



*"People will forget what you said, people will forget what you did, but people will never forget how you made them feel..."*

-Maya Angelou

# Personnel Policies & Procedures

T O W N   O F   M A Y N A R D

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*\*\* The policies and procedures outlined herein are subject to change without notice provided that the changes are made in accordance with federal and state laws and Town Bylaws. The Town of Maynard, Massachusetts reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization, or for any other appropriate reasons. These policies are a guide only, and it is not the intent of the Town to grant any employee any contractual commitment expressed or implied by its adoption.*



## Welcome to Maynard

Dear Town of Maynard Employee,

Welcome to the Town of Maynard – it is both a noble and challenging endeavor you have undertaken! We are pleased to have you join our organization, and expect you will find the Town a friendly and rewarding place to work.

As a municipal government, the Town’s primary goal is to provide a variety of municipal services, in an efficient and courteous manner, to the citizens of Maynard. We take pride in the quality of the services we provide and the quality of our staff – as a Town employee, you are one of our most valuable assets, and play a vital role in the provision of services. Whether in person, over the phone, or in writing, you represent the Town in each and every contact you have with members of the community. Our continued success will depend on your contributions and those of the other talented employees with whom you work.

The employee policies, practices and programs outlined in this handbook describe the services and support available to help achieve your personal and professional goals in Maynard. The Town retains the rights to modify or alter these policies and procedures, and any applicable collective bargaining agreements or employment contracts supersede these policies.

If after reviewing the policies and procedures you have further questions, please consult your department head or the Town Administrator’s office for clarification.

We hope your employment with the Town of Maynard is a satisfying experience. It is our contention that town-employee relations will benefit from the increased communication this handbook provides.

Sincerely,

A handwritten signature in black ink, appearing to read "G.W. Johnson".

Gregory W. Johnson  
Town Administrator

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## **Section 1: Title and Purpose**

The purpose of these personnel policies and procedures is to establish a system of personnel administration governing employment within the Town of Maynard which is consistent with Massachusetts General Law, Chapter 151B; also, to ensure that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, skill and performance under fair and open processes. The personnel system shall be administered without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, and with proper regard for privacy and employee rights.

These Policies and Procedures are adopted pursuant to the authority granted under the Maynard Town Charter and By-Laws, by Article LXXXIX of the Constitution of the Commonwealth and General Laws, Chapter 41, Section 108A and 108C.

## **Section 2: Scope of Policies**

These policies shall apply to all employees of the Town of Maynard except:

- Those appointed or employed by the School Committee
- Those who serve in offices filled by popular election and persons appointed to fill vacancies in elective offices
- Those who serve on voluntary boards, commissions, committees or authorities
- The Town Counsel and others exempted by the Board of Selectmen

Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by the agreement. Contractors or tenants with offices in a Town facility and/or accept the use of Town resources are required to comply with any and all relevant provisions of this document, particularly access provisions (i.e. Information Technology).

Additionally, Police policies, while Full State Accreditation status is maintained, and Fire Department policies, procedures, guidelines and general orders supersede any like policy or procedure in this manual. Changes to Police and Fire internal policies and procedures will be reviewed annually with the Town to ensure compliance with Town policies.

## **Section 3: Administration**

The Town Administrator, under the policy direction of the Board of Selectmen, shall be responsible for the proper administration of these policies, including the preparation and approval of personnel policies and procedures, recommendation to Town Meeting for approval of wage and classification plans, and the appointment of a Director of Human Resources.

Specifically:

- The Town Administrator shall be vested with all the powers and duties specified in the Town Charter.

- The Town Administrator shall establish such procedures as he or she deems necessary for the proper administration thereof and assigns to the Assistant Town Administrator such duties as he or she deems necessary.

## Section 4: Definitions

As used in these policies the following words and phrases shall have the following meaning unless a different meaning is clearly required by the laws of the Commonwealth:

Appointing Authority - The Board of Selectmen, department head or any board, commission, committee or manager so empowered by statute, bylaws, ordinance or directive, that has the power to appoint an employee to any non-elective position is referred to as the Appointing Authority.

Collective Bargaining Agreement - The document resulting from the mutual obligation of employers and employees' representatives to meet at reasonable times and confer in good faith with respect to wages, hours, standards of productivity and performance, and other terms and conditions of employment. This includes the mutual obligation to negotiate an agreement and bargain over questions arising under an agreement.

Compensatory Time - For non-exempt employees working full-time. Time off from work accumulated at the rate of one and one half times the amount worked for hours beyond 40 per work week, or as otherwise calculated under a collective bargaining agreement or employment contract.

Continuous Employment - Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, domestic violence leave or other approved leave of absence.

Department - Any department or agency of the Town subject to these policies.

Department Head - The officer or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectmen, the officer, board or other body responsible to the Board of Selectmen for the administration of the department.

Exempt Employee - A salaried employee who is employed in an executive, administrative, or professional capacity and is not generally entitled to overtime pay as he or she meets the following criteria as defined by the Fair Labor Standards Act, 29 USC Sections 201-216:

- 1.) Executive — primary duty is to manage a department
- 2.) Administrative — primary duty is office or non-manual work directly related to management policies, or directly assisting an executive.
- 3.) Professional — primary duty requires advance knowledge acquired by specialized study, work is intellectual and the result is not standardized.

Employee - as used in the Personnel Policies shall be any person paid and employed by the Town whether full-time, part-time, seasonal, special, regular, probationary or temporary.

Full-time Employee - A full-time employee is one who has completed the probationary period and who works at least 37.5 hours per week throughout the year. Hours worked as

an elected official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Grievance - A complaint or dispute between an employee and his/her supervisor.

Manual Laborer - A non-office worker position that requires regular lifting, carrying of objects, cleaning or other physically strenuous labor.

Non-Exempt Employee - An employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions.

Overtime - For non-exempt employees, time worked in excess of the normal work week of 40 hours, hours, or as otherwise calculated under a collective bargaining agreement or employment contract, subject to certain conditions.

Part-time Employee, benefits eligible - A part-time employee is eligible to receive certain benefits depending on their schedule and average weekly hours. An employee who regularly works 20+ hours per week but less than 37.5 hours per week throughout the year is eligible for health insurance and life insurance benefits. Hours worked as an elected and/or appointed official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Part-time Employee, not benefits eligible - A part-time employee working on average, fewer than 20 hours per week, annually, is not eligible for health insurance or life insurance benefits. Hours worked as an elected and/or appointed official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Probationary Period - A working test period during which time an employee is required to demonstrate ability to meet acceptable standards of performance prior to an appointment to a classified position.

Public Safety Position - Any position included in the Fire Department, Police Department, Emergency Management, Dispatch Center; any ambulance attendant, Emergency Medical Technician, or other similar position, not including administrative or housekeeping staff of said departments.

Regular Employee - A regular employee is one who has completed his/her probationary period and is retained in a position where the intent is more than six months continuous employment.

Temporary Employee - A temporary employee is a full- or part-time position that is not likely to require the services of an employee on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees. Temporary employees are not eligible for any benefits offered by the Town. Temporary employees, after a six month period with the town, may be considered for permanent employment.

## Section 5: Employment Practices

### A. Equal Employment Opportunity

The Town of Maynard provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability or genetics. In addition to federal law requirements, the Town complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.



The Town of Maynard expressly prohibits any form of workplace harassment based on race, color, religion, gender, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of Maynard's employees to perform their job duties may result in discipline up to and including discharge.

### B. Equal Pay Act - An Act to Establish Pay Equity

Effective July 1, 2018, Chapter 177 of the Acts of 2016, *An Act to Establish Pay Equity*, amends the Massachusetts Equal Pay Act (MEPA), M.G.L. c. 149, § 105A to generally provide that *"No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work."* The law defines "comparable work" as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions.

MEPA permits differences in pay for comparable work only when based upon:

- 1.) a system that rewards seniority with the employer (provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority);
- 2.) a merit system;
- 3.) a system which measures earnings by quantity or quality of production, sales, or revenue;
- 4.) the geographic location in which a job is performed;
- 5.) education, training or experience to the extent such factors are reasonably related to the particular job in question; or
- 6.) travel, if the travel is a regular and necessary condition of the particular job.

Importantly, MEPA makes clear that employees' salary histories are not a defense to liability. Moreover, an intent to discriminate based on gender is not required to establish liability under the law.

### **C. Recruitment**

Individuals to fill exempt positions shall be recruited from a geographic area as wide as is necessary to assure obtaining well qualified candidates for the various types of positions. Individuals to fill non-exempt positions shall first be recruited from within the Town government and only after it is determined by the appointing authority that no qualified candidates are available shall the position be advertised in newspapers and other publications to the extent necessary to insure sufficient numbers of qualified candidates.

### **D. Job Postings**

The appointing authority shall make known all approved vacancies for positions by posting announcements of such vacancies with the Town Clerk and any other official Town locations. When it is necessary to recruit from outside the Town government, appointing authority shall advertise online and in publications to the extent necessary to ensure sufficient numbers of qualified candidates.

### **E. Selection Procedures**

Selection and appointment to all Town positions shall be based solely upon job-related requirements and the applicant's demonstration of the skills, knowledge, abilities and other characteristics necessary for successful job performance and career development, as outlined in the job description. The appointing authority may determine that a test or a combination of tests will be used to evaluate the relative fitness of each candidate for the position. The tests shall relate to the duties and responsibilities of the position for which candidates are being examined, and shall fairly appraise and determine the merit, fitness, ability and qualifications of competitors to perform the duties of the position. In addition, a variety of personnel procedures may be employed, including reference checks; personal interviews; assessment of training, education and work experience; medical examinations; written, oral and performance tests.

### **F. Nepotism**

When in the normal selection process, relatives of Town employees or officials are being considered for appointment or promotion, the Town Administrator will be notified by the Department Head. No person shall be hired or promoted based upon their family relationship to another Town employee or official. No employee shall be in a position that provides supervision over his/her relative. Any employee or official with appointing authority shall delegate such authority if a relative is under consideration for appointment even if the appointing authority will not be a direct supervisor of the candidate.

This policy is not for the purpose of depriving any person of an equal opportunity for employment with the Town, but is solely intended to eliminate the perception of or potential for preferential treatment of the relatives of government personnel.

The Town may modify schedules, shifts, squads or work units to eliminate any potential for conflict under this policy.

Relatives, for the purpose of this policy, shall include all members of the immediate family including spouse, parents, brothers, sisters, direct line aunts and uncles and nieces and nephews, children, grandparents, grandchildren and in-laws. Cousins and aunts, uncles, nephews and nieces by marriage are not regarded as members of the immediate family for purposes of this policy.

## **G. Reasons for Rejection**

The appointing authority may reject any application where there is an indication that the applicant does not possess the minimum qualifications required for the position or which was not filed by the announced closing date for receiving applications. Further, an application may be rejected if the applicant makes any false statements of any material fact therein, or practices any deception or fraud regarding any event which may be pertinent to the application process or the applicant's background, fitness or qualifications. Written notice of rejection shall be given to the applicant by the appointing authority.

## **H. References**

The appointing authority will contact references as necessary and with the prior approval of the candidate. The candidate shall execute a release permitting the same (on a form provided by the Town), which release shall hold the Town harmless from acting upon any information provided to it. All reference checks shall be considered personal and confidential in an effort to protect the candidate's present employment status. All pre-employment, authorized medical exams and background checks shall be completed as may be required by the Town. The appointing authority will select and hire the best qualified candidate for the position.

