

# **TOWN OF HEATH MASSACHUSETTS**

## **PERSONNEL POLICY**

EFFECTIVE FEBRUARY 1, 2005  
REVISION No. 1: OCTOBER 5, 2005  
REVISION No. 2: JULY 2, 2013  
REVISION No. 3: NOVEMBER 6, 2013  
REVISION No. 4: DECEMBER 3, 2013  
REVISION No. 5: JANUARY 5, 2016  
REVISION No 6: JUNE 28, 2016

**Town of Heath**  
**Personnel Policy**

***Table of Contents***

Table of Contents.....	1
Revision Summary Pages .....	3
1.0 General Provisions.....	7
1.1 Scope and Authority.....	7
1.2 Definitions.....	7
1.3 Amendments .....	9
1.4 Personnel Officer .....	9
2.0 Recruitment.....	9
2.1 Posting and Advertising .....	9
2.2 Equal Employment Opportunity/Affirmative Action.....	9
3.0 Hiring .....	10
3.1 Competency Examination .....	10
3.2 Employment.....	10
3.3 Reference and Background Checks.....	10
3.4 Employment Eligibility .....	10
3.5 Offer of Employment .....	11
3.6 Hiring Documentation.....	11
3.7 Pre-Employment Physical Certification.....	11
3.8 Probationary Period.....	12
3.9 Temporary and Seasonal Employment.....	12
3.10 Employment of Minors .....	12
4.0 General Administration.....	13
4.1 Job Classification Plan and Salary Schedule.....	13
4.2 Classification Plan Description .....	13
4.4 Rating System .....	14
4.5 Compensation Plan/Policy .....	14
4.6 Salary Adjustments .....	14
4.7 Compensation Terms .....	15
4.8 Drive Time .....	16
4.9 Performance Appraisals .....	16
4.10 Promotion and Transfers .....	16
4.11 Holidays and Holiday Pay.....	16
4.12 Injury While at Work .....	17
4.12.1 Initial Treatment .....	17
4.12.2 Reporting.....	17
4.12.3 Workers Compensation and Return to Work.....	18
4.12.4 Rehabilitation and Successful Recovery .....	18
4.12.5 Sanctions .....	18
4.13 Personnel Records.....	19
4.13.1 Content .....	19
4.13.2 Removal .....	19
4.13.3 Location and Security.....	19
4.13.4 Access.....	20
4.14 Weather and Emergency Events .....	20
4.15 Children in the Workplace .....	20
4.16 Voluntary Termination of Service.....	20
5.0 Standards of Conduct .....	21
5.1 General Conduct and Standards .....	21
5.2 Non-Discrimination.....	21
5.3 Disciplinary Policy.....	22
5.4 Americans with Disabilities Act .....	24
5.5 Discrimination Grievance Procedure .....	24

**Town of Heath**  
**Personnel Policy**

5.6	Sexual Harassment Policy .....	25
5.6.1	Definition of Sexual Harassment .....	25
5.6.2	Private Counseling Option: .....	26
5.6.3	Complaint Procedure .....	26
5.7	CDL Alcohol and Drug Testing Policy .....	27
5.7.1	Alcohol Prohibitions .....	27
5.7.2	Drug Prohibitions .....	27
5.7.3	Alcohol and Drug Testing .....	28
5.7.4	Violation of Policy .....	29
5.8	Vehicle Use Policy .....	29
5.9	Tardiness and Reporting to Work .....	31
5.10	Drug-Free Workplace .....	31
5.11	Smoking in the Workplace .....	32
5.12	Conflict of Interest/Financial Disclosure .....	32
5.13	Workplace Violence/Possession of Weapons .....	33
5.14	Whistleblower Policy .....	35
5.15	Computer, Electronic Mail and Internet Use Policy .....	36
5.15.1	The following computer-related activities are prohibited: .....	37
5.15.2	Internet Access and Use .....	37
5.15.3	Electronic Mail (e-mail) Access and Use .....	38
5.15.4	Expectation of Privacy .....	39
5.15.5	Open Meeting Law .....	39
5.16	Dispute Resolution .....	39
6.0	Leave Policies .....	40
6.1	Civic Duty Leave .....	40
6.2	Military Leave .....	40
6.3	Bereavement Leave .....	40
6.4	Unpaid Leave of Absence .....	40
6.5	Maternity Leave .....	40
6.6	Small Necessities Leave .....	41
6.7	Vacation Policy .....	41
6.8	Family and Medical Leave .....	42
6.9	Personal Leave .....	43
6.10	Sick Leave .....	43
6.10.1	Extended Sick Leave .....	44
6.11	Returning to Work After Sick Leave .....	44
6.11.1	Return to Work .....	44
6.11.2	Convalescence and Successful Recovery .....	45
6.11.3	Sanctions .....	45
6.12	Sunny Day Off .....	45
7.0	Benefits .....	45
7.1	Health and Life Insurance .....	45
7.2	Pensions and Retirement .....	46
7.3	Medicare .....	46
7.4	Worker’s Compensation .....	46
8.0	Severability .....	46
	Attachment A: Prohibited Hazardous Occupations for Minors under age Eighteen (18) .....	47
	Attachment B: Prohibited Occupations for Fourteen (14) and Fifteen (15) Year Old Minors .....	48
	Attachment C: Standard Employment Application Form Language .....	49
	Attachment D: Massachusetts Department of Labor and Workforce Development Notices .....	48
	Attachment E: Acknowledgement of Receipt of Personnel Policy .....	51
	Attachment F: Vacation / Leave Request Form .....	52
	Attachment G1-G5: Job Classification Plan Documents .....	53
	Attachment H: Return to Work Plan .....	58



**Town of Heath**  
**Personnel Policy**

**Revision Summary Page**

Revision number: 2

Effective Date of Revision: July 02, 2013

<b>Section or Page number(s) changed</b>	<b>Description of change</b>
Cover page	Added revision date
Table of Contents	Updated to incorporate changes
Section 1	Revised some definitions
Section 3.7	Reworded for clarity
Section 4.5	Deleted paragraph for simplicity; removed reference to compensatory time
Section 4.7	Removed reference to compensatory time and reworked paragraph describing compensation terms for clarity as well as paragraph describing payroll
Section 4.8	Reworded for clarity
Section 4.10	Updated paragraph describing Promotion and Transfers
Section 4.11	Revised Holidays – added when they fall in the calendar year; removed reference to compensatory time
Section 4.14	Removed reference to compensatory time
Section 6.5	Updated to comply with M.G.L. revisions
Attachment G	Added documents G1-G5 regarding Job Classification System
Throughout	Editorial changes and updates made by Attorney Zessin at Kopelman & Paige as needed to reflect current employment law and practices

**Town of Heath**  
**Personnel Policy**

**Revision Summary Page**

Revision number: 3

Effective Date of Revision: November 5, 2013

<b>Section or Page number(s) changed</b>	<b>Description of change</b>
Section 5.13	Second paragraph: added text that reads, "or upon written approval by the Heath Police Chief."

**Revision Summary Page**

Revision number: 4

Effective Date of Revision: December 3, 2013

<b>Section or Page number(s) changed</b>	<b>Description of change</b>
Section 4.7	Added: Emergency and Winter Wages; also under Payroll, deleted in first sentence, "at the end of each work week."

**Revision Summary Page**

Revision number: 5

Effective Date of Revision: January 5, 2016

<b>Section or Page number(s) changed</b>	<b>Description of change</b>
4.11	Holiday pay for full-time employees shall be eight (8) hours pay at their regular rate. If a ten (10) hour/day, four-day work week is in effect, each week on which a holiday falls shall be adjusted to five eight hour days.

**Town of Heath**  
**Personnel Policy**

**Revision Summary Page**

Revision number: 6

Effective Date of Revision: June 28, 2016

<b>Section or Page number(s) changed</b>	<b>Description of change</b>
1.2 Definitions	<u>Appointing Authority</u> - The Board of Selectmen is the appointing authority for all appointed Town positions, excluding employees of the Mohawk Trail Regional School District (MTRSD), and the Assistant Assessor, whom shall be appointed by the Board of Assessors. The Board of Assessors shall be responsible to appoint, supervise, complete performance reviews, discipline and release from duty when required, the Assistant Assessor.

**Town of Heath**  
**Personnel Policy**

**1.0 General Provisions**

***1.1 Scope and Authority***

This Policy shall apply to all individuals employed by the Town of Heath, excluding elected officials, those individuals who serve in a voluntary capacity, such as on a board or committee, and individuals employed by the Mohawk Trail Regional School District (MTRSD). These excluded employees shall still be required to comply with the Town's Computer, Electronic Mail and Internet Use Policy, set forth in Section 5.15 of this Policy.

The Board of Selectmen reserves the right to amend these personnel policies at its discretion. When possible, any proposed changes or amendments to these policies will be distributed to employees for comment prior to the formal promulgation.

This Personnel Policy shall be administered by the Board of Selectmen, who may establish procedures as necessary to fulfill this charge. The Board of Selectmen may from time to time, make and issue interpretations and regulations, and may make exceptions, consistent with the provision of the Personnel Policy and necessary for its administration.

Each provision of this policy shall be construed as separate to the extent that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

***1.2 Definitions***

Town - Town of Heath.

Appointing Authority - The Board of Selectmen is the appointing authority for all appointed Town positions, excluding employees of the Mohawk Trail Regional School District (MTRSD), and the Assistant Assessor, whom shall be appointed by the Board of Assessors. The Board of Assessors shall be responsible to appoint, supervise, complete performance reviews, discipline and release from duty when required, the Assistant Assessor.

Benefit Eligibility - Regular employees are eligible for benefits according to terms approved by the Board of Selectmen and/or by Town Meeting for those benefits governed by law.

Continuous Employment - Uninterrupted periods of employment with the Town, not to be disrupted for required military service, authorized vacation, sick leave, or other approved leaves of absence.

Employee - An individual who performs services for and under the control and direction of the Town for wages or other remuneration.

Elected Official - An individual chosen for a position in a Town-wide election.

Appointed Official - An individual selected to replace an elected official upon his/her departure from office at a time prior to the end of his/her term.

Town Appointee - The customary time for the Selectmen to appoint Town Appointees is July 1 of the fiscal year following the Annual Town Meeting. There may be turnover in positions of Town Appointees such as the Town Accountant, Post Office Clerk, Police Chief, etc. which

**Town of Heath**  
**Personnel Policy**

require training by the incumbent. In such cases, every effort will be made to appoint the replacement prior to the incumbent leaving in order to allow for training time. It is the responsibility of the Selectmen to consider payment for training time as appropriate.

**Work Status Definitions:**

Full-Time Employee – An employee who is regularly scheduled to work at least forty (40) hours per week for fifty-two (52) weeks per year. An employee in this category is entitled to all benefits described in this Personnel Policy. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining an employee’s status.

Benefitted Part-Time Employee - An employee who is regularly scheduled to work at least twenty (20) hours per week for fifty-two (52) weeks per year. An employee in this category is entitled to all benefits described in this Personnel Policy on a pro-rated basis in relation to the regular number of hours worked in the position. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining the employee’s status.

Non-Benefitted Part-Time Employee – An employee who is regularly scheduled to work less than twenty (20) hours per week. An employee in this category shall not be entitled to benefits unless explicitly set forth in this Policy.

Temporary/Seasonal Employee – An individual hired by the Town to perform services for less than fifty-two (52) weeks per year. All seasonal employees and employees hired for a specific project shall be considered temporary employees.

Stipend - A sum of money that has been approved by voters and paid to individuals serving in elected or appointed positions with the Town to help offset expenses incurred. Stipend positions are not eligible to receive a regular salary or benefits in exchange for their duties. The stipend is intended to offset expenses and in general is lower than a salary would be.

Fair Labor Standards Act – 29 USC § 201, et seq. (“FLSA”)

Exempt Employee – A salaried employee earning no less than \$455 per week employed in an executive, administrative or professional capacity, who is excluded from the overtime compensation provisions of the FLSA.

