



TOWN OF WINDSOR EMPLOYEE HANDBOOK

EFFECTIVE DATE June 1, 2017
(Updated 2-15-2019)
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(Updated 10/16/2023)
(Updated 7/6/2026)

Acknowledgment

I _____ hereby confirm that I have received, read, or have had it read to me, and understand the Information Technology Resource Policy. I understand that it is my responsibility to comply with the policy as a condition of my employment with the Town of Windsor.

Employee's Printed Name

Employee's Signature

Date

POLICY IS BASED ON A CALENDAR YEAR

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I. INTRODUCTION

This is a statement of the Personnel Policies and Procedures of the Town of Windsor (the “Town”). The Town has prepared this handbook as a guide to general information, policies, and benefits that should assist you during your employment.

These policies are intended solely as a guide for the Town and its employees. The provisions of these Personnel Policies and Procedures, developed or disseminated by the Town, are designed and intended to provide guidance and information. Neither this handbook nor any other Town communication or practice creates an employment contract or other employment obligations for the Town. All employees are employed at will.

This handbook summarizes the current benefits maintained by the Town. If questions of interpretation arise of this plan, the answers will be determined by reference to the actual documents, policies, or governing statutes rather than the summaries contained in this handbook. The Select Board reserves the right to amend, modify or delete any policy or provision included in this handbook. Individuals other than the Select Board are not authorized to make any changes in policy. The Town retains all managerial and administrative rights and prerogatives entrusted to it and conferred on employers inherently by law.

The purpose of these policies is to ensure:

- the delivery of quality and efficient services to the citizens for which they are entitled;
- the establishment of a fair and equitable system of personnel administration based on principles that ensure a uniform, fair, and efficient application of personnel policies;
- the establishment of the rules, guidelines, and practices governing the conditions of employment; and,
- the employee understands the benefits to which they are entitled.

II. EMPLOYMENT AT WILL

This handbook is not an employment contract and does not limit the reasons for termination of the employment relationship. No employee or representative of the Town other than the Select Board has any authority to enter into an employment contract or to change the at-will employment relationship or make any agreement contrary to the foregoing.

III. EMPLOYER RIGHTS AND RESPONSIBILITIES

As employer, the Select Board acting on behalf of the Town, has certain rights, powers, and responsibilities, which belong solely and exclusively to the employer including, but not limited to, the delivery of efficient quality services and the maintenance of fiscal integrity.

The employer's rights, powers, and responsibilities shall include, but are not limited to, the right to:

- exercise control and discretion over its business, property, organization and technology including the determination of productivity standards and services to be provided;
- determine qualifications for positions, create job descriptions, and establish and revise personnel policies, including evaluations;
- determine the composition of the work force and job classifications;
- establish and enforce work rules and regulations;
- set work hours, including break times;
- require overtime work;
- appoint, promote, assign, and direct its employees;
- suspend, demote, discharge or take any other appropriate action regarding its employees;
- take necessary actions required to conduct Town business during an emergency;
- contract out services;
- determine purchasing standards and appropriate use of equipment; and,
- modify these policies as needed.

The delivery of services to the public must be accomplished in a respectful, efficient and productive manner at all times.

IV. JOB POSTINGS

Notices of job vacancies shall be posted on the Town office building exterior and interior bulletin board for a period of seven (7) calendar days. The job posting will also be posted on the Town website (windsormass.com), Town Offices Bulletin Board (exterior), and the Berkshire Works website. This provision shall in no way limit the employer's right to temporarily fill a new position or vacancy pending final selection of an applicant.

Job postings will contain the following information:

- position title;
- a brief description of the duties;
- minimum qualifications;

- name and address to which to send applications; and,
- the last day for filing applications.

The position shall be offered based on an individual's qualifications. Individuals who apply for a position for which they appear to be qualified will be given due consideration.

AFFIRMATIVE ACTION/NON-DISCRIMINATION STATEMENT

The employer recognizes the right of individuals to work and advance on the basis of merit, ability, and potential without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age.

V. EMPLOYEE STATUS

Unless otherwise specifically excluded, “employee” shall include any employee receiving compensation from the Town pursuant to any one or more of the following employee classifications:

Full-time employee: The employee in this position works not less than twenty (20) hours per week and works year-round excluding authorized paid leave time and authorized leaves of absence. Employees in this category receive full benefits as defined in this Handbook.

Part-time employee: The employee in this position works less than twenty (20) hours per week and works year round excluding authorized paid leave time and authorized leaves of absence. Part-time employees are paid hourly or by salary.

Elected or Appointed Employee: Employees of the Town who have either been elected or appointed to their respective position(s) and who receive compensation from the Town for services rendered.

VI. PERSONNEL FILES

The Treasurer shall establish and maintain personnel records in accordance with the provisions of MGL Chapter 149, Section 52C and as necessary for effective personnel management. Such files shall include applications, copies of licenses, evaluations, reports and records pertinent to an employee’s employment. Each employee is expected to update the Treasurer with changes to personal information such as name, address, dependent(s) information, licenses, etc. A centralized personnel file shall be kept for each employee. Access to this file is restricted to the Select Board or their designee.

A personnel file shall not include medical-related information. A separate file with medical and other personal information, as per the Health Insurance Portability and Accountability Act (“HIPAA”), shall be maintained under lock for each employee. Access to this file is limited to the Treasurer.

Upon written request to the Select Board or their designee, an employee may be granted escorted access to their personnel file and provided a copy of such record. Employees shall have the right to insert statements of clarification or rebuttal in their personnel file. The employer agrees that all employee warnings, performance evaluations or other material relating to an employee’s character, behavior or competence placed in said file shall be signed ***by both the employee and the employer prior to inclusion.***

Documents may only be removed if there is a clear and compelling reason to do so. The employee should forward a request to his supervisor. The supervisor will forward the request, along with a letter of support or denial, to the Select Board. The Select Board or their designee will make a determination as to whether or not the material in question should be removed from the employee’s personnel file. If the employee is not satisfied as to the decision, he may file an appeal with the Select Board.

VII. EMPLOYEE RESPONSIBILITIES

GENERAL STANDARDS OF CONDUCT

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times regarding their responsibilities, the interests of the Town and the welfare of its residents. Under no conditions will any town employee retaliate or harass any taxpayer, resident, registered voter, colleague, or other person on account of political position, petition, or complaint. Such transgressions shall be subject to disciplinary action, up to and including termination

Employees are obligated to:

- be present at work as required and to be absent from the workplace only with proper authorization;
- carry out their duties in an efficient and competent manner, and maintain specified standards of performance;
- comply with reasonable employer instructions and policies and to work as directed;
- respect the privacy of individuals and use confidential information only for the purposes for which it was intended;

- neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes and to use such equipment in a safe and efficient manner; and
- maintain all qualifications, licenses, or certifications as required.

CONFIDENTIALITY

Every employee is responsible for protecting the Town's information and the privacy rights of its citizens. Employees have a duty to insure that sensitive and personal information of the Town, its employees, and citizens is not disclosed.

CONFLICT OF INTEREST SUMMARY

On a bi-annual basis every municipal employee will be given a summary of the conflict of interest law (as prepared by the State Ethics Commission). An acknowledgement of receipt of this summary must be filed with the Town Clerk within ten (10) business days of receipt of the summary. This summary does not mention every aspect of the law that may apply in a particular situation. Free confidential advice can be obtained from the Commission's Legal Division at their website, by calling the Commission at (617) 371-9500, or writing to One Ashburton Place, Room 619, Boston, MA 02108.

ON-LINE TRAINING REQUIREMENTS

All municipal employees must complete the online training program that is currently on the Commission's website (a link is also available through the Windsor Town Website at www.windsormass.com) within 30 days of becoming a public employee, and then once every two (2) years afterwards and must file with the Town Clerk the certificate of completion.

VIII. WORK HOURS

For full-time employees, the employer sets work hours, including break times. With prior approval from the Select Board, a supervisor may allow employees to schedule flexible hours. Additionally, in each 8 hour day employees are required to take an unpaid one-half (1/2) hour meal break and a fifteen (15) minute paid break within the first six (6) hour work period. Morning break cannot be skipped to increase lunch to forty-five (45) minutes or to leave work early.

When changes in shift assignment, work hours, or schedules for employees are necessary, the employer will provide advance notice when possible.

OVERTIME

The Town pays non-exempt employees time and one half of the employees regular rate of pay for all hours worked over forty (40) in a workweek. Paid holidays, paid time off (PTO), vacation, personal and sick leave hours taken by an employee will count toward the weekly calculation of the overtime requirement even though these hours are not actually "worked." The Town

recognizes the importance of these occasional extra hours and appreciates the commitment of its employees.