## **I. Medical Exam**

Certain offers of employment are contingent upon the successful completion of a pre-employment medical and/or psychological examination performed by a physician of the Town's choice at its expense. All candidates will be required to furnish the Town (on a form provided by the Town) a signed letter of authorization allowing the Town to have access to the prospective employee's medical exam reports. The appointing authority will then select and hire the best qualified candidate for the position. After appointment to town service, the appointing authority may require a medical examination if the Town of Maynard believes that an employee is not able to perform a job successfully or safely because of a medical condition, or to support an employee's request for a reasonable accommodation. When required, such examination shall be performed by a practicing physician appointed or approved by the Town and at the expense of the town.

## **J. Appointments**

All offers of employment shall be made in writing by the appointing authority and shall include the salary, the starting date and other appropriate information. An applicant who accepts an appointment and fails to report to work on the starting date set by the appointing authority, except for good cause, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

## **K. Immigration**

All employees will be asked to provide documentation that indicates their United States citizenship or, if not citizens, that they are legally authorized to work in the United States. All new employees must complete the Employment Verification Form 1-9, Section 1, Employee Information and Verification. Immigration status may be verified as follows:

- U.S. passport, social security card, birth certificate, driver's license
- Certificate of U.S. citizenship
- Certificate of naturalization

- Unexpired foreign passport with valid, unexpired endorsement authorizing U.S. employment
- Resident alien card or other alien registration card authorizing U.S. employment containing a photograph or other authorized personal identifying information.

The law requires that both the employer and employee sign forms attesting to examination of documents and employment authorization. These forms shall be retained for three years after hiring or referral or one year following termination.

## **L. Orientation**

The purpose of the orientation period is to ensure that new and promoted employees are aware of and understand their duties, responsibilities and required work standards and to help employees achieve an effective level of performance. Following the initial orientation, it is the ongoing responsibility of department heads to assist employees in understanding these duties, responsibilities and standards of performance. This covers all employees.

No later than the first Tuesday a new employee is scheduled to work, the employee shall report to Human Resources for the purpose of completing all necessary employment paperwork. This provides an opportunity to review documents, ask and answer questions, and ensure each is done in a timely manner to facilitate an accurate payroll process.

Following the initial orientation session, department heads shall provide on-site training and orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department, including all safety policies and procedures.

## **M. Probationary Period**

Employees who leave the service of the Town at the end of this ninety (90) day period shall not be entitled to any vacation earned. During probation, an employee is entitled to pay for holidays and other benefits provided to eligible employees. During the probationary period, vacation time may be accrued but is not earned until the completion of the probationary period, thus vacation time may not be used until ninety (90) days of continuous service has been completed.

Upon expiration of the probationary period the appointing authority shall notify the probationary employee in writing that:

- 1.) The employee's performance meets satisfactory standards and that the individual will be retained in the position as a regular employee; or
- 2.) The employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period will be extended an additional period of time not to exceed ninety (90) days. An extension of the probationary period must include a written Employee Improvement Plan indicating the performance expectations to be met, a timeframe, and that failure to meet these expectations may result in employment termination; or
- 3.) The employee's performance, attitude or conduct was unsatisfactory, stating the specific reasons, and that removal or demotion to his/her old position will occur.

The employee at any time may be removed by an appointing authority if it is revealed that the employee intentionally falsified information relating to the application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of the action.

## **N. Termination**

Employment with the Town has no specified term or length. Employees are free to resign at any time, and the Town reserves the right to terminate employment for any reason permissible by law. All employees, except contract employees, are considered employees at will. All separations of employees shall be designated as one of the following types and accomplished in accordance with the manner indicated:

- Resignation
- Layoff
- Disability
- Death
- Retirement
- Dismissal

At the time of separation and prior to final payment, all records, assets, or other items of Town property in the employee's custody shall be transferred to the appropriate department. In the event of a shortage in the above, an amount representing the value of unreturned property shall be calculated and withheld from the employee's final compensation or collected through other appropriate action. Employees who separate from the Town service in good standing shall receive payment for all earned salary, accumulated compensatory time and vacation leave and sick time buyback, subject to normal deductions and any indebtedness.

*Resignation* – An employee may resign from the Town in good standing by submitting in writing the reasons and the effective date to the department head or appointing authority at least 14 calendar days in advance. The department head or appointing authority may permit a shorter period of notice because of extenuating circumstances. If the employee is in a supervisory capacity, the Town requires a one month written notice.

*Lay-off* - A position may be discontinued or abolished because of a change in duties, reorganization, lack of work or lack of funds. The appointing authority shall determine the order of lay-off of employees on the basis of seniority and / or position. In the event of a lay-off, an employee shall be retained on the recall list for one year from the date of the lay-off. Employees subject to lay-off shall be notified at least one week in advance, except in cases of emergency over which the Town has no control. Employees laid off from work may be eligible for state unemployment compensation. Such employee will be issued an unemployment form upon termination of employment.

*Disability* - An employee may be separated for a non-job disability when that employee, with reasonable accommodations, cannot adequately perform the full duties of the position because of physical or mental impairment. Such separations may be initiated by the employee, the Town or an authorized legal representative of either but in all cases the disability must be supported by medical evidence acceptable to the appointing authority. The Town may require an examination at the town's expense performed by a physician of the town's choice. Job related injuries are subject to Workers Compensation laws or Injured on Duty laws.

Death - Separation shall be effective as of the date of death of an employee. All compensation shall be paid as soon as possible to the estate of the employee, except for such sums which by law may be paid to the surviving spouse.

Retirement - The Maynard Retirement System is available to employees scheduled to work 25 hours per week or more throughout the year. Information about retirement is available from the Retirement Benefits Coordinator, who has an office in Town hall, open several hours per week.

Dismissal - If, after remedial disciplinary measures have been implemented, an employee's performance, conduct or other unsatisfactory behavior does not improve, it may be necessary to discharge an employee. Certain offenses may occur which are of such seriousness that immediate dismissal of an employee may be necessary. The department head may, with the approval of the Board of Selectmen or appointing authority, dismiss any employee upon giving the employee written notice of the reasons for the discharge and the effective date.

Exit Interview - Each separating regular full-time and part-time employee may be interviewed in an exit interview as near as possible to the close of the last day of work. The objectives of the exit interview to be conducted by the department head or appointing authority are:

- To identify problems and determine any trends which are developing in a particular department.
- To establish an orderly picture of the real reasons for the termination as seen by the employee.
- To obtain information that will improve the screening of job applicants.
- To determine the impact on employees of Town personnel policies and practices.
- To assure that the employee has returned all Town property and has no outstanding obligations.

Most exit interviews are of a rather routine nature. However, occasionally an interview develops information of a confidential nature. Such information shall be kept confidential, except as necessary to protect the interests of the Town. A record shall be made of each interview and a report of the exit interview shall be maintained in the employee's personnel file. Subject matter to be covered shall include: job responsibility, quality of supervision, employee relations policies, working conditions and town operation and organization, etc.

Unemployment Compensation - The town must pay the cost established by the Commonwealth of Massachusetts to provide unemployment compensation for its employees.

## **O. Disciplinary Policy**

All employees are responsible for observing regulations necessary for proper operation of town departments. Disciplinary action shall be the responsibility of supervisors, department heads and appointing authorities, who shall exercise their responsibility with discretion and with concern for the employee and co-workers. The following is intended to serve as a guideline in the determination as to when disciplinary action is appropriate and what form it should take. The Town will consider all relevant factors including the circumstances of the particular infraction; the seriousness of the incident; the employee's

overall employment record; and the detriment to the town, its employees, residents or visitors as a result of the infraction. This disciplinary policy does not constitute a contract or grant contractual rights to any employee. Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

The following shall be sufficient cause for disciplinary action. The list is illustrative only and shall not be considered to include all reasons for disciplinary action:

- 7.) Incompetence, inefficiency or negligence in performance of assigned duties
- 8.) Inability to perform one or more critical elements of the position
- 9.) Abuse of sick leave or absence without leave
- 10.) Violation of safety rules, practices and policies
- 11.) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a supervisor
- 12.) Habitual tardiness or absence from duty
- 13.) Falsification of time sheets
- 14.) Use or possession of illegal narcotics or alcohol while on duty (See Policy for a Drug & Alcohol Free Workplace)
- 15.) Theft, misuse, negligence, destruction or unauthorized use of town property or conversion of Town property for personal use or gain
- 16.) Fraud in securing appointment
- 17.) Disclosure of confidential information
- 18.) Conviction of a felony
- 19.) Engaging in sexual harassment
- 20.) Activities prohibited by Town bylaws, rules and regulations, policies, charter, ordinance or state law
- 21.) Insubordination which constitutes a serious breach of discipline
- 22.) The use of abusive language toward a superior, another employee or the public
- 23.) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of employment duties
- 24.) Falsification of records or use of official position for personal advantage
- 25.) Any other situation or instance of seriousness that disciplinary action is warranted.

Disciplinary action may include an oral reprimand, written reprimand, disciplinary probation, adherence to a corrective action plan, suspensions and/or discharge. Suspensions may be in lieu of oral reprimand, written reprimand and disciplinary probation and suspension may be effective immediately.

Verbal reprimand: A Department supervisor, or appointing authority, if no supervisor exists, upon observing conduct warranting discipline, may issue a verbal warning to the employee. The verbal warning shall be presented with regard to avoiding embarrassment to the employee and shall include a statement concerning the purpose of the warning. A verbal reprimand may be noted in the employee's personnel file.

Written reprimand: If a verbal warning fails to correct conduct warranting disciplinary action, or the conduct warrants more serious discipline, the Department supervisor or the appointing authority, may issue a written warning. This shall include the reason(s) for the warning and an offer of assistance from the Department Head or from the appointing authority in correcting the problem.

A copy of the written warning signed by the Department Head or the appointing authority and the employee shall be placed in the employee's personnel file and the warning shall set forth a specified period in which the behavior shall be corrected. The employee may submit a written response to the reprimand to be placed in his/her file.

Disciplinary Probation: If a written warning fails to correct conduct warranting disciplinary action, or the conduct warrants more serious discipline, the Department supervisor or the appointing authority, may place an employee on disciplinary probation for a period of up to three months. The employee shall receive a written notice stating the reason(s) for the disciplinary probation, the requirements for satisfactorily completing the disciplinary probation, and the effective starting and ending dates of such probation. At the expiration of the disciplinary probation period, the appointing authority shall notify the employee in writing that the probation has been removed or that further disciplinary action will be taken.

Suspension: At the discretion of a Department Head or the appointing authority an employee may be suspended with cause without pay. Within forty-eight working hours of the effective date of the suspension, the employee shall be provided with a written notice stating the reasons for and the length of suspension.

Discharge: An employee may be discharged for cause following progressive discipline principals or the conduct warrants the most serious discipline. The Department Head shall provide the employee with a written notice stating the reason(s) for the discharge and the effective date of discharge.

## **P. Grievance Procedure**

A grievance is a dispute between an employee and the appointing or supervisory authority arising out of an exercise of management rights or administrative discretion, interpretation of this Policy or other similar dispute.

The first and second steps in this grievance procedure are informal efforts to resolve problems when they arise and by the parties directly involved. The third and fourth steps provide a means of further appeal to the Board of Selectmen. The employee may be

accompanied by and represented by a legal representative at the third and fourth steps of this procedure.

The employee will follow the steps in the order as described; however, the employee may contact the Town Administrator directly, if the circumstances warrant and the employee is uncomfortable discussing the problem with the Department Head or Supervisor. Also, the Town Administrator may be contacted at any time for additional information, guidance, or assistance in interpreting any part of this grievance procedure.