Non-Exempt Employee – A non-salaried employee who is entitled to receive overtime compensation for all hours worked in excess of forty (40) per week pursuant to the FLSA.

Immediate Family - An employee’s spouse, civil union partner, child, parent, brother, sister, parent-in-law, child-in-law, co-habitant, step-parent, step-child or other relative residing in the employee’s household.

**Town of Heath**  
**Personnel Policy**

**1.3 Amendments**

The provisions of this Personnel Policy may be amended by the Board of Selectmen following inclusion on a meeting agenda and acceptance by a simple majority vote. Employee input is invited before the changes are implemented.

**1.4 Personnel Officer**

The Town Coordinator shall serve as the Personnel Officer for the Town, and will carry out the personnel system under the direction of the Board of Selectmen. The Personnel Officer shall provide assistance and training to appointing authorities and Department Heads to ensure that recruitment, selection, appointment and retention of employees, maintenance of the classification plan and salary schedule, and administration of a problem resolution system are accomplished in manner consistent with this Personnel Policy. The personnel officer shall also supervise the maintenance of all personnel records. The Personnel Officer shall bring to the Board of Selectmen's attention all matters requiring their attention in the administration of these policies.

**2.0 Recruitment**

**2.1 Posting and Advertising**

For all appointed positions, the Town shall make efforts to attract and employ qualified persons. The Board of Selectmen and appropriate Department Heads shall be responsible for the recruitment and selection of personnel. The qualifications and compensation for each position shall be in accordance with the provisions set forth in this Policy.

Upon the identification of a vacancy or on the authorization of a new position, the Board of Selectmen shall prepare a job vacancy notice which shall set forth the job title, primary duties of the position, qualifications, salary, closing date for applications, and any pertinent instructions to applicants. Advertising should be accomplished in a manner to ensure the application of a sufficient number of qualified applicants. However, in all circumstances, the Board of Selectmen shall ensure that notices of vacant positions are posted on the Sawyer Hall Bulletin Board and Town website for at least one (1) week prior to closing of the application period.

For elected positions, the Board of Selectmen shall make available a description of the primary duties of the position, qualifications, and the citation of any laws governing the duties and responsibilities of the elected position.

The Board of Selectmen will periodically review and update job descriptions in order to accurately reflect the duties being performed by employees.

**2.2 Equal Employment Opportunity/Affirmative Action**

The provisions in this Policy shall be applied equally to all employees without discrimination as to age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual preference.

It is the policy of the Town to:

- Recruit, hire and promote in all job classifications without regard to age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual preference

**Town of Heath**  
**Personnel Policy**

- Make decisions about employment so as to encourage the development of a diverse workforce
- Ensure the employment and promotion decisions are made in accordance with the principles of equal opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities

**3.0 Hiring**

**3.1 *Competency Examination***

The Board of Selectmen may require an examination as one part of the selection process. Such examinations may be written, oral, practical, or any combination thereof, and shall be relevant to the requirements of the position as described by the job description.

**3.2 *Employment***

All individuals applying for employment in the Town shall complete an official employment application form and submit the form to the appointing authority by the closing date for applications.

**3.3 *Reference and Background Checks***

An applicant's former employers, supervisors, and other references may be contacted as part of the selection process. References shall be documented and made part of the applicant's personnel file. Confidential references shall be kept in a confidential file by the Board of Selectmen. All reference checks shall be completed prior to making an offer of employment. However, the offer of employment may be conditional upon the passing of a background investigation, physical examination, or any other reasonable job-related requirement.

The application, documentation of reference checks, and related documents shall be maintained by the Board of Selectmen. The Board of Selectmen shall also maintain application records for the period required by law. The Board of Selectmen, Department Heads, and Town Treasurer shall, to the extent possible, maintain the confidentiality of all applicants and of confidential references.

**3.4 *Employment Eligibility***

In accordance with the Immigration Reform and Control Act of 1986, the Town shall verify the employment eligibility of prospective employees.

New employees must provide proof of authorization to work in the United States prior to beginning employment with the Town. After an offer of employment is extended, the Town Treasurer shall verify the candidate's eligibility to work in the United States, using the prescribed "Employment Eligibility Form" (I-9 Form).

The Town Treasurer shall outline the purpose of the form and give the candidate the Employment Eligibility Information Sheet. The Treasurer should complete the I-9 form and verify the documentation submitted as instructed on the form.

Prospective employees must sign the I-9 form and provide the appropriate documentation on the first day of work or prior thereto. The Board of Selectmen should stress during the interview that all offers of employment are contingent on the candidate's providing the Town with the

**Town of Heath**  
**Personnel Policy**

appropriate documentation. This statement should be included in the offer letter, when applicable. Documentation provided with the I-9 should be photocopied and attached to the I-9. Such documentation will not become a part of the employee's personnel file, but will be maintained by the Personnel Officer.

**3.5 Offer of Employment**

All appointments shall be made by the Board of Selectmen and shall be in writing. The salary, starting date, and any appropriate information shall be included in a written letter. An applicant who accepts an appointment and fails to report to work on the starting date as set by the Board of Selectmen, shall be deemed to have declined the appointment and the offer of employment may be withdrawn.

The Board of Selectmen shall inform new employees of their rights, responsibilities, duties and obligations. All benefits and options shall be explained to the employee and the employee shall be assisted with the completion of appropriate forms. The employee shall be provided with a copy of the Personnel Policy and shall receive on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department, including the safety policies and procedures.

**3.6 Hiring Documentation**

Prior to the employee's first day of work, documentation should be compiled and forwarded to the Personnel Officer, who will create an employee file. The Personnel Officer will forward necessary documents as appropriate to the Treasurer. Documentation shall include the following:

- Application for Employment/Resume
- Payroll Authorization Form
- Employment Eligibility Form (I-9)
- Pre-Employment Physical Examination Form (if applicable)
- Confidential Employee Information Form

On the first day of employment, or at the latest, during the first week of employment, the employee shall submit the following documentation to the Personnel Officer:

- W-4 or W-4A tax withholding form
- Retirement Form 101
- Birth Certificate
- Basic and optional life insurance enrollment form or waiver
- Health insurance enrollment form or waiver
- Annuity/deferred compensation enrollment form (optional)
- Section 125 "Cafeteria Plan" benefit waiver

**3.7 Pre-Employment Physical Certification**

The town requires a selected candidate to submit to a mandatory physical examination for the purpose of ensuring that he/she is capable of performing the essential functions of the job.

**Town of Heath**  
**Personnel Policy**

**3.8 Probationary Period**

The first three months of employment of all employees shall be considered a probationary period. This period allows the employee an opportunity to learn about the Town and the position and allows the employee's supervisor to appraise the employee's skills and abilities. Employees who leave the service of the Town during, or at the end, of this three month period shall not be entitled to any accrued vacation time. An employee is entitled to paid holidays during the probationary period but is not eligible for paid sick or vacation leave until completion of the probationary period. Upon expiration of the probationary period, the Board of Selectmen shall notify the probationary employee of one of the following:

- 1) The employee's performance meets satisfactory standards and will be retained in the position;
- 2) The employee's performance requires additional observation and that the probationary period will be extended for an additional period of time not to exceed three months; or
- 3) The employee's performance, attitude, or conduct was unsatisfactory. In such case, the specific reason(s) shall be cited and the employee informed that removal will occur.

At any time during the probationary period an employee may be discharged by the Board of Selectmen if it is revealed that the employee intentionally falsified information relating to the application for employment, was unable or unwilling to perform required duties, or displayed conduct, habits or lack of dependability which did not merit continued employment. The employee shall be notified in writing of the reason(s) for the removal and the effective date of the action.

**3.9 Temporary and Seasonal Employment**

The Board of Selectmen may appoint temporary and seasonal employees. Temporary and seasonal employees are not entitled to receive health insurance benefits, paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week (See Section 1.2 "Work Status").

**3.10 Employment of Minors**

The Town will comply with all Federal and Commonwealth of Massachusetts laws with respect to the employment of minors, particularly with regard to working hours and restrictions against engaging in certain work activities. Minors 14 years old and younger may not be employed by the Town.

Minors sixteen (16) years of age and older may not work more than nine (9) hours per day, nor more than forty-eight (48) hours per week. Such minors may not work between 10:00 p.m. and 6:00 a.m. Such minors must submit an educational certificate that they have obtained from their school or the Superintendent of Schools in the town where they live. Minors sixteen (16) years of age and older may perform most types of work, except work involving hazardous occupations as established by the State and Federal Secretaries of Labor (see Attachment B)

**Town of Heath**  
**Personnel Policy**

Minors fourteen (14) and fifteen (15) years old must have on file an “Employment Permit” from their school or the Superintendent of Schools in the Town where they live. Such minors may not be employed during school hours (unless as part of a qualifying “work experience program”). Such minors may not be employed between 7:00 p.m. and 7:00 a.m. (except that from July 1 through Labor Day they may work until 9:00 p.m.). Such minors may not be employed:

- More than three (3) hours per day on school days
- More than eighteen (18) hours per week in school weeks
- More than eight (8) hours per day during a period of not more than nine (9) consecutive hours on non-school days
- More than forty (40) hours per week
- More than six (6) days in a week

Minors under age eighteen (18) are prohibited from working in hazardous occupations listed in Attachment A.

Minors of fourteen (14) and fifteen (15) years are prohibited from working in the occupations listed in Attachment B.

The Town shall keep posted in a conspicuous place, in the room where such minors are employed or report to work, a printed notice or schedule stating the number of hours such minors are required or permitted to work on each day of the week, the total number of scheduled hours for the week, the hours commencing and stopping work, and the hours when the time allowed for meals begins and ends for every day of the week.

**4.0 General Administration**

***4.1 Job Classification Plan and Salary Schedule***

The Board of Selectmen shall establish a Uniform Job Classification System, which appears as Attachment G1-G5 to this Policy.

***4.2 Classification Plan Description***

The Position Classification Plan for all full-time and part-time employees shall be based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for all positions in the same class. No employee may be appointed to a position not included in the classification plan. Stipend positions shall not be included in the rating system.

***4.3 Elected Officials***

Salary payments to elected officials shall commence on the date sworn into office and cease on the day of resignation or termination. Monies to such officials shall be pro-rated for the month

**Town of Heath**  
**Personnel Policy**

of swearing-in as appropriate and shall be calculated as a percentage of the number of days of entitlement divided by thirty (30) days. If training is necessary, the Selectmen may approve the payment for such overlapping periods of time as appropriate.

**4.4     *Rating System***

A job description for each position shall be prepared with input from employees and supervisors. The rating system will consist of thirteen (13) factors with numerical values that measure and establish the grade for each position. The classification plan shall cover and include all Town departments and positions in the Town, excluding positions under the direction and control of the MTRSD and those filled by popular election. When necessary, the Board of Selectmen, after consultation with appointing authorities, as in the case of Library Trustees, may establish temporary classifications with related compensation.

The Board of Selectmen is responsible for establishing the compensation for each position. Labor market survey data of certain Franklin County towns with similarities to the Town of Heath shall be used in part as guidance in establishing the value and competitiveness of position grades. The Board of Selectmen may adjust the grades of positions as time and circumstances dictate. The minimum qualifications for all classes of positions shall be prescribed by the Board of Selectmen.

**4.5     *Compensation Plan/Policy***

The compensation plan for all regular positions will consist of a pay grade schedule with a range of rates for each grade. Annual and merit increases may be awarded by the Board of Selectmen within the range of the pay for each grade. The compensation of elected officials shall be established annually by vote of the Town Meeting, as required by General Laws Ch. 41, Section 108.

Employees in stipend positions shall receive a fixed compensation that will be paid periodically. The Board of Selectmen may propose adjustments to stipends based on changing circumstances.

Increases in compensation may be awarded on or about July 1 after each year's Annual Town Meeting has approved a budget. However, there may be years when budget constraints prevent increases. New employees shall be paid at rates within the job grade range as determined by the Board of Selectmen in consideration of the qualifications of the new employee.

COMPENSATORY TIME: The Town of Heath shall not award compensatory time in lieu of paid compensation, including overtime pay.