Sundays will be paid at time and one-half.

Holidays - In the event that it becomes necessary for an employee to be called in on a holiday, they will be paid for their eight (8) hour holiday pay at straight time and shall receive a rate of two (2) times their regular hourly rate for any hours worked on said holiday.

Call-Back Pay -Non-exempt employees who have completed their regularly scheduled workdays, have left the premises, and are then called back for emergency work, will be paid at the rate of one and one-half (1-1/2) times the regular hourly rate for any hours worked on a call-back basis.

EMPLOYEE TIME RECORDS

All employees are required to submit a written record of time worked for each pay period. (See Employee Timesheet at Appendix A)

ATTENDANCE AND PUNCTUALITY

Employees of the Town service the needs of the town's residents. Punctuality and attendance are important characteristics in providing this service. Specific to attendance and punctuality:

- Employees, who are unable to report for work or will be delayed, are personally responsible for notifying their supervisor. An employee must be present at their assigned place of work during scheduled work hours.
- If an employee is not present during their regularly scheduled work hours, unless approved by their supervisor, they will need to take the day as a vacation, sick, or personal day. Occasionally, with advance permission, an employee may complete work tasks offsite due to health, safety or family responsibilities.
- Supervisors shall provide written notice to the Select Board when an employee is absent without notice three (3) or more consecutive workdays.
- Employees who are absent due to illness five (5) or more consecutive workdays may be required to submit a current physician's certification to their supervisors upon request.
- In cases of continued, undocumented employee absence or tardiness, the supervisor will issue a written warning to the employee and deliver a copy to the Select Board. Further incidents of absence or tardiness will be grounds for disciplinary action, up to and including termination, as determined by the Select Board.

INCLEMENT WEATHER CONDITIONS

When adverse weather conditions cause employees to be concerned about safety traveling to or from work:

- After consultation with their supervisor, an employee will need to make his/her own judgment about whether to stay home or to leave work early. An employee's decision will be respected.
- Depending on the circumstances, it may be possible to make up the time; otherwise, hours missed will be charged against an employee's personal or vacation time.

IX. CONTINUOUS SERVICE

Continuous service is defined to mean full time employment without any breaks except those approved by the Select Board. Continuous service is the foundation of all accrued time, benefits, and leaves.

Situations causing a break in continuous service include:

- Not returning from military service within 90 days after discharge or within the period during which your re-employment rights are guaranteed by law.
- Resignation.
- Discharge for cause and not re-instated.
- Overstay of an authorized leave of absence.
- Absent for longer than one (1) year because of sickness or accident that is not covered by Worker's Compensation and not pursuant to an approved leave of absence under Section XIII.
- Loss of seniority due to a lay-off or more than one (1) year or do not return to work when recalled from lay-off.

X. SUPERVISION AND PERFORMANCE REVIEW

SUPERVISION

Employees shall receive appropriate supervision as determined by the employer. To ensure compliance with Massachusetts State Ethics Law, no employee is permitted to supervise a relative or someone with whom they have or have had a personal relationship.

PROBATIONARY PERIOD

The first six (6) months of employment shall be the probationary period. Probationary employees are eligible to earn health insurance benefits, and prorated sick and personal leave after thirty (30) days of employment. No accrued sick or personal leave is payable if employment is terminated during the probationary

period. Upon an employee's successful completion of the probationary period, eligible employees shall receive all employee benefits. Such benefits shall be accrued from the employee's date of hire.

The employer agrees to provide written feedback regarding a probationary employee's performance at the end of three (3) months, and at the end of the six (6) month probationary period.

All employees, whether during the probationary period or not, are employees at-will, and as such may be terminated at any time.

PERFORMANCE REVIEWS

The Town will use its Performance Review process in order to:

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

It is the policy of the Town that all full-time and part-time employees will be evaluated at the end of their probationary period and on an annual basis. Employees remain at-will after the probationary period. The evaluation process is as follows:

- The supervisor will complete the Annual Performance Review during the month of the employee's hire date.
- An unsatisfactory rating shall result in a follow-up performance review in three (3) months.
- All performance reviews are only considered complete when the Select Board reviews and approves them.

JOB DESCRIPTION CHANGES

Given fluctuations in the marketplace and the changing needs of the town, job descriptions may need to be altered and when this occurs every effort will be made to provide the employee with at least a two (2) week's notice.

DISCIPLINARY ACTION

By setting forth this policy, it is the intention of the Town to establish fair and consistent disciplinary guidelines for all employees. Employees must accept

personal responsibility for maintaining professional standards of conduct and job performance by following Town policies and regulations appropriate to the employee's position and job description.

When reasonable, the supervisor will notify the employee in advance of any disciplinary action.

Procedures will be conducted in accordance with fair labor practices and do not constitute a contract nor do they grant contractual or other rights to any employee. In general, discipline follows these steps, which may be omitted or repeated, as the Town determines appropriate:

- Verbal warning;
- Written reprimand;
- Final written reprimand, including discipline to be applied;
- Disciplinary probation or investigative suspension, depending upon the violation;
- Termination.

The following are examples of conduct that could result in disciplinary action, up to and including termination. These are not meant to be all-inclusive:

- Willful neglect or non-performance of job duties;
- Insubordination, a refusal to carry out a directive or order by the supervisor;
- Disrespect, verbal aggression or lack of cooperation, whether in language or conduct, directed at the supervisor or any other Town employee;
- Demonstrated incompetence in the performance of one (1) or more job duties or tasks;
- Chronic unexcused absenteeism and/or tardiness or absence without leave;
- Fraud or falsification of job application, resume, time sheets, reports or records;
- Violation of the Town's substance abuse or drug-free workplace policy;
- Unauthorized possession or use of alcohol or illegal drugs or a non-prescription controlled substance while at work or on official Town business;
- Inappropriate conduct; threatening, intimidating, or coercive behavior; abusive or vulgar language; or any conduct that interferes with the job performance and/or safety of others;
- Theft or misuse or unauthorized use of Town materials, time, equipment, or other property for personal benefit;
- Violation of the sexual harassment policy and/or any discriminatory conduct;
- Violation of safety rules, practices or policies while at work;

- Disclosure of confidential Town information.

The Town reserves the right to place an employee, who has been arrested or arraigned through a state or federal court for a crime on an unpaid leave of absence until the Town completes its investigation. The Town reserves the right to terminate any employee who has been arraigned for any crime.

Any employee being considered for termination will have the right to a hearing with the Select Board. Pending the hearing and final resolution, the employee will be placed on administrative leave with pay. A final determination will be provided to the employee in writing from the Select Board within three (3) business days of the hearing.

The Town reserves the right to place an employee, who has been arrested or arraigned through a state or federal court for a crime on an unpaid leave of absence until the Town completes its investigation. The Town reserves the right to terminate any employee who has been arraigned for any crime.

GRIEVANCE POLICY

Though all efforts should be made to minimize conflict, there are times when misunderstandings and conflict arises. The Town believes the best way to resolve problems are to address them fully and fairly.

Step One: When conflicts arise and whenever possible, the employee should bring it to the attention of their immediate supervisor before bringing it to the attention of the Select Board. If the conflict is with the immediate supervisor and it involves an unsafe, unethical, or illegal situation, then the employee should bring it to the immediate attention of the Select Board.

Step Two: If after such conference, a satisfactory understanding or solution of the grievance has not been reached, the employee shall speak with the Select Board and/or the liaison. The Town Select Board shall make an effort to resolve the grievance to the satisfaction of all parties within five (5) days of the meeting.

Step Three: An employee who disagrees with the decision of the Select Board and/or the department Select Board liaison may request that a review by the Select Board according to the rules set forth in the Open Meeting Law. The employee has the right to request that the Select Board reconsider, modify, or overturn any previous decision. At the conclusion of this step, the decision of the Select Board shall be binding on all parties.

It is important for the supervisor/Select Board /Select Board liaison to document any grievance brought forward and the resolution of the grievance. Documentation will be placed in the employee's personnel files.

XI. TERMINATION OF EMPLOYMENT

VOLUNTARY TERMINATION

Employees shall provide a written notice of resignation two (2) weeks in advance. Persons planning to retire should begin discussions with their supervisor at least three (3) months prior the intended retirement date.

Voluntary termination also covers: absence from work three (3) or more consecutive workdays without notifying the Supervisor, barring any unusual circumstances that preclude timely notification; or, failure to return to work at the expiration of an approved leave of absence or extension of leave granted by the Town.

INVOLUNTARY TERMINATION

An involuntary termination is initiated by the Supervisor where appropriate and approved by the Select Board and may occur as a result of staff reduction, unsatisfactory job performance, misconduct, harassment, or failure/inability to correct offensive behavior.