Step 1: Within 7 calendar days of the incident or the action causing the problem, the complaint will be discussed with the immediate Supervisor, who in some cases will be the Department Head. The Supervisor will provide the grievant with a response, in writing, summarizing the grievance and remedy, if any, within 7 calendar days of the meeting. If the immediate Supervisor is the Department Head, the grievant will bypass Step 2 and immediately proceed to Step 3.

Step 2: If the Supervisor's reply does not resolve the grievance to the employee's satisfaction, the employee may submit a written complaint to the Department Head within 7 calendar days from the date of the Supervisor's written response, summarizing the complaint and response. The Department Head will discuss the grievance with the employee and supervisor separately, make any further investigation as may be necessary and provide the employee with a written response within 7 calendar days following receipt of the employee's Step 2 complaint.

Step 3: If the Department Head's response does not resolve the grievance to the employee's satisfaction, the employee may request that the complaint be reviewed by the Town Administrator. The aggrieved employee shall submit a written grievance to the Town Administrator or designee within five (5) calendar days following receipt of the Department Head's written response. The grievance shall be signed and dated by the aggrieved employee and shall specify the following:

- 1.) All pertinent facts.
- 2.) The pertinent section(s) of this policy.
- 3.) A summary of the cause of the grievance.
- 4.) Date of delivery of grievance to the Town Administrator or designee.
- 5.) Requested remedy or relief.

Within seven (7) calendar days after the filing, the Town Administrator or designee shall investigate the grievance, separately meeting with the aggrieved employee, the department head and witnesses to the subject matter. Within seven (7) calendar days after conclusion of the investigation, the Town Administrator or designee shall provide the employee with a written decision.

If one of the parties in the grievance is the Board of Selectmen, then the decision of the Town Administrator or designee shall be final and binding on all parties.

Step 4: If the Town Administrator's or designee's response does not resolve the grievance to the employee's satisfaction, the employee may request that the complaint be reviewed by the Board of Selectmen. The request to the Board will be submitted in writing within 7

days of the receipt of the response of the Town Administrator or designee and shall follow the same procedure outlined in Step 3 regarding the contents of the written request.

If the Board determines that a hearing is not warranted, it will notify the grievant in writing of its decision to abide by the decision of the Town Administrator. If the Board determines that a hearing is warranted, such hearing will be scheduled by and before the Board of Selectmen. During that hearing, the Selectmen will review the entire case, may seek additional relevant information and may interview any of the parties involved. The grievant or his/her representative will have the right to present information (both in writing and through witnesses) and to question others who have provided information.

After the hearing, the Board of Selectmen will issue written findings and recommendations within a reasonable time with copies to all parties concerned. The decision of the Board of Selectmen shall be final and binding on all parties.

## **Section 6: Conduct and Working Conditions**

### **A. Purpose**

It is the policy of the Town of Maynard to commit to the principles of Equal Employment Opportunity in all of its policies, practices, programs and activities. This policy includes but is not limited to areas of recruitment, selection, promotions, terminations, transfers, layoffs, compensation, benefits, reasonable accommodation and other terms and conditions of employment that may apply. It is the intent of the Town of Maynard to comply with all applicable federal and state Laws that have been enacted for the purpose of eliminating discrimination.



The Town prohibits discrimination in its employment practices on the basis of to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. Any individual who believes that he/she has been discriminated against by the Town in matters related to employment practices may file a written grievance with the Assistant Town Administrator/Human Resources Director or the Town Administrator. The grievance must follow the procedure outlined in Section 5 (p) of these policies.. Individuals who cannot file a written report may submit an audiotape or request an interview in order to supply the required information. The Town investigates all complaints of unlawful discrimination. The grievant will be notified of the results of the investigation. Should the investigation determine a violation of this policy has occurred, measures will be implemented to correct the situation.

### **B. Americans with Disabilities Act**

The Town of Maynard fully supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of disability. No applicant or employee shall receive less favorable treatment because of disability.

The Town of Maynard will provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause an undue hardship. This accommodation may include a change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

An employee or applicant with a disability may request a reasonable accommodation, verbally or in writing, at any time during the application process or during the period of employment. A reasonable accommodation should be requested when the employee knows that there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment.

The Town Administrator and the employee with a disability will engage in an informal process to clarify individual needs and identify the appropriate reasonable accommodation, requesting reasonable and relevant information and documentation or requiring a medical examination as necessary.

### **C. Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense. (*see Personnel Policies and Procedures, Appendix B: Break Time for Nursing Mothers*)
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable

accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.

- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.
- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

#### **D. Anti-Harassment**

The Town of Maynard is committed to maintaining a work environment which is professional and free of harassment based race, color, religion, gender, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. The Town expects all employees to conduct themselves in a professional manner toward fellow employees and customers.

The harassment of individuals in any form will not be tolerated. Such harassment includes, among other things, unsolicited remarks, gestures or physical contact, display or circulation of written materials, pictures derogatory either to race, color, religion, gender, gender identity or expression, age, sexual orientation, national origin, ancestry, disability, military status, retaliation or genetic information.

Sexual harassment is unlawful and expressly prohibited. Sexual harassment means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1.) Submission to or rejection of such advances, request or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decision; or
- 2.) 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. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Examples of sexual harassment include but are not limited to sexual advances, jokes, explicit or offensive pictures, offensive physical contact, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Sexual harassment in any form or for any reasons is absolutely forbidden. This includes harassment among employees by a manager of an employee, or between employees and visitors, clients, customers, or other.

#### Reporting Harassment/Complaint Procedure/Investigation

Employees, supervisors and department heads are responsible for ensuring that there is no harassment in the workplace. Each employee, supervisor and department head is responsible for cooperating in any investigation of such harassment. The Town of Maynard will strongly enforce the necessary steps to prevent harassment.

#### Complaint Procedure:

- 1.) Any employee believing they have been subject to harassment or one that has learned about harassment of another individual should notify his/her supervisor or department head verbally or in writing. If the complaint pertains to the immediate supervisor, or the employee does not wish to discuss the issue with him/her, or he/she does not address the problem, the employee may notify one of the following designated staff members:
  - a. Mark Dubois, Chief of Police 978-897-1005
  - b. Cheryl Kane, Treasurer-Collector, 978-897-1327
  - c. Timothy Mullally, DPW Water & Sewer Foreman, 978-580-6455
  - d. Trista Manchuso, Patrolman, MPD, 978-897-1011 (MPD business line)
- 2.) The Town Administrator shall promptly investigate every complaint of harassment. Such discussions may include discussion with all involved parties, identification and questioning of witnesses, and other appropriate actions. Disciplinary action will be taken against anyone found to have sexually harassed another employee to ensure it will not be repeated. This may include, but is not limited to, reprimands placed in offenders' personnel files, warnings, transfers, demotions, suspensions, professional counseling and/or sensitivity training, probation and/or termination.
- 3.) Any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is also unlawful and will not be tolerated.
- 4.) Any individual who is dissatisfied with the progress or end result of the Town's investigation may discuss his/her concern directly with the Board of Selectmen. The Board of Selectmen will hear any appeals of the investigation process.

Reporting Agencies:

The state agency responsible for enforcing the laws prohibiting harassment is:

Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place  
Boston, MA  
(617) 739-2145

The federal agency responsible for enforcing federal laws prohibiting harassment is:

Equal Employment Opportunity Commission (EEOC)  
One Congress Street  
Boston, MA  
(617) 565-3200

**E. Drug and Alcohol Free Workplace**

The Town of Maynard has a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of employee health. The Town of Maynard firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol and marijuana, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The illegal use, sale, or possession of narcotics, or the use of alcohol or marijuana while on duty or on Town property, is expressly prohibited. Such activity may result in discipline, up to and including termination. Police Officers, Firefighters, and employees who hold a Commercial Driver's License, as a requirement of their position, may also have to comply with drug testing as set forth in respective Collective Bargaining Agreements.

**F. Workplace Violence**

It is the policy of the Town of Maynard to maintain a safe environment in all Town buildings, facilities and properties. Threats of violence will not be tolerated by or toward our employees, customers, the general public or anyone who conducts business with the Town of Maynard. All employees are to immediately notify their supervisor should they hear of any threat of violence.

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

Other than police officers, employees are not permitted to carry or have in their possession or in their control any type of dangerous weapon while on duty and working as an employee of the Town. This includes any type of hand gun, firearm or any other item that may be construed as a dangerous weapon. Final determination of any item in question will be made by the Chief of Police or his/her designee.

Each incident of violent behavior, whether the incident is committed by another employee or an individual such as a customer, vendor or citizen, must be reported immediately to the Department Head, Assistant Town Administrator/Human Resources Director or Town Administrator. Employees will be informed of their right to have the Police Department notified. In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel will be notified immediately.

Should an employee become the victim of an incident of workplace violence, the Human Resources Department may offer referral services, including the EAP, to assist in coping with any effects of the incident. An employee who commits an act of violence as determined by an assessment and investigation of the incident may be subject to disciplinary action up to and including termination. Employees may be referred to the Employee Assistance Program (EAP). In these cases, failure by the perpetrating employee to participate in the EAP may result in disciplinary action up to and including termination.

It is a violation of this policy to engage in any act of workplace violence and any such violation is extremely serious. Any employee who has been determined to be in violation will be subject to disciplinary action up to and including termination. The imposition of discipline, including termination, does not preclude an employee or former employee from being subjected to civil liability and/or criminal prosecution.

## **G. Customer Service**

It is the commitment of the Town of Maynard that all municipal employees will strive to provide exceptional Customer Service both *Internally* (employees and elected/appointed representatives) and *Externally* (residents, visitors, businesses, vendors, Federal, State, and Municipal representatives or the general public customers that we serve).

All Maynard municipal employees are responsible for understanding and adhering to the following objectives:

- Raise awareness of the necessity and importance of achieving Customer Service Excellence as part of the day to day operations of the Town
- Ensure interaction and communications with *all* customers is prompt, respectful, friendly, sincere, and sensitive to the customer's concerns with a goal of satisfying their needs.
- Enhance response time to customers at department windows by physically getting up and approaching the window with a smile, professional appearance, and sincere greeting
- *Listen* to what is being asked, show you care, and respond appropriately, or refer them to someone who can respond appropriately by stating that you are referring them to someone who *can better address* their needs
- Ensure consistent, professional customer service standards are applied by all employees

Managers and Department Heads are responsible for ensuring that all employees are advised of, understand and comply with the terms of this policy.

## **H. Standards of Conduct/Confidentiality**

Town employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting themselves in a manner which in any way discredits the town, public officials or fellow employees.

The Town deals with many organizations, state and federal agencies, private businesses and residents/citizens. In many cases, the Town is dealing with issues that are of a confidential and sensitive nature. Town employees are responsible for maintaining this confidentiality at all times with regard to information you are provided or known to you.