Employees may inquire about their position by contacting the Personnel Officer via their supervisor.

**4.6     *Salary Adjustments***

It shall be the responsibility of the Board of Selectmen to fill all vacancies and to set rates of compensation. Wage and salary increases shall be based upon meritorious performance and/or

**Town of Heath**  
**Personnel Policy**

cost of living adjustments. The employee's Department Head, or supervisor, shall evaluate each subordinate employee's performance.

The Board of Selectmen will evaluate the recommendations for the wage and salary increases for Town positions and/or cost of living increase for the following fiscal year. The Board of Selectmen shall present its recommendations to the Annual Town Meeting.

The amount and method of compensation for Town positions that receive a fee, or portion of a fee for services or inspections shall periodically be reviewed by the Board of Selectmen to ensure that such income is considered and is an equitable part of the total compensation for the position.

**4.7 Compensation Terms**

Overtime: Payment for overtime shall be made in accordance with the terms of the Fair Labor Standards Act of 1938 (FLSA), as amended. If an assignment requires work in excess of forty (40) hours per week, such work must be authorized in advance by the employee's Department Head or the Board of Selectmen.

Non-exempt employees shall be paid one and one-half times their regular hourly rate for all work performed on Saturday, Sunday, Holidays and for all hours worked in excess of eight (8) in a twenty-four hour period or ten (10) hours when the schedule is four (4) ten (10) hour days in a week. For purposes of computing overtime pay, holidays, vacation, sick, personal or bereavement days taken during the work week shall not be considered as time worked. (NOTE: Under the FLSA, 29 USC 207(e), hours of service for purposes of overtime does not include vacation, holiday or sick time, whether paid or unpaid. Rather, overtime is based on hours actually engaged in work for the employer.) Leaves without pay are excluded from any such compensation.

Emergency and Winter Wages: Highway employees shall be paid overtime (time and one half) in emergency snow/ice/storm situations for any hours that exceed an eight (8) hour shift in a twenty-four (24) hour period or in excess of forty (40) hours in the week including holiday, vacation, sick or bereavement time.

Executive, administrative, and professional employees, as defined by the FLSA, are exempt from the FLSA's overtime provisions and are not eligible for overtime pay.

Call Back Pay: If a full-time, non-exempt, employee is recalled to work after normal hours, they will receive a minimum of two hours of pay at their overtime rate of pay.

Payroll: All employees shall complete and submit an accurate time sheet to their Department Head. Each Department Head shall then submit to the Town Accountant an accurate time sheet for each employee under his/her supervision. This time sheet shall specify the number of hours worked per day and the hours for any holiday, vacation, sick, or personal leave used. Town officials who receive a stipend are normally paid on a bi-annual or annual basis.

**Town of Heath**  
**Personnel Policy**

**4.8 Drive Time**

No employee shall be required to work more than 16 hours in a 24 hour period in extreme conditions.

**4.9 Performance Appraisals**

The Town will utilize a Performance Appraisal system in order to accomplish several goals: to continuously improve the effectiveness and efficiency of Town services; to provide an opportunity for two-way communication and planning between employees and supervisors; to assist employees in increasing the effectiveness of their job performance; to provide a mechanism for the establishment of individual department goals; to serve as the basis of acknowledging employee's accomplishments and recognizing employee's potential need for guidance, training, and/or support; and to provide documentation of employee performance to serve as the basis for salary adjustments and personnel actions.

It is the policy of the Town that all full-time and regular part-time employees will be evaluated on an annual basis on their anniversary date of hire. Additionally, employees who are nearing the end of the probationary period will be evaluated prior to the determination as to whether the employee should be retained on a permanent basis.

**4.10 Promotion and Transfers**

Each employee in a position for which step rates are provided will be considered for an increase in compensation to a higher rate for that position after completion of the required period of continuous service and upon results of an annual performance evaluation.

**4.11 Holidays and Holiday Pay**

Full-time and benefitted part-time employees shall receive paid holiday leave when any of the holidays listed below fall on a regularly-scheduled work day for the employee. The Town recognizes the following holidays:

New Year's Day	(Jan. 1)	Martin Luther King, Jr. Birthday	(3 <sup>rd</sup> Mon. in Jan.)
President's Day	(3 <sup>rd</sup> Mon. in Feb.)	Patriot's Day	(3 <sup>rd</sup> Mon. in April)
Memorial Day	(Last Mon. in May)	Independence Day	(July 4)
Labor Day	(1 <sup>st</sup> Mon. in Sept.)	Columbus Day	(2 <sup>nd</sup> Mon. in Oct.)
Veterans Day	(Nov. 11)	Thanksgiving	(4 <sup>th</sup> Thurs. in Nov.)
Christmas Day	(Dec. 25)	Christmas Eve (1/2 Day Off)	(Dec. 24)

The Post Office will be closed for each of the above holidays, except Patriot's Day which is not a Federal holiday.

Holiday pay for full-time employees shall be eight (8) hours pay at their regular rate. If a ten (10) hour/day, four-day work week is in effect, each week on which a holiday falls shall be adjusted to five eight hour days. Holiday pay for regular part-time employees shall be their regular rate for the number of hours the employee was scheduled to work on the day on which the holiday falls. Temporary seasonal employees are not eligible for holiday pay.

**Town of Heath**  
**Personnel Policy**

Holidays falling on Saturday shall be observed on Friday and holidays falling on Sunday shall be observed on Monday. Should a full-time or benefitted part-time employee be required to work on a holiday, he/she shall receive compensation at his/her overtime rate for every hour worked.

**4.12 *Injury While at Work***

The following procedures shall be followed in order to comply with the policies of the Town's Workers Compensation Policy and all relevant state statutes with regard to work-related illnesses and injuries.

**4.12.1 Initial Treatment**

1. Any employee who, while working, becomes ill or injured during the performance of duty, and requires immediate medical care, shall be treated by the available first-aid responder and. Town officials should call 9-1-1 if emergency treatment may be necessary. The employee may obtain subsequent medical care as required from a provider of his/her choice.
2. The initial treating physician or his/her designee shall complete an occupational health report to identify any resulting work restrictions or modifications.
3. The injured employee or treating physician shall forward a copy of the initial occupational health report to the respective supervisor as soon as practicable.

**4.12.2 Reporting**

1. Whether or not medical attention is sought, each employee who suffers an alleged work-related illness or injury must complete the accident report form approved by the Town and submit it to the respective supervisor within 24 hours of illness or injury, except in emergency situations.
2. It is the employee's responsibility to notify his/her supervisor of the illness or injury.
3. An employee who files a lawsuit or claim against a third party in connection with a job-related injury must notify the respective supervisor in writing at the time the suit is filed.
4. It is the responsibility of the supervisor to provide notice of employee injury to the Town Coordinator.
5. The Town Coordinator is responsible to contact the Board of Selectmen as soon as practicable in the event of a serious employee injury or hospitalization.

**Town of Heath**  
**Personnel Policy**

**4.12.3 Workers Compensation and Return to Work**

1. Workers Compensation benefits shall only be eligible to employees who sustain work-related illness and injury and will be administered in accordance with the policies as set forth by the Town's Workers Compensation insurance carrier.
2. All employee medical information will be kept strictly confidential in accordance with State Law.
3. An employee who is absent from work or restricted from performing certain duties as a result of a work-related illness or injury shall provide medical certification from his/her treating physician documenting the nature of the injury/illness, the prognosis for further treatment and expected return date, and the physician's opinion as to causality. Such documentation is to be presented to the employee's supervisor as soon as practicable, upon returning to work with or without work restrictions.
4. An employee returning to work after illness or injury may be required to submit to a physical or psychological examination by a Town-designated medical provider at the expense of the Town, prior to being permitted to work in the event of a need to verify that the work will not compromise the employee's health and safety and recovery.

**4.12.4 Rehabilitation and Successful Recovery**

1. An employee who has been placed on work restrictions, or is approved to be out of work for medical purposes, shall not engage in any gainful employment without providing written permission of the employee's treating physician to the supervisor.
2. When so requested, an employee who has been placed on work restrictions or is approved to be out of work for medical purposes shall report for physical/psychological examinations at the Town's expense, including Independent Medical Examinations (IME's) at reasonable intervals to determine whether the treatment being sought is appropriate or whether the employee is still incapacitated.
3. An employee who has been approved for out of work status or placed on work restrictions shall comply with all requests for information, or other medical case management requirements, related to the illness/injury, by the Town or its designated occupational health consultant or case manager.

**4.12.5 Sanctions**

Failure to comply with the Injury at Work procedures contained herein, after written notice of such failure and steps to be taken to correct such failure have been given and a reasonable time allowed for compliance, may warrant disciplinary actions up to and including termination.

**Town of Heath**  
**Personnel Policy**

**4.13 Personnel Records**

A centralized personnel file shall be kept for each employee. Such files shall include applications, evaluations, reports, and records pertinent to an employee's employment. To ensure the uniformity and confidentiality of employee personnel files, content of and access to files is limited and shall be controlled in accordance with this policy.

It is the policy of the Town that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information to unauthorized individuals.

**4.13.1 Content**

Pre-employment documents such as applications, resumes, required licenses, offer of employment letters, copies of transcripts or diplomas, pre-employment physical reports, military discharge documentation, Civil Service certifications, and other similar materials shall be included in the personnel file.

Post-employment documents such as performance appraisals, disciplinary action notices, physician's statements, commendations, Civil Service promotional certifications, copies of information sent to the employee, or to third parties about the employee shall be included in the personnel file. When post-employment information is inserted into an employee's personnel file (excluding routine paperwork), he/she shall be given a copy of such material by the appointing authority.

The supervisor or Board of Selectmen shall determine whether a report or record will be placed in the employee's personnel file, except for information submitted by the employee him/herself in rebuttal. Any material submitted by a person other than the supervisor or Board of Selectmen (excluding routine paperwork) shall be forwarded to the supervisor or Board of Selectmen for his/her approval prior to insertion into the file.

All medical-related information will be kept segregated within the individual personnel file

**4.13.2 Removal**

Once inserted into an employee's personnel file, documents may only be removed if there is a clear and compelling reason to do so. The employee may make such requests for removal. The employee should forward a request to the Board of Selectmen who will review and forward the request, along with an opinion as to the request, to the Town Coordinator.

If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the affected employee and Department Head. If an agreement is not reached, the employee may submit a written statement explaining his or her position which shall become part of said employee's personnel record. The statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file.

**4.13.3 Location and Security**

Employee personnel files will be maintained at Sawyer Hall under the supervision of the Town Coordinator who will be responsible for their safety and security. It is the responsibility of the

**Town of Heath**  
**Personnel Policy**

appointing authority/Department Head to forward all relevant documents to the Town Coordinator for inclusion in the each employee's personnel file. Department Heads may keep duplicate copies of personnel records. However, these personnel records maintained in remote locations are considered to be part of the employee's personnel record and must be shown to the employee upon request. In addition, Department Heads who elect to maintain such personnel records must comply with all provisions of this policy to ensure confidentiality of the records.

**4.13.4 Access**

An employee, upon written or verbal request and in the presence of the Town Coordinator or designee, may review or be provided with a copy of all or part of his/her personnel file.

Other individuals authorized access to employee personnel files include: Town Coordinator, attorneys of an employee who have written authorization from the employee, the Department Head or the employees' supervisor, attorney or agents representing the Town, and third parties pursuant to a court order.

A subpoena or court order that requires the appearance of the named individual, such as the keeper of records, may require those individuals to bring to a court appearance certain employee records which they have in their possession. Any employee who receives a subpoena or court order requiring personnel or payroll information should contact the Board of Selectmen immediately. The employee will be notified by the Board of Selectmen in the event that confidential employee data is released in response to a court order.

Authorized employees may respond to requests for verification of employment from banks, mortgage companies, credit card agents, etc. by providing basic public information such as length of service and salary rate. Employees who receive requests for personnel information other than employment verification, even that which is public record, should refer such requests to the Board of Selectmen or its designee.

