

# TOWN OF ROCKLAND

## Personnel Policies



Approved by the Board of Selectmen on April 6, 2021

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## INTRODUCTION

It is understood that as an employee of the Town of Rockland it is your responsibility to read and comply with the following personnel policies and any revisions made to these policies. Furthermore, it is acknowledged that these policies do not constitute a contract between the Town and any one or more of its employees.

### **Changes of Policy**

The Town reserves the right to change any of its policies at any time. The Town will notify you of changes in advance whenever possible. Changes will be effective on dates determined by the Town and you may not rely on policies that have been superseded. If you are uncertain about any policy or procedure, please check with your supervisor or the Human Resources Director.

### **Employees that are members of a union may be subject to different rights and obligations under the terms of the collective bargaining agreement for their union.**

Employees of the Rockland Police and Fire Departments are also subject to specific state and federal laws, as well as Department Rules & Regulations. Where there is a conflict between a state or federal law and these Personnel Policies, the state or federal law shall prevail. Where there is a conflict between a Department Rule or Regulation and a provision of these policies, the Department Rule or Regulation shall apply.

The Human Resources Director will be responsible for providing periodic updates to this material. If you have questions or if you believe information has been changed and the following policies have not been updated accordingly, please notify your supervisor or the Board of Selectmen's or Town Administrator's office.

### **Administration**

The Town Administrator, in conjunction with the Human Resources Director, and in the absence of a Personnel Board, shall be responsible for developing and administering a personnel system, including, but not limited to, determination of rates of pay, the development and implementation of a training program, evaluation process, personnel and hiring policies, practices, and regulations for town employees. These Personnel Policies document the employment, compensation and benefits policies for the employees of the Town of Rockland. Policies, practices, and provisions included in this regulation may be changed at any time with the approval the Town Administrator.

### **Persons Covered Under This Regulation**

The personnel policies, procedures, and provisions contained in this regulation apply to all employees of the Town, including elected officials.

### **Effective Date**

These Personnel Policies were approved by the Board of Selectmen on April 6, 2021 and shall take effect on April 7, 2021. These Personnel Policies may be amended, revised, or revoked by the Town at any time.

## DISCRIMINATION & HARASSMENT

### Policy Against Unlawful Harassment, Sexual Harassment and Discrimination

It is the goal of the Town of Rockland to promote a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination in any form. The Town will not tolerate unlawful harassment, sexual harassment, and/or discrimination of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about unlawful harassment, sexual harassment, and/or discrimination, or retaliation against individuals for cooperating with an investigation of an unlawful harassment, sexual harassment, and/or discrimination complaint is similarly unlawful and will not be tolerated.

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status. Prohibited behavior includes, but is not limited to, slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

To achieve our goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this policy will not be tolerated. Because the Town of Rockland takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, we will respond promptly to complaints of this type of conduct where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate up to and including termination.

This policy shall apply to all employees, appointees, elected officials and volunteers of the Town of Rockland. Any individual violating this policy shall be subject to appropriate discipline. Please note that while this policy sets forth our goals of promoting a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment, sexual harassment, and/or discrimination.

#### Definitions

1. Discrimination: Discrimination is any decision that is made or action taken that is motivated by a bias because of an employee's:

- Age
- Disability
- Gender (including pregnancy)
- Gender Identity/Expression
- Genetics
- Military Status
- National Origin or Ancestry
- Race or Color
- Religion
- Retaliation

- Sexual Orientation

2. Harassment: Harassment is unwelcome conduct that is based on one or more of the above.

Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

3. Sexual Harassment: Sexual Harassment is specifically defined in Massachusetts law and means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

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

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



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

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

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

#### Applicability of Policy

It violates the policy of the Town of Rockland for any employee, male or female, to discriminate against and/or unlawfully harass another employee. Further, it is against the policy for an employee to discriminate against and/or unlawfully harass a non-employee and likewise for a non-employee to discriminate against and/or unlawfully harass an employee, provided the incident occurs in the workplace and within the jurisdiction of the Town.

The Town expressly prohibits any form of retaliatory action against an employee for filing a complaint of unlawful harassment and/or discrimination and for cooperating in an investigation of such a complaint.

#### Complaints of Harassment

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

If you would like to file a complaint you may do so by contacting the Town's Human Resources Director. In the event of a conflict or if it is not appropriate to contact Human Resources, employees may contact the Assistant Town Administrator. The Town Administrator is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

All complaints of discriminatory harassment will be addressed. The alleged harasser will be notified when a formal complaint is filed.

False accusations of harassment (e.g. the alleging of incidents or behavior that are proven, through investigation, not to have occurred at all) may result in severe disciplinary action up to and including termination. A finding of no probable cause as a result of an investigation does not necessarily in itself establish that the accusation was false.

If the employee does not feel comfortable discussing the complaint with any of the above-named people, the complaint may be instead filed with the Massachusetts Commission against Discrimination and the United States Equal Opportunity Commission (EEOC), the addresses for which are provided below.

### Complaint Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will document the complaint and the employee will complete a complaint form, if s/he has not already done so. The complaint shall include a description of the incident(s), the name(s) of the alleged harasser(s), times, locations, specific words/actions, and any witnesses to the occurrence(s). Both accounts will be considered part of the investigation.

We will also interview the person alleged to have committed discriminatory harassment, as well as any individuals the alleged harasser identifies as substantiating his/her responses. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

Witnesses shall be interviewed privately and individually, and neither the alleged harasser nor the complainant shall be present. The investigator will inform each interviewee that the investigation is confidential and should not be discussed with co-workers. The investigator should further inform them that the employer will not tolerate any retaliation against the complainant or anyone else who cooperates with the investigation. The investigator shall document the statements of all witnesses and will inform both the complainant and the alleged harasser of the names of all witnesses interviewed.

During the course of the investigation, the investigator may determine it is necessary or advisable to take interim measures to separate the alleged harasser from the complainant. These measures shall be crafted to minimize the chance of continued harassment or retaliation against the complainant, while not having the measures themselves constitute retaliation against the complainant. Interim measures may include; placing the alleged harasser on administrative leave, placing the complainant on administrative leave if requested, transferring the harasser or the complainant, if requested, to a different area or shift, instructing the harasser to stop the conduct, and eliminating supervisory authority over the complainant. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

The Human Resources office will keep a complete record of all complaints, their supporting documentation and their resolution, in confidential files separate from official personnel files. If the complaint is substantiated or determined to be a false accusation, the report will be placed in the personnel file of the harasser or the employee making the false accusation, respectively.

If it is determined that inappropriate conduct has been committed by one of our employees, the Town will take appropriate disciplinary action.

### State and Federal Remedies

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government

agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

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

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

*300 Day Period for Filing*

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

Boston Office:  
One Ashburton Place - Rm 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office  
436 Dwight Street, Rm 220  
Springfield, MA 01103  
(413) 739-2145

### **Pregnancy Accommodations**

Under the Massachusetts Pregnant Workers Fairness Act (effective April 1, 2018), employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy.

#### Reasonable Accommodations

The Town of Rockland will provide a reasonable accommodation for an employee's pregnancy, or any condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation. However, the Town of Rockland may deny such an accommodation if the accommodation would impose an undue hardship on the Town of Rockland's programs, enterprise, or business.

#### Notice and Documentation

Upon receiving a request for an accommodation from the employee or prospective employee capable of performing the essential functions of the position involved, the Town of Rockland will engage in a timely, good faith and interactive process with the employee or prospective employee to determine an effective, reasonable accommodation to enable the employee or prospective employee to perform the essential functions of the employee's job or the position to which the prospective employee has applied. The Town of Rockland requires the employee or prospective employee to provide documentation from an appropriate health care or rehabilitation professional about the need for a reasonable accommodation; however, the Town of Rockland will not require documentation for the following accommodations:

1. more frequent restroom, food or water breaks;
2. seating;
3. limits on lifting more than 20 pounds; and
4. private non-bathroom space for expressing breast milk.