When involuntary termination is effective immediately the employee will be placed on inactive status and not permitted to enter the employment premises while the investigation and hearing(s) are conducted. During this time, the employee will not accrue pay or benefits.

The employee shall be provided written notice stating the reason(s) for and the effective date of the termination. A signed copy of the termination notice shall be placed in the employee's personnel file. The employee has the right to a review hearing, which must be requested within five (5) business days from receipt of the notice.

STAFF REDUCTION/LAYOFF

Occasions arise when it is necessary for reductions in staff to be necessary. When necessary, the Town shall determine the activities, operations or duties to be discontinued or curtailed and the number and classifications of employees to be laid off due to reorganization, lack of work, fiscal shortfall, or any other reason.

If the Town determines that a layoff is necessary, the Town shall notify in writing the affected employee(s) two weeks in advance or earlier when possible. An effort will be made to meet with the employee to discuss the layoff.

Generally, this is a budgetary necessity or a change in operational needs. When this happens, both desired skill set and seniority are considered.

LAYOFF PROCEDURE

- The Town will post a notice announcing the layoff and the affected classification(s), and the number of employees. The employer may exempt from layoff:
 - any employee required in order for the Town to remain in compliance with, and reimbursable under, any law, regulation or contract;
 - any employee with special job-related skills; and
 - any employee whose layoff would result in a loss of a contract to the town.
- Any employee within the affected classification willing to accept voluntary layoff shall apply in writing to the Select Board within the period specified in the notice. The Select Board has the right to reject such offer.
- An employee who is laid off will retain all accrued benefits as of the date the employee was laid off for a period not to exceed twelve months. The employee will not accrue additional benefits during such layoff.

RECALL

- Employees laid off shall have recall rights within a period not to exceed twelve months.
- Employees being recalled shall be notified by the Select Board via registered and first class mail sent to the last address provided to the employer. The employee is required to keep the employer notified of changes of address or telephone number.

SEPARATION INTERVIEW AND FINAL PAY:

- When an employee leaves employment with the Town through resignation or retirement, or because of an involuntary termination, the employee is strongly encouraged to schedule a termination interview with the Town Treasurer.
- During this meeting, the employee will be informed of any termination benefits to which the employee may be entitled and any continuing obligations the employee may have.
- In cases of an involuntary termination, final pay is issued on the date of termination.
- In cases of voluntary termination or retirement, final paychecks usually will be issued on the next regular payday and mailed to the employee.
- Final pay includes payment for all hours worked since the employee's last pay period and payment for accrued vacation time per the vacation schedule noted in Section XIII.

XII. PHYSICALS AND MEDICAL CLEARANCE

PRE-EMPLOYMENT PHYSICALS

Prior to beginning work, an applicant for any of the following positions shall be certified by a medical practitioner, designated by the Town, as physically fit to perform the duties of the position. A valid CDL physical may satisfy this requirement. The Town reserves the right to require a pre-employment drug test.

- All Highway Department positions
- All Police Department positions

Cost: The Town will pay the cost of the pre-employment physical conducted at the health facility designated by the Town for all applicants whose positions are described as benefited in the job description.

Rescindment: If the medical practitioner determines in the pre-employment physical the applicant cannot perform the job duties as specified in the job description, the Town reserves the right to rescind its offer of employment.

RESTRICTED DUTY

Restricted duty applies to all full-time or part-time employees who have experienced personal or work-related injuries or illnesses, which are temporary, non-chronic, and of short duration. The employee must be capable of performing the essential functions of their position.

The restricted duty time period will be for a maximum of (6) six weeks.

The employee can return to full status as long as the essential functions of the job can be performed. Prior to the employee's return to work, a detailed statement from a state certified or licensed health professional must be provided. It must meet the following criteria:

- be on licensed health professional letterhead;
- describe what essential functions of the position can or cannot be performed; and,
- anticipated date of when employee may return to full duty without restrictions.

The statement will be provided to the supervisor and Select Board. The supervisor will consult with the Select Board before granting a return to work on restricted duty. If granted, a letter will be provided to the employee.

If, at the end of the (6) six week period, the employee is unable to return to full duty without restrictions, the employee will return to paid sick leave, leave without pay,

Worker's Compensation, or the status held prior to restricted duty return to work.

POST INJURY (RETURN TO WORK)

If an employee is injured, whether or not the injury was due to work for the Town, and is unable to perform his/her duties and one or more of the following apply:

- The employee filed for or received worker's compensation;
- The employee was admitted to a hospital for his/her injury/illness; or
- The employee missed more than five (5) consecutive days of work due to the illness or injury,

then the employee's supervisor may require medical verification from the employee's treating physician that the employee is fit to return to work and can perform the regular duties of his/her job as specified in his/her job description. The Town also reserves the right to send the employee to a medical facility of its choice and at its cost, for a second opinion.

XIII. EMPLOYEE BENEFITS

COMPENSATION

The Select Board and Finance Committee shall recommend the compensation rates for positions within the Town based on pertinent current data from local practice and other considerations within their discretion, subject to budget limitations. These rates will be approved at the Town's Annual Meeting.

TIME ACCRUAL

Time accrual only applies to full-time employees. Benefits such as sick, vacation, and personal days are awarded based on calendar year. A new employee is entitled to holiday pay during the period but is not eligible to use vacation, personal, or sick leave until thirty (30) days after employment begins and this time will be prorated.

Holidays

The following (12) days shall be recognized as paid holidays by the Town for all eligible employees.

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day/Indigenous People
President's Day	Veteran's Day
Patriot's Day(Massachusetts Only)	Thanksgiving Day
Memorial Day	Christmas Day
Juneteenth	
Fourth of July	

Eligible employees will be paid an amount equal to their regular work hours provided they have worked a regularly scheduled day immediately preceding and

immediately following the holiday. *(Note: the intent of this sentence is that employees that call in sick the day before, or the day after a paid holiday, do not collect holiday pay. Employees on a pre-approved vacation day either before or after the holiday will be considered to have 'worked' for the purpose of determining holiday pay eligibility.)*

- Highway personnel who are required to work on holidays shall receive holiday pay plus overtime at a rate of two times their regular hourly rate.
- When a holiday falls on Sunday, the following Monday shall be considered the holiday.
- When a holiday falls on a Saturday, the prior Friday shall be considered the holiday.

Vacation

After ninety (90) days of full-time employment, employees are eligible for prorated vacation as follows:

➤ 1 year	1 week
➤ 2 years	2 weeks
➤ 5 years	3 weeks
➤ 10 years	4 weeks

The supervisor shall approve all vacations. Employees should schedule requested vacation time as far in advance as possible. All requests for vacations must be submitted in writing to the Supervisor. Vacations shall be scheduled to cause the least interference with the performance of the regular work of the Town. Preference for approvals of vacation will be based on seniority. While part-time employees are not awarded vacation time, they must request time off through their supervisor.

Vacation days are non-cumulative, and must be taken in the year earned.

Personal Days

All full-time employees shall be granted three (3) personal days per calendar year. In the first year of employment, pro-rated personal days will be credited after thirty (30) days of employment.

The following guidance pertains to personal days:

- Personal days may be taken in hourly increments, not to exceed twenty-four (24) hours per year for full time employees and pro-rated for employees working less than (40) hours per week.

- Employees should provide at least 24 hours advance notice to their supervisor of their desire to take personal time. Normal town operations should not be adversely affected.
- Personal days are non-cumulative, and must be taken in the year earned.
- Personal days are not reimbursed upon termination and/or retirement of employment.

Sick Time

After 30 days of full time employment, employees will be credited with five (5) days of sick leave, with pay for the year, starting with their anniversary of employment. One (1) additional day of sick time shall become available with each successive year of employment. No more than ten (10) days per year can be accumulated regardless of how many years' service an employee has with the Town. Such leave shall be accumulated to a maximum of two hundred forty hours (240) or thirty (30) days and shall be used only for sickness or injury.

Guidelines for use of sick time are as follows:

- Sick time shall only be applicable for absence from work due to illness; medical, dental, mental health, or optical appointments of an employee or his/her family, defined as parents, spouse, declared domestic partner and children. An employee shall be paid at his/her straight time hourly rate for the normal workday.
- The employer shall not pay sick leave to any employee injured in an accident compensated by worker's compensation or other disability plan.
- Claim of sickness or illness may be required as evidence by the employer after an absence of 3 days (24 hours) or more. If requested, the documentation must be presented on official letterhead of a state certified or licensed health professional. Satisfactory medical documentation must include the following:
 - Dates of sickness or illness
 - Expected date of return to work
- Supervisors shall grant sick leave with pay to all employees according to the following provisions:
 - Unless it is an emergency, the supervisor must be notified at least two days in advance of sick leave taken for mental health, medical, dental, or optical appointments.
 - The supervisor must be notified at least one hour before the employee's scheduled reporting time when calling in sick.
 - Sick leave with pay may not exceed the total amount credited to any employee at the time of their illness.
 - When sick leave accruals have been exhausted, vacation leave or other accrued leave must be used for sick leave.