***4.14 Weather and Emergency Events***

If a snow or other weather-related event occurs before or during morning commute hours, employees should take a reasonable amount of time necessary to arrive at work safely. Employees may elect to use available personal time in lieu of reporting to work, subject to Department Head approval.

***4.15 Children in the Workplace***

Town employees are required to obtain permission of a member of the Board of Selectmen prior to bringing children into the workplace in the case of necessity.

***4.16 Voluntary Termination of Service***

If an employee should resign his/her position with the Town, the employee should give as much advance notice as possible so that arrangements can be made for a replacement. Normally, a two-week notice is sufficient, except if the employee is in an exempt status, in which case the employee should give at least one month written notice. If an employee resigns, he/she will be paid for all accrued but unused vacation time. An employee will not be paid for any unused accrued sick or personal leave.

**Town of Heath**  
**Personnel Policy**

An employee who separates his/her employment with the Town in good standing, and who is subsequently re-employed by the Town within two (2) years of departing, shall be eligible for restoration of the vacation time accrual rate to which he/she would otherwise have been entitled prior to the interruption of service.

**5.0 Standards of Conduct**

**5.1 General Conduct and Standards**

Town employees shall not engage in any activity which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to conduct themselves in a manner which does not discredit the Town, public officials, or fellow employees. Employees must abide by all federal, state and local laws and regulations, including, but not limited to, Massachusetts General Laws Chapter 268A.

Failure to comply with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee.

This policy applies to all paid, appointed employees, excluding those positions under the supervision and control of the MTRSD. Employees whose employment is subject to Massachusetts Civil Service Laws are subject only to those provisions in this Policy which are not specifically regulated by provisions of the Civil Service Law.

**5.2 Non-Discrimination**

The Town recognizes the right of individuals to work and advance on the basis of merit, ability, and potential without regard to age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation. Non-discrimination and equal opportunity are the policy of the Town in all of its employment programs and activities.

The Town is also committed to taking affirmative measures to ensure equal opportunity in the areas of recruitment, hiring, promotion, demotion or transfer, layoff or termination, rates of compensation, in-service training programs, and all other terms and conditions of employment. The town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, and sexual orientation.

Based on this understanding, the Town shall:

- Recruit, hire and promote in all job classifications without regard to age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation.
- Make decisions about employment so as to encourage the development of a diverse workforce.
- Ensure that employment and promotion decisions are made in accordance with the principles of equal opportunity but imposing only valid, job-related requirements for employment and promotional opportunities.

**Town of Heath**  
**Personnel Policy**

- Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, and social and recreational programs will be administered without regard to age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation.
- Prohibit any kind of harassment based on age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation.

No retaliatory action against those persons who file complaints of discrimination or against individuals who cooperate in such investigations will be tolerated. Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town service.

Anyone who feels that he or she has been discriminated against by the Town on the basis of age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation in employment practices may file a grievance in accordance with the procedures described in Section 5.4 of this Policy.

**5.3 *Disciplinary Policy***

All employees are responsible for observing and complying with regulations necessary for proper operation of Town departments. Disciplinary action shall be the responsibility of supervisors, Department Heads, and the Board of Selectmen, who shall exercise their responsibility with discretion.

These guidelines are only intended to serve as guidelines in the determination as to when disciplinary action is appropriate and what form it should take. The Town will determine in each individual case whether the circumstances warrant a more severe form of discipline than indicated in these general guidelines. In making the decision as to what form of disciplinary action to take, the Town will consider all relevant factors, including but not limited to the circumstances of the particular infraction; the seriousness of the incident; the employee's overall employment records; and the detriment to the Town, its employees, residents, or visitors as a result of the infraction. This disciplinary policy does not constitute a contract or grant contractual rights to any employee.

Causes for disciplinary action may include:

1. Incompetence or inefficiency in performing assigned duties;
2. Refusal to perform a reasonable amount of work or violation of any reasonable, lawful, directions or orders made by a supervisor;
3. Habitual tardiness or absence from duty;
4. Abuse of sick leave or absence without leave;
5. Falsification of time sheets, reports, or records;
6. Possession and/or use of illegal substances or alcohol while on duty;

**Town of Heath**  
**Personnel Policy**

7. Misuse or unauthorized use of town property;
8. Fraud or falsification of information;
9. Disclosure of confidential information;
10. Violation of safety rules, practices or policies;
11. Conviction of a felony;
12. Engaging in acts of harassment;
13. Failure to comply with Town Policies
14. Any situation or instance of seriousness that disciplinary action is warranted.

Disciplinary action may include an oral reprimand, written reprimand, suspension and/or discharge. When warranted, disciplinary action should be progressive in nature. However, should the nature of the offense(s) warrant such, discipline may start at any stage.

**Oral reprimand:** A Department Head or the Selectmen, with notice of an action that warrants disciplinary action, may issue an oral warning to the offending employee. The oral warning shall be presented in a discrete manner to avoid embarrassment to the employee and shall include the basis and purpose for the warning. An oral reprimand shall be noted in the employee's personnel file.

**Written reprimand:** If an oral warning fails to correct an action warranting disciplinary action, the Department Head or the Selectmen shall issue a written warning. The warning shall include the basis for the warning and an offer of assistance on the part of the Department Head or Selectmen in correcting the problem. A copy of the written warning, signed by the Department Head or Selectmen, and the employee shall be placed in the employee's personnel file and carry a specified period for improvement or correction. The employee may include a written response to the reprimand in their file. A written reprimand may also be issued without an oral reprimand if the seriousness of the action warrants it.

**Suspension:** At the discretion of the Board of Selectmen, an employee may be suspended without pay for cause. Within forty-eight (48) hours of the effective date of the suspension, the employee shall be provided with a written notice stating the reason(s) for and the length of the suspension. Suspensions may be in lieu of oral or written reprimands and may be effective immediately.

**Discharge:** An employee may be discharged for cause. The Board of Selectmen shall provide the employee with a written notice which states the reason(s) for the discharge and the effective date of the discharge. Discharge may be in lieu of oral or written reprimands and suspensions and may be effective immediately.

**Town of Heath**  
**Personnel Policy**

**5.4 *Americans with Disabilities Act***

All Town employees shall comply with requirements of the regulations contained in the Americans with Disabilities Act of 1990.

The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

The Town has and will continue to establish occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee unless such accommodation will impose undue hardship on the Town.

**5.5 *Discrimination Grievance Procedure***

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action.

Anyone who feels that he or she has been discriminated against by the Town on the basis of age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation in employment practices may file a grievance.

Grievances must be in writing and should include information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem and what resolution is sought. Reasonable accommodations, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint. The following steps shall be used in resolving the grievance:

**STEP 1** Within five (5) working days of an event giving rise to a grievance, an employee should discuss the grievance with his/her supervisor/Department Head in a mutual effort to resolve the grievance. In the absence of a supervisor, the employee should informally discuss the grievance with the Board of Selectmen.

**STEP 2** If, within five (5) working days after such conference, a satisfactory understanding and/or solution of the grievance has not been reached, then either the Department Head or the employee may refer the grievance in writing to the Selectmen. The Selectmen shall conduct a hearing and render a written decision within ten (10) working days of such hearing. The decision rendered by the Board of Selectmen shall be final and binding on all parties.

**Town of Heath**  
**Personnel Policy**

All grievances received by the Board of Selectmen and responses from same, will be kept by the Town in accordance with applicable public records statutes. Such documents will remain strictly confidential.

No retaliatory action will be taken against those persons who file complaints of discrimination on the basis of age, sex, marital status, race, color, creed, national origin, disability, veteran status, military status, or sexual orientation or against individuals who cooperate in such investigations.

**5.6 *Sexual Harassment Policy***

It is the goal of the Town to promote a workplace which is professional and which treats all of those who work here with dignity and respect. Sexual harassment is unlawful and will not be tolerated. Further, any retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is demonstrated to our satisfaction that such harassment occurred, will act promptly to eliminate the harassment and take disciplinary action where appropriate.

**5.6.1 Definition of Sexual Harassment**

In Massachusetts, “sexual harassment” is defined as: “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.

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, by supervisors, employees and, in some instances, third parties, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers. The prohibition on such conduct also extends to any function or activity which is officially sponsored by the Town of Heath. While it is not possible for the Town to list all those circumstances which would be considered sexual harassment, the following are some examples:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- Assault or coerced sexual acts.

**Town of Heath**  
**Personnel Policy**

The following conduct may also constitute sexual harassment in certain circumstances:

- Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Comments regarding gender stereotypes which demean, embarrass or humiliate employees.

**5.6.2 Private Counseling Option**

If you believe you are the victim of sexual harassment, in addition to the right to file a complaint, you may also seek advice from the Chair of The Board of Selectmen. This individual is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If desired, this individual will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is possible. If this option does not resolve the complaint, you may proceed through our complaint procedure set forth in Section 5.6.3, below.

**5.6.3 Complaint Procedure**

If any of our employees believe that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file an internal complaint. This may be done in writing or orally to the Affirmative Action Officer (AAO) designated below. When the AAO receives the complaint, he/she will then investigate the allegation in a fair and expeditious manner. He/she will also interview the person alleged to have committed sexual harassment. The AAO may, if necessary, request written statements in addition to private interviews. If the AAO is unable to resolve the complaint, he/she will report the investigative findings to the full Board of Selectmen for disposition.

Affirmative Action Officer: Chairman, Board of Selectmen

Alternate: Member, Board of Selectmen

In addition to the above, if an employee believes he or she has been subject to sexual harassment, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that each of the agencies has a limitations period for filing a claim (300 days in most circumstances)

The U.S. Equal Employment Opportunity Commission (EEOC)  
One Congress Street, 10<sup>th</sup> Floor  
Boston MA 02114  
Tel: (617) 565-3200

**Town of Heath**  
**Personnel Policy**

The Massachusetts Commission Against Discrimination (MCAD)  
Boston Office  
One Ashburton Place, Room 601  
Boston MA 02108  
Tel: (617) 994-6000

Springfield Office  
424 Dwight Street, Room 220  
Springfield MA 01103  
Tel: (413) 739-2145

**5.7 *CDL Alcohol and Drug Testing Policy***

The following is the Town's drug and alcohol testing policy for those employees operating motor vehicles that require a Commercial Drivers' License.

**5.7.1 Alcohol Prohibitions**

1. A driver may not report for duty or remain on-duty if he/she:
  - a. has a blood alcohol concentration of 0.04 or greater
  - b. is in possession of alcohol (this includes any product, medication, or food containing alcohol, regardless of the alcohol content)
  - c. is consuming alcohol
  - d. has consumed alcohol within the past four (4) hours
2. Supervisors who know about any of the above acts may not permit the offending driver to report or stay on-duty.
3. A driver who is involved in a motor vehicle accident is prohibited from consuming alcohol until all post-accident tests are performed, or until eight (8) hours after incident, whichever occurs first.
4. Drivers may not refuse to submit to alcohol testing. Those who do will be subject to discipline up to and including termination.

**5.7.2 Drug Prohibitions**

In accordance with Federal Highway Administration regulations, Town employees who are required to maintain a Commercial Driver's License as part of their job duties:

1. Are prohibited from using controlled substances.

**Town of Heath**  
**Personnel Policy**

2. May not report for duty or stay on-duty while using any controlled substance (there may be an exception to this prohibition in circumstances where a physician has prescribed a controlled substance and has advised that it will interfere with the employee's ability to operate a vehicle in a safe manner
3. May not report for duty or stay on-duty if they have tested positive for a controlled substance

Supervisors who receive information concerning a potential violation of any of the above provisions may not permit the offending employee to operate a vehicle. If there is reason to believe that an employee's use of a therapeutic drug may impair his/her ability to operate a vehicle, the supervisor may require that the employee report such use.