The Town of Rockland also requires documentation for an extension of the accommodation beyond the originally agreed to accommodation.

An employee who notifies the Town of Rockland of a pregnancy or of a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child will receive an additional copy of this notice not more than 10 days after the notification.

Employees may reserve a room for the purposes of lactation by contacting the Assistant Town Administrator or Human Resources Director. Employees should keep in mind that any breast milk stored in the refrigerator must be labeled with the name of the employee and the date. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration, and tampering.

### Enforcement and Retaliation

The Town of Rockland will not:

1. take adverse action against an employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases;
2. deny an employment opportunity to an employee if the denial is based on the need to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child;
3. require an employee affected by pregnancy or a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job;
4. require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on the Town of Rockland's program, enterprise or business;
5. refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that reasonable accommodation would not impose an undue hardship, demonstrated by the Town of Rockland, on the Town of Rockland's program, enterprise or business.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact the Human Resources Director.

### **Americans with Disabilities Act**

The Town of Rockland acts in accordance with the American with Disabilities Act of 1990 (ADA), which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in providing State and local government services. The Town will provide reasonable accommodation, in accordance with the ADA, to qualified applicants and employees with disabilities.

No qualified person with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance.

For further information or to discuss the need for a reasonable accommodation, please contact the Human Resources Director.

## **EMPLOYMENT**

### **Personnel Records**

All personnel records are considered confidential. They are kept by the Town Administrator or Human Resources and may not be viewed by anyone other than the applicable employee or his/her immediate supervisor on strictly a need-to-know basis. The Town maintains a personnel file for each employee. These files contain documentation related to each employee's time served with the Town, including salary history, performance appraisals, beneficiary designation forms, disciplinary warning notices and letters of commendation.

An employee may view his/her employment records by requesting access from the Town Administrator, Human Resources Director, or their designee. Such requests shall be subject to G.L. c. 149, §52C, which requires that the Town, after receiving a written request from an employee shall provide the employee with an opportunity to review such employee's personnel record within 5 business days of such request.

To ensure that your personnel file is always up to date, notify your supervisor or the Human Resources Department of any changes in your name, telephone number, home address, beneficiaries, scholastic achievements, and the contact person to notify in case of an emergency.

### **Recruitment**

Department Heads must notify the Town Administrator and Human Resources Director when job openings occur. Written notification must be accompanied by a job description, required qualifications, and the number of regularly scheduled weekly working hours.

Job vacancies will be posted by the Town Clerk's office. Qualified Town employees are encouraged to apply to the appropriate department to fill a job vacancy. Selection, whether in a union or non-union position, is at the discretion of the appointing authority and is made based on job knowledge, qualifications, experience, job performance, dependability, and other job-related factors.

Job vacancies may also be advertised in newspapers, professional publications, or using other methods to find appropriate applicants. For management positions, the use of the Massachusetts Municipal Association ([www.mma.org](http://www.mma.org)) and other industry associations is strongly encouraged. All external applicants must complete a job application.

Each applicant's qualifications will be reviewed by Human Resources and appropriate Department Head or Board. Hiring decisions will be made by the appropriate Department Head, Human Resources, Town Administrator or Board within established procedures. Union employees should review their collective bargaining agreement to verify the posting requirements for openings and promotions.

## **Veterans Re-Employment**

Provisions shown below for Veterans' re-employment are designed to be consistent with federal law. If any part of the Town's Veterans' Re-employment Policy is found to conflict with federal law or state law, that law shall govern.

A full-time or permanent part-time employee who leaves employment with the Town to become a member of the armed forces of the United States, may be entitled to his/her job held at the time of induction or to a job of similar pay and status without loss of seniority providing that the Town's employment situation has not changed to the extent that re-employment would be impossible or unreasonable.

To qualify for re-employment a veteran must have been separated from the military under honorable conditions and be qualified to perform the duties of the job. If the veteran has been disabled during military service, (s) he will be offered a job comparable in status and pay to his/her job at the time of induction provided that the Town's employment situation allows this job placement.

A veteran must apply to the Town for re-employment within ninety days (90) of discharge from active service. For Reservists and National Guard members returning from initial active duty or training of three consecutive months or more, the period for reapplication is thirty-one (31) days.

## **Promotions**

A promotion is a change from an employee's current job grade to a higher grade.

An employee who is promoted to fill a job vacancy will be paid at the next salary step which is more than their current rate of pay, unless otherwise approved by the Department Head and Town Administrator.

Depending on the requirements for his/her new job, an employee may be required to submit evidence of a satisfactory physical examination to the Town Administrator or designee.

Unless specifically limited by an applicable collective bargaining agreement, the Town reserves the right to promote the candidate most qualified for that position, regardless of seniority or other considerations.

## **Transfers**

A transfer is a change of job in the same pay grade as the current job or a change to a job in a lower pay grade. A transfer may also involve changing status from part time to full time.

A transfer does not guarantee a salary review.

Depending on the requirements for his/her new job, an employee may be required to submit evidence of a satisfactory physical examination to the Town Administrator or designee.

## **New Employees**

Under the provisions of the Immigration Reform and Control Act of 1986, all new employees are required within three (3) days of beginning work to present evidence to the Town Administrator or designee of their legal right to work in the United States. All new employees are also required to complete various forms, such as those required for tax withholding, and other records required for benefits eligibility.

Depending on the requirements for his/her job, a new employee may also be required to submit evidence of a satisfactory physical examination to the Town Administrator or designee.

A new employee will be subject to a six (6) month probationary period in a full-time or regular part-time position. During this probationary period, he/she may be terminated without benefit or recourse through any provisions of the laws of the Town of Rockland or the Commonwealth of MA. Employees hired under G.L. c. 31, Civil Service law, are subject to a one (1) year probationary period. Employees hired into positions covered by a collective bargaining agreement (union employees) should consult the applicable collective bargaining agreement for information regarding their probationary period.

### **Employee Classification Categories**

All employees are designated as either non-exempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility.

These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and Town of Rockland.

#### Non-Exempt employees

Are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

#### Exempt employees

Are generally managers or professional, administrative, or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Town of Rockland has established the following categories for both non-exempt and exempt employees:

- **Regular, Full Time:** Employees who are not in a temporary status and who are regularly scheduled to work the company's full-time schedule of 35 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefits program.
- **Regular, Part Time:** Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule but at least 20 hours each week. Regular, part-time employees are eligible for some of the benefits offered by the company subject to the terms, conditions, and limitations of each benefits program.
- **Employees less than twenty hours:** Employees who are not in a temporary status and who average hours less than twenty (20) hours each week are not benefit eligible and will not be entitled to any paid time off pursuant to this policy including sick, vacation or personal time.
- **Temporary, Full Time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration.

Employment beyond any initially stated period does not in any way imply a change in employment status.

- **Temporary, Part Time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work less than the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Temporary workers are not eligible for company benefits unless specifically stated otherwise in company policy or are deemed eligible according to plan documents.

### **Background and Reference Checks**

To ensure that individuals who join the Town of Rockland are well qualified and to ensure that the Town maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the Town. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

The Town of Rockland also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

### **Medical Examinations**

As part of the Town's employment procedure, all offers of employment may be contingent upon a satisfactory pre-employment medical examination by a Town appointed physician. This exam may include alcohol and drug screenings. Any offer of employment is contingent upon, among other things, a determination by the Town and its examining physicians that the applicant is capable of performing the essential functions of the position that has been offered, with or without reasonable accommodation.