- Leave without pay may be granted, at the discretion of the Select Board, for illness extending beyond the earned sick leave and other accrued benefit leave. If applicable, this absence will be counted toward the twelve weeks of FMLA that an eligible employee is entitled to.
- The Select Board or designee may require an employee returning from sick leave to submit a statement from a state certified or licensed health professional that the employee is able to perform his or her job functions before being allowed to return to work. The employer may require an independent medical examination at the employer's expense.
- Sick leave abuse is defined as unexcused absences, patterned absences (those absences periodically recurring in relation to a work schedule day, calendar day, holiday, or other recurring event), false or fraudulent use, and/or frequent absences. Sick leave abuse shall be grounds for disciplinary action, up to and including termination.

RETIREMENT

Subject to the rules and regulations promulgated by the Berkshire County Retirement System, or its successor, and Massachusetts General Laws, all full-time employees are required to participate in the Berkshire County Retirement System. Elected officials who receive an annual salary of \$5,000 or greater may also participate in the system. MGL Chapter 32, Public Employee Retirement Admin Commission (PERAC) Chapter 306, Act of 1996.

All part-time employees not eligible to participate in the Berkshire County Retirement System are required to participate in the Massachusetts Deferred Compensation SMART Plan. The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA). As an OBRA employee, you must contribute at least 7.5% of your gross compensation per pay period to the SMART Plan. ALL employees are allowed to participate on a voluntary basis. See Treasurer for additional information.

UNUSED SICK LEAVE POLICY

Whereas the only full-time employees of Windsor are the highway department personnel And whereas it is in the best interest of Windsor to retain these talented employees

And whereas their contracts include a stipulation that each year of service adds one sick day to their annual allotment.

And whereas if they do not use all sick leave, they can only roll over ten days of unused sick leave all excess beyond this is ~~lost~~

It is proposed that the treasurer keep a spreadsheet of any surrendered unused annual sick leave and keep a tally of the sum of such unused sick leave.

For any highway employee with ten or more years of service who leaves employment for the town for any reason other than cause, the employee will be eligible for a severance payment equal to the total number of unused sick days times ten percent (10%) of their per diem pay for the final year of employment. Such per diem will be calculated as eight hours at their hourly rate of pay.

Example: If an employee of ten years accumulated 80 unused sick days and had an hourly rate of \$21 he would receive $80(\$21)(8)(.10) = \1344
if a very long time departing or retiring employee has accumulated 200 unused sick days and has an hourly rate of \$23 he would receive $200(\$23)(8)(.10) = \3680

This model has been successfully used in many municipalities to reduce absenteeism and encourage employees to remain with the town. Some towns expand to say that if an employee has fifteen or more years employment and is retiring and accessing his pension, the percent is increased to 12%.

Article 20: The Town voted to approve the new unused sick leave policy for the Highway Department to grant employees of ten years or more tenure 10% of their per diem pay at the time of their separation for accrued unused sick leave.
UNANIMOUS 5/2/2022

Employees with the skill set of our highway department staff are in great demand. With a small number of employees, good attendance is critical. Under present policy, employees who do not use sick leave forfeit it on an annual basis. In labor discussions this is often called use it or lose it sick leave policy as it encourages employees to take sick leave when not necessary for health reasons. This plan would be a cost-effective way for the town to encourage staff to use sick leave when needed, but to not abuse it, while also encouraging them to remain long term employees of the town. If a retiring employee had an hourly wage of \$22.07 and had accumulated 100 unused sick days, the employee would be eligible for $\$22.07 \times 8 \text{ hours} = \text{Daily wage } \$176.56 \times .10 = \$17.66$ for each day. This would give the long-term employee a nice \$1765.56 severance package.

HEALTH AND LIFE INSURANCE BENEFITS

Group Medical, Dental and Life Insurance

The town offers health, dental, and life insurance plans to all regular employees and elected officials who work twenty (20) hours or more per week in benefited positions. Employees must contact the Treasurer for current plans and rates. The Town pays a portion of the total premium. The employee's share is deducted from his/her paycheck.

All insurance benefit payments normally made by the Town continue during the period of authorized leave. Employees are responsible for their share of the cost of benefits during the leave.

Retired Employee Health Insurance

To qualify for participation in the Town's group insurance at the time of his/her retirement, a Town employee must qualify for County Retirement.

The following applies to retired employee health insurance:

- The Town will be responsible for fifty percent (50%) of the cost of the individual's network plan health insurance under the Town's group coverage. This coverage includes spouse.
- When a retired employee receiving health benefits through the Town reaches sixty-five (65) years of age the employee will remain eligible for fifty percent (50%) coverage of his/her Medex insurance premium. If the employee has a spouse who becomes eligible for Medex, the employee may elect to pay fifty percent (50%) of the spouse's premium through the Town's group coverage.
- The Town will be responsible for fifty percent (50%) of the cost of the life insurance policy, which the retired employee is receiving through the Town at the time of his/her retirement. Should the employee wish to continue coverage, the employee will be responsible for the other fifty percent (50%).
- The Town will notify the retired employee in writing by first class mail of any changes in his/her benefits or premiums.
- The retired employee will be responsible for paying his/her premiums prior to the first day of the month for which the employee will be covered. If the retired employee's premiums are in arrears more than thirty (30) days, the Town will notify the retired employee by certified first class mail that his/her insurance will be terminated for non-payment.
- The Town may terminate insurance coverage for a retired employee ten (10) days from the date of the above notice. Termination will be effective from the last date coverage was paid by the retired employee.
- Upon the death of the retiree the retired employee's spouse and/or dependents will have the option to continue group coverage through the Town at one hundred percent (100%) of their own expense and subject to the above terms.

COBRA Rights

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) allows retiring employees, or those who lose coverage due to quitting a job or reduced work hours, to continue group coverage for a limited period of time. This also applies to their dependents who lose coverage because of divorce or legal separation; death of the covered employee; the covered employee qualifying for Medicare; or a loss of

dependent status under the health plan's provisions. Information on COBRA benefits will be provided at the time of separation.

LIABILITY INSURANCE

The employer shall provide each employee with liability insurance that exempts the employee from individual liability arising out of the normal course and scope of their employment.

PRE-TAX BENEFIT PLAN

The employer will provide administration services for a pre-tax benefit plan available to all employees for eligible health care, dependent care, and annuity expenses. The provisions of the plan may change from time to time in response to applicable state and federal law or regulation.

WORKER'S COMPENSATION

Workers' compensation is administered within all state guidelines. Employees who sustain accidental injuries during the course of their employment will receive compensation in accordance with the Massachusetts Worker's Compensation Act and the Family Medical Leave Act.

Guidelines

1. With the exception of police employees, all employees are covered under M.G.L. 152 for work-related injuries.
2. Police employees are covered under M.G.L. 41 section 111F for work-related injuries.
3. All employees injured on the job must report such injuries to their department head/supervisor immediately or as soon as practical following occurrence of the injury.
4. Absence due to a certified work-related injury will not be charged to sick time, but will be charged against leave entitlement under Workers Compensation, concurrently with FMLA if applicable.

UNEMPLOYMENT COMPENSATION

Employees who separate from the Town may be eligible for unemployment benefits. Application for such benefits should be made at the nearest Massachusetts Department of Labor and Workforce Development.

XIV. LEAVE OF ABSENCES

Circumstances arise that may require an employee be absent from work. To ensure uniformity of practice, all requests for scheduled absences or leaves shall be in writing, and shall be approved by the supervisor in accordance with applicable policy.

The request should include:

- the reasons for the leave;
- the expected duration of the leave; and,
- any required documentation supporting the leave.

Benefit time will not accrue during any unpaid leave of absence and an employee on an unpaid leave of absence shall not be paid for holidays while the employee is on such leave.

When returning from a non-FMLA leave of thirty (30) days or less, an employee shall be returned to his or her former position unless such position no longer exists. For non-FMLA leaves greater than thirty (30) days, an employee will not be guaranteed an immediate position upon return from such leave though all efforts will be taken to reinstate this person to any available vacant position for which he or she is qualified.

Employees returning from a leave of absence in which benefit time was used shall retain their seniority, which existed at the beginning of such leave. Employees returning from an unpaid leave will be reinstated with their seniority at the start of the unpaid leave or at which time the leave becomes an unpaid one.