### **5.7.3 Alcohol and Drug Testing**

Testing to determine the presence of alcohol and/or drugs can and may be performed on employees required to maintain a CDL in any of the following situations:

1. Pre-employment: Prior to an employees hire date with the Town.
2. Post-accident: Testing may be performed following an accident where a life was lost or the employee was cited for a moving traffic violation. Post-accident alcohol testing shall be conducted within two (2) hours of the accident. Post-accident drug testing shall be conducted within 32 hours of the accident.
3. Random: Federal regulations require that unannounced random testing be performed on a certain percentage of drivers each year. The random selection process used shall ensure that each driver has an equal chance of being tested each time selections are made. Drivers will be randomly selected from the pool. Random testing for alcohol or drugs may be done at any time you are at work. Once notified, the selected employee must proceed immediately to the test site.
4. Reasonable suspicion: If a supervisor has reason to believe that an employee's behavior or appearance may indicate alcohol or drug abuse, he or she may require the employee to undergo testing. Alcohol testing for reasonable suspicion should be conducted within two (2) hours of the observation. Tests that cannot be done within eight (8) hours of the observation shall not be conducted. Employees are prohibited from reporting for or staying on duty while under the influence of alcohol or while impaired by alcohol as indicated by behavior, speech or performance. Action stemming from alcohol misuse cannot be taken against a driver unless an alcohol test was administered or was refused by the driver.
5. Return to duty: Return to duty testing is required for all employees who have violated any of the above prohibitions and are returning to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required.

Pursuant to this Policy, all employees who are required to maintain a CDL must submit to alcohol and drug testing as required. If an employee refuses to be tested, he/she will not be permitted to continue working. It shall be considered a refusal if an employee fails to provide

**Town of Heath**  
**Personnel Policy**

enough breath for alcohol testing or enough urine for controlled substance testing without a valid medical reason after being notified of the testing requirements, or if you clearly obstruct the testing process.

All alcohol testing shall be conducted by a certified Breath Alcohol Technician (BAT) in a private setting.

Drug testing shall be conducted by analyzing a urine sample collected in a private setting.

**5.7.4 Violation of Policy**

**Consequences for violating the alcohol or drug prohibitions are as follows:**

1. Alcohol violations:
  - a. prohibition from returning to work until an evaluation has been done and any recommended treatment is completed.
  - b. employees with an alcohol concentration of 0.02 or greater are prohibited from returning to work for at least 24 hours
2. Drug violations:
  - a. prohibition from returning to work until an evaluation has been done, recommended therapy is completed, and a verified negative drug test is produced

The Town's alcohol and drug policy requires that the Town provide an employee with an opportunity for treatment. This Policy does not, however, require the Town to hold a job open for an employee or to pay for the cost of rehabilitation.

For further information on alcohol or drug issues, employee may contact the Town Coordinator for information about the Town's Employee Assistance Program on a confidential basis.

**5.8 *Vehicle Use Policy***

The purpose of this policy is to set forth the guidelines use of Town-owned vehicles.

**Rules Governing Use**

1. Municipal vehicles may only be used for authorized municipal business.
2. Municipal vehicles shall not be used to transport any individual that is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Town vehicles.

**Town of Heath**  
**Personnel Policy**

3. Vehicles shall only be used to transport items for which the vehicle was designed. The Town shall not be liable for the loss or damage of any personal property transported in municipal vehicles.
4. Employees are expected to keep municipal vehicles clean, and to immediately report any malfunction or damage to their supervisor.
5. Employee's assigned vehicles are expected to park such vehicles in safe locations.
6. Employees must wear seatbelts in vehicles so equipped during operation of the vehicle.
7. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operations.
8. 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.
9. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
  - a. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the Town is approved by the Town Administrator.
  - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than twenty-four (24) hours after the incident. Failure to provide such notice will be grounds for disciplinary action.
  - c. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than twenty-four (24) hours after the incident. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
10. No employee may use a municipal vehicle for out of state use without advance approval of the Board of Selectmen.
11. Employees whose vehicles are equipped with cellular phones are expected to reimburse the Town for any personal use of those phones.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of driving privileges, suspension, and/or termination from employment.

**Town of Heath**  
**Personnel Policy**

**5.9 *Tardiness and Reporting to Work***

The purpose of this policy is to ensure proper coverage in all offices and work locations in order to maintain the highest level of service to the taxpayers of the Town.

It is the policy of the Town that all employees assume their assigned duties at the start of the regularly scheduled work day. Tardiness and failure to report to work are viewed as unacceptable job performance and may be grounds for progressive disciplinary action.

An employee who anticipates that he or she will arrive after the start of the work day or shift must notify the work location and speak directly to his/her supervisor or the supervisor in charge to inform him/her of the delay and expected time of arrival. Leaving a message is not an acceptable way to communicate that you will be late or not able to come in for the day.

If an employee does not report for his/her scheduled shift, and fails to notify the work location of the absence by the end of the regularly scheduled shift, the employee shall be considered on unauthorized leave without pay for the day and may be subject to disciplinary action, unless the absence resulted from an emergency, in which case the employee may be required to provide documentation. Further incidents of this nature may result in subsequent disciplinary action up to and including termination of employment.

Failure by an employee to report to work without permission and without notice for fourteen (14) or more consecutive days may result in the employee being considered to have voluntarily and permanently separated him/herself from Town service.

**5.10 *Drug-Free Workplace***

It is the policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited.

Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent that such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.

Employees who are convicted of controlled substance-related violations under state or federal law, or who plead guilty or *nolo contendere* to such charges, must inform their Department Head or appointing authority prior to returning to work or within five (5) days of

**Town of Heath**  
**Personnel Policy**

such conviction or plea, whichever comes first. Department Heads or appointing authorities shall notify the Chair of the Board of Selectmen immediately.

Employees who are convicted, or who plead guilty or *nolo contendere* to such drug-related violations may be required to successfully complete a drug abuse or similar program as a condition of employment or re-employment. Nothing in this policy, however, should be construed as limiting the Town's right to discipline an employee for violation of this Policy. All employees shall be provided a copy of the Drug-Free Workplace Act, and sign a statement indicating its receipt.

The Town's objective is to assist employees with drug-related issues at the earliest possible stage. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Board of Selectmen, the Employee Assistance Program, or their health insurance provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job, and will not be noted in any personnel record.

Violation of any provision of this policy may result in disciplinary action up to and including termination.

***5.11 Smoking in the Workplace***

Smoking in the workplace, except in specifically designated areas is strictly prohibited. Smoking is also prohibited in all Town vehicles. Any employee who violates this policy will be subject to disciplinary action.

***5.12 Conflict of Interest/Financial Disclosure***

The purpose of this policy is to ensure that Town employees comply with the requirements of Chapter 268A of the Massachusetts General Laws, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this Law. In accordance with Chapter 268A, Town employees may not engage in any of the following actions:

- a. Ask for or accept anything (regardless of its value), if it is offered in exchange for an employee's agreeing to perform or not perform an official act.
- b. Ask for or accept anything worth \$50 or more from anyone with whom an employee has official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered, an employee may refuse or return it; donate it to a non-profit organization provided the employee does not take the tax write-off; pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with the employee. An employee may not accept honoraria for a speech that is in any way related to his/her official duties, unless he/she is a state legislator.
- c. Hire, promote, supervise, or otherwise participate in the employment of the employee's immediate family or his/her spouse's immediate family.

**Town of Heath**  
**Personnel Policy**

- d. Take any type of official action which will affect the financial interests of the employee's immediate family or his/her spouse's immediately family. For instance, an employee may not participate in licensing or inspection processes involving a family member's business.
- e. Take any official action affecting the employee's own financial interest, or the financial interest of a business partner, private employer, or any organization for which he/she serves as an officer, director or trustee. For instance, an employee may not take any official action regarding an 'after hours' employer, or its geographic competitors; participate in licensing, inspection, zoning or other issues that affect a company he/she owns, or its competitors; if the employee serve on the Board of a non-profit organization, he/she may not take any official action which would impact that organization or its competitors.
- f. Have more than one job with the same municipality or county or more than one job with the state, unless the employee qualifies for an exemption.
- g. Have a financial interest in a contract with the employee's public employer except under special circumstances. For instance, for town employees, a company owned by an employee may not be a vendor to that town unless he/she meet specific criteria, the contract is awarded by a bid process, and he/she publicly discloses all financial interest.
- h. Represent anyone but the public employer in any matter in which the public employer has an interest. For instance, an employee may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- i. Ever disclose confidential information, data or material which the employee gained or learned as a public employee.
- j. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe the employee's official actions are tainted with bias or favoritism, unless the employee makes a proper, public disclosure including all relevant facts.
- k. Use an official position to obtain unwarranted privileges, or any type of special treatment. For instance, an employee may not approach his/her subordinates, vendors whose contracts he/she oversee, or people who are subject to the employee's official authority to propose private business dealings.
- l. Use public resources for political or private purposes. Examples of "public resources" include: Town property, bulletin boards, office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- m. After leaving public service, take a job involving public contractors or any other particular matter in which the employee participated as a public employee.

Every Town employee shall, within 30 days after becoming such an employee, and every two years thereafter, complete the State's online ethics training program. Upon completion of the program, the employee shall provide notice of such completion to the Town Clerk who shall keep a record of all completion certificates.

***5.13 Workplace Violence/Possession of Weapons***

The Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business

## Town of Heath Personnel Policy

with the Town. It is the goal of the Town to provide a workplace that is free from intimidation, threats, or violent acts.

Weapons are strictly prohibited from the workplace, with the exception of weapons assigned to on-duty Police Officers.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the Town, employees, or others.

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to Department Head or supervisor. The Department Head or supervisor will assess and investigate the incident and determine the appropriate action to be taken. Department management will inform the Board of Selectmen of all reported incidents of workplace violence and will inform the employee of their right to have the Police Department notified.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, The Board of Selectmen may assemble a Response Team that consists of staff from the affected Department, Board of Selectmen, Town Counsel, and may include the Employee Assistance Program, Emergency Response, Police Department and others as deemed necessary.

The Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- evaluating the potential violence problems,
- assessing an employee's fitness for duty (through mental health professionals),
- establishing a plan for the protection of co-workers and other potential targets,
- coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel,
- referring victims to appropriate assistance and community service programs,

**Town of Heath**  
**Personnel Policy**

- assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the Department Board/Committee, Department Head, or Police to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Should an employee become the victim of an incident of workplace violence, the Department Head may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did, in fact, commit the violent act, s/he may be referred to the EAP by the Department/Division Manager. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action.

***5.14 Whistleblower Policy***

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the “Act”), Section 185 and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the Town:

- a. to encourage the reporting by its employees of improper governmental action taken by town officers or employees; and
- b. to protect town employees who have reported improper government actions in accordance with this policy

The town encourages initial reporting to the town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the town’s procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue with the Board of Selectmen. The employee shall submit a written report to the town stating in detail the basis for the employee’s belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person who is not a member of the Board of Selectmen. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

- a. is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature;

**Town of Heath**  
**Personnel Policy**

- b. reasonably fears physical harm as a result of the disclosure provided; or
- c. makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action may lose the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in the town personnel code.

The Board of Selectmen shall take prompt action to assist the town in properly investigating the report of improper governmental action. Town officers, administrators, supervisors and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

Town officials, administrators, supervisors and employees are prohibited from taking retaliatory action against the town employee because he or she has in good faith reported an improper action in accordance with this policy.

If the Board of Selectmen does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may institute a civil action in the superior court.

The Board of Selectmen are responsible for insuring that this policy is permanently posted where all employees will have reasonable access to it and that this policy is made available to any employee upon request. The town will, to the extent it considers practical, provide training and education on the whistleblower policy. The Board of Selectmen are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.

***5.15 Computer, Electronic Mail and Internet Use Policy***

Computers, internet and email service provided by the Town shall be used for Town business only. Employees may on their non working hours use the internet service providing they adhere to all of the following regulations. All information and communications on Town equipment is considered Town/Public information and may be viewed at any time by management.

The users of the network are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the use of the network may result in litigation against the offender by the proper authorities and where appropriate, disciplinary action. If such an event should occur, the Town will fully comply with the authorities to provide any information necessary for the litigation process.