In cases of worker's compensation, FMLA leave, injury on duty, return from long-term or serious illness, employees may also be required to undergo periodic medical examinations, at times specified by the Town, which may also include alcohol and drug screenings in instances of CDL employees, to determine their fitness for duty. Employees may be required to undergo a medical exam when job related and consistent with business necessity such as: when employees performance or record of attendance declines without apparent reason, when an employee asks for an accommodation for a disability or to determine if an employee returning from a workers' compensation leave or medical leave can perform the duties of his/her job. In connection with these examinations, employees are required to provide the Town with access to their medical records, if requested. Further it should be understood that the Town may receive a



full medical report from its examining physician regarding the applicant's or employee's state of health. Most Town-required medical examinations are paid in full by the Town.

### **Nepotism, Employment of Relatives and Personal Relationships**

The Town of Rockland wants to ensure that Town practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion, and transfer. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins, and domestic partner relatives.

If employees begin a dating relationship or become relatives, partners, or members of the same household and if one party is in a supervisory position, that person is required to inform his/her department manager and Human Resources of the relationship.

The Town of Rockland reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

### **Discipline**

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

The Town of Rockland will address issues such as poor work performance or misconduct with appropriate disciplinary actions. The Town's discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

The Town reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion, and discharge. The foregoing shall not limit the Town's right to discharge an at-will employee at any time and for any reason, or for no reason, as permitted under Massachusetts law.

### **Department Heads**

If the Town Administrator seeks to terminate or take other disciplinary action against a Department Head, the Department Head will be provided with notice of the contemplated action and an opportunity to meet with the Town Administrator prior to the disciplinary action being taken.

### **Separation of Employment**

Separation of employment within an organization can occur for several different reasons.

### **Resignation**

We understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth

transition out of the organization. Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

### Retirement

Employees who wish to retire are required to notify their department manager and the Human Resource department in writing at least one (1) month before the planned retirement date. Employees receiving additional payments linked to retirement through a collective bargaining agreement must comply with all notice requirements contained in that collective bargaining agreement.

Membership in the Plymouth County Retirement Plan or other Town approved plans is provided for regular Town employees according to the provisions of MGL Ch. 32 and its amendments as accepted by the Town.

### Job Abandonment

Employees who fail to report to work or contact their supervisor for two (2) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resources Director at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

### Discharge

Discharge is a permanent separation initiated by the Town. The Town may discharge an employee at any time for any reason or for no reason.

Discharge of any employee may be warranted by, but not exclusive to:

- destroying, defacing, or damaging Town property or the property of another employee;
- theft, pilferage, or unauthorized removal of property;
- erroneous judgment that results in loss of equipment or money or that puts the Town in jeopardy;
- possession of or being under the influence of alcohol or illegal substances on Town property or during the workday;
- misrepresentation or falsification of employment or medical records;
- possession of unauthorized weapons on Town property or during the workday;
- refusing to perform assigned tasks or performing in an insubordinate manner;
- Harassment of any form including sexual harassment.

### Release

Release is a permanent separation initiated by the Town as the result of the elimination of a job or of a reduction in force. The qualification of employees whose jobs are being eliminated or who are affected by a reduction in force will be considered and, if possible, those employees will be placed to fill vacancies in other Town jobs. Employees who are released will be recalled according to their qualifications to fill vacant positions.

### **Return of Company Property**

The separating employee must return all company property at the time of separation, including uniforms, cell phones, keys, computers, and identification cards. Failure to return some items may result in deductions from the final paycheck. The separating employee shall contact the Human Resources Director

as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed on.

### **Rehire**

Former employees who left the Town in good standing and were classified as eligible for rehire may be considered for re-employment. An application must be submitted to the Human Resources department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resources director or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure may be considered in calculating longevity, leave accruals or any other benefits at the reasonable discretion of the Town Administrator in consultation with the Human Resources Director.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

## **WORKPLACE SAFETY**

The Town intends to comply with all applicable health and safety laws, including G.L. c. 149 §6 ½ and 454 CMR 25.00, which apply Federal Occupational Safety & Health Administration (OSHA) standards to Massachusetts municipal workplaces.

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner, in compliance with all Town and department safety policies and procedures, as well as all local, state, and federal safety and health regulations and program standards.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events, and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination.

Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow company safety and health guidelines or engaging in conduct that places the employee, client or company property at risk can lead to employee disciplinary action and/or termination.

### **Drug-Free Workplace Policy**

The Town of Rockland has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, the Town is committed to the elimination of drug and/or alcohol use and abuse in the workplace. It is impermissible to be impaired while on duty due

to the use or misuse of illegal narcotics, prescription narcotics, alcohol, or any combination thereof. Employees found to be impaired while on duty may be subject to immediate discharge.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of the Town. The Town Administrator and/or Human Resources department is responsible for policy administration.

#### Employee Assistance and Drug-Free Awareness

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resources Director or Town Administrator, whose members have been trained to make referrals and assist employees with drug/alcohol problems.

Town of Rockland will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs, the improper use of prescription medication or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty, and ability to work safely. They must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

All employees are advised that marijuana is still an illegal controlled substance under Federal Law, and use or possession of marijuana while on duty may result in discharge, even if the employee is in possession of a valid Massachusetts Medical Marijuana card or permit. Employees testing positive for marijuana may be subject to disciplinary action when appropriate.

#### Work Rules

The following work rules apply to all employees:

- Whenever employees are working, are operating any company vehicle, are present on company premises, or are conducting related work off-site, they are prohibited from:
  - Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
  - Being under the influence of alcohol or an illegal drug as defined in this policy.
- Town of Rockland will not allow any employee to perform their duties while taking prescribed drugs that may adversely affect the employee's ability to perform his/her job duties safely and effectively. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

### Required Testing

The Town retains the right to require the following tests for those employees who have Commercial Driver's Licenses or who are covered under the Department of Transportation Drug and Alcohol Testing Program:

#### **Pre-Employment**

All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

#### **Reasonable Suspicion**

Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession, or impairment. Town Administrator must be consulted before sending an employee for reasonable suspicion testing.

#### **Post-Accident**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a company vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within four (4) hours following the accident, if not sooner.

#### **Follow-Up**

Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, The Town may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

### Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be subject to discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include a member of management and Human Resources. Should the results prove to be negative; the employee will receive back pay for the times/days of suspension.

## Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## Inspections

Town of Rockland reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

## Crimes Involving Drugs

Town of Rockland prohibits all employees from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

Police Officers, Firefighters, and any employee who hold a Commercial Driver's License as a requirement of the position must comply with an Alcohol and Drug Testing Policy. The specifics of this Policy vary depending upon union membership. If you are in any of these three groups, you should read the Alcohol and Drug Testing Policy in your Union Contract.

## **POLICY OF ZERO TOLERANCE FOR WORKPLACE VIOLENCE**

### **Policy Statement**

Workplace violence undermines the integrity of the workplace and the personal safety of the individual employee. Therefore, the Town maintains a zero-tolerance policy for workplace violence. Effective immediately, it is the policy of the Town that all its employees work in an environment free from workplace violence.

### **Definitions**

For the purposes of this policy, "workplace" is defined as:

- Any Town owned or leased property, including surrounding areas such as sidewalks, walkways, driveways and parking lots under the Town's ownership or control.
- Any location where Town business is conducted;
- Town vehicles or private vehicles being used for Town business;
- In addition, workplace violence can occur at any location if the violence has resulted from an act or decision made during the course of conducting Town business.

"Workplace violence" includes but is not limited to the following:

- Physical assault and/or battery;
- Threats and/or acts of intimidation communicated by any means that cause an employee to be in fear of their own physical safety or that of a colleague;

- Disruptive or aggressive behavior that places a reasonable person in fear of physical harm and/or that causes a disruption of workplace productivity; and/or
- Property damage.

Violent behavior can include actions or communication in person, by letter or note, telephone, fax, electronic mail, social media and/or any other form of digital communication. Incidents of workplace violence may be acted out individually or take place between employees, employees and clients/customers, employees and acquaintances/partners and employees and the general public.