## **I. Attendance**

Town Hall offices are open Monday through Friday according to the following schedule:

- 8:00am to 4:00pm Monday, Wednesday, Thursday
- 8:00am to 7:00pm Tuesday
- 8:00am to noon Friday

Regular attendance during all scheduled hours of work, reporting to work on time and continuing to work to the end of the work period is expected of every employee on each scheduled work day. Non-exempt employees (including part-time and seasonal employees) shall record daily hours worked in writing (on time sheets) for their supervisor. All time sheets shall be signed for approval by the department head or supervisor before being submitted for payroll. Department heads and supervisors shall record all absences, tardiness and early departures. Unapproved absences, tardiness and early departures lacking satisfactory reasons shall be grounds for disciplinary action by the department head or supervisor. Employees shall not be paid for time lost due to unapproved absences, tardiness and early departures for unsatisfactory reasons

## **J. Conflict of Interest/Ethics**

All employees shall comply with the State Conflict of Interest Law in all respects. Every two years, all current municipal employees must complete online training. New employees must complete this training within 30 days of beginning public service, and every two years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the Town Clerk. In addition:

- 1.) Outside Employment - No employee shall accept outside employment if such outside employment directly interferes with an employee's performance. No employee shall receive or request compensation from, or act as an agent or attorney for anyone other than the municipality in relation to any matter in which the Town is a party or has a direct and substantial interest.
- 2.) Solicitations and Acceptance of Gifts, Gratuities, Fees, Loans, etc. - No Town employee, acting in his/her professional capacity on behalf of the Town, shall solicit or accept any personal gift, gratuity, loan, fee or other thing of value. Employees may accept fees for work done on their own time provided the individual or group engaging the employee has no contractual relationship with the Town. No employee shall solicit any gift or gratuity from another employee.

- 3.) No employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for him/herself or others.
- 4.) No employee shall, by his/her conduct, give reasonable basis for the impression that any person can improperly influence or unduly enjoy his/her favor in the performance of official duties, or that he/she is unduly affected by the kinship, rank, position or influence of any party or person.

### **K. Political Activity**

The provisions of the Federal Hatch Act shall apply to those employees engaged in activities financed wholly or in part by grants from federal agencies. However, the following prohibitions shall apply to all employees in order to assure that both Town employees and the public are protected against improper political activity in Town service. Employees shall not use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office, nor directly or indirectly attempt to coerce, advise or command other Town employees to pay, lend or contribute to a party, committee, organization or person for a political purpose.

### **L. Smoking/Smoke-Free Workplace**

Smoking has been identified as the single most important detriment to an individual's health. For the smoker, the adverse effects of smoking contribute to a loss of personal health. Smoking may also adversely influence the health of those who are exposed to second-hand smoke.

The Smoke-Free Workplace Law, M.G.L. Ch. 270, §22, mandates that enclosed workplaces with one or more employees must be smoke-free. The state law's intent is to protect workers in enclosed workplaces from secondhand smoke exposure. The full text of the law and additional information is available at [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp). Smoking is prohibited in all enclosed workplaces, including but not limited to all buildings owned, leased, or otherwise occupied by the Town of Maynard. Smoking is not allowed in Town vehicles. Individuals who violate the statewide smoking ban may be subject to civil penalties under the law or may be subject to disciplinary action. Please refer to Massachusetts General Laws, Chapter 270, Section 22 for additional details of the ban.

### **M. Uniforms and Special Clothing**

Upon determination of the department head or appointing authority, employees may be required to wear uniforms, protective gear and other types of special clothing provided by the Town. The Town reserves the right to determine what uniforms are to be worn, who will wear uniforms, what protective gear is required and how such gear will be worn and used. At the termination of employment, the Town may require uniforms and protective gear be returned.

### **N. Wage Garnishment**

Garnishment action against an employees' wages or salary is permitted by law in Massachusetts. Federal laws also permit the preferential attachment of wages by the Internal Revenue Service for delinquent Federal Taxes and child support before other garnishments. When notice of garnishment, levy or attachment action taken or to be taken against any employee is first brought to the attention of the Town, the Board of Selectmen shall verify with the employee of the garnishment, levy or attachment. The Town

recognizes all applicable restrictions, rules, and laws regarding the garnishment or attachment of an employee's wages.

## O. Safety

It is the policy of the Town of Maynard that every employee is entitled to work under the safest and healthiest possible conditions in all occupations. Every reasonable effort will be made to provide and maintain a safe and healthy work place, safe equipment, proper materials and to establish and insist upon safe methods and practices at all times.

Accidents which injure people, damage machinery or equipment and destroy materials or property cause needless suffering, inconvenience and expense. Any incidents resulting in personal injury or property damage shall be reported immediately to the appropriate department head or designee who shall immediately report it to the Town Administrator.

All safety rules and regulations developed by the department head or appointing authority are to be considered directive in nature and applicable to all employees. It is the basic responsibility of everyone to make safety realization a concern. Employees shall observe the rules of conduct and safety and properly use the safety equipment provided. Any employee who notices an unsafe working condition shall report immediately such condition to such employee's supervisor.

It is the supervisor's responsibility to assure the need, availability and utilization of appropriate protective clothing and equipment when performing any hazardous operation. All employees who are furnished safety equipment and/or clothing by the Town will be required to wear such safety equipment at all times while doing the work for which the equipment is furnished.

Supervisors are required to:

- 1.) Take appropriate action whenever an infraction of good safety practices, unsafe behavior or failure to use safety clothing or equipment by employees is detected and report said infraction to the appropriate department head.
- 2.) Investigate accidents and/or injuries and report to the appropriate department head to that appropriate corrective action may be taken.
- 3.) Assigned work sites should be investigated by the supervisor prior to the start of a project to ensure that necessary safety practices are in place.

If an accident occurs during working hours involving a Town employee and/or private party, a report should be filed immediately, along with a Form 101 "Employer's First Report of Injury or Fatality" (Mass Division of Industrial Accidents) and submitted to the Human Resources Department. A copy of Form 101 can be found on the Town's Shared Drive; however, the state is now requiring that this form be completed online at:

<http://www.mass.gov/lwd/workers-compensation/forms/form-list-numbered/form-101-instructions-english.pdf> . See the Workers Compensation section of these policies for further instructions.

- 4.) As of the Effective Date of these policies, the Town's medical provider for medical treatment of work-related injuries or pre-placement physical exams is the **Nashoba Valley Medical Center, 200 Groton Road, Ayer, MA 01432, (978) 784-9000**

## **P. Use of Town Property**

According to the Massachusetts Conflict of Interest Law, publicly owned or supported property, equipment, labor or services shall be used for public purposes only. Employees shall not use, while on-duty or off-duty, Town property for personal use or gain, nor shall an employee allow such use by any other individual, town, company or organization. Please refer to Chapter 268A of the Massachusetts General Laws for further information on the Massachusetts Conflict of Interest Law.

### Telephones

It is recognized that Town phones must be used for personal calls on occasion during the Work day. Such personal calls must be kept to a minimum. Whenever possible, employees should make non-emergency calls during scheduled breaks or when intervals in work assignments allow.

### Office Equipment

Every effort must be made not to use office equipment such as photocopiers, printers and FAX machines for personal purposes. In circumstances where use of the machines for personal purposes is necessary and approved by the department head, the employee must limit the extent to which these resources are used.

### Salvage and Surplus Materials

No surplus supplies or materials may be given away, auctioned off or otherwise sold without the permission of the Town Administrator. Salvage materials such as tree trimmings, bark, mulch, gravel and excavated boulders may be left at designated locations for public use. Neither Town employees nor their family members are allowed under any circumstances to take materials that have been left for the public as salvage.

### Handling Requests for Private Use of Town Property

Employees may not allow any committee member, citizen or other organization, group or individual to use Town property for private use or for any other use than for Town business. All requests for private use of Town Property must be referred to the Town Administrator's Office.

### Conduct of Private Business

In no circumstances may an employee use Town property for any personal business enterprise.

## **Q. Vehicle Use**

It is the policy of the Town of Maynard that certain positions require employee access to Town vehicles. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of the Town and are utilized for the purposes consistent with providing services to those citizens.

This policy applies to all Town employees who are afforded the use of Town vehicles. The purposes of this policy are as follows:

- To encourage safe operation of Town vehicles

- To set forth the guidelines under which Town vehicles may be used
- To minimize transportation costs and liability

The following procedures are considered to be minimum standards for Town vehicle use. Departments may develop more restrictive procedures.

### Rules Governing Use of Town Vehicles

- 1.) Town vehicles may only be used for legitimate Town business.
- 2.) Town vehicles may not be used to transport any individual that is not directly or indirectly related to Town business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Ordinarily, no family members may be transported.
- 3.) Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
- 4.) Employees are expected to keep Town vehicles clean, and to report any malfunction or damage to their supervisor immediately.
- 5.) Employees are expected to park vehicles in safe, legal locations.
- 6.) Employees must turn the vehicle ignition off, remove the keys, and lock the vehicle when left unattended.
- 7.) Drivers and all passengers must wear seatbelts in vehicles so equipped during operation of the vehicle.
- 8.) No smoking is allowed in any Town Vehicle.
- 9.) Employees who operate municipal vehicles shall have a valid motor vehicle operator's license and of the class required for the specific vehicle being operated.
- 10.) Employees who operate municipal vehicles shall adhere to traffic laws.
- 11.) Employees who operate municipal vehicles shall limit distractions through the use of cell phones and other hand-held electronic devices.

### Garaging of Vehicles

All municipal vehicles, except those authorized for twenty-four (24) hour use, shall be garaged at the end of each day in assigned municipal parking lots. No vehicles, except those authorized for twenty-four (24) hour use, are to be taken home at the end of the workday.

### Reporting of Accidents

Whenever a municipal vehicle is involved in an accident, or subject to damage, or in the event an employee's personal vehicle is damaged during an approved, work-related trip, the employee operating the vehicle is required to immediately notify his/her immediate supervisor and contact the Maynard Police Department or the local police department if in another jurisdiction.. An Accident Report must be filed with the Town's liability insurance provider within one business day of the accident. When the estimated damage exceeds \$1,000.00, an Accident/Incident Report shall be filed with the Maynard Police Department.

## **R. Parking – Town Hall**

It is the intent of the Town to provide all employees assigned to work at Town Hall with space to park their vehicle during work hours. Employees are to park their vehicles in the rear of the building. Some parking spaces in the upper rear parking lot are reserved as marked for specific department officials and individuals conducting business in Town Hall. Employees are not to park their vehicles in the front of Town Hall or the Police Station during their regularly scheduled work hours.

Employees assigned to other work locations who conduct business at Town Hall are also directed to use the rear parking lot during normal business hours. Any employee whose vehicle displays a handicapped license plate or placard may use any designated handicapped parking spaces in either the rear parking lot or front of the building.

During snow storms and weather-related emergencies, employee vehicles should be parked in the last row of the rear parking lot to facilitate snow removal and clean-up efforts.

## **S. Employees Private Property**

Employees shall be responsible for all personal property brought onto Town premises. It is each employee's responsibility to secure all personal items in accordance with the property's value. Purses and wallets shall be kept with the employee at all times. If this is inconvenient, such items shall be locked in a desk, file cabinet or other similar depository for safe keeping.

## **T. Injury on the Job**

If an employee is injured while working for the Town, such employee shall immediately inform the department head or supervisor. The employee's supervisor shall arrange to complete all necessary liability insurance paperwork with the Town's insurance provider. It is important that every injury be reported. Worker's compensation and Injury on Duty laws provide benefits for employees injured on the job. Medical expenses and the amount of compensation to which an employee is entitled for lost time are set by state law. All injuries must be reported immediately so that necessary reports may be completed. If medical attention for the injury is required, a medical statement shall be required before the employee returns to work.

## **U. Illness on the Job**

If an employee becomes sick while at work, the department head or supervisor shall arrange for emergency first aid treatment, if needed. Beyond this care, the treatment of an employee who becomes ill is the responsibility of the employee and the family physician, unless the illness is related to the employee's work.