**Town of Heath**  
**Personnel Policy**

This policy applies to every employee, board member (elected or appointed), contractor or remote user who is provided access to the Town's computers and network resources.

Any unauthorized, deliberate action, which damages or disrupts a computing system, alters its normal performance, or causes it to malfunction, is a violation, regardless of system location or time duration.

Duplication or installation of unauthorized software is prohibited. Software that is not purchased/licensed by the Town is considered unauthorized.

As a user of the network, the employee may be allowed to access other networks (and/or the computer systems attached to those networks).

**5.15.1 The following computer-related activities are prohibited:**

1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems.
2. Use of systems and/or networks to connect to other systems, as a means of evading the physical limitations of the local/remote system.
3. Unauthorized use of network "sniffers" or other network analysis tools.
4. Decryption of system or user passwords.
5. The copying of system files.
6. The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or the proper license.
7. Intentional attempts to "crash" network systems or programs.
8. Attempts to secure a higher level of privilege than authorized on network systems.
9. The willful introduction of computer "viruses" or other disruptive/destructive programs into the Town's network or into external networks.

**5.15.2 Internet Access and Use**

Internet access through the Town-provided network is intended for business use, including finding vendor information, government information, research, and communicating with colleagues and residents for government-related purposes. All Internet usage will be monitored.

The Town allows users the privilege of Internet access for limited personal use, such as looking at home pages and sending e-mails to friends. This privilege of personal use of the Internet is subject to the terms and conditions established by the Town herein, and as they may be amended from time to time, and may be withdrawn in the future, with or without cause, at the discretion of Town management.

**Town of Heath**  
**Personnel Policy**

Any personal use of the Internet must be on the employee's own time, and must not interfere with the Town's operation or the employee's work responsibilities.

At no time may employees use the Internet for any type of commercial use, or to transact non-government business. The use of the Internet to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations, or for personal gain, is prohibited.

At no time may employees access inappropriate web sites, such as those hosting pornography, obscene materials or gambling enterprises.

The use of any element of the Town's computer system, including Internet access, for the receipt or transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, or religion is not permitted under any circumstances.

The Town reserves the right to monitor the an employee's history of web sites visited, and Internet access and use in order to ensure compliance with this policy.

Employees are not permitted to download executable files from the Internet unless previously approved by the network administrator.

**5.15.3 Electronic Mail (e-mail) Access and Use**

E-mail is an effective tool for sharing and disseminating information. Since the Town's e-mail system is linked to Internet systems, users can communicate with colleagues in state agencies, vendors and residents. This electronic communication promotes better information exchange between peers and residents.

As with all of the Town's assets, the e-mail system is intended to be used for work-related purposes, and in ways consistent with the Town's overall policies. The system may not be used in any way that is disruptive to the operation of the Town or offensive to others.

The use of e-mail for the transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, or religion is not permitted under any circumstances. Employees should keep in mind that material which one person finds humorous can be offensive to others.

Likewise, electronic mail is not to be used to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations, or personal gain (including, but not limited to, "chain letters" and/or requests for donations).

The use of broadcast mail (sending the same message to a group of employees) places stress on the e-mail system and has the potential for generating undesirable volumes of junk mail or spam. Therefore, it should be selectively used only for work-related reasons, and with appropriate supervisory approval.

**Town of Heath**  
**Personnel Policy**

Confidential information should never be transmitted or forwarded to outside entities or individuals not authorized to receive such information, or to Town employees having no business reason for to have such information.

It is emphasized that the privacy and confidentiality of e-mail transmissions cannot be assured. E-mail transmissions may be subject to disclosure through legal proceedings or otherwise through various laws which may apply to such transmissions.

**5.15.4 Expectation of Privacy**

Authorized Town personnel must have unrestricted access to e-mail and related information stored on Town-owned computer equipment. This access is required for reasons that include retrieving business-related information, troubleshooting hardware and software problems, preventing unauthorized access and system misuse, deterring use that is contrary to the Town's policy, ensuring compliance with software copyright and distribution policies, and complying with legal and regulatory requests for information.

The Town reserves the right for legitimate business purposes to monitor, review and retrieve any information stored on or transmitted with Town equipment and; therefore, employees should not have an expectation that their e-mail communication, or documents stored on Town equipment, will remain private. For this reason, users are advised to use discretion in drafting e-mail messages, and are cautioned not to include information in e-mail messages that they would not want to be viewed by others.

**5.15.5 Open Meeting Law**

Employees must take into consideration the applicability of the Massachusetts Open Meeting Law when participating in an electronic conversation through email, chat or other such method of electronic communication. No decisions shall be made through email that is required to be made in a posted open meeting.

**5.16 Dispute Resolution**

Employees are encouraged to bring any problems or complaints regarding their work or other day-to-day relations with the Town to the attention of their supervisor or the Board of Selectmen. If the matter remains unresolved after the discussion with the supervisor, the employee should contact the Board of Selectmen in writing. The Board of Selectmen shall discuss the matter with the employee and others who may be involved and attempt to reach a satisfactory understanding and resolution of the problem. The Board shall take the question under advisement, collecting such facts relating thereto as may seem helpful and it may, in its discretion, hold public or private hearings with respect to the question, subject to the provisions of the Open Meeting Law, General Laws, Ch. 39, §§ 23A-23C and 24.

No later than thirty (30) days after receipt of the written submission of the matter, the Board shall render its decision and thereafter promptly take such action as may be appropriate relative to the problem.

**Town of Heath**  
**Personnel Policy**

**6.0 Leave Policies**

**6.1 *Civic Duty Leave***

An employee whose service as a juror makes it impossible or impractical to work the hours necessary to earn his or her normal week's pay shall submit a request to his/her Department Head for the difference between jury duty pay and the employee's normal weekly earnings. The Town agrees to pay this difference upon presentation of proof of service and the amount of jury pay received by the employee.

**6.2 *Military Leave***

All full-time and regular part-time employees who are called for temporary military duty shall receive the difference between their military pay (excluding travel allowance) and their regular pay for up to seventeen (17) days of such duty annually, upon receipt of a copy of the employee's military orders and a written request for such pay differential. The employee's vacation allowance shall not be affected by such duty.

**6.3 *Bereavement Leave***

An employee may be granted up to three (3) working days of paid bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family. One day of bereavement leave may be granted by the supervisor for an employee to attend the funeral of a member of the employees' immediate family (see definitions page 6) or a grandparent, aunt, uncle, or other close relative. The Board of Selectmen may grant paid bereavement leave to allow an employee to attend the funeral of a Town employee.

**6.4 *Unpaid Leave of Absence***

While maintaining awareness of the operational needs of the Town, the Town acknowledges there may be occasions when an employee is unable to work for a period of time. The Board of Selectmen may grant a leave of absence to employees for medical or personal reasons. Requests for such leave shall be presented to the Board of Selectmen in writing stating the reason(s) for requesting leave and the time period of such leave. Selectmen may grant up to three (3) months of leave which may be renewed for up to another three (3) months provided the employee requests such extension at least ten (10) days in advance of the expiration of the leave. A second renewal of up to three (3) months may be granted. The maximum leave of absence shall not exceed nine months.

Said leave(s) of absence shall be granted without pay. Should an employee be enrolled in the Town's health and life insurance plans at the time of taking a leave of absence, the employee shall be responsible for one-hundred percent (100%) of the premiums in order to maintain coverage, except when the employee is on a leave of absence due to a medical condition, in which case the employee shall continue to be responsible for twenty-five percent (25%) of the insurance premiums. No accumulation of sick or vacation leave shall occur during the leave of absence.

**6.5 *Maternity Leave***

In accordance with M.G.L. Chapter 149, Section 105D, employees with at least six (6) months of continuous service with the Town are eligible for up to eight (8) weeks of unpaid

**Town of Heath**  
**Personnel Policy**

leave for the purpose of giving birth or for adopting a child under the age of eighteen (18), or under twenty-three (23) if the child is mentally or physically handicapped.

In order to be eligible for leave under this Section, the employee is required to give at least two (2) weeks' notice in advance of the anticipated date of departure, stating his/her intention to return and anticipated date of return. Upon return to work, the employee is entitled to be restored to his/her previous or similar position, and to the length of service credit and seniority as of the date of leave.

Leave under this Section shall be unpaid, unless the employee is eligible for and elects to apply other leave, such as sick leave or vacation leave to which she is entitled. Any leave taken under this Section shall be counted against an employee's leave entitlement under the terms of the Family and Medical Leave Act.

An employee taking leave under this section may use up to four (4) weeks of available sick leave to extend the period of leave. During maternity leave, the employee shall not accrue sick or vacation leave and shall not be eligible for holiday pay.

An employee taking leave under this section may also request an extension of the leave in accordance with the unpaid leave of absence provision set forth above in Section 6.4. In such case, the employee shall be responsible for one-hundred percent (100%) of health and life insurance premiums.

**6.6 *Small Necessities Leave***

In accordance with General Laws Chapter 149, Section 52D, an eligible employee is entitled to a total of twenty-four (24) hours of unpaid leave during a twelve (12) month period, in addition to other leave under this section, to participate in school activities directly related to the educational advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative as defined in Section 52D to routine medical or dental appointments or other professional services related to the elder's care. An employee may elect to substitute any accrued paid vacation leave, personal leave, or sick leave for any of the leave provided under this section. Leave under this section may be taken intermittently or on a reduced leave schedule.

If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than seven days' notice before the date the leave is to begin. If the leave is not foreseeable, the employee shall provide such notice as is practicable.

**6.7 *Vacation Policy***

Vacation leave will be granted to benefit-eligible employees who work at least twenty (20) or more hours per week on a continuous basis throughout the fiscal year.

Vacation leave is earned from the first day of hire, pro-rated, based on a regular forty (40) hour work week, and is available to be taken after six (6) months of continuous employment.

Overtime hours shall not be included for purposes of calculating vacation leave.

Upon successful completion of the probationary period, an employee is eligible for vacation accrual retroactive to the date of hire.

**Town of Heath**  
**Personnel Policy**

Vacation use must have the prior approval of the Department Head or the Selectmen so that the services of the Town are not unduly interrupted. Employees must complete a Request for Leave form to request use of vacation time at least one week in advance of the requested date of vacation leave. Employees will be provided with a calculation of available vacation time on weekly pay stubs, as well as provided with a Leave Sheet on a monthly basis, by the Town Treasurer.

It is intended vacation time be taken within the fiscal year that it is earned or the following fiscal year. Carryover vacation time must be used no later than the end of the fiscal year following the year in which it was earned. After that time period, vacation time will be forfeited. Employees who leave the employment of the Town through resignation, retirement or dismissal shall be paid for all accrued vacation leave.

Vacation leave compensation shall be at the employee's rate of pay in effect at the time the leave is used. Vacation leave will be earned based on the following schedule. For purposes of this schedule, a week is equivalent to a 40 hour workweek.

<b><u>Years of Service</u></b>	<b><u>Vacation Time Earned</u></b>
½ - 5 years	2 weeks
6-10 years	3 weeks
11-24 years	4 weeks
25+ years	5 weeks

**6.8 *Family and Medical Leave***

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible to take leave in accordance with the Family and Medical Leave Act. 29 USC §2601, et seq.

Eligible employees will be granted unpaid leave for up to twelve (12) weeks during any 12-month period for any of the following circumstances:

- a. family leave due to the birth, adoption or placement of a child (foster care);
- b. medical leave due to an employee's serious health condition; or
- c. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition.

At least thirty (30) days in advance of the leave, the employee shall submit to the appointing authority a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days' notice is not possible, the employee shall give notice as soon as practical. The requesting employee shall submit requisite documentation from a Health Care Provider with the request.

Employees may request medical leave on an intermittent leave, or reduced work, schedule if medically necessary or if necessary to provide care for a family member. When such leave is

**Town of Heath**  
**Personnel Policy**

requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

Leave under this section shall be unpaid unless an employee elects to apply other paid leave benefits that may be available, such as vacation leave or sick leave.

Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee continues to pay the required employee share of premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee the cost incurred in maintaining insurance coverage for the duration of the employee's leave.

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

**6.9    *Personal Leave***

Employees earn up to three (3) days per year for personal time so long as the requests to do so are authorized in advance by the supervisor. Employees must complete a Request for Leave form to request use of personal time in advance of the requested date of personal leave. Employees will be provided with a calculation of available personal time on weekly pay stubs, as well as provided with a Leave Sheet on a monthly basis, by the Town Treasurer. Part-time employees who work at least twenty (20) hours per week are eligible for pro-rated leave, consistent with regular hours worked, each fiscal year.

Employees shall not be permitted to carryover any unused personal leave at the end of the fiscal year, and unused personal leave will not be compensated should the employee leave the employment of the Town.

**6.10   *Sick Leave***

Sick leave is established for the purpose of sustaining an employee's income while they are absent from work due to a medical illness or other condition. The employee's supervisor may require documentation of illness if an illness requires more than five (5) successive sick days. Employees will be provided with a calculation of available sick time on their pay stubs, as well as a Leave Sheet on a monthly basis, or as requested by the Town Treasurer. Five (5) days sick leave will be granted only to regular employees who work at least twenty (20) hours per week on a continuous basis throughout the year.

Sick leave compensation shall be at the employee's rate of pay in effect at the time the leave is used. An employee may accrue and carry over a maximum of six (6) weeks of paid sick leave.

**Town of Heath**  
**Personnel Policy**

Upon successful completion of the probationary period, an employee shall be eligible for earned sick leave time retroactively to the date of hire. Unused sick leave will not be compensated should the employee leave the employment of the Town.

**6.10.1 Extended Sick Leave**

The Town's extended sick leave policy is established for the purpose of providing guidance in determining paid leave time in the event an employee experiences or anticipates extenuating circumstances associated with a long-term illness where an employee may exhaust all other available paid leave, including sick, personal, and vacation leave, and leave granted pursuant to the FMLA. Extended sick leave must receive prior approval of the Board of Selectmen and will be granted only after all other available leave has been exhausted. If extended sick leave is granted, an employee may be permitted to use unearned vacation, sick time and personal leave time that the employee would accrue for up to one year past the requested leave dates.

Leave without pay shall not be considered a right, and shall be granted only when it serves to promote the mutual interests of the employee and the Town. In determining whether to grant such a request, the Board of Selectmen shall base its decision on the entirety of the individual's employment record with the Town, including his/her performance and attendance record, without regard to the applicant's race, sex, age, color, religion, marital status, national origin, sexual orientation, gender identification, or disability.

**6.11 *Returning to Work After Sick Leave***

**6.11.1 Return to Work**

1. An employee who may need to be out of work for an extended period of time must provide medical verification of the need to be out of work from his/her treating physician or other licensed health care provider. Attachment H form should be used for this purpose. Documentation of the injury/illness should include an estimate of the anticipated number of days away from work, and when the employee will be evaluated again by the health care provider for clearance to return to work.
2. An employee who may require work restrictions when returning to work during the recovery period must provide medical verification of the need for work restrictions from his/her treating physician or other licensed health care provider. Attachment H form should be used for this purpose. Documentation of the injury/illness, should include any specific restrictions regarding lifting, standing, sitting, work hours or other normal job duties that may need to be modified due to the condition. Such documentation is to be presented to the employee's supervisor prior to or upon returning to work to enable time for any worksite modifications to occur. A "return-to-work" authorization (Attachment H) signed by the health care provider must be submitted prior to returning to work with any work restrictions.
3. The Town reserves the right to request that an employee returning to work after illness or injury submit to a physical or psychological examination (as applicable to the purpose the employee was absent) by a Town-designated medical provider at the expense of the town, prior to being permitted to work in the event of a need to verify that the work will not

**Town of Heath**  
**Personnel Policy**

compromise the employee's health and safety and recovery.

4. All employee medical information will be kept strictly confidential in accordance with State law.

**6.11.2 Convalescence and Successful Recovery**

1. An employee who has been placed on work restrictions or is approved to be out of work for medical purposes shall not engage in any gainful employment without providing written permission of the employee's treating physician to the supervisor.
2. Supervisors shall assist the employee in the implementation of any necessary work restrictions.
3. When so requested, an employee who has been placed on work restrictions, or is approved to be out of work for medical purposes, shall report for physical/psychological examinations at the Town's expense, to determine whether the employee remains incapacitated, unable to work, and the appropriateness of continued treatment.
4. An employee who has been approved for out-of-work status or placed on work restrictions shall comply with all requests for information, or other medical case management requirements, related to the illness/injury, from Town officials, a designated occupational health consultant or case manager.

**6.11.3 Sanctions**

Failure to comply with the Return to Work procedures contained herein, after written notice of such failure and steps to be taken to correct such failure have been given and a reasonable time allowed for compliance, may warrant disciplinary actions up to and including termination.

**6.12 Sunny Day Off:**

An employee may be granted one (1) day off per year without pay by the Department Head as long as the day off does not interfere with routine operations. The "Sunny Day Off" is not cumulative, may not be carried over into subsequent years and is not compensable should the employee leave the employment of the Town.

**7.0 Benefits**

**7.1 Health and Life Insurance**

Pursuant to M.G.L. Chapter 32B, the Town of Heath offers health and life insurance to its eligible employees. A benefitted employee working at least twenty (20) hours per week is eligible to receive full insurance benefits. Subject to approval by the Board of Selectmen, elected officials who work at least twenty (20) hours per week are eligible for full benefits.

The Town and eligible employees shall share the cost of health and life insurance benefits. The Town of Heath shall contribute seventy-five percent (75%) of the premiums, while the employee shall be responsible for the remaining twenty-five percent (25%). All full-time and regular part-time employees are also eligible for up to \$5,000 of term life insurance through Boston Mutual

**Town of Heath**  
**Personnel Policy**

and may select health coverage from the insurers and plans that the Hampshire County Group Insurance plan has contracted with. Eligible employees may choose one of the health plans and may enroll in the life insurance plan within the first ninety (90) days of employment or otherwise must wait until the start of the following fiscal year to enroll or change plans.

Employees who are enrolled in the a Town-sponsored health insurance plan and who are involuntarily terminated due to lack of funds, lack of work or abolition of the position may elect to continue to receive group coverage through the Consolidated Omnibus Budget Reduction Act of 1990 (COBRA) for up to eighteen (18) months unless the employee experiences a qualifying event under the Act, in which case the coverage may be extended for an additional eighteen (18) months. The involuntarily terminated employee shall be responsible for 100% of all insurance premiums. Employees leaving employment on a voluntary basis shall also qualify for COBRA coverage but shall be responsible for paying a 2% administrative fee in addition to the entire premium.

**7.2 *Pensions and Retirement***

All Town employees, excluding those covered by the Teacher's retirement plan, earning compensation paid pursuant to the Town payroll warrant, shall be required to become members of the Franklin County Retirement System in accordance with membership requirements of that system. Deductions shall be withheld for all compensation, except for overtime payments and police off-duty detail work, for all members at the rate of contribution in effect upon their date of hire.

**7.3 *Medicare***

All employees hired after March 31, 1986 shall have deductions for Medicare withheld from their pay at the prevailing rate.

**7.4 *Worker's Compensation***

With the exception of elected officials and employees of the police and fire departments, all Town employees are eligible for benefits under M.G.L. Chapter 152 for work-related injuries. Police and Fire employees are covered under M.G.L. Chapter 41, Section 100 and 111F for said injuries. All employees who incur an injury on the job must report such injuries to their supervisor within 24 hours.

Regular employees who receive Worker's Compensation benefits as a result of their work-related injury may elect to use their accumulated sick or vacation leave to make up the difference between their regular pay and the amount of pay received under Worker's Compensation.

**8.0 *Severability***

Each provision of this policy shall be construed as separate to the extent that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

PERSONNEL POLICY APPROVED BY BOARD OF SELECTMEN ON OCTOBER 17, 1995.  
(Amended 02/18/97, 11/19/02, 3/4/03, 11/1/03, 1/25/05, 10/05, 07/2/13)

**Town of Heath**  
**Personnel Policy**

**Attachment A: Prohibited Hazardous Occupations for Minors under age Eighteen (18)**

1. Manufacturing and storing explosives;
2. Motor vehicle driving;
3. Coal mining;
4. Logging and saw-milling;
5. Operating power-driven wood working machines;
6. Operating power-driven hoisting apparatus;
7. Any work causing exposure to radioactive substances;
8. Operating power-driven metal-forming, punching and shearing machines;
9. Mining, other than coal mining;
10. Slaughtering, or meat packing, processing or rendering;
11. Operating power-driven bakery machines;
12. Manufacturing brick, tile, and similar products;
13. Operating power-driven paper product machines;
14. Operating power-driven circular saws, band saws, and guillotine shears;
15. Wrecking, demolition and ship-breaking;
16. Roofing;
17. Excavating;
18. Working in railway operations;
19. Working in foundries, or working in or about blast furnaces;
20. Buffing or polishing equipment;
21. Handling, serving or selling alcoholic beverages;
22. Working as a firefighter or engineer on any boat or vessel;
23. Manufacturing white or yellow phosphorous matches; and
24. Working at any occupation over thirty five feet above ground, floor or water level (including washing windows in a public or commercial building if the window is more than ten feet above the ground or floor level, or the roof of an adjoining building).

**Town of Heath**  
**Personnel Policy**

**Attachment B: Prohibited Occupations for Fourteen (14) and Fifteen (15) Year Old Minors**

1. Manufacturing of any kind;
2. Mining of any kind;
3. Processing, such as filleting fish, dressing poultry, or cracking nuts;
4. Laundering as performed by commercial laundries and dry cleaning;
5. Working in workrooms or workplaces where goods are manufactured, mined or otherwise processed;
6. Working for a public messenger service;
7. Operating or tending hoisting apparatus or any power-driven machinery (other than office machines or machines in retail, food service and gasoline service establishments);
8. Working in any occupations found and declared to be hazardous by official designation;
9. Working in connection with:
  - a. Transportation of persons or property by rail, highway, air, water, pipeline or other
  - b. Warehousing and storage;
  - c. Communications and public utilities; or
  - d. Construction (including repair), except in office and sales work in connection with these categories as long as office and sales work is not performed at the site of prohibited work;
10. Working in or about boiler or engine rooms;
11. Maintaining or repairing buildings, machines, or equipment;
12. Outside window washing that involves working from window sills;
13. Working on ladders, scaffolds, or their substitutes;
14. Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;
15. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers;
16. Working in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas);
17. Loading and unloading goods to and from trucks, railroad cars, or conveyers;
18. Working in warehouses except office and clerical work;
19. Working in any billiard or pool room;
20. Working in the theatrical trades, unless approval is obtained from the State Commissioner of Labor and Industries;
21. Working at an occupation involving industrial homework; and
22. Working in any of the occupations prohibited as listed in Attachment A.

**Town of Heath**  
**Personnel Policy**

**Attachment C: Standard Employment Application Form Language**

The information provided in this application for employment is true and complete to the best of my knowledge. In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge.

I authorize investigation of all statements contained in this application and the release of any pertinent information regarding my education, past employment history and background. I authorize the Town of Heath to obtain any information from schools, employers or individuals relating to my activities. This information may include, but is not limited to: academics, achievement, performance, attendance, personal history and discipline. Further, I hereby authorize all references, persons, schools, my current employer (if applicable) and previous employers and organizations named in this application, unless otherwise stated, to provide the Town of Heath any relevant information that may be required to arrive at an employment decision. I understand that the information released is for the Town of Heath's use only.

I hereby voluntarily release, discharge and exonerate the Town of Heath, its agents and representatives, and any person so furnishing information from any and all liabilities of every nature and kind arising out of the furnishing or inspection of such documents, records and other information or the investigations made by or on behalf of the Town of Heath.

I understand that all appointments are probationary and that I must demonstrate my ability for continued employment. I also understand that I must be available from time to time to work outside normal business hours, as the needs of the department require.