**Under this Policy, Employees shall:**

- Ensure that they do not participate in any form of workplace violence.
- Cooperate in the investigation of alleged workplace violence; and
- Report behavior in the workplace they believe to be workplace violence to their supervisor, or the police when appropriate.

**WEAPONS-FREE WORKPLACE POLICY**

To ensure that the Town maintains a safe workplace for all employees, the Town prohibits the possession or use of dangerous weapons at the workplace.

**Persons Covered**

All Town employees are subject to this provision, including contract workers and temporary employees. Police Department personnel who carry weapons as part of his or her job function are excluded from this policy.

A license to carry a weapon does not supersede Town policy. Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

**Definitions**

For the purposes of this policy, “workplace” is defined as:

- Any Town owned or leased property, including surrounding areas such as sidewalks, walkways, driveways and parking lots under the Town’s ownership or control.
- Any location where Town business is conducted.
- Town vehicles or private vehicles being used for Town business.

“Dangerous weapons” includes firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm. Weapons that are needed for a legitimate job function are excluded from this policy.

Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

**Searches of Personal Property**

The Town reserves the right at any time and at its discretion to search with reasonable suspicion all Town owned or leased vehicles and all vehicles, plus packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy.

Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up

to and including termination.

## **TOBACCO-FREE WORKPLACE**

The purpose of this policy is to ensure that the Town of Rockland offers a smoke-free and tobacco-free environment for its workers and citizens in and around any buildings or vehicles owned, leased or operated by the Town.

Tobacco products prohibited in this policy include but are not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization.

It shall be prohibited for employees to utilize any and all tobacco products in the following areas:

1. In any Town owned or Town operated building;
2. Within 200 feet of any Town owned or operated building;
3. Any Town worksite or Town work location;
4. Any vehicle owned, operated, leased or utilized by the Town for Town business.

### Complaint Procedure

A. Any employee having a complaint that he or she is being exposed to tobacco may object in writing to his or her Department Head.

B. The Department Head must respond to the employee within ten (10) working days after receipt of the complaint.

The tobacco-free workplace policy applies to:

- All areas of Town buildings;
- All Town-sponsored off-site conferences and meetings;
- All vehicles owned or leased by the Town;
- All visitors on Town premises;
- All contractors and consultants and/or their employees working on Town premises;
- All employees, temporary employees and student interns;

### Sanctions

Any employee who continues to knowingly violate this policy may be subject to disciplinary action up to and including termination. Police officers and firefighters hired after January 1, 1988 are subject to immediate termination for smoking any tobacco product.

## **WORKPLACE EXPECTATIONS**

### **Confidentiality**

Our clients, taxpayers, and other parties with whom we do business entrust the Town with important information relating to their businesses. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a “need to know.” If an employee questions



whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

All inquiries from the media must be referred to the Town Administrator.

### **Conflicts of Interest**

Respecting and honoring the public trust placed in those who work in municipal government is an issue of paramount importance. In order to ensure that you are cognizant of your obligations and have full understanding of the implications of your actions and/or omissions all new employees are required to complete on-line conflict of interest law and ethics training within 30 days of beginning public service. Existing employees are required to complete this training every two years. The Conflict of Interest Law, Chapter 268A of the General Laws, applies to all municipal employees, whether elected or appointed, full-time or part-time, paid or unpaid.

The municipal online training program is available at [www.mass.gov/ethics](http://www.mass.gov/ethics). Once you have completed the training program, print your completion certificate, and submit to the Town Clerk's office. Please retain a copy for your records.

To electronically save your completion certificate, you must convert it to a pdf and then save it to your computer or network. You can also print and scan the completion certificate or save it to your computer as a screenshot. Either way, the completion certificate can then be emailed to the Town Clerk as an attachment.

### **Outside Employment**

If you are planning to accept an outside position, you must notify your supervisor in writing. Outside employment must not conflict in any way with your responsibilities for the Town of Rockland. Taking a second paid job that conflicts with the duties of your municipal job is prohibited according to Massachusetts General Laws.

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid.

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public

would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

### **Attendance and Punctuality**

Vacation and holidays must be scheduled with one's supervisor in advance. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off.

Employees may be permitted up to twelve (12) weeks of unpaid leave under the Family and Medical Leave Act (FMLA). Employees may utilize paid leave during FMLA leave, so long as payment for such leave is consistent with that employee's contract or collective bargaining agreement. (See Family and Medical Leave Act Policy)

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter.

### **Attire and Grooming**

It is important for all employees to project a professional image while at work by being appropriately attired. Town employees are expected to be neat, clean and dressed according to the requirements of their positions. Some employees may be required to wear uniforms or safety equipment/clothing. Please contact your Supervisor for specific information regarding acceptable attire for your position.

All employees must be covered from collarbones to knees at all times (see-through clothing is considered inappropriate). Natural and artificial scents may become a distraction from a well-functioning workplace and are also subject to this policy.

The Town of Rockland is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

### **Vehicle Policy**

It is the policy of the Town of Rockland to authorize the acquisition and utilization of vehicles for use by officials of the Town in the conduct of their employment responsibilities, either during the work shift or on a twenty-four (24) hour on-call basis. Town vehicles are for use by Town employees only. Town vehicles are assigned on a departmental basis to be used by that department only. Other departments are not to use vehicles not assigned to them unless given permission by the department who has primary possession of such vehicle. Town vehicles are not intended for personal use. Town vehicles should be viewed as belonging to the citizens of Rockland and are assigned solely for purposes consistent with providing services to those citizens. When Town vehicles are not conducting town business, they are to be garaged at the appropriate Town department office.

When commuting, vehicle use is limited to travel to and from the residence and place of work. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons, unless otherwise authorized by the Town Administrator.

Employees assigned vehicles for 24-hour use involving a commute of more than twenty (20) miles one way shall reimburse the Town for the additional operational or maintenance cost as determined by the Board of Selectmen.

Employee's assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.

Municipal vehicles must have the Town seal or department insignia patches affixed on the drivers and passenger side doors (except for unmarked Police and Fire vehicles), and may only be used for legitimate municipal business.

Municipal vehicles will not be used to transport passengers who are not directly or indirectly related to municipal business, as determined by the Department Head.

Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.

In accordance with the Town's Tobacco-Free Workplace Policy and Massachusetts law, employees are prohibited from smoking in municipal vehicles.

Employees and other vehicle passengers must wear seatbelts in Town vehicles so equipped during operation of the vehicle (except for Police who must respond to an incident where the use of a seat belt may present an unsafe situation for the vehicle operator and/or occupant).

The use of cell phones is prohibited while driving, except for emergency purposes. Texting while driving is strictly prohibited. All employees must comply with any and all applicable state laws regarding prohibitions on electronic devices and/or cell phones while driving including, but not limited to, the Massachusetts Hands Free driving law.

Employees shall not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medication that may interfere with effective and safe operation of the vehicle. Possession or transportation of alcohol and/or illegal drugs in a municipal vehicle is prohibited.

Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once every six (6) months. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws. Any change in license status, including but not limited to the loss, suspension or expiration of a driver's license must be reported to a supervisor immediately.

## **COMPUTER/INTERNET USE**

### **Introduction**

The Town of Rockland provides staff with computer equipment and the ability to communicate and receive information using electronic mail and the Internet. The Town utilizes this technology to improve staff efficiency and communication, and to serve the public more effectively. These computer resources are the property of the Town of Rockland and should be used for appropriate business purposes only.

The Town may monitor and access the voicemail, e-mail, internet usage and any other electronic files within the Town's system, without notice to users of the system, in the ordinary course of business when the Town deems it appropriate to do so. Town employees have an obligation to use electronic mail and their access to the Internet in a responsible and informed way, conforming to network etiquette, customs, and courtesies.