## **V. Inclement/Severe Weather Closing**

Inclement/severe weather closing(s) apply during declared Massachusetts State of Emergencies. This decision shall apply to all Town Offices and clerical staff of the Police Department, Highway Department, Fire Department, the Council on Aging, and Library personnel. All non-union, non-essential personnel need not report to work in accordance with the specific conditions stated above. Any non-essential personnel already at work may go home as safety permits. In each case said employees will be compensated by the Town.

Every effort must be made to ensure essential town business is completed as necessary. Departments should work to anticipate potential closings and to provide alternatives to ensure scheduled tasks are completed on time.

If a State of Emergency is declared, after conferring with the Town's MEMA Director, non-union, non-essential employees will not be required to report to work and will be paid for the day by the Town.

This policy is subject to change by the Board of Selectmen, and all employees will be notified accordingly.

In addition, each employee may make a personal decision to stay home if they feel the weather dictates that is safer for them; and they may choose to take personal, holiday or vacation time to be paid for that day. Such use shall not be at the discretion of the department head..

## **W. Information Technology**

Town of Maynard employees have access to and the use of information technology resources provided by the town. These resources (ITRs) include computers, printers and devices, programs, data, the local area network, e-mail, and internet access. Any person with questions regarding the application or meaning of this policy should seek clarification from the Town Administrator who serves as the Information Technology Department (ITD) Head.

Use of Town ITRs by any employee shall constitute acceptance of the terms of this policy and any such additional policies. It is the responsibility of any person using Town ITRs to read, understand, and follow this policy. All employees who use office computers or access town email or servers via personal devices (home computers/phones/tablets), etc. are required to complete a one-time, on-line training. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of ITRs. Failure to observe this policy may subject individuals to disciplinary action, including termination of employment.

### **1.) Acceptable Uses**

- Town ITRs are intended for and should be used for Town business only
- Employees are encouraged to use provided ITRs in support of Town goals and objectives
- Incidental personal use is permitted, provided it does not conflict with the security guidelines of this policy, interfere with workstation or network performance, or result in employee productivity loss
- Network accounts are to be used by the authorized owner of the account for the authorized purpose
- Applications and computers are to be logged off at end of business day

### **2.) Unacceptable Uses**

- Perpetrate an illegal act, including violation of any criminal or civil laws or regulations, whether state or federal

- Use for political purpose
  - Use for commercial purpose
  - Send threatening or harassing messages, whether sexual or otherwise
  - Access or share sexually explicit, obscene, or otherwise inappropriate materials or to infringe any intellectual property rights
  - Gain, or attempt to gain, unauthorized access to any computer or network
  - Use that causes interference with or disruption of Town ITRs, including propagation of computer viruses or other harmful programs
  - Intercept communications intended for other persons
  - Misrepresent either the Town or a person's role at the Town
  - Distribute chain letters
  - Access online gambling sites
  - Libel or otherwise defame any person
  - Install software or hardware not approved by ITD
- 3.) Data Confidentiality - In the course of performing their jobs, Town employees often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for employees to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees disseminate any confidential information that they have access to, unless such dissemination is required by their jobs.
- 4.) Software / Copyright Protection - Computer programs are valuable intellectual property. Software publishers are entitled to protect their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.
- 5.) Network Security - Most desktop computers are connected to the Town's local area network. It is critically important that users take particular care to avoid compromising its security. All network user accounts require strong password authentication and all passwords must be established according to rules promulgated by ITD. Users should never share their passwords with anyone else, and should promptly notify ITD personnel if they suspect their passwords have been compromised. In addition, users who will be leaving their PCs unattended for extended periods should either log off the network or have a password-protected screen saver in operation. Finally, no user is allowed to access external networks or Internet-based file sharing services unless they have received specific permission from ITD.
- 6.) Computer Viruses – The Town implements a number of industry standard measures to ensure the security of the Town's local area network (blocked internet sites, filtering of incoming / outgoing e-mail, etc.), but users should still exercise reasonable precautions in order to prevent the introduction of computer viruses.
- 7.) E-mail - When using e-mail, there are several points users should consider. First, because e-mail addresses identify the organization that sent the message

(username@townofmaynard.net), users should consider e –mail messages to be the equivalent of letters sent on official letterhead. For the same reason, users should ensure that all e -mails are written in a professional and courteous tone. Second, although many users regard e -mail as being similar to a telephone in offering a quick, informal way to communicate, users should remember that e -mails can be stored, copied, printed, or forwarded by recipients. As such, users should not write anything in an e -mail message that they would not put into a memorandum. Finally, users should understand that all e-mail created or received by a Town employee is a public record and is subject to public access and disclosure through the provisions of the MA Public Records Law, MGL c.66 §10.

- 8.) Wireless Access – The Town provides wireless access for Town staff for use with town devices. A guest wireless system is provided for staff personal use as well as for vendors and other visitors to Town Hall.
- 9.) Remote Access to Town ITRs - Users must request written permission to use webmail or VPN access from the ITD.
- 10.) No Expectation of Privacy - Town ITRs are the property of the Town of Maynard and are to be used in conformance with this policy. The Town retains control over the efficient and proper operation of the workplace, reserves the right to monitor, access, review, copy, store, or delete any electronic communications without prior notice, including personal messages, from any system for any purpose and to disclose them to others, as it deems appropriate. Users should be aware that ITD, in order to ensure proper network operations, routinely monitors network traffic. Use of Town ITRs constitutes express consent for the Town to monitor and/or inspect any data that users create or receive, any messages they send or receive, and any web sites that they access.
- 11.) “Bring Your Own Device” (BYOD) Program – With permission from their respective department head this program permits use of personally owned smart phones and/or tablets (“personal devices”) by Town of Maynard (Town) employees to access Town network resources. Access to and continued use of Town network services is granted with permission from their respective department head, and on condition that each user reads, understands, and follows this policy concerning the use of these devices and services.
  - a. Requirements for all BYODs Accessing Town Network Services - The ITD establishes rules of behavior that may vary depending on the type of device or operating system configuration. Users
    - will not download or transfer sensitive business data to their personal devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a charge/complaint/case, proprietary information, or Town financial operations
    - agree a complex network password is to be used to access email and network resources will maintain the original personal device operating

system and keep it current with security patches and updates, as released by the manufacturer

- will not “jail break” the personal device (installing software that allows the user to bypass standard built-in security features and controls)
  - agree to not share the personal device and network accounts with other individuals or family members, due to the business use of the device (access to Town e-mail and network resources)
  - will delete any sensitive business files that may be inadvertently downloaded and stored on the personal device through the normal process of viewing e-mail attachments
  - will immediately notify ITD if the personal device is lost or stolen, at which point ITD will change the user’s complex network password
- b. Expectation of Privacy - ITD personnel respect the privacy of your personal device and will only request access to the device to assist with implementation of security controls, or to respond to legitimate discovery requests arising out of administrative, civil, or criminal proceedings. While usage of the personal device itself is both personal and business, the Town’s ITR Policy regarding the use/access of Town e-mail and other Town system/network services remains in effect.
- c. Will not be reimbursed for costs associated with using a personal device for work related purposes.

## **X. Social Media Use**

Maintaining and updating social media sites will be used strictly for conveying information about the Town to the public. The Town of Maynard’s official website ([www.maynard-ma.gov](http://www.maynard-ma.gov)) will be the primary internet presence. Other social media sites may be used with authorization from the ITD. Wherever possible, all authorized Social Media sites shall link back to the Town of Maynard’s official website.

Social Media refers to the creation and exchange of information amongst individuals through Internet based applications. This includes but is not limited to information in the form of text, pictures, links to other sites or any other type of communication posted to the approved Social Media site. Examples of Social Media sites include: Twitter, Facebook, LinkedIn, YouTube etc.

The establishment and use by any Town department, division or employee of an official Town of Maynard Social Media site is subject to approval by the Town Administrator and the Director of Information Technology. Once a site is requested and established by a Town department, the department head shall be the Site Administrator of said site unless he/she designates another member of the department. It is the responsibility of the department head to monitor and assure that the established site is abiding to all guidelines outlined in this policy.

Before a Social Media site is established, the Site Administrator must meet with the ITD to review this policy. They must also submit Social Media account credentials to the Director of Information Technology upon creation and any time credentials may change.

The Town shall be the sole owner of all Social Media accounts and reserves the right to remove any postings which contain inappropriate content including but not limited to:

- 1.) That which promotes, fosters, or perpetuates discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or source of income.
- 2.) Defamatory or personal attacks.
- 3.) Information that may tend to compromise the safety or security of the public or public systems.
- 4.) Conduct in violation of any federal, state, or local law, rule or regulation;
- 5.) Encouragement of illegal activity

Any Town employee who is not a Site Administrator and would like specific content posted to the Town's Social Media site(s) shall submit their request to the ITD.

If a Site Administrator receives a request requiring a response from the Town, the Site Administrator may direct the request to the Town Administrator, Director of Information Technology or the appropriate department for response.

Content posted by a member of the public to any Town Social Media site may not reflect the opinions or policies of the Town.

The Town reserves the right to deny access to any individual who violates the Town's Social Media Policy without prior notice.

Political endorsements and for-profit advertisements or products for sale shall not be posted. It shall be understood that the Town of Maynard's Social Media sites are not maintained 24x7 and immediate responses to any requests via post, email etc. may not occur.

When a Town employee posts or responds to a comment, in his/her capacity as a Town employee, the employee should do so in the name of the Town department, and the employee shall not share personal information about himself or herself, or other Town employees except as required for Town business.

It shall be understood that any official Town of Maynard social media account will not automatically 'follow' people who follow us. The Town reserves the right to reply or decline to reply to any/all comments posted on Town social media accounts.

All Social Media accounts are deemed public records under the Massachusetts General Laws. All content posted shall adhere to the State of Massachusetts public records retention policies. Any content that was posted and then removed shall also be retained by the site administrator as per state retention policy. Any content maintained in a Social Media format that is related to Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.

Failure to comply with this policy may lead to violations of law and disciplinary action where appropriate.

## Y. Notice to employees - Visitors Code of Conduct

The Town of Maynard's employees strive to provide a positive experience for those visiting Town facilities, by following the "Customer Service" and "Standards of Conduct & Confidentiality" policies. In addition, the Town supports a workplace that is conducive to personal safety and security and is free from intimidation, threats or violent acts. The Town does not tolerate workplace violence, including the threat of violence by anyone who conducts business with the Town.

The Town will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance or that creates an intimidating, hostile or offensive work environment.

Complying with this Visitor's Code of Conduct is required by all people doing business with Town employees.

Violators who do not comply with this policy may be asked to leave the premises.

Expected Conduct:

- Avoid causing disturbances or disruptions
- Show respect for others, building facilities, and personal property of others.
- Use common courtesy when interacting with others.
- Do not engage in lewd or offensive behavior
- Any form of violence is prohibited
- Smoking, drinking alcohol, or appearing to be under the influence of any illegal substance is prohibited.

Repeated violations may result in permanent suspension of facility privileges.

## Section 7: Personnel Records

### A. Personnel File

Personnel records of all Town employees shall be kept by the Town Administrator or designee in the Human Resources office that shall contain the following:

- 1.) Employee application and resume
- 2.) A copy of any reference checks
- 3.) A copy of any background investigation report will be stored in a locked file in the Human Resources office.
- 4.) A copy of any physical and psychiatric examination reports or health reports
- 5.) Any results of tests and examinations taken to demonstrate qualifications
- 6.) A report of all actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation or layoff. Actions relevant to the employee's rate of pay or position, title, commendations, records of disciplinary action, training records, performance evaluations and other records that may be pertinent to the employee's employment record.