An employee on extended leave of absence must contact the Select Board at least thirty (30) days prior to the expiration of his or her leave to request reinstatement. Otherwise, the employee will be considered as having voluntarily resigned his or her position.

TYPES OF LEAVE

Family And Medical Leave (FMLA) and Massachusetts Parental Leave Act (MPLA)

It is the policy of the Town to grant family and medical leave in accordance with the Family and Medical Leave Act (FMLA), including Servicemember Family and Medical Leave and the Massachusetts Parental Leave Act (MPLA). The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances as specified in this policy. Details of FMLA, Servicemember FMLA, and can be found in Appendix B.

Bereavement Leave

In the event an employee suffers a death in his or her immediate family, the full-time employee shall be entitled to up to three (3) consecutive days off with no loss of salary or benefits, meaning that compensation should be equal to the employee's normal work hours for the week. For purposes of applying this benefit, the term "immediate family member" shall include: spouse or domestic partner, parent, spouse's or domestic partner's parent, child, brother, sister, grandchild, aunt or

uncle, brother-in-law, sister-in-law, or grandparents. Highway personnel are also granted one-day leave without loss of pay for the death of a non-immediate family member.

Jury Duty Leave

The Town acknowledges the importance of participating in civic affairs. A benefited employee called to serve as a juror in federal or state court will be paid the difference between his regular compensation and that received from the court for time actually served. Proper evidence of jury service and compensation must be submitted. When a summons is received, notification must be given immediately to the supervisor, who shall notify the Select Board.

Military Service

Military leaves are governed by federal and state law, and will be treated in accordance with applicable laws and regulations. Generally, such leaves include National Guard and Reserve duty, and must be granted. Where reasonably possible, employees must give advance notice that the employee will be taking a military leave of absence.

Full-time and part-time employees will be paid the difference between their military base pay (not including allowances) and their normal straight time salary for up to 17 days each calendar year (see MGL Chapter. 33 Section 59) for the purpose of attending National Guard or Reserve training. Such employees will submit a receipt or certification of their military pay to the Select Board.

Employees on military leave will retain their previously earned seniority and will remain entitled to any seniority-based benefits they would have earned. Employees honorably discharged from military service are entitled to prompt re-employment provided they give proper notice of their intent to return to work. In most instances, employees must submit an application for re-employment not more than 90 days after the completion of the military service. Depending on the length of the employee's absence he or she will be entitled to return to the same position or a position equal in status, seniority and pay.

Employees on military leave will remain eligible to participate in the Town's health insurance program, but may be required to contribute the full amount of the premium for leaves of greater than thirty-one days.

Leave Without Pay

Under special circumstances, after exhausting all available sick and annual leave, an employee with at least one (1) year of employment may request an authorized leave of absence without pay. The request shall be submitted in

writing and approved by the supervisor and the Select Board. The request shall state the reason(s) for requesting leave and a stated time to return to work.

While on an authorized unpaid personal leave of absence, the employee will not be eligible for holiday pay for those occurring during their leave, or accrue any employment-related benefits. Retirement plan contributions are suspended for any period of unpaid personal leave.

Extensions of leaves of absence may be granted in appropriate cases depending on individual circumstances and the business needs of the Town. Extensions must be requested in writing and approved by the supervisor and the Select Board.

Upon return to work after an authorized leave of absence, the Town will attempt to restore the employee to his original position, or to a position of similar status and pay, without loss of seniority.

While on an authorized personal leave of absence, an employee may be subject to termination if he engages in other employment without the consent of the Town, or fails to report for work at the end of the approved leave.

The employer will be held harmless against all claims, suits, and damages arising out of the employer's administration of this plan.

XV. PURCHASING AND REIMBURSEMENT

TRAVEL ALLOWANCE AND JOB RELATED EXPENSES

Employees will be reimbursed for reasonable and necessary job related expenses subject to budget limitations and subject to prior approval of the Supervisor and/or the Select Board. Sales tax on employee purchases may not be reimbursed. Employees are encouraged to make every effort to keep expenses to a minimum.

Employees who must use a personal car to perform job related responsibilities may receive mileage within the limits established by the Internal Revenue Service. Bus, train fare, or other transportation, tolls and parking fees are also reimbursable. Use of a personal car for job related responsibilities must be approved prior to use by the employee's supervisor or Select Board.

CONFERENCES AND EDUCATIONAL PROGRAMS

Employees may request permission to attend conferences, educational programs, or workshops designed to improve or upgrade work related skills and abilities. The Select Board recognized that attendance at such events is an important means of professional growth. Attendance must be authorized by the supervisor or Select

Board in advance, and when authorized, reasonable and necessary expenses will be paid by the authorizing department's budget subject to limitations. Registration will normally be paid in advance by the requesting department directly to the sponsor. Reimbursements will be dependent upon presentation of evidence of successful completion of the course, educational program or workshop.

RECYCLED PRODUCT PROCUREMENT POLICY (Adopted 11/97)

In recognition of the need to make more efficient use of our natural resources, create markets for the materials collected in recycling programs, reduce solid waste volume and disposal costs, and serve as a model for private and public institution, the Town is committed to purchasing products which are environmentally preferable and/or made of recycled materials whenever such said products meet quality requirements and are available at reasonable prices and terms. When ordering supplies, employees are encouraged to comply with this policy whenever possible.

VEHICLE USE

Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purposes consistent with providing services to those citizens. Failure to comply with any and all of these provisions may result in the loss of Town vehicle use and/or disciplinary action, up to and including termination.

- Town vehicles are not personal vehicles and are not for personal use. No one except town employees are allowed to drive, or ride in, any town vehicles at any time.
- The assignment of Town vehicles during work time is based upon job description.
- The assignment of vehicles for 24-hour use will be determined by the Select Board.
- The assignment of vehicles may be rescinded at any time for any reason by the Select Board.

Town vehicles may only be used for legitimate Town business; and employees must:

- wear seatbelts in vehicles so equipped during operation of the vehicle;
- maintain and have vehicles routinely serviced;
- get prior approval from the Select Board for out of state travel;
- not operate vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operations;
- 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;

- pay parking and other fines incurred while driving Town vehicles unless determined otherwise by the Select Board;
- notify supervisor or the Select Board for any citation or offense while using a Town vehicle. This notification must occur within one business day;
- notify supervisor or Select Board whenever s/he 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 Town vehicle. This notification must occur within one business day; and,
- conviction for such an offense may be grounds for loss of Town vehicle privileges and/or further disciplinary action.

XVI. COMPLIANCE POLICIES

A. HEALTH AND SAFETY

The employer and its employees resolve to maintain a safe and healthy workplace and to comply with all applicable federal, state and local health and safety laws and regulations

Employees agree to comply with all of the applicable state and federal safety and health policies and also those of the employer. The employer reserves the right to make reasonable requests to ensure the safety of town employees.

Any health or safety hazard or violation of applicable law must immediately be reported to a supervisor. In the event that the situation is not rectified, the employee will bring the concern to the immediate supervisor who will respond within one normal business day. If the response is not satisfactory, the complainant may take the concern to the Select Board for final resolution.

B. ALCOHOL AND DRUG FREE WORKPLACE POLICY

The Town seeks to ensure a safe, healthy and productive work environment for all employees and maintains a drug, alcohol and smoke-free work place, which includes vehicles and Town buildings, structures and grounds at all times. The use or possession of alcohol or illegal substances in the workplace is strictly prohibited. The Town reserves the right to search any Town property at any time and without prior notice. The Town's right to search its property includes, but is not limited to, offices, lockers, desks, or Town vehicles.

An employee cannot report for duty or stay on the job while under the influence of alcohol/drugs or while impaired as shown by behavior, speech or performance that indicates substance misuse. In the event that substance abuse affects job performance, the employer will take necessary disciplinary steps to address this problem, up to and including termination.

In a further effort to safeguard its employees, this policy calls for disciplinary action, up to and including termination, in instances where employees are found to have engaged in the unlawful manufacture, distribution, dispensing, possession, or use of a an illegal or controlled substance in the workplace.