Questions regarding acceptable use can be referred the Town Administrator's Office. This policy may be updated from time to time and amended at the discretion of the Town Administrator and/or the Board of Selectmen. Department Heads may supplement this policy to accommodate their specific departmental circumstances.

### **Prohibited Activities**

The following activities are strictly prohibited:

- Any illegal activity, including, but not limited to, the transmission of copyrighted or trade secret material, obscene or threatening materials, or the participation in any type of criminal activity.
- Transmission of materials used for commercial promotion, product endorsement or political lobbying.
- Attempts to violate the Town of Rockland computer system or the computer system of any other municipality, institution, organization, company or individual.
- Software piracy, or the downloading and transferring of software for which the user does not have proper licensing.

### **Town Technology Usage Policy**

#### Authorized Use

Computers, laptops, tablets and cell phones are provided for specific employees who utilize them to perform their job functions. Department Heads are responsible for determining which personnel are authorized to use each computer under the Department Head's purview. Any unauthorized use of computer equipment is prohibited.

#### Software

The copying or installing of software programs without prior approval of the Department Head or the Town Administrator is prohibited.

#### Security

No user shall violate the computer security systems or procedures implemented by the Town, the Director of Information Technology (IT) or his/her designee, including proper use of passwords, security systems and virus detection programs. Personal cell phones or devices should not be connected to or synchronized with Town devices unless authorized by the Director of IT for business purposes. Employees are expected to use caution before opening emails or files from unknown senders. Employees must properly log off and secure Town electronic devices when they are not in use.

### Storage

Documents and data files stored on the town's computers are the property of the Town and may be accessed by authorized personnel for the purposes of, but not limited to, system maintenance, back-up, recovery, virus checking and adherence to this policy.

### **Use of User Account and Passwords**

#### Confidentiality

User accounts are unique and assigned to authorized individuals for Town business. The sharing or unauthorized use of a user account is strictly prohibited and a violation of this policy.

Passwords should be kept confidential at all times. Employees should endeavor to create passwords that are unique and not easily discoverable. The most secure passwords have a minimum of 6 characters and contain both letters and numbers.

#### Changing Passwords

Users should periodically change their passwords. Users needing instructions for changing their password should contact their Department Head or the Town Administrator's office.

### **Use of Electronic Mail (Email)**

#### Town Business

Email is an effective way to communicate with town employees and other job-related contacts. Email is to be used for town business only. Email and any related electronic files, software and services are the property of the Town of Rockland.

#### Content

Electronic mail should never be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. Electronic mail should also never be used to create offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.

#### Public Record

Email messages are considered public record and therefore are discoverable.

#### Confidentiality

Email (particularly Internet email) should be viewed as an unsecured mode of communication. When it is necessary to send confidential information via email, employees must use encryption software. The

Director of Information Technology (IT) can provide instructions and information about how to use the Town's encryption software to send confidential emails. Employees should never assume that email messages or Internet postings are personal or confidential. All messages sent or received by electronic mail can be tracked and monitored by the Town's computer system. Employees are not authorized to retrieve or read messages that are not sent to them unless the intended recipient gives express permission.

#### Unsolicited Email

Unsolicited email received from the Internet should not be opened. The user should delete the message immediately. Never open an attachment, especially if you do not know the source. Opening unknown attachments could initiate a virus.

#### **Use of Internet Browsing Software**

##### Privileges

Internet browsing capabilities are extended to those personnel requiring access to information on the World Wide Web. Browsing should be limited to Internet sites directly related to the user's job function.

##### Downloading Software Programs and Documents

Under no circumstances should software programs be downloaded from the Internet and / or installed without the prior permission of the IT Director, Department Head and/or the Town Administrator.

Careful consideration should be made before downloading any data files (e.g., word-processing, spreadsheets, files, etc.) from an Internet site. The reliability of the source of the document should be considered. Since harmful programs can be transmitted via documents, all documents and files must be checked for virus's prior to use.

#### **Sanctions**

Any employee who violates this policy or uses the Town's computer system for inappropriate purposes shall be subject to disciplinary action, up to and including discharge.

## **SOCIAL MEDIA POLICY**

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chatrooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

### **Guidelines for Personal Use of Social Media**

The following principles apply to personal use of social media by Town employees.

- Employees should be aware of the effect their actions may have on their images, as well as the Town's image. The information that employees post or publish may be public information for a long time.
- Employees should be aware that The Town may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to the Town, its employees, and citizens of the Town.
- Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the Town Administrator, Human Resources Department and/or their supervisor.
- Social media use should not interfere with an employee's ability to perform the responsibilities of their position.
- Computer systems are to be used for business purposes only. Personal use of social media networks or personal blogging of online content is discouraged and may result in disciplinary action.
- Subject to applicable law, online activity outside of work that violates the Town's Personnel Policies may subject an employee to disciplinary action or termination.
- If employees publish content outside of work that involves work or subjects associated with the Town of Rockland, a disclaimer should be used, such as this: "The postings on this site are my own and may not represent the town of Rockland's positions, strategies, or opinions." Use of such disclaimer shall not prevent the Town from disciplining an employee that publishes content in violation of a Town policy or policies, whether or not the employee was on duty at the time the material was posted or published.

### **Guidelines for Use of Social Media on Behalf of the Town**

In addition to the guidelines listed above for personal use of social media, employees who are authorized to operate social media accounts on behalf of the Town are required to adhere to the following guidelines:

- Employees must adhere to the Town of Rockland's Personnel Policies when using social media in reference to The Town of Rockland.
- Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized Town personnel.
- If an interaction on social media threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.

- Employees should get appropriate permission before referring to or posting images of current or former employees, members, vendors, or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- Employees must keep the Town's social media accounts separate from personal accounts.

## **CONTACT WITH MEDIA**

All media inquiries regarding the Town and its operations must be referred to the Town Administrator's office. Only the Town Administrator is authorized to make or approve public statements on behalf of the Town, unless otherwise agreed.

## **SOLICITATIONS, DISTRIBUTIONS, AND POSTING OF MATERIALS**

Town of Rockland prohibits the solicitation, distribution, and posting of materials on or at company property by any employee or nonemployee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by the Town.

Provisions:

- Non-employees may not solicit employees or distribute literature of any kind on company premises at any time.
- Employees may only admit non-employees to work areas with Department Head approval or as part of a company-sponsored program. These visits should not disrupt workflow. An employee must accompany the nonemployee at all times.
- Employees may not solicit other employees during work times, except in connection with a company-approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a company-sponsored event.
- The posting of materials or electronic announcements are permitted with approval from Human Resources.

Violations of this policy should be reported to the Town Administrator or Human Resources.

## **COMPENSATION**

(Note: The following information may be inapplicable to employees who are members of a union. Employees should consult their collective bargaining agreement or speak with a union representative if they have a question regarding any right or benefit.)

### **Performance and Salary Review**

The Town is permitted to conduct performance appraisals. The performance appraisal will be discussed, and both the employee and manager will sign the form to ensure that all strengths, areas for improvement, and job goals for the next review period have been clearly communicated. Performance evaluation forms will be retained in the employee's personnel file.



Merit increases are based on performance and are not guaranteed. A performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to his/her position responsibilities are evaluated to determine if a salary increase would be warranted.

Budget allocations for merit increases are planned for and allocated before the start of each fiscal year. Salary adjustments are occasionally requested or warranted at times other than the employee's scheduled annual salary reviews. Out-of-cycle salary increases must be pre-approved by the Town Administrator.

Wages for union employees are addressed in the collective bargaining agreement for that particular union.

### **Hours of Work**

Work schedules are set by Town Administrator, Department Heads and/or Boards and may be changed to meet Town needs, subject to any applicable collective bargaining agreement.