Employees are responsible for notifying their supervisor of any change in their personal status including address changes, telephone number, dependents, marital status or name change.

The Town is required to give notice to an employee within 10 days of the Town placing in the employee's personnel record any information to the extent that the information is, has been used or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action. The notification and review caused by the placing of negative information in the personnel record cannot be counted against the employee's right to two reviews in a calendar year.

### **B. Employee Time Records**

Each Department Head shall submit to the Town Accountant, with the weekly pay warrant, a time sheet for each employee. This time sheet shall specify the number of hours worked and any leave taken, as well as any pertinent information for the personnel records, as legally required. The Treasurer-Collector's office shall be responsible for maintaining a permanent record of the time worked for each employee. Time sheets must be signed by the supervisor to approve the hours worked. Department Heads are not permitted to use signature stamps to approve weekly payroll or expense documents unless a Department Head has reviewed documentation offsite and their email approval is received and included with said documentation submittal. Employees are forbidden to punch-in or sign-out for another employee. Violation of this rule shall be grounds for dismissal.

### **C. Access to Employee Personnel Records**

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Human Resources Director or designee. Any employee upon request may have access to review his/her personnel file or be provided with a copy of his/her personnel file on two separate occasions per calendar year. Access and/or copies shall be provided within five (5) days of the employee's written request. The employee's review of their employment record shall be in the presence of the employee's department head or HR Director of designee. If any employee disagrees with any information contained in his/her personnel record, he/she may submit a written statement explaining his/her position which shall then become part of the permanent record.

Unless written authorization is received from an employee, except to verify employment, no information concerning an employee shall be released unless required by law.

## Section 8: Benefits

*Note: Employee benefits outlined in this Personnel Policies and Procedures Manual may be updated annually and are effective as of the date approved by the Board of Selectmen. For those employees receiving benefits exceeding those outlined in the approved Personnel Policies and Procedures Manual, they will continue to receive their present benefits until such time as they terminate or retire from the employment of the Town of Maynard or their contract or collective bargaining agreement is renegotiated.*



Regular full-time employees are eligible for full benefits as outlined in this section. Regular part-time employees scheduled to work 20 hours or more per week throughout the year are eligible for pro-rated sick, vacation, holiday pay and bereavement leave as outlined in the sub-sections of this section. They may also participate in the town's Group Health and Life Insurance Plans.

Employees covered by this policy are eligible for leave in accordance with this policy. In some cases, employees meeting certain eligibility guidelines are eligible for more extended benefits in accordance with the Family and Medical Leave Act of 1993 summarized in Section 8B.

### A. Leave of Absence

Reasonable requests for leaves of absence may be granted by the Department Head, with the approval of the Board of Selectmen. At their discretion, such leaves of absence shall fall into one of the following categories:

- 1.) Personal - Allowable only if the employee has exhausted his/her vacation and/or personal days and only if the workload permits and the absence of the employee will not cause undue hardship to the department. The maximum leave time is eight weeks. This leave will be taken as unpaid leave. Employee benefits will not be provided to employees during unpaid leaves of absence for personal reasons.
- 2.) Parental - An employee who has completed the initial probationary period set by the terms of employment, not to exceed 3 months, or, if there is no such probationary period, has been employed by the Town for at least 3 consecutive months as a full-time employee, shall be entitled to 8 weeks of unpaid parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child; provided, however, that any 2 employees of the Town shall only be entitled to 8 weeks of parental leave in aggregate for the birth or adoption of the same child. The employee shall give at least 2 weeks' notice to the Town of the anticipated date of departure and the employee's intention to return, or provide notice as soon as practicable if the delay is for reasons beyond the individual's control. The employee shall be restored to the employee's previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of the leave. An employee on parental leave for the adoption of a child shall be entitled to the same benefits offered by the Town to an employee on parental leave for the birth of a

child. If the Town agrees to provide parental leave for longer than 8 weeks, the Town shall not deny the employee the rights under this section unless the Town clearly informs the employee, in writing, prior to the commencement of the parental leave, and prior to any subsequent extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

- a. The Town shall not be required to restore an employee on parental leave to the previous or a similar position if other employees of equal length of service credit and status in the same or similar positions have been laid off due to economic conditions or other changes in operating conditions affecting employment during the employee's parental leave; provided, however, that the employee on parental leave shall retain any preferential consideration for another position to which the employee may be entitled as of the date of the leave.
- b. The parental leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employee was eligible at the date of the leave or any other advantages or rights of employment incidental to the employment position; provided, however, that the parental leave shall not be included, when applicable, in the computation of the benefits, rights and advantages; and provided further, that the Town need not provide for the cost of any benefits, plans or programs during the parental leave unless the employer provides for such benefits, plans or programs to all employees who are on a leave of absence. Nothing in this section shall be construed to affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this section.

## **B. Family and Medical Leave**

The Family and Medical Leave Act (FMLA) entitles employees to take up to 12 work weeks of unpaid, job-protected leave each year for specified family and medical reasons.

- 1.) Employee Eligibility - To be eligible for FMLA benefits an employee must have worked for the town for a total of at least 12 months and have worked at least 1,250 hours over the previous 12 months (average 24 hours per week) immediately preceding the leave.
- 2.) Reasons for Taking FMLA Leave —
  - a. To care for a son or daughter after birth or placement of a child for adoption or foster care. The FMLA leave guarantee expires 12 months after the birth or placement.
  - b. To care for a spouse, son, daughter, or parent who has a serious health condition. Caring for a family member who has a serious health condition, includes both physical and psychological care. Thus, even if the family member is hospitalized, leave should be granted to the parent or child who intends to be there to provide comfort and reassurance.

- c. For a serious health condition that makes the employee unable to perform the essential functions of his/her job.

A "serious health condition" is an illness, injury, or impairment or physical or mental condition that involves in-patient care in a hospital or other medical care facility or at least two visits to or by a health care provider, or at least one visit to a health care provider that results in a regiment of continuing treatment under the supervision of the health care provider.

A "health care provider" is any doctor or osteopath authorized to practice medicine or osteopathy in the state the doctor practices and other persons deemed capable by the Secretary of Labor to perform health care services including podiatrists, dentists, clinical psychologists, optometrists, nurse practitioners and nurse midwives and Christian Science practitioners.

- d. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.
- e. An eligible employee may also take up to 26 work weeks of leave during a "single 12-month period" (as it pertains to Military Family Leave Provisions under the FMLA) to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.

3.) Intermittent Leave – Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- a. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the approval of the Town Administrator.
- b. FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

4.) Advance Notice and Certification – Employees seeking to use FMLA may be required to provide:

- a. A 30 day advance notice when the reason for the leave is known in advance. If the employee fails to provide such notice for a foreseeable reason, the Town may refuse to allow the employee to leave until 30 days after notice.
- b. Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. The Town may require second and third opinions, at the Town's expense, and a fitness for duty report to return to work.
- c. The Town is entitled to request medical certification during use of FMLA time every 30 days.

5.) Use of Sick Leave – Employees may elect to substitute paid sick leave for unpaid FMLA. In such circumstances, use of sick leave counts as part of the 12 week FMLA entitlement.

- 6.) Fiscal Year Method – The fiscal year will be used to calculate when an employee’s entitlement to unpaid FMLA leave begins and ends.
- 7.) Maintenance of Health Benefits – The Town is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The Town must make arrangements for employees to pay their share of the health plan premium. The town’s obligation to maintain health benefits ends if the employee’s premium payment becomes more than 30 days late.
  - a. The Town’s obligation to maintain health insurance coverage during the FMLA leave ends when the employee’s entitlement to such leave ceases or when the employee informs the Town that he/she does not intend to return from leave or if the employee fails to return from leave.
  - b. If the employee does not return from leave for reasons unrelated to the employee’s own health or the health of the employee’s spouse, parent or child, the Town may be entitled to recover health insurance premiums paid during the period of FMLA leave.
  - c. If the employee refuses to pay back the premiums, the Town must initiate legal action to recover the money because Massachusetts law prohibits such deductions from wages.
- 8.) Unlawful Acts by the Town – It is unlawful for the Town to interfere with, restrain or deny the exercise of any right provided by FMLA. It is also unlawful for the Town to discharge or discriminate against any person for opposing any practice or because of involvement in any proceeding, related to FMLA.
- 9.) Enforcement – The FMLA will be enforced by the U.S. Department of Labor through investigation and resolution of complaints and violations.

### **C. Small Necessities Leave Act**

(Part of the Family Medical Leave Act of FMLA)

- 1.) Reasons for Taking Leave - The 24-hour unpaid leave may be taken for any of the following reasons:
  - To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent/teacher conferences or interviewing for a new school; or
  - To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; or
  - To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.
- 2.) Notice Requirement/Certification: To be entitled to the leave, employees must provide notice to the employer as follows:
  - If the need for leave is anticipated, the employee must request the leave at least seven days in advance;
  - Possible under the particular circumstances of the individual case

- To the extent possible, an employee must provide written notice to the employer. If not possible, an employee may request leave verbally.
  - An employee's request for leave must be kept in the employee's personnel file and must be maintained for three (3) years in accordance with MGL C. 149, S. 52C. Records and documents relating to medical certifications or medical histories of employee's family members must be maintained as confidential medical records and kept in separate files from the usual personnel files.
- 3.) Unlawful Acts by Employers: A violation of the Act occurs when the employer:
- Fails to provide the time requested by the eligible employee; or
  - Fails to restore the employee to the position held by the employee when the leave commenced, or fails to restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment; or
  - Discharges or in any manner discriminates against any individual because the individual
    - has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to the Act; or
    - has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under the Act; or
    - has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under the Act.
- 4.) Enforcement: The Act authorizes the Attorney General to initiate either a criminal action against an employer who violates the Act and/or to seek injunctive relief against such employer. Any employer convicted of a criminal violation of the Act is subject to a \$500 fine.

In addition, any aggrieved employee may institute a civil action for injunctive relief and/or damages against the employer. Should the employee prevail, he or she will be entitled to triple damages, costs of the litigation and reasonable attorney's fees.

For additional information, please contact the Attorney General's Fair Labor and Business Practices Division in Boston at (617) 727-3465 or visit:

<http://www.mass.gov/ago/bureaus/public-protection-and-advocacy/the-fair-labor-division/>

## **D. Sick Leave**

Employees will be eligible to accrue sick leave time monthly from the date of hire and consistent with the terms and conditions of this policy. The term "sick leave" shall apply to bona fide personal illness and disabling accidents that are not work-related. Sick leave is an excused absence for a specified illness – it is a privilege, not a right. Notification of absence due to illness must be made to the Department Head immediately on the first day of absence. Excessive days of sick leave may require a physician's certification to be submitted to the Department Head upon request. Absence without pay may be charged by a Department Head when such certification is not presented.

All full-time and permanent part-time employees shall accumulate sick leave at the rate of 80 hours per year, pro-rated for part-time schedules. For employees whose daily schedules vary, a day of sick time earned is based on the weekly average hours worked divided by the weekly average days worked. Sick time use is hour for hour of missed scheduled time.

Sick leave is generally for protection of employees against loss of pay due to personal illness. However, accrued sick leave may be used by an employee for illness of a dependent child or spouse, up to 24 hours per year. Additional time for this reason may be arranged on an individual case by case basis with permission of the Town Administrator.

Injury, illness or disability self-imposed, or resulting from recreational use of alcohol or drugs, shall not be considered a proper claim for sick leave under this section.