If required for the position I am seeking, I agree to take a physical examination, which may include testing for drugs or a psychological examination, as required, and recognize that any offer of employment may be contingent upon the results of such an examination.

I understand that any employment offer by the Town is conditional upon my ability to establish employment eligibility under the Immigration Reform and Control Act of 1986 within three days of the date of hire.

I represent that I have read and fully understand the foregoing and seek employment under these conditions.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Discrimination against any person in any practice or procedure in advertising, recruitment, referrals, testing, hiring, transfer, promotion or any other term, condition or privilege of employment which limits or adversely affects employment opportunities, because of political or religious opinions or affiliations, or because of race, color, sex, sexual orientation, national origin, marital status, pregnancy, parenthood, age, military status, or handicap which is unrelated to the person's occupational qualifications or any other non-merit factor which is not a bona fide occupational qualification is prohibited.

*It is unlawful in Massachusetts to require a lie detector test as a condition of employment or continued employment. An employer who violates this law shall be subject to criminal penalties and civil liabilities.*

**Town of Heath**  
**Personnel Policy**

**Attachment D: Massachusetts Department of Labor and Workforce Development Notices**

Massachusetts General Laws, Chapter 151A, Section 62 contain several requirements regarding the availability of Unemployment Insurance benefits to employees through the Massachusetts Department of Unemployment Assistance (DUA). Details regarding these requirements can be found on the DUA website at <http://www.mass.gov/lwd/unemployment-insur/>. The specific notices to be posted or disseminated are listed below and can also be found and downloaded through the DET website.

The DUA poster entitled “Information on Employee’s Unemployment Insurance Coverage” (Form 2553-A, Rev.4-02) must be displayed at each site operated by an employer in a conspicuous place accessible to all employees. The post must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This poster can be printed at <http://www.mass.gov/lwd/docs/dua/2553a-508.pdf>.

Under the state’s unemployment statute, employers are required to give a copy of the pamphlet entitled “How to File for Unemployment Insurance Benefits” (Form 0590-A, Rev. 02-03) to each employee who is separated from work, permanently or temporarily for seven or more days. The pamphlet must include the name and mailing address of the employer and the identification number assigned to the employer by the Department of Unemployment Assistance. This form can be found and downloaded at <http://www.mass.gov/lwd/docs/dua/0590a-508.pdf>

The DET website also contains a listing of all DUA TeleClaims numbers and Walk-in Service Center locations throughout the Commonwealth. It also contains a direct link to [Chapter 151A](#) of the General Laws of Massachusetts, which govern how the unemployment insurance program operates in Massachusetts.

**Town of Heath**  
**Personnel Policy**

**Attachment E: Acknowledgement of Receipt of Personnel Policy**

Revision Date of Personnel Policy: January 5, 2016

The undersigned hereby acknowledges that he/she has received and read the Town of Heath Personnel Policy, and agrees to abide by all policies and procedures contained therein.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Witness

\_\_\_\_\_  
Title of Witness

cc: Personnel File



**Town of Heath**  
**Personnel Policy**

**Attachment G1: Job Classification Plan -Position Rating Summary Sheet**

**POSITION RATING SUMMARY SHEET**

POSITION CLASSIFICATION TITLE \_\_\_\_\_

FACTOR	EVALUATOR'S POINTS			FINAL RATING
	1	2	3	
1. Education/ Basic Knowledge				
2. Experience				
3. Judgment and Initiative				
4. Supervision Required				
5. Accountability				
6. Contacts with Others				
7. Confidentiality				
8. Physical Environment				
9. Manual & Visual Skills				
10. Physical Effort				
11. Occupational Risks				
12. Character of Supervision				
13. Scope of Supervision				
TOTAL POINTS				

Date: \_\_\_\_\_

Name of Evaluator 1: \_\_\_\_\_

Evaluator 2: \_\_\_\_\_

Evaluator 3: \_\_\_\_\_

## Town of Heath Personnel Policy

### TYPICAL JOB EVALAUTION ELEMENTS

1. EDUCATION/ BASIC KNOWLEDGE	Measures the requirement for varying degrees of knowledge of theory, principles, systems, procedures, and techniques in specialized or general fields of learning. Knowledge is normally acquired through formal education; however, "equivalency: consideration should be given to self-study, evening courses, military service training, etc.
2. EXPERIENCE	Experience measures the length of previous experience in a related position or the length of "on the job training: required to perform the basic duties of the job proficiently.
3. JUDGMENT & INITIATIVE	Measures the requirement for decision-making ranging from a simple reasoning to complex problem solving through inferential reasoning. Consideration is also given to the analytical, cognitive, and critical thinking skills required to perform the position duties.
4. SUPERVISION REQUIRED/ INDEPENDENT ACTION	Assesses the relative degree of independence the individual exercises in performing the assigned duties of a position. In certain positions, Independent Action may be thought of as the degree of freedom from supervision; while, in other positions, Independent Action frequently is a reflection of delegated authority.
5. ACCOUNTABILITY	Measures the likelihood of errors, the possibility of error detection, and the probable effects of errors on department, organization, or customer/client. Probable results of errors are measured in terms of monetary losses, injury to other, jeopardy to organization's programs, loss of accounts, damage to equipment or facilities, etc.
6. CONTACT WITH OTHERS/ INTERRELATIONSHIPS	Measures the relative level of discretion, resourcefulness, and persuasiveness which may be required to achieve desired objectives through negotiations, or influencing the decisions of others within or outside the organization.
7. CONFIDENTIALITY	Measures the relative level of discretion required; the degree of confidential or personal information learned about residents or employees that must be protected and shared only on a need-to-know basis and within various confidentiality laws or regulations.
8. PHYSICAL ENVIRONMENT	Measures the environmental conditions under which the work of a specific position may be performed. Considered are elements which may impede the incumbent's ability to perform assigned duties, through the creation of work distractions or unpleasant conditions.
9. MANUAL & VISUAL SKILLS	Measures the application of varying degrees of manual and visual skills, such as eye and hand coordination, finger dexterity, manipulative ability, etc., for varying lengths of time.
10. PHYSICAL EFFORT	Measures the degree of exertion required in the performance of various position responsibilities. In addition to direct physical labor, consideration should be given to general activity, i.e., standing, walking, etc., as well as physical force exerted for short or intermittent periods of time.
11. OCCUPATIONAL RISKS	Measures the relative degree of exposure to job-related accidental injury which may be present in various positions. It is important in applying this element to determine probability of injury during the performance of assigned position functions, as well as the potential severity of injuries, should accidents actually occur.
12. CHARACTER OF SUPERVISION	Considers the types of supervision provided, i.e. functional, technical, direct, administrative, etc., as well as directly related organizational responsibilities, e.g., responsibility for hiring, training, rewarding, and terminating subordinate personnel.
13. SCOPE OF SUPERVISION	Refers to actual numbers of persons supervised. In applying this element, it is important to consider whether Supervisory Responsibility is direct or indirect.

**Town of Heath**  
**Personnel Policy**

**Attachment G3: Job Classification Plan – Weighting Factors for Job Elements**

**POINTS ASSIGNED TO FACTOR DEGREES**

<b><u>WEIGHTING →</u></b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>7<sup>th</sup></b>
<b><u>FACTORS ↓</u></b>	<b><u>Degree</u></b> No H.S. diploma	<b><u>Degree</u></b> GED	<b><u>Degree</u></b> H.S. diploma	<b><u>Degree</u></b> Associates Degree	<b><u>Degree</u></b> Bachelors Degree	<b><u>Degree</u></b> Masters Degree	<b><u>Degree</u></b> Doctorate
<b><u>TRAINING</u></b>							
1. Education/ Basic Knowledge	15	30	45	60	75	100	150
2. Experience	20	40	60	80	100	125	150
<b><u>INITIATIVE</u></b>							
3. Judgment and Initiative	15	30	45	60	75	90	105
4. Supervision Required	5	10	20	40	50	60	
<b><u>RESPONSIBILITY</u></b>							
5. Accountability	5	10	20	30	40	60	80
6. Contacts with others	5	10	20	40	60	80	
7. Confidentiality	5	10	15	20	25		
<b><u>JOB CONDITIONS</u></b>							
8. Physical Environment	5	10	15	20	25		
9. Manual & Visual Skills	5	10	15	20	25		
10. Physical Effort	5	10	15	20	25		
11. Occupational Risks	5	10	15	20	25		
<b><u>SUPERVISION</u></b>							
12. Character of Supervision	5	10	20	40	60	80	
13. Scope of Supervision	5	10	20	40	60	80	100

**Town of Heath**  
**Personnel Policy**

**Attachment G4: Job Classification Plan – Grade Determination Worksheet**

**GRADE DETERMINATION**

<b>SCORE RANGE</b>	<b>GRADE</b>
149 AND UNDER	1
150 – 174	2
175 – 199	3
200 – 224	4
225 - 249	5
250 - 274	6
275 - 299	7
300 - 324	8
325 - 349	9
350 - 374	10
375 - 399	11
400 - 424	12
425 - 449	13
450 - 474	14
475 - 499	15
500 - 524	16
525 - 549	17
550 - 574	18
575 - 599	19
600 - 624	20

**Town of Heath**  
**Personnel Policy**

**Attachment G5: Job Classification Plan – Grades/Rate Range**

*Please contact Town Coordinator for current year updates.*

**Town of Heath**  
**Personnel Policy**

**Attachment H: Return to Work Plan**

**Return to Work Plan**

**Note: THIS INFORMATION SHALL REMAIN CONFIDENTIAL**

Questions 1 and 2 on this Return to Work Plan shall be completed by the employee or by the Town Coordinator. Questions 3 through 12 must be completed by the treating physician or other licensed health care provider to identify any necessary work limitations. The purpose of this is form to determine the cause and length of an employee’s absence from work and the specific work limitations that will need to be implemented once the employee returns to work that will promote full recovery and productivity.

The employee should obtain any necessary clarification about restrictions from the physician and provide the signed original of the “Return to Work Plan” to the Town Coordinator, who will provide a copy to the employee’s supervisor and to the employee.

1. Name of employee: \_\_\_\_\_ 2. Employee’s job title \_\_\_\_\_  
 3. Date of medical evaluation: \_\_\_\_\_ 4. Is condition work-related? \_\_\_\_\_  
 5. Diagnosis or Condition: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check the box that applies:

6. Employee must remain out of work until this date \_\_\_\_\_ and will be reevaluated by me on this date \_\_\_\_\_.  
 7. Employee may return to work on this date \_\_\_\_\_ with NO limitations.  
 8. Employee may return to work on this date \_\_\_\_\_ with the following limitations:

<b>Motion</b>	<b>Not applicable to diagnosis</b>	<b>Never</b>	<b>Seldom</b>	<b>Occasionally</b>	<b>Frequently</b>
sit					
stand					
walk					
jump					
bend/twist					
kneel/squat					
crawl					
stairs/ladder					
reach					
work overhead					

**Town of Heath**  
**Personnel Policy**

<b>Motion</b>	<b>Not applicable to diagnosis</b>	<b>Never</b>	<b>Seldom</b>	<b>Occasionally</b>	<b>Frequently</b>
crouch					
bend elbow					
push/pull					
drive a car or truck					
operate heavy equipment					
wear a respirator					
vibration exposure					
lift/carry 10 #					
lift/carry 11 - 24 #					
lift/carry 25 - 50 #					
lift/carry 51 - 75 #					
lift/carry 76-100 #					
Repetitive use of arm/hand/wrist (R or L)					
Repetitive use of foot/leg (R or L)					
Work a full workday as scheduled					
Work over 8 hours in one day (overtime)					
Work a night shift					

9. Additional recommendations: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. Name of prescription medication recommended (if any) \_\_\_\_\_

11. Name of non-prescription medication recommended (if any) \_\_\_\_\_

12. Restrictions will remain in effect until the employee is re-evaluate on this date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Licensed Health Care Professional

\_\_\_\_\_  
 Date of Evaluation

\_\_\_\_\_  
 Print Name of Licensed Health Care Professional