The nature and hours of work are determined by the positions held. Permanent, full-time administrative support employees are scheduled for 35 hours per week. Others, including Department Supervisors and Department Heads, are scheduled for 40 hours per week.

### **Meal/Rest Periods**

The scheduling of meal periods at the Town of Rockland is set by the employee's immediate manager with the goal of providing the least possible disruption to town operations.

### **Mandatory Meal Period**

Employee meal periods are important to company productivity and employee health. Employees who work at least six (6) consecutive hours will be provided an unpaid meal break of at least 30 minutes. The meal period will not be included in the total hours of work per day and is not compensable. Nonexempt employees are to be completely relieved of all job duties while on meal breaks and must clock out for meal periods.

### **Breaks**

Salaried employees, as they are paid a weekly salary regardless of the hours they work, may choose to take breaks as needed.

All breaks may only be taken with the approval of the employee's supervisor.

### **Impermissible Use of Meal Period and/or Rest Breaks**

Neither the lunch period nor the rest break(s) may be used to account for an employee's late arrival or early departure or to cover time off for other purposes—for example, rest breaks may not be accumulated to extend a meal period, and rest breaks may not be combined to allow one half-hour long break.

### **Overtime**

All overtime and/or compensatory time must be authorized in advance by the appropriate Department Head.

Employees are expected to work the hours that they are assigned. All positions are classified as either “Exempt” or “Non-Exempt,” as defined by the Fair Labor Standards Act (FLSA). Non-exempt employees who work over 40 hours in one week are eligible for overtime. Employees classified as exempt are not eligible for overtime.

Exempt employees, such as Department Heads and professional and administrative employees, are not paid overtime. Non-exempt employees are paid 1½ times their regular rate for hours actually worked over 40 hours in one week. A non-exempt employee who is required to work more hours than his/her regular schedule but less than 40 hours during a week will be paid his/her regular rate for the additional hours. If a non-exempt employee is called back to work during any period of time not considered a regular work shift, the employee will be paid 1½ his/her regular rate.

### **Compensatory Time**

Depending on the needs of the department, nonexempt employee may be eligible to receive compensatory time in lieu of overtime pay for overtime work. Compensatory time is calculated at the rate of 1½ time the actual number of hours worked over 40 in one week. Compensatory time must be approved by the Department Head prior to being accrued and must be used within 30 days of its accrual, as approved by the Department Head. Compensatory time may not be accumulated.

### **Payroll Reporting**

State and federal laws require that employers keep accurate records of hours worked by nonexempt employees. Department Heads are responsible for completing required records of their employees’ time worked. Payroll records are retained by the Town’s Treasurer. The Town reserves the right to track time through electronic or other means, as determined by the Town Administrator.

### **Pay Periods/Payroll**

Employees are paid on Thursdays on a weekly basis (school employees biweekly) via check or direct deposit into an employee designated bank account. Employees are paid on Thursday for the period that ended on the previous Saturday. Please review your paycheck for errors. If you find a mistake, report it to Human Resources immediately.

Hourly and salaried employees must record their hours on time sheets and give them to the designated payroll liaison in their department by 10:00 a.m. on Monday.

The work week starts on Sunday at 12:01 a.m. and ends on Saturday 12:00 a.m. (midnight).

### **Garnishment/Child Support**

When an employee’s wages are garnished by a court order, the Town is legally bound to withhold the amount indicated in the garnishment order from the employee’s paycheck. The Town will, however, honor applicable federal and state guidelines that protect a certain amount of an employee’s income from being subject to garnishment.

## **Employee Travel and Reimbursement**

Employees will be reimbursed for reasonable expenses incurred in connection with approved travel on behalf of the Town.

Travelers seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid the appearance of impropriety. If a circumstance arises that is not specifically covered in the travel policies, the most conservative course of action should be adopted.

Travel for staff must be authorized by the employee's department manager in advance. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. Upon completion of the trip, and within 30 days, the traveler must submit a Travel Reimbursement Form and supporting documentation to obtain reimbursement of expenses. For more details, refer to the company intranet for detailed travel policies, procedures and authorization and reimbursement forms.

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and state wage payment laws.

## **TIME OFF/ LEAVE OF ABSENCE**

### **Holidays**

Full-time employees will be paid for the following Town holidays that are observed on their regularly scheduled workdays:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
Presidents Day	Day after Thanksgiving
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Day before Christmas, if Christmas falls on a Tuesday - Friday
Labor Day	

Part-time employees will receive holiday pay if a Town holiday falls on one of their regularly scheduled work days. A part-time employee's holiday pay will be calculated according to the number of hours he/she is regularly scheduled to work on that day.

Calculation of holiday pay for the purposes of overtime eligibility shall be dictated by the applicable collective bargaining agreement.

A Town holiday that falls on a Saturday will be celebrated on Friday; a Town holiday that falls on a Sunday will be celebrated on Monday.

A full-time employee filling a job classified as "nonexempt" who is required to work on one of the above holidays will be paid 1½ times his/her regular rate plus straight time holiday pay for the hours worked during his/her regular shift. Additionally, an employee who works hours in excess of his/her regularly scheduled shift will be paid 1½ times his/her regular base rate for those excess hours but will receive no additional holiday pay.

## **Vacations**

Full-time employees are eligible for paid vacation time according to the following schedule, unless otherwise noted in the applicable collective bargaining agreement. July 1 of the calendar year of hire shall be used for purposes of calculating the beginning of 5, 10, and 15 years of service employed for vacation benefits. Permanent part-time employees averaging 20 hours or more per week in any eight week cycle during the fiscal year shall accrue vacation time on a pro-rated basis.

<b>Aggregate Employment Time in the 12 Months Prior to July 1</b>	<b>Weeks of Vacation as of July 1</b>
At least six months, but less than a year	5 days (1 week)
At least 1 year, but less than 2 years	5 days (1 week)
At least 2 years, but less than 5 years	10 days (2 weeks)
At least 5 years, but less than 10 years	15 days (3 weeks)
At least 10 years, but less than 15 years	20 days (4 weeks)
At least 15 years	25 days (5 weeks)

Employees are paid their regular base rate for vacation weeks. Prior service and years of experience may be considered in determining vacation benefits for new hires and/or for initial placement for former contract employees on the above scale.

Vacation schedules must be approved in advance by Department Heads. A maximum of ten (10) vacation days may be carried into the next fiscal year with the approval of the Town Administrator. This vacation time must be used within the first quarter of the next fiscal year or the vacation time will be forfeited.

Employees who are out of work on July 1 for any reason other than vacation are not eligible to receive vacation benefits until they return to work. Time out of work will be deducted from the aggregate time worked in the previous twelve months to compute the length of paid vacation time for each employee.

An employee who separates from employment shall be compensated for that portion of any vacation allowance, which has been accrued but has not been taken in the vacation year prior to such termination. In addition, payment shall be made for that portion of the vacation allowance earned during the vacation year that the dismissal, retirement, or death occurred, to the time of the employees' separation from the payroll.

## **Sick Leave and Personal Days**

Unless otherwise noted in an applicable collective bargaining agreement, employees shall accrue one (1) day per month of sick leave. No employee shall accrue beyond one hundred and twenty (120) sick days.

Employees will receive three (3) personal days per fiscal year. Unused personal time cannot be carried over into the following fiscal year.

## **Retirement/Death Compensation for Unused Sick Time**

An employee hired after 7/1/2005, who retires with Plymouth County or separates as a result of death, may be eligible to be compensated for unused sick leave up to 25% of one hundred and twenty (120) accrued sick days.

An employee hired before 7/1/2005, who retires with Plymouth County or separates as a result of death, may be eligible to be compensated for unused sick leave up to 100% of one hundred and twenty (120) accrued sick days.

No Town employee who previously received a “sick leave buyout payment” during the course of his/her employment shall be eligible for any buyout provision pursuant to this Policy.