Sick time may accumulate from year to year but there is no buy-back of sick time permitted under the Salary Admin Plan.

## **E. Vacation**

- All regular full-time and part-time employees shall earn vacation at their current rate of pay based upon length of service. Vacation is awarded on July 1<sup>st</sup> of each year, for the convenience of scheduling time off. Vacation time is earned monthly, so new hires and those leaving service to the Town will have their annual vacation award, pro-rated monthly, from July 1<sup>st</sup>. Vacation time shall be taken within the fiscal year it is granted, except that up to one week of earned vacation time may be carried forward to September 30<sup>th</sup> of the ensuing year. Allowance for roll-over time greater than one week may be granted with approval of the Town Administrator. Full-time employees shall be granted annual vacation leave in accordance with the following Service Length Schedule: 80 hours of vacation with pay shall be granted to all full-time employees upon hire, pro-rated from date of hire through June 30<sup>th</sup>. Thereafter, all vacation will be granted on July 1<sup>st</sup>.
- 120 hours of vacation with pay shall be granted to all full-time employees on July 1<sup>st</sup> of the year in which the employee will reach their fifth anniversary with the Town.
- 160 hours of vacation with pay shall be granted to all full-time employees on July 1<sup>st</sup> of the year in which the employee will reach their tenth anniversary with the Town.
- Permanent, part-time, employees will receive vacation pay pro-rated based on the number of hours scheduled each work week as an annual average. Years of service are credited in full, regardless of number of hours worked.
- All vacation use under this clause must be approved by the Department Head. Vacations shall be granted by the Department Heads at such time as, in their opinion, will cause the least interference with the performance of the regular work of the department within reason. So far as practicable, first choice of vacation dates shall be granted to employees based on their length of employment with the Town.

Whenever the employment of any person, subject to the provisions of this policy, is terminated during the year due to layoff, resignation, retirement, or death, without the employee having taken all vacation to which he/she is entitled, the employee or his/her estate will receive compensation for any earned, unused vacation time, pro-rated from the previous July 1<sup>st</sup>.

Illness suffered during an employee's scheduled vacation will be considered vacation time rather than paid sick time. However, if hospitalization or confinement is required, paid sick time may be substituted for vacation time if the provisions of the sick leave are satisfied and the vacation time rescheduled. If leave for bereavement purposes during vacation time

becomes necessary then bereavement leave may be substituted as provided in these policies.

Because the purpose of a vacation is rest and relaxation, no additional salary shall be paid to an employee in lieu of vacation time without approval of the Town Administrator.

Vacation time shall be determined by the length of continuous service. For purposes of computing vacation time, employees who leave the Town's service and are later reinstated, shall be considered new employees except as covered in the lay-off provisions.

Observed holidays established by these policies falling within a vacation shall be considered holiday time not vacation time.

## **F. Holidays**

All holiday pay is paid at an employee's regular daily rate. The following are paid holidays:

- New Years' Day
- Martin Luther King's Birthday
- Columbus Day
- Washington's Birthday
- Veterans Day
- Patriots Day
- Memorial Day
- Thanksgiving
- Day After Thanksgiving
- July Fourth
- Labor Day
- ½ Day Prior to Christmas Day
- Christmas

In Massachusetts, holidays falling on Sunday are celebrated on Monday and holidays falling on Saturday are celebrated on Friday. Full-time employees and part-time employees who work at least twenty hours per week, who are not normally scheduled to work on the holiday, shall be entitled to holiday time off at the rate equivalent to one fifth of their normal work week. However, such holiday time off must be used within thirty (30) days of the occurrence of the holiday for which it is earned.

The Town of Maynard acknowledges that federal and state law requires that the town accommodate the religion of its employees. As such, employees will not be penalized for exercising their religious beliefs and with the approval of the employee's supervisor/department head, employees that wish to be absent from work for religious holidays will be able to do so, provided however, that such time off is without compensation. The previously listed holidays are the only paid holidays offered by the Town.

Holiday schedules within the Police and Fire Collective Bargaining Agreements supersede this section.

## **G. Personal Days**

In addition to the paid holidays, all regular full-time employees are entitled to two paid personal days granted on an employee's anniversary date the first year and thereafter, personal days will be granted on a fiscal year basis. Personal days cannot be carried over from one fiscal year to the next fiscal year, and they are forfeited when employment ends for any reason. Regular part-time employees who work twenty (20) hours or more will receive personal days as above, except on a pro-rated basis.

## **H. Jury Duty**

A regular, full-time or part-time employee called for jury duty, or to testify as a witness in a matter before a legal tribunal which involves the Town of Maynard, shall be paid their regular wages in accordance with M.G.L. Chapter 234. Fees received from the court or other sources shall be turned in to the Town. Such paid leave excludes court time as a result of personal activities where the employee is a party to the proceeding.

## **I. Military Leave**

Employees enlisted in the armed services of the United States will receive compensation and leave while in basic training, during annual and monthly training, and when activated for duty in accordance with USERRA regulations and Massachusetts General Laws, Chapter 33, Section 59 as adopted by the Town of Maynard in 1968.

## **J. Bereavement Leave**

Employees shall be paid for regular scheduled time lost due to a death of an employee's father/step-father, mother/step-mother, child /step-child, wife, husband, brother, sister, grandmother, grandfather, father-in-law, mother-in-law, grand-daughter, grandson, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew and spouse's grandparent up to a maximum of five days. For special circumstances owing to transportation requirements, the department head may extend bereavement time beyond the date of the funeral. Employees can petition the TA to use bereavement leave for the loss of relations not listed above.

## **K. Domestic Violence Leave**

The Town of Maynard is committed to the health and safety of its employees and their families. An employee who is a victim of domestic violence or abusive behavior, or whose immediate family member is such a victim, is encouraged to contact the Human Resources Director in confidence about the situation.

An Act Relative to Domestic Violence entitles employees of Massachusetts employers (public and private) who employ 50 or more employees in the state, with up to fifteen (15) days of leave from work in any twelve (12) month period if an employee, or family member of an employee, is a victim of domestic violence or abuse. The Town of Maynard defines a twelve-month period as a rolling twelve-month period, beginning on the date an employee commences leave. This policy advises employees of their rights in accordance with state law.

In the event of any conflict between the Town of Maynard's Domestic Violence Leave Policy and State law and any applicable regulations, the State law/regulations shall prevail.

"Abusive behavior" includes domestic violence, stalking, sexual assault, and kidnapping.

"Domestic violence" is defined as abuse against an employee or an employee's family member by:

- A current or former spouse;
- A person with whom the employee or family member shares a child in common;
- A person with whom the employee or family member is or was cohabitating;
- A person with whom the employee or family member is related by blood or marriage; or

- A person with whom the employee or family member has or had a dating or engagement relationship.

“Family members” are defined as:

- Persons who are married to one another;
- Persons in a substantive dating or engagement relationship who reside together;
- Persons having a child together; or
- Parents, step-parents, children, step-children, siblings, grandparents, grandchildren and persons in a guardian relationship.

Leave may be taken for any of the following reasons related to being a victim of domestic violence or caring for a family member who is a victim:

- Seek or obtain medical attention, counseling, victim services, or legal services;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings; or
- Address other issues directly related to the abusive behavior against the employee or a family member of employee.

In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

Notice: Except in cases of imminent danger to the health or safety of an employee (or employee’s family member), employees are required to provide the Human Resources Director with at least one week advance notice, in writing, of the employee’s intent to take domestic violence leave.

In cases of imminent danger, the employee must notify the Human Resources Director within three (3) workdays that the leave was taken or is being taken under the Domestic Violence Law. Such notification may be communicated by a family member, counselor, social worker, advocate, member of the clergy, or other professional assisting the employee in addressing the effects of the abusive behavior on the employee or the employee’s family member. The employee or authorized individual may communicate the purpose of the leave to the Human Resources Director by telephone, in person, in writing, or by other reasonable means of communication.

The Town of Maynard requires documentation showing that an employee or employee’s family member is a victim of domestic violence and that the employee is taking leave consistent with the law and this policy. An employee may satisfy this request by producing any of the following documents within a reasonable period of time, not to exceed thirty (30) days:

- Protective order, order of equitable relief, or other documentation issued by a court as a result of the abusive behavior against the employee or family member;
- A document under the letterhead of a court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee’s family member;

- A police report or statement of a victim or witness provided to the police;
  - Documentation that the perpetrator of the abusive behavior has: admitted to sufficient facts to be found guilty of, or been convicted of, or adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave;
  - Medical documentation of treatment as a result of the abusive behavior;
  - A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other similar professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior; or
  - A sworn statement, signed under the pains and penalties of perjury, that the employee or the employee's family member is a victim of abusive behavior.
- 1.) Payment of Wages on Leave - An employee must use any accrued vacation leave, personal leave and sick leave available to him or her during this leave. If all paid leave has been exhausted, unpaid leave may be taken.
  - 2.) Confidentiality of Leave Request - All information provided by the employee concerning a request for leave under this Act shall be kept confidential by the Town of Maynard. The Town shall not disclose any information related to an employee's request for leave, except to the extent that disclosure is:
    - requested or consented to, in writing, by the employee;
    - ordered to be released by a court;
    - otherwise required by applicable federal or state law;
    - required in the course of an investigation authorized by law enforcement; or
    - necessary to protect the safety of anyone employed at the workplace.
  - 3.) Return to Work - Employees who take leave pursuant to this Policy will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status.
  - 4.) No Retaliation - The Town shall not discharge or in any other way discriminate or retaliate against an employee for exercising his/her rights under this policy, provided that the employee provides qualifying documentation to support his/her leave within thirty (30) days from commencement of the leave. A qualified employee taking leave under this policy shall not lose any benefit accrued prior to the taking of leave and will be restored to the same or equivalent position upon return.

## **L. Health Insurance**

Most employees meeting the definition of an employee according to Chapter 32B, Section 2 of M. G. L. and working a minimum of twenty hours per week are entitled to join the Town's group health and life insurance programs. The Town will pay 75% of the chosen health insurance plan, and the employee's share shall be deducted from his/her paycheck. Employees must make their choice for health insurance within thirty (30) days of hire. Failure to elect health care coverage within thirty (30) days will result in your not being

eligible for coverage until the next Open Enrollment Period. Eligibility for using the chosen plan takes after on the 1<sup>st</sup> day of the month following two payroll deductions for health insurance.

Former employees and their dependents have rights under the Consolidated Omnibus Budget Reconciliation Act (COBRA) to continue current group health insurance coverage beyond when they would have been eligible under the group's plan. As long as employee enrolls within 60 days of becoming eligible this coverage will protect the employee and their family from discontinuing the employee's health insurance benefits for up to eighteen (18) months. The former employee will be responsible for 100% payment of all insurance premiums plus an administrative fee of not more than 2%. A surviving spouse may continue coverage for him/herself and dependents until the death or remarriage of the spouse, provided that he/she pays the entire premium (M.G.L. C. SOB, S. 9B).

If an employee is out of work for more than thirty consecutive days due to unpaid leave of absence, unpaid disciplinary action, the employee will be responsible for payment of 100% of the cost of health insurance. If you fall into any of these categories, you must contact the Treasurer-Collector's office for the amount due and payment.

For further clarification, please refer to Appendix A: Health Insurance Rule and Regulations.

### **M. Dental Insurance**

Dental insurance is available. The cost is fully paid by the employee through payroll deduction. A waiver must be signed if you do not wish to elect dental coverage.