Alcohol and Drug Testing

All employees who operate a commercial motor vehicle in interstate or intrastate commerce and possess a commercial driver's license are subject to the following:

- Testing to determine the presence of alcohol and/or drugs may be performed in any of the following situations:
 - Pre-Employment: for any new hire that is required to possess a Commercial Driver's License (CDL).
 - Post-Accident: Following an accident where a life was lost or the driver was cited for a moving traffic violation. Post-accident alcohol testing shall be done within two hours of the accident, or not at all. Post-accident drug testing shall be done within 32 hours, or not at all.
 - Reasonable suspicion: If supervisor has reason to believe that employee behavior or appearance may indicate alcohol or drug abuse, testing may be required. Alcohol testing for reasonable suspicion must be done within two hours of the observation. Tests that cannot be done within eight hours of the observation shall not be done.
- An employee must submit to random alcohol and drug testing as required. If an employee refuses to be tested, the employee will immediately be placed on an unpaid leave pending resolution. Testing guidelines are as follows:
 - Alcohol and drug testing will be conducted at a time and place that is selected by the company/lab administering the test.
 - Alcohol screening results, if
 - the reading is less than 0.02; the employee will sign the certificate and fill in the date on the form. The test will be reported as negative to the employer;
 - the reading is 0.02 or greater; a confirmation test must be done (after 15 minutes but within 20 minutes of the first test). The employee will be asked not to eat, drink, belch or put anything in his or her mouth;
 - this test confirms the initial reading; the employer will be notified.
 - Drug screening results, if
 - after being notified that the first drug test was positive, the employee has 72 hours to request a repeat test;
 - the second analysis does not confirm the presence of a drug, the test is cancelled and all necessary parties are notified; and,

- the results are confirmed as positive, the employer will be notified.

Violation of Policy

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

- Alcohol Violations: cannot return to operating or driving duties until an evaluation has been done and any recommended treatment is completed.
 - Employees with an alcohol concentration of 0.02 or greater but less than 0.04 are prohibited from returning to operating or driving duties for at least 24 hours.
- Drug violations: cannot return to operating or driving duties until an evaluation has been done, recommended therapy is completed, and a verified negative drug test is produced.
- Employees will be placed on an unpaid leave pending resolution of all alcohol and drug prohibition matters.
- Discipline up to and including termination.

Return to Duty

In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required. A minimum of six tests shall be performed during the first year back. However, follow-up testing may continue for up to five years. The alcohol and drug rule requires that the Town, as the employer, provide the employee with an opportunity for treatment. The ruling does not, however, require the Town to hold a job open for the employee or to pay for rehabilitation.

C. COMPUTER USE POLICY

Information Technology (IT) Resources Policy

Approved by the Select Board July 6, 2026

Purpose

- A. The purpose of this Information Technology Resources Policy (“Policy”) is to establish general principles for the Town of Windsor, Massachusetts (“Town”) employees for use of technology provided by the Town. In this document, “employees” shall refer to anyone who has access to the Town’s IT system, and includes paid employees, appointed and elected members of boards and committees.
- B. Computers, computer networks and files, the E-mail system, voice mail system, Internet access, PDAs, telephones/cell/smart phones (iPhones, etc.), fax machines, online services, social media accounts, and all other electronic devices, services, platforms, and software furnished to or made available to employees by the Town (collectively referred to in this Policy as “IT

Resources”) are the property of the Town and are intended for Town business use only. The purpose of the IT Resources is to to facilitate and support Town operations and communications, ensure appropriate use of those IT Resources, maintain security of the Town’s information technology systems, and instill trust in employees, residents, and others in the Town.

- C. All employees are obligated to use IT Resources in a professional, ethical, and lawful manner, consistent with this Policy, and are responsible for using the IT Resources in a way that furthers the best interests of the Town. No employee should have any expectation of privacy in their use of IT Resources or with respect to any information stored in, created, received, or sent using IT Resources.

Passwords

- A. Employees shall not use a password, access a file, or retrieve any stored communication, other than their own, without authorization. Security and individual passwords shall remain confidential and shall not be shared or misused by other employees or anyone outside the Town. Notwithstanding the foregoing, employees must share passwords with the contracted Information Technology service, currently provided by Synagex (“IT Department”) upon request. The use of passwords does not create a right of privacy or diminish the Town’s right to access and/or monitor IT Resources.

E-Mail

- A. E-mail is a communication tool to be used for Town business purposes. It may not be used to send personal messages (except for limited and occasional personal use, provided that such limited and occasional personal use does not interfere with work or violate any Town policies), to solicit others for commercial ventures, to contact outside organizations (except to conduct Town business), or for other non-business matters. Generally, employees should not put anything into an E-mail that would not be appropriate for an official Town memo. E-mail messages and other electronic communications should be written with the same care, judgment, and responsibility as would be used with business correspondence on Town letterhead. In addition, any external telecommunication, E-mail or otherwise, should be for Town business purposes only and must comply with the Town’s policies. Employees shall not use vulgar, profane, offensive, or sexually explicit language in any email.

- B. Unofficial email accounts are defined as any email account outside of the Town's network identifying as the Town or its departments. These types of email accounts cannot be used for Town business unless authorized by Town Administrator upon advice from the IT Department. The Town reserves the right to access and/or view all emails from these non-Town accounts if they are used for Town business.

Town Monitoring

The Town reserves the right, but does not have the duty, to access and review at any time all information in any of the Town's IT Resources to ensure IT Resources are being used in compliance with the law, this Policy, and other Town policies. The Town reserves the right to install filters and/or to monitor employee use with or without notice to employees. This may also include monitoring or retrieving deleted files, metadata, and other electronic information stored on the Town's central back-up systems or otherwise available as part of its data management. For this reason, employees should not have an expectation of privacy in their use of Town owned computers, E-mail system, Internet, or other IT Resources. If employees have sensitive information to transmit, they should use other means.

Internet Use

Access to the Internet is also intended for town business use. Employees should keep non-business use of the Internet to a minimum, ensure that it does not interfere with work, and ensure that any such use complies with all Town policies. IT Resources should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of others to access and use the system. Internet access shall not be used to access in any way that may compromise or jeopardize the Town's IT Resources, including, but not limited to, pornographic websites, sexually suggestive material, or such other sites which are offensive, harassing, or may otherwise damage the reputation of the Town. The Town may terminate or suspend an employee's access to internet in the event that Internet use is abused or is in violation with this policy.

Town-issued Cellular/Smart Phones

To assist employees and officials in the conduct of their duties, the Town may issue cellular/smart phones. Under those circumstances, Town issued cellular/smart phone devices are a communication tool to be used for town business purposes. Town issued cellular/smart phone devices may not be used to send personal messages (except for limited and occasional personal use, provided that such limited and occasional personal use does not interfere with work or violate any Town policies), to solicit others for commercial ventures, to contact outside

organizations (except to conduct Town business), or for other non-business matters. In addition, any external telecommunication, E-mail or otherwise, should be for business purposes only and must comply with the Town's policies. Cellular/smart phone device issuance will be at the discretion of the Department head. All phone bills will be processed through the Bookkeeper's office. All cellular/smart phone devices will have their serial numbers registered in the Town Hall database. All Town employees are required to seek approval prior to any changes to their cellular/smart phone device information and notify the Town Administrator so that the database can be updated.

The Town will not reimburse employees for the use of their personal devices for Town business, unless the Town decides to make an exception. In the event that the Town reimburses employees for the use of their personal device, the employee shall not engage in any conduct or take any action on the part of the Town which would bring the Town into disrepute, or which would otherwise constitute a violation of this Policy. The Town may terminate any such reimbursement upon the violation of this Policy.

Personal Devices

The Town does not supply personal devices to employees, meaning that individuals use their cell phones and other devices (such as computers) to conduct official business as well as their own personal affairs. Therefore, the Town reserves the right to access and/or view communications on those personal devices relevant to Town business, including voicemail, texts, call histories, etc.

VEEO Policy Compliance

The Town strives to maintain a workplace free of harassment and discrimination. Therefore, the Town prohibits the use of its IT Resources in ways that are discriminatory on the basis of any protected classification. For example, downloading, displaying or transmitting sexually explicit images, messages, cartoons and off-color jokes, ethnic slurs and racial comments or other remarks that may be construed as harassing, derogatory to any individual or group, obscene, defamatory or threatening, in violation of any license governing the use of software, illegal, or discriminatory against others is not allowed. Employees may not use IT Resources, conceal or misrepresent their identity. All use of the Town's IT Resources must be lawful, responsible, and compliant with the Town's policies and rules of conduct.

Software

The Town's computers, software, and other IT Resources are important assets of the Town and are to be used only in full compliance with the laws and only for the purposes required by the employee's position. Copyright laws protect a copyright owner's property rights in its software and provide substantial civil and criminal penalties for any violations. Software publishers have become increasingly vigilant in protecting their software; therefore, properly utilizing these resources in compliance with the law and any and all licenses or subscription agreements is more important than ever.