Persons holding the title of Deputy Chief may be subject to alternate buyout provisions. Employees will not receive compensation for unused personal time.

Town employees covered by a collective bargaining agreement shall be entitled any sick leave buyout provisions contained within the applicable collective bargaining agreement and shall not be entitled to any buyout under this Policy.

#### **Accrual during Absence**

An employee shall continue to accrue sick time during vacation and paid sick leave but shall not accrue any paid time off after three (3) months of absence and/or when receiving Workers’ Compensation benefits.

#### **Physician’s Certificate**

The Town may require a physician’s certificate during an employee’s absence or before his/her return to work.

#### **Pattern and or Practice of Sick Leave Abuse**

The Town retains the right to discipline any employee who evidences a pattern or practice of sick leave abuse.

#### **Outside Employment**

Employees shall not engage in any other employment or occupation while on paid sick leave, Workers Compensation leave or injured on duty status pursuant to G.L. c. 41, §111F.

#### **Family and Medical Leave Act**

Upon hire, Town of Rockland provides all new employees with notices required by the U.S. Department of Labor (DOL) on [Employee Rights and Responsibilities under the Family and Medical Act](#) .

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Any employee that is absent due to illness or injury for more than five (5) consecutive days will receive notice of FMLA rights and an application for FMLA leave.

#### General Provisions

Under this policy, Town of Rockland may grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

## Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the company for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the company within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

## Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (Under the FMLA, a "spouse" means a husband or wife as defined under the law in the state where the employee resides, including same-sex marriages in states that legally recognize such civil unions).
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A "serious health condition" is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Town Administrator or Human Resources Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter, or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) childcare and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

***Covered active duty means:***

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (*Son* or *daughter* for this type of FMLA leave is defined the same as for *child* for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

*Next of kin* is defined as the closest blood relative of the injured or recovering service member.

***The term covered service member means:***

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

***The term serious injury or illness means:***

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

Amount of Leave

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The Town will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the Town will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the Town and each wish to take leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Town and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.



### Employee Status and Benefits during Leave

While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

### Employee Status after Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

### Use of Paid and Unpaid Leave

All paid vacation, personal, and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

### Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under limited circumstances, subject to Town approval, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

### Certification for the Employee's Serious Health Condition

The Town will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### Certification for the Family Member's Serious Health Condition

The Town will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### Certification of Qualifying Exigency for Military Family Leave

The Town will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

### Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

The Town will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

## Recertification

The Town may request recertification by the health care provider as often as every thirty days. However, if the initial certification indicates that the minimum duration of the serious health condition will be more than thirty days, the Town will wait until that minimum duration expires before requesting recertification.

Recertification may also be required in the following instances:

- The employee requests an extension of leave;
- Changed circumstances occur regarding the illness or injury;
- The Town's reception of information which casts doubts upon the continuing validity of the certification.

If the initial medical certification indicates that the employee will need intermittent or reduced schedule leave for longer than six months, including cases where the serious health condition has no anticipated end, the Town may request a recertification every six months, but only in connection with an absence by the employee.

## Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide the Human Resources Director with written notice of the need for the leave. Within five business days after the employee has provided this notice, Human Resources will provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the Town with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave.

## Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, Human Resources will provide the employee with a written response to the employee's request for FMLA leave.

## Intent to Return to Work from FMLA Leave

The company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## **Small Necessities Leave**

The Town will grant employees who have worked for the Town for at least twelve (12) months and have provided at least 1,250 hours of service in the preceding twelve (12) month period with up to twenty-four (24) hours of unpaid leave during any twelve (12) month period, in addition to any FMLA leave, to participate in various activities.

These activities include attending a parent-teacher conference, accompanying a son or daughter to routine medical appointments or accompanying an elderly relative, related by blood or marriage, to routine medical or dental appointments or appointments for other professional services related to the relative's care, such as interviewing at nursing homes. Employees must provide seven (7) days' advance notice of

their need for leave. If the need was not foreseeable, the employee must provide the Town with as much notice as possible. An eligible employee first must substitute any accrued paid time off for this leave.

### **Parental Leave**

An employee who has completed three (3) consecutive months of full-time employment may be entitled to eight (8) weeks of parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child or for the placement of a child with an employee pursuant to a court order. An employee who either has multiple births or adopts more than one (1) child at the same time is entitled to eight (8) weeks of leave for each child. If two (2) employees seek to take parental leave in connection with the same child, then they are entitled to a total of eight (8) weeks of parental leave in the aggregate for the birth or adoption of that child.

In order to be eligible for this leave, an employee must give notice of the anticipated date of departure and intention to return to work to the Human Resources Department at least two (2) weeks in advance, or as soon as practicable if the delay is for reasons beyond the employee's control.

Parental leave will be without pay, but an employee may use accrued vacation or personal time for the period of leave covered by this policy if available. Employees giving birth to a child may also use accrued sick time for the period deemed by the physician as unable to work. Parental leave runs concurrently with FMLA leave when an employee is eligible for both.

Employees with questions or concerns regarding this policy can contact the Human Resources Department.

### **Domestic Violence Leave**

Employees are entitled to up to 15 days of unpaid leave from work in any 12-month period if, as defined by applicable law: (i) the employee, or a family member of the employee, is a victim of abusive behavior; (ii) the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and (iii) the employee is not the perpetrator of the abusive behavior against such employee's family member.

Except in cases of imminent danger to the health or safety, an employee seeking leave from work under this policy must provide to the Town with appropriate advance notice of the leave. If there is a threat of imminent danger to the health or safety of the employee or the employee's family member, the employee is not be required to provide advanced notice of leave; provided, however, that the employee must notify the Town within three (3) workdays that the leave was taken or is being taken pursuant to this policy.

Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

If an unscheduled absence occurs, no negative action will be taken against the employee if the employee provides any of the documentation described in (1) to (7) below within 30 days from the unauthorized

absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences.

Employees must provide documentation that the employee or employee's family member has been a victim of abusive behavior and that the leave taken is consistent with this policy. However, an employee will not be required to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. Employees must provide such documentation within a reasonable period after the Town requests documentation relative to the employee's absence. An employee may satisfy this documentation requirement by providing any of the following documents:

1. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
2. A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
3. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
4. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
5. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
6. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
7. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Information related to the employee's leave under this policy will be kept confidential and will not be disclosed, except to the extent that disclosure is: (i) requested or consented to, in writing, by the employee; (ii) ordered to be released by a court of competent jurisdiction; (iii) otherwise required by applicable federal or state law; (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or (v) necessary to protect the safety of the employee or others employed at the workplace.

An employee seeking leave under this policy must exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking leave under this policy, unless otherwise provided by the Town.

The Town will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided under this policy or to make leave requested or taken hereunder contingent upon whether or not the victim maintains contact with the alleged abuser. The Town will not discharge or in any other manner discriminate against an employee for exercising the employee's rights under this policy. The taking of leave under this policy will not result in the loss of any employment benefit accrued prior to the date on which the leave taken under this policy commenced. Upon the employee's return from such leave

to the extent required by applicable law, the employee will be entitled to restoration to the employee's original job or to an equivalent position.

### **Bereavement Pay**

In the event of the death of an employee's spouse, child, grandchild, parent, grandparent, parent-in-law, brother, sister, brother or sister-in-law, stepchild, stepparent or sole survivor responsible for funeral arrangements of a close relative, the employee's Department Head may authorize up to five (5) days absence with pay. In the event of the death of an employee's aunt, uncle, cousin, or grandparent-in-law, the Department Head may authorize a one (1) day leave of absence with pay. This policy may be modified by an applicable collective bargaining agreement.

