such leave shall be taken at a time mutually agreed upon by the employee and the Department Head. The employee's pay for a day of personal leave shall be pay for a normal duty day or workday at base day rate of compensation.

C. Requirements--The Town Manager will determine whether individual cases warrant the granting of leaves of absence.

D. Employment Status--Employees on paid leave of absence or personal leave shall not be actively employed by another employer or self-employed.

E. Return to Work--The employee must report to work at the termination of the leave of absence. If he/she does not without reasonable explanation, they will be considered to have resigned voluntarily.

F. Retention of Seniority and Benefits--The employee will retain accrued seniority and benefits after return to work.

Parental Leave

A. Maternity Leave--Maternity leaves of absence without pay may be granted before the seventh month of pregnancy for a period of up to six months. Application for maternity leave must be approved by the Town Manager's office and should be submitted on the Personnel Action form.

B. Use of Sick Leave--An employee may, if sick, on approval by the Town Manager, have maternity leave charged to all or some accrued sick leave and be paid while such sick leave is taken before going into a non-pay status. Pay for use of sick leave will not be made beyond that actually earned when the maternity leave of absence has begun.

C. Retention of Seniority and Benefits--The employee will retain seniority and benefits after return to work.

D. Adoption--An employee who is absent from such employment for a period not exceeding eight weeks for purpose of adopting a child under 3 years of age, hereinafter called maternity leave, and who shall give at least two weeks' notice of their anticipated date of

departure and intention to return, shall be restored to her previous or a similar position with retention of seniority and benefits.

E. Bereavement leave is to enable an employee to take care of personal arrangements and problems caused by the death of an immediate member of his/her family and to relieve his/her of the concern over loss of earnings on the regularly scheduled workdays immediately following the death.

Death of Spouse or child. Upon request of an employee upon the death of such employee's spouse or child, the Town Manager shall grant emergency leave of up to two (2) weeks, meaning ten (10) working days, immediately following such death without loss of pay.

Death in Immediate Family. The Town Manager shall grant, upon the request of an employee, up to three (3) working days, emergency leave without loss of pay upon the death of such employee's immediate family of such employee's mother, father, brother, sister, father-in-law, mother-in-law, grandparent, stepparents, and step-children or other relative living in the immediate household.

Refusal to Grant Leave. The Town Manager may limit such leave to less than three (3) days or refuse to grant any such leave if such employee does not intend to attend the last rites of such deceased relative and/or cannot demonstrate reasonable need for as many as three (3) or (10) days leave.

1. Eligibility -- All Town employees on the active payroll are eligible, regardless of length of services.

2. Holiday on Leave -- If a holiday occurs during the bereavement leave, the leave is not in effect. The employee is given holiday pay, if eligible. The bereavement leave is not extended an extra day after the burial due to the holiday.

3. Death During Vacation -- Bereavement leave is not effective during a scheduled vacation. Additional vacation leave to compensate for the bereavement period is not granted.

APPENDIX B
SEE SECOND ATTACHMENT OF TOWN POLICYS

- **ALCOHOL AND DRUG TESTING POLICY**
- **PRE-EMPLOYMENT CONSENT TO DRUG SCREENING**
- **EMPLOYEE CONSENT TO DRUG AND ALCOHOL SCREENING**
- **EQUAL EMPLOYMENT OPPORTUNITY POLICY**
- **SEAT BELT POLICY**
- **SEXUAL HARASSMENT PREVENTION POLICY AND PROCEDURES⁶**
- **FAMILY AND MEDICAL LEAVE POLICY⁷**
- **HARASSMENT OF INDIVIDUALS IN PROTECTED CLASSES:⁸
POLICY AND PROCEDURES**
- **FRAUD POLICY**
- **ELECTRONIC AND INFORMATION TECHNOLOGY COMMUNICATIONS
POLICY**

⁶ Harassment on the basis of race, color, religious creed, national origin, gender, ancestry, sexual orientation, as defined by law, or on the basis of age, as defined by law, disability, gender identity or expression, as defined by law, genetic information, veteran status, military service or application for military service, or pregnancy is covered by the Town's *Protected Class Harassment Policy*.

⁷ In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

⁸ Sexual harassment is covered by a separate policy.