The following guidelines are to be observed by all Town employees, whether or not their computers or other IT Resources are located on Town property:

- No employee may install or store any software (even if the software is free or has been paid for by another party) on the hard drive of any Town computer or other IT Resource without prior written authorization from the IT Department;
- No employee may move or copy any software acquired for use by the Town (except copies may be made as are reasonably required for backup or archival purposes);
- No employee of the Town may lend the original or any copy of any software to other departments or other parties without first receiving written approval from the IT Department;
- No employee may remove any software diskettes, drives, documentation, or user manuals acquired for use by Town employees from the Town's premises, to run on a personal computer or device or other non-Town computer or device, without first receiving written approval from the IT Department;
- No employee may bring on Town premises or run on a Town computer or other IT Resource, any software acquired for use on a personal or other non-Town computer without first receiving written approval from the IT Department; and
- No employee may access or attempt to gain access to a computer or other IT Resource or to a file or other information stored on a computer or other IT Resource to which that employee is not authorized.

Maintenance

All hardware maintenance, additions and connections for IT Resources are to be completed by the IT Department.

Sabotage is Prohibited

Destruction, theft, alteration, or any other form of vandalism, defacement, destruction, or sabotage of the Town's IT Resources is prohibited. The breaking into and/or corrupting of any IT Resource and/or hacking/jailbreaking into third party IT Resources using the Town's IT Resources is also prohibited. Likewise, the Town will not tolerate the use of viruses, worms, trojan horses, or other destructive programs.

Any vulnerability in the Town's IT Resources must be reported immediately to the IT Department.

Employees may not disable or remove any anti-virus application or software installed by the Town.

Procedure Upon Termination of Employment

All information on the Town's IT Resources is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment, while on administrative leave or after separation from employment is prohibited, unless the employee has prior authorization from the Town Administrator with full recommendation of the IT Department. Upon separation from employment, any IT Resources of Town employees including, but not limited to, computer or other business equipment, CDs, disks, zip drives, USB portable drives, personal digital assistants, smart phones and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.

Consequences for Violating this Policy

Any violations of this Policy should be reported to a Town official. Violations of this Policy may lead to disciplinary action, up to and including termination of employment, legal action, and/or civil or criminal liability.

D. SEXUAL HARASSMENT

Introduction

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

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

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

Definition of Sexual Harassment

- In Massachusetts, the legal definition for sexual harassment is this: “Sexual Harassment” means sexual advance, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
 - 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,
 - Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.
- Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.
- The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

- While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:
- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and, discussion of one's sexual activities.
 - All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Complaints of Sexual Harassment

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

If you would like to file a complaint, you may do so by contacting the Select Board. The Board members are also available to discuss any concerns you may have and to provide information to you about our policy about sexual harassment and our complaint process.

Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

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

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such actions as is appropriate under the circumstances.

Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

State and Federal Remedies

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

1. The United State Equal Employment Opportunity Commission (EEOC)
1 Congress Street, 10th Floor, Boston, MA 02114
(617) 565-3200
2. The Massachusetts Commission Against Discrimination (MCAD)
436 Dwight Steet, Room 220, Springfield, MA 01103
(413) 739-2145

E. AMERICANS WITH DISABILITIES ACT

It is the policy of the Town to comply with requirements of the regulations contained in the U.S. Americans with Disabilities Act of 1990. This policy applies to all employees of the Town, excluding those employees under the supervision and control of the School Committee.

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 qualification 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. The Town will provide reasonable accommodation:

- To ensure equal employment opportunity in the application process

- To enable a qualified individual with a disability to perform the essential functions of the job
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.
- The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
- The duty to provide reasonable accommodation is on-going and may arise any time an employee's job changes.
- It is the obligation of the individual with the disability to request the accommodation.
- If the cost of providing the accommodation is determined to meet the criteria of undue hardship on the Town, the affected individual will be offered the opportunity to provide the accommodation or partial accommodation him or herself.

Some examples of reasonable accommodation include, but are not limited to, the following:

- Making facilities readily accessible and usable;
- Restructuring a job by reallocating or distributing marginal job functions;
- Altering when or how an essential job function is performed;
- Creating part-time or flexible schedules;
- Obtaining or modifying equipment or devices;
- Providing qualified readers or interpreters;
- Permitting the use of accrued or unpaid leave for treatment; and,
- Providing reserved parking.

When attempting to identify what is a reasonable accommodation, the Select Board and Supervisors should do the following:

- Examine the particular job involved, determining its purpose and its essential functions.
- Consult with the individual with the disability to find out his or her specific physical or mental abilities and limitations.
- In consultation with the individual, identify potential accommodations and assess how effective each would be.
- If an individual requests an accommodation which the appointing authority or department head considers to be unnecessary, the department head may ask for written documentation from a physician or other professional with knowledge of the individual's functional limitations.
- The determination that any reasonable accommodation represents an undue hardship will be made by the Select Board.

No pre-employment inquiries may be made about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess such qualifications and to ensure health and safety on the job. Before making a job offer, the Town may ask questions about an applicant's ability to perform specific job functions, and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The Town may not make inquiries about specific disabilities. Questions which may not be asked during a pre-employment interview include (but are not limited to):

- Have you ever had, or been treated for any of the following conditions?
- Please list any conditions or diseases for which you have been treated in the past three years.
- Have you ever been hospitalized? If so, for what condition?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Have you ever been treated for any mental condition?
- How many days were you absent from work because of illness last year?
- Do you have any disabilities or impairments which may affect your performance in the position?
- Are you taking any prescription drugs?
- Have you ever been treated for drug addiction or alcoholism?
- Have you ever filed a workers' compensation claim?

In addition, these questions may not be asked of a previous employer or other reference provider for an applicant during reference checks. In addition, the hiring manager may not ask the reference provider about the applicant's:

- Disability;
- Illness or,
- Workers' compensation history.

Even if the applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others, if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Select Board after careful review of the circumstances.

An employee who is an alcoholic is considered to be a person with a disability under the terms of the ADA. However, the Town may discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct to the extent that he or she is "not qualified" for the position.

Persons addicted to drugs, but who are no longer using drugs illegally and who are receiving treatment for drug addiction, or who have been rehabilitated successfully, are protected from discrimination by the ADA. However, the Town will discharge or deny employment to current illegal users of drugs, in accordance with policies established herein. The Town may ask questions regarding the use of alcohol or illegal use of drugs. However, the employer may not ask whether the applicant is a drug addict or alcoholic, or whether the employee has ever been in a drug or alcohol rehabilitation program.

Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town service.

Discrimination Grievance Procedure

The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that employees 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 race, sex, color, disability, religion, national origin, gender orientation or age in employment practices may file a grievance.

Grievances should 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. 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 grievant should first attempt to resolve the grievance at the level of the department manager. The department manager will notify the Select Board if such a grievance is submitted. If the grievance is not resolved to the satisfaction of the grievant, or if the department manager lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Select Board.

Within 15 calendar days after receipt of the grievance, the Select Board will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen (15) calendar days after the meeting, the Select Board will respond to the grievant in writing, or where appropriate, in a format accessible to the grievant such as audiotape. The response will explain the position of the Town, and may offer options for substantive resolution of the grievance.

All grievances received by the Select Board and responses from same, will be kept by the Town for at least three (3) years. Such documents will remain strictly confidential.

This grievance procedure is meant to be informal, and cannot be legally binding on either party. Any grievance or complaint involving existing or threatened civil or criminal litigation may not be addressed using this informal procedure.

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

F. 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 govern conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below.

Chapter 28 of the Acts of 2009, the ETHICS REFORM LAW, imposes new mandatory education and training requirements on public employees. These new requirements apply to all public employees, as defined by the conflict of interest law.

Town employees may not:

- ask for or accept anything (regardless of its value), if it is offered in exchange for the employee agreeing to perform or not perform an official act;
- ask for or accept anything worth \$50 or more from anyone with whom the employee has official dealings;
- hire, promote, supervise, or otherwise participate in the employment of the employee's immediate family or the employee's spouse's immediate family;
- take any type of official action which will affect the financial interests of the employee's immediate family or the employee's spouse's immediate family;
- 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 the employee serves as an officer, director or trustee;
- have a financial interest in a contract with the public employer except under special circumstances;
- ever disclose confidential information, data or material which the employee gained or learned as a public employee;
- 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;

- use the employee's official position to obtain unwarranted privileges, or any type of special treatment, for the employee or anyone else; and,
- use public resources for political or private purposes.

G. 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” 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:

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

The Town encourages the reporting of improper governmental action taken by any town officers or employees, and the reporting of retaliatory actions for such reporting. 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 first with their supervisor, the Select Board, or the appropriate governmental agency.

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

- Is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is an emergency in nature;
- Reasonably fears physical harm as a result of the disclosure provided; or
- 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 shall not receive 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 supervisor or the Select Board, as the case may be, 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 a good faith reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Select Board. Town officials, administrators and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or the Select Board, as the case may be, 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, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

The Select Board is responsible for implementing the Town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes ensuring 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. Managers and supervisors are responsible for ensuring 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.