### **Jury Duty**

The Town will provide the difference between an employee's base wage/salary and jury duty pay for a maximum of 30 calendar days when an employee is called to serve on a jury. The employee must notify his/her supervisor immediately that he or she has been called to jury duty. In order to receive the difference in pay, the employee must provide the Town Accountant with the court's verification voucher. The employee must be full-time benefit eligible. In the event that a Town employee is called to serve on the grand jury, the employee is required to report to work on any regular work days that he or she is not called to serve on the grand jury.

### **Election Leave**

Employees who are chosen to serve as election officials at polling sites are required to utilize personal or vacation time to serve in this capacity. It is incumbent on employees who are chosen to act as election officials to notify their manager a minimum of seven days in advance of their need for time off in order to accommodate the necessary rescheduling of work periods. Time engaged as an election official should be reported and coded appropriately on timekeeping records.

### **Military Leave of Absence**

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

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

A written request for leave and a copy of the employee's military orders must be presented to the employee's Department Head or Board as soon as the employee is informed of his/her schedule.

The Town will pay the difference between an employee's military pay and his/her base wage/salary. An employee may request this payment by presenting a copy of his/her paymaster voucher to the Accounting Department.

## **HEALTH & DENTAL BENEFITS**

For more information regarding benefits programs, please refer to the Town's Summary Benefit Coverage documents, which were provided to employees upon hire, [www.rockland-ma.gov](http://www.rockland-ma.gov), or contact the Human Resources Director.

### **Medical and Dental Insurance**

The Town currently offers regular full-time employees and part-time employees scheduled to work a minimum of twenty (20) hours per week enrollment in medical and dental insurance coverage options.

Employees have up to thirty (30) days from their date of hire to make medical and dental plan elections and benefits are effective the first day of the following month hired. Once made, elections are fixed for the remainder of the plan year unless there is a qualifying event such as marriage, birth of a child, loss of employment, or divorce, to name a few. For a full list of qualifying events please contact the Human Resources Director or visit the health or dental websites.

At the end of each fiscal year during open enrollment, employees may change medical and dental elections for the following fiscal year. Open enrollment is generally in May and changes are effective July 1<sup>st</sup> of given year. The Human Resources Director is available to answer benefits plan questions and assist in enrollment as needed.

### **Group Life Insurance**

Full-time employees and part-time employees with at least 20 hours are eligible for basic and voluntary life insurance upon hire. Policies become effective the first day of the following month of employee's hire date.

### **Workers' Compensation**

In accordance with Chapter 152 (Sections 1-86) 52E of the Massachusetts Laws, all employees (except Police and Fire) are entitled to the benefits and provisions of this law. While an employee is placed on Workers' Compensation leave, the employee's benefit accruals (i.e. sick, vacation, personal, other) as well as payment of stipends are suspended. Benefit accruals and payment of stipends will be reinstated effective upon the date an employee returns to active work. An employee returning to work on a full-time basis will begin accruing benefits at 100%; an employee returning to work on a less than full-time basis will begin accruing benefits on a pro-rated basis based on the percent of time he/she is working.

An employee who is out on Workers' Compensation leave is responsible for the continued payment of his/her share of health insurance, life insurance and any voluntary insurance premiums. Leave benefits should be coordinated with the Human Resources Director, Treasurer and Accountant's Office.

During the initial five (5) day waiting period, while the workers' compensation claim is being evaluated and before any loss wages benefits may be paid, the employee may use his available paid leave accrual. If an employee is placed on Workers' Comp leave and loses more than twenty-one (21) days of lost work time as calculated by the Town's insurance carrier, the employee may request to buy back the leave used within the initial five (5) day waiting period. Specified requirements and procedures for requesting buy back of leave and a description of this buy-back provision are available in Human Resources.

Employees shall not engage in any other employment or occupation while on paid sick leave, Workers Compensation leave or injured on duty status pursuant to G.L. c. 41, §111F.

### **Continuation of Health Insurance**

When an employee who is a member of the Town's group health insurance plan ceases his/her employment, he/she and his/her eligible dependents may be eligible to continue health insurance under the provisions of COBRA.

### **COBRA**

Former employees and their covered dependents will have the opportunity to continue medical and/or dental benefits for a period of up to 36 months under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical and/or dental coverage for employees or covered dependents would otherwise end due to:

- Death of the employee
- Termination of employment, for a reason other than gross misconduct; or
- Change in employment status dues to a reduction in hours; or
- A child's loss of dependent status under the terms of the medical and/ or dental plan; or
- Divorce or legal separation; or
- The employee becomes entitled to Medicare.

In the event of divorce, legal separation, or a child's loss of dependent status, the employee or a family member must notify Human Resources within 30 days of the occurrence of the event.

Human Resources will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

For more information regarding COBRA, you may contact the Human Resources Director.

### **Unemployment Insurance**

Upon separation from employment, Town employees may be entitled to state and federal unemployment insurance benefits. Information about unemployment insurance can be obtained from the Treasurer's Office.

### **Employee Assistance Program (EAP)**

Eligible full-time and part-time, regular employees may participate in our Employee Assistance Program immediately upon hire.

Our Employee Assistance Program (EAP) helps eligible employees and their immediate families with a wide range of problems, 24 hours per days, and 7 days per week. Situations addressed by the EAP include marriage and family problems, emotional problems, alcoholism and alcohol abuse, drug abuse and dependency, financial problems, compulsive gambling and eating disorders. Your conversations and all records are strictly confidential. The administrative cost of this program is fully paid by the Town. You can reach the Employee Assistance program at (800) 456-6327 or [www.perspectivesltd.com](http://www.perspectivesltd.com).

### **Professional Development**

The Town believes in supporting the individual growth of its employees. To encourage employee development, the Town may pay for employees to attend job-related seminars or workshops with prior approval from their supervisor. In addition, the Town may pay for dues for job related professional societies.

### **SEVERE WEATHER**

Severe weather is to be expected during certain months of the year. Except in cases of severe storms, all employees are expected to work their regular hours. Time taken off due to poor weather conditions while the business remains open is to be used as vacation or personal time or will be unpaid.

If Town offices are closed due to severe weather, employees will be notified via an automated message.



**RECEIPT OF PERSONNEL POLICIES AND EMPLOYMENT-AT-WILL STATEMENT**

This is to acknowledge that I have received a copy of the Town of Rockland’s Personnel Policies and I understand that it contains information about the employment policies and practices of the Town. I agree to read and comply with these Personnel Policies. I understand that the policies outlined in these Personnel Policies are management guidelines only, which may change from time to time. I understand that the Town Administrator retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town.

I understand that the Town reserves the right to revise, delete, and add to the provisions of these Personnel Policies at any time without further notice. All such revisions, deletions or additions to these Personnel Policies will be in writing and will be signed by the Town Administrator.

I understand that no oral statements or representations can change the provisions of these Personnel Policies.

I understand that these Personnel Policies are not intended to create contractual obligations with respect to any matters it covers and that these Personnel Policies do not create a contract guaranteeing that I will be employed for a specific time period.

I understand that unless I am covered by a collective bargaining agreement or employment contract with the Town, I am an employee at will. As an employee at will, the Town or the employee may terminate the employment relationship at any time, for any reason, with or without cause or notice. Nothing in these Personnel Policies or in any document or statement, written or oral, shall limit the right to terminate employment at-will.

I understand that the Town’s Personnel Policies refer to current benefit plans maintained by the Town and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

I understand that if I am a member of a union, it is my responsibility to read and understand the collective bargaining agreement for that union. I understand and acknowledge that my rights and benefits are subject to that agreement and may be inconsistent with the rights and benefits described in these Personnel Policies.

I have read and understand the Vacation and Sick Leave Policies.

Initials \_\_\_\_\_ Date \_\_\_\_\_

If I have questions regarding the content or interpretation of these Personnel Policies, I will ask my Department Head or Stacy Callahan, Human Resources Director.

\_\_\_\_\_  
Employee Name

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

\_\_\_\_\_  
Date