APPENDIX A: FMLA and MPLA

Family and Medical Leave (FMLA)

It is the policy of the Town to grant family and medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances as specified in this policy.

Eligibility

In order to qualify to take family and medical leave under this policy, the employee must meet **all** of the following conditions:

- The employee must have worked for the Town at least 12 months, or 52 weeks. The twelve months, or 52 weeks, need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1250 hours during the twelve month period immediately before the date when the leave would begin.

Type of Leave Covered

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

- the birth of a child and in order to care for that child;
- the placement of a child for adoption or foster care;
- to care for a spouse, child, or parent with a serious health condition;
- the serious health condition (described below) of the employee.

Definitions By Law

- A spouse is defined under State law. (This definition does not include common law relationships).
- A parent is defined as a biological parent or stood in "loco parentis" to the employee and may include adoption, foster, or step relationships. The term does not include parent "in law".
- A son or daughter is defined as a child under 18 years of age, or 18 years or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has responsibility for the actual day-to-day care and includes a biological, adopted, foster or stepchild.

- An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
- A serious health condition is defined as a condition, which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.
- A health care provider is defined as: a doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse midwife, and Christian Science practitioner.
- This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term condition, which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.
- Employees with questions about what illnesses are covered under this FMLA policy or under the Town's sick leave policy are encouraged to consult with the Select Board or their designee.
- The Town may require an employee to provide a doctor's certification of the serious health condition. Examples of a serious health condition include: heart attacks or other serious heart conditions, most cancers, strokes, appendicitis, pneumonia, and ongoing pregnancy and prenatal care.
- An eligible employee can take up to 12 weeks of leave under this policy during any 12 month period. The town will measure the twelve month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the town will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
- For example, if an employee used four weeks of FMLA leave beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. On February 1, 2009, the employee would be entitled to four weeks of leave.
- If a husband and wife both work for the Town, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. See also Massachusetts Maternity Leave Act Policy.

Procedure for Requesting Leave

- Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to their immediate supervisor, with a copy to the Select Board.
- When an employee plans to take leave under this policy, the employee must give the Town 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Town's operations.
- An eligible female employee is required to provide only 2 weeks notice for leave related to birth of a child or adoption of a child.
- If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employee receives notice.
- While on leave, employees are requested to report periodically to the Select Board regarding the status of the medical condition, and their intent to return to work.

Employee Status & Benefits During Leave

- While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work up to a maximum of 12 weeks during any 12-month period.
- Under current Town policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Treasurer Office by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage will be dropped for the duration of the leave.
- If the employee contributes to any other benefit plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments, along with the health care payments. If the employee does not continue these payments, the company will discontinue coverage during the leave period.

Employee Status After Leave

When a leave ends, the employee will be reinstated to the same position, unless either the job ceased to exist because of legitimate business reasons, or if the job could not be preserved due to operational needs. If the same position is not available, the employee will be offered a comparable position in terms of such issues as pay, position, and shift. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, the employee will be subject to any pay or benefit reductions or other adverse actions, including layoffs, that the employee would have experienced if the employee had not taken leave under this policy.

If the employee does not return at the end of the leave period, the employee's notification of his/her intent not to return will be the COBRA qualifying event. The Employee should consult the Town's COBRA policy.

Intermittent Leave or Reduced Work Schedule

The employee may take FMLA leave in consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12-month period. The Town may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption or foster care of a child, the Town and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must reach agreement with the Town before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. The Town may require certification of the medical necessity as often as every thirty (30) days.

Servicemember Family and Medical Leave

The FMLA now entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA").

This policy supplements the Town's FMLA policy and provides general notice of Employee's rights to such leave.

Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by our existing FMLA policy.

Servicemember FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

An eligible employee may take up to 12 workweeks of leave during any 12-month period when leave is due to a "Qualifying Exigency"

An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

MASSACHUSETTS PARENTAL LEAVE ACT (MPLA)

The MPLA provides for up to eight (8) weeks unpaid leave to eligible male and female employees. To be eligible, the employee must work full-time and must have completed a probationary period set by the terms of employment or three (3) consecutive months of full-time employment. The purpose of this leave is for:

- The birth of a child;
- Adopting a child under 18 years of age; and
- Adopting a child under 23 years of age, if the child is mentally or physically disabled.

Where an employee qualifies for both FMLA and MMLA, the leaves will run concurrent for the first eight (8) weeks.

MPLA leave is unpaid if an employee has time accrued as a result of unused vacation or sick leave. An employee may voluntarily use any paid time accrued leave time concurrently with all or part of the paternity/maternity leave. Employees who qualify for FMLA and MPLA must use accrued time with the FMLA/MPLA leave.

Please note that, unless an employee is out on uncompensated FMLA leave, an employee out on unpaid leave will be responsible for assuming the cost of the full premium for health insurance coverage, pursuant to MGL Chapter 32B Section 7.

Employees should make requests for pregnancy disability leave, childbirth, or adoption leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events. Requests must be in writing and include the anticipated start of the leave and the intention to return with an anticipated date.

A health care provider's statement must be submitted verifying the need for pregnancy disability leave or childbirth and its beginning and expected ending dates. Any changes in this information should be promptly reported to the Town. Employees returning from pregnancy disability leave or childbirth must submit a health care provider's verification of their fitness to return to work.

So that an employee's return to work can be properly scheduled, anyone on pregnancy disability leave, childbirth, or adoption leave is requested to provide the Town with at least two (2) weeks advance notice of the date the employee intends to return to work.

When a leave ends, the employee will be reinstated to the same position, unless either the job ceased to exist because of legitimate business reasons, or if the job could not be preserved due to operational needs. If the same position is not available, the employee will be offered a comparable position in terms of such issues as pay, position, and shift. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, the employee will be subject to any pay or benefit reductions or other adverse actions, including layoffs, that the employee would have experienced if the employee had not taken leave under this policy.

An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose any seniority or accrued benefits earned prior to the leave.

Failure to report to work promptly at the end of the pregnancy disability leave, childbirth or adoption leave will be considered a voluntary resignation.

CERTIFICATION OF THE SERIOUS HEALTH CONDITION

The Town may ask for of the serious health condition. The employee is required to respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification will result in a denial of continuation of leave. Medical certification must be provided by using the Medical Certification Form contained in Appendix C.

Certification of the serious health condition shall include: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable. The Town has the right to require that the employee be examined by the Town's Occupation Health Physician if it wishes to verify the certification.

APPENDIX B: CERTIFICATION OF PHYSICIAN OR PRACTITIONER
(Family and Medical Leave Act of 1993)

1. Employee's Name:
2. Patient's Name (If other than employee):
3. Diagnosis:
4. Date condition commenced:
5. Probable duration of condition:
6. Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.):
 - a. By Physician or Practitioner:
 - b. By another provider of health service, if referred by Physician or Practitioner:

IF THIS CERTIFICATION RELATES TO CARE FOR THE EMPLOYEE'S SERIOUSLY-ILL FAMILY MEMBER, SKIP ITEMS 7, 8 AND 9 AND PROCEED TO ITEMS 10 THRU 14 BELOW. OTHERWISE, CONTINUE BELOW.

Check Yes or No in the boxes below, as appropriate.

Yes No

7. ☐ ☐ Is inpatient hospitalization of the employee required?
8. ☐ ☐ Is employee able to perform work of any kind? (If "No", skip Item
9. ☐ ☐ Is employee able to perform the functions of the employee's position? (Answer after reviewing statement from employer of essential functions of employee's position, or, if none provided, after discussing with employee.)

FOR CERTIFICATION RELATING TO CARE FOR THE EMPLOYEE'S SERIOUSLY-ILL FAMILY MEMBER, COMPLETE ITEMS 10 THRU 14 BELOW AS THEY APPLY TO THE FAMILY MEMBER AND PROCEED TO ITEM 15.

Yes No

10. ☐ ☐ Is inpatient hospitalization of the family member (patient) required?
11. ☐ ☐ Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
12. ☐ ☐ After reviewing the employee's signed statement (See Item 14 below), is the employee's presence necessary, or would it be beneficial for the care of the patient? (This may include psychological comfort.)
13. Estimate the period of time care is needed or the employee's presence would be beneficial:

ITEM 14 IS TO BE COMPLETED BY THE EMPLOYEE NEEDING FAMILY LEAVE.

14. When Family Leave is needed to care for a seriously-ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule:

Employee signature:

Date:

15. Signature of Physician or Practitioner:

16. Date:

17. Type of Practice (Field of Specialization, if any):