### **N. Accidental Death & Dismemberment and Life Insurance**

Employees working a minimum of twenty hours per week are provided a \$5000 Life and Accidental Death & Dismemberment policy. The cost of which is split 50/50 between the Town and the employee.

### **O. Health Care Opt Out Policy**

Eligibility for the health plan opt-out stipend is available to any employee who has been continuously on the Town's health insurance for at least 24 consecutive months prior to applying for the opt-out provision. Employees applying for the opt-out provision will receive \$1500 per fiscal year if opting out of an individual plan and \$3000 per fiscal year if opting out of a family plan. To qualify, an employee must provide proof, annually, that they have insurance coverage from another source. This proof must be provided during the Town's annual 'Open Enrollment Period'. Employee's may re-join the health insurance program due to a qualifying event (refer to Town insurance provider and IRS regulations regarding what constitutes a qualifying event) but will not be eligible for the stipend if they are carrying the Town's health insurance during any part of a fiscal year. Employees may opt-out at any time but must be out for an entire fiscal year to qualify for the stipend.

Family members who are both employees but are otherwise eligible for the opt-out provision may do so at the \$1,500.00 per year rate. Employees eligible for the stipend will receive their payment in the last payroll of the fiscal year.

## **P. Retirement**

If you are approaching the age of 65, you should contact the Social Security Administration at least three (3) months before your 65<sup>th</sup> birthday to verify if you are eligible for Social Security benefits. Regardless of your age, the Treasurer-Collector's office must also be notified of your approaching retirement so that there will be no lapse in health insurance coverage. If you wish to continue working beyond your 65<sup>th</sup> birthday, you should also contact the Treasurer-Collector's office for an administrative change regarding your health insurance benefits. This change will not affect your coverage.

Employees who work twenty-five (25) or more hours per week throughout the year (1300 hours per year) must join the Maynard Retirement System. Employees shall be excluded if they are over the age of 65 or are receiving an allowance for retirement or disability under any retirement system for public employees in Massachusetts, or are members of the Federal Civil Service Retirement System. Employee contributions are based upon the date of membership into the system.

Supplemental Medicare insurance is available to retirees eligible for Medicare A & B coverage; of which Medicare will remain the primary insurer. The Town also contributes 75% of the monthly cost and the remaining 25% is paid by the retiree.

## **Q. Deferred Compensation/OBRA**

For full-time employees who are eligible for retirement benefits, the Town offers deferred compensation through the SMART Plan of the State of Massachusetts. Forms can be found on the Town's Shared Drive or online - more information can be found on the SMART Plan website at: [https://fascore.com/PDF/mass/SMART\\_PlanOverview.pdf](https://fascore.com/PDF/mass/SMART_PlanOverview.pdf).

As a part-time, seasonal or temporary employee of the Commonwealth of Massachusetts or a Massachusetts local government employer, you are required to participate in the SMART Plan. The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA). OBRA, passed by the U.S. Congress, requires that employees not eligible to participate in their employer's retirement program be placed in Social Security or another program meeting federal requirements. The SMART Plan meets those federal requirements. Part-time employees who are not eligible for retirement benefits must contribute 7.50% of their gross wages to the OBRA plan. Forms can be found on the Town's Shared Drive or online - more information can be found on the SMART Plan website at: [https://fascore.com/PDF/mass/MASS\\_OBRA\\_Plan\\_Highlights.pdf](https://fascore.com/PDF/mass/MASS_OBRA_Plan_Highlights.pdf).

## **R. Workers Compensation**

Sworn Police and Fire employees are covered under the provisions of M.G.L. Ch. 41 S. 100 and 111F and are entitled to the rights and benefits of these laws. All other employees are covered under the Massachusetts Workers Compensation Law and are entitled to the benefits and provisions of this law. Worker's Compensation law does not provide for payment of loss wages until after five (5) lost days and then it is retroactive to the first day of injury. For on the job injuries that result in loss time less than five days, the employee will be given leave without loss of pay. All injuries shall be reported immediately to the supervisor or department head and proper forms completed to qualify for insurance coverage. Employees may use their accumulated sick or vacation leave to make up the difference between their regular pay and the amount of pay received under Workers' Compensation in order to maintain retirement service time and payment for other desired

deductions. In some instances, employee's may be charged for the difference in cost of those deductions as Worker's Compensation payments are made directly to the employee and the earnings from use of personal time may not cover the full cost of deductions.

The Form 101 "Employer's First Report of Injury or Fatality" (Mass Division of Industrial Accidents) is specifically required when an employee is injured, or alleges an injury, and is unable to earn full wages for five or more calendar days (not counting Sundays and legal holidays). It is the responsibility of the Town to report an alleged injury, whether or not the Town agrees with the employee's claim.

This form must be filed within seven (7) calendar days (not counting Sundays and legal holidays), from the fifth day of disability.

Once the electronic Form 101 has been completed, three (3) copies should be printed:

- One for the employee
- One for the Town's insurance company
- One for the Town's records

As of the Effective Date of these policies, the Town's medical provider for medical treatment of work-related injuries or pre-placement physical exams is the **Nashoba Valley Medical Center, 200 Groton Road, Ayer, MA 01432, (978) 784-9000.**

## **S. Training and Educational Assistance**

The Town considers employee development an integral part of each department head's responsibility. The objective of this policy is to provide each employee with long-term personal growth opportunities and the Town with qualified and promotable individuals. Department Heads may request approval of the Town Administrator to enroll employees in outside seminars and other educational programs designed to meet specific development objectives. All training programs are designed for immediate on-the-job applications and related costs are paid by the town.

## **T. Employee Assistance Program**

The Employee Assistance Program is a CONFIDENTIAL counseling and referral service providing professional help for Work/Life problems, large and small. All employees and members of their household are entitled to call for services 24 hours a day. Caring staff consists of licensed professional counselors with a wide range of experience. Call their national, toll-free number: 800-451-1834. More detailed information is also available in the Town Administrator's office or online:

### ***MIIA Employee Assistance Program:***

[http://www.allonehealth.com/MIIAEAP/Assets/Pdfs/MoreInformation/Employers/Municipal\\_Flyer.pdf](http://www.allonehealth.com/MIIAEAP/Assets/Pdfs/MoreInformation/Employers/Municipal_Flyer.pdf)

### ***MIIA Well-Aware Program ( a wide range of activities designed to promote wellbeing):***

<http://www.emiia.org/well-aware/services-and-programs>

## Section 9: Classification & Compensation

### A. Job Descriptions

There shall be job descriptions for each position in the Town that describes the duties, authority, and responsibilities' characteristic of each position. The job descriptions are descriptive and not restrictive and shall be reviewed regularly to note any significant changes which may have taken place during the year.



### B. Compensation

Annually, the Town Administrator shall recommend a pay schedule for all town positions that receive compensation. . Whenever the Town Administrator reviews wages and salaries, he/she shall take into account and give as much weight as deemed desirable to the following:

- 1) The financial policy and economic considerations of the town
- 2) Rates of pay for like positions in other local Massachusetts towns considered comparable to Maynard
- 3) Rates of pay for like jobs (if any) in commercial and business establishments in the Maynard area
- 4) Other benefits received by Town employees

The Town Administrator may immediately adjust an employee's pay, due to changes in duties, schedule, and/or working conditions, provided that funding for the change is available. Some wage adjustments may require a vote of the Board of Selectmen.

## C. Fair Labor Standards Act (current version posted in each building)

# Massachusetts Wage & Hour Laws

The minimum wage is  
**\$11.00**

**Fair Labor Hotline**  
(617) 727-3465  
TTY (617) 727-4765  
Call: 10 a.m. – 4 p.m. (M–F)



[www.mass.gov/ago/fairlabor](http://www.mass.gov/ago/fairlabor)  
[www.massworkrights.com](http://www.massworkrights.com)



Office of Massachusetts  
Attorney General  
Maura Healey

### Minimum Wage

M.G.L. Chapter 151, Sections 1, 2, 2A, and 7

#### The minimum wage is \$11.00.

In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except:

- agricultural workers (\$8.00 per hour is the minimum wage for most agricultural workers),
- members of a religious order,
- workers being trained in certain educational, nonprofit, or religious organizations, and
- outside salespeople.

### Overtime

M.G.L. Chapter 151, Sections 1A and 1B

Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.

For some employees who get paid the "service rate", the overtime rate is 1.5 x the basic minimum wage, not the service rate.

Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit [www.mass.gov/ago/fairlabor](http://www.mass.gov/ago/fairlabor) or call the Attorney General's Fair Labor Division at (617) 727-3465.

### Payment of Wages

M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02

The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.

Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week.

Employees who quit must be paid in full on the next regular payday or by the first Saturday after they quit (if there is no regular payday). Employees who are fired or laid off must be paid in full on their last day of work.

### Tips

M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7

The hourly "service rate" applies to workers who provide services to customers and who make more than \$20 a month in tips. The service rate is \$3.75 per hour. The average hourly tips, plus the hourly service rate paid to the worker must add up to \$11.00 (or more).

Managers, supervisors and owners must never take any part of their employees' tips.

Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees according to the services provided by each employee.

Tip pooling is allowed only for wait staff, service bartenders, and other service employees.

### Paystub Information

M.G.L. Chapter 149, Section 148

All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period.

### Pay Deductions

M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05

An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for his/her own benefit (such as to put money aside in the employee's savings account).

An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs to the employee.

The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee.

### Hours Worked

454 C.M.R. 27.02

Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to complete the work.

### Meal Breaks

M.G.L. Chapter 149, Sections 100 and 101

Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, at the request of the employer, an employee agrees to work or stay at the workplace during the meal break, s/he must get paid for that time.

### Payroll Records

M.G.L. Chapter 151, Section 15

Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week).

Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places.

**Workplace Notice: State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.01(1)**

### Employees Under 18 – Child Labor

M.G.L. Chapter 149, Sections 56 – 105

All employees in Massachusetts must follow state and federal laws for employees who are under 18 (minors). These laws say when, where, and how long minors may work. They also say what kinds of work or tasks minors must NOT do.

**Work Permits Required – Most workers under 18 must obtain a work permit. Employers must keep their minor workers' work permits on file at the worksite. To get a work permit, the minor must apply to the superintendent of the school district where s/he lives or goes to school. To learn more about getting a work permit, contact the Department of Labor Standards at (617) 626-6975, or [www.mass.gov/dols](http://www.mass.gov/dols).**

### Dangerous Jobs & Tasks Minors Must Not Do

Age	Must Not
16 & 17	<ul style="list-style-type: none"> <li>• Drive most motor vehicles or forklifts</li> <li>• Work at a job that requires that s/he have or use a firearm</li> <li>• Use, clean or repair certain kinds of power-driven machines</li> </ul>
14 & 15	<ul style="list-style-type: none"> <li>• Cook (except on electric or gas grills that do not have open flames), operate fryolators, rotisseries, NEICO broilers, or pressure cookers</li> <li>• Operate, clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers</li> <li>• Minors under 14 cannot work in Massachusetts in most cases.</li> </ul>
Under 14	<ul style="list-style-type: none"> <li>• Handle, serve, or sell alcoholic beverages</li> <li>• Work 30 or more feet off of the ground</li> <li>• Work in freezers or meat coolers</li> <li>• Perform any baking activities</li> <li>• Work in or near factories, construction sites, manufacturing plants, mechanized workplaces, garages, tunnels, or other risky workplaces</li> </ul>

These are just some examples of tasks prohibited under both state and federal law. For a complete list of prohibited jobs for minors, contact the Attorney General's Fair Labor Division: (617) 727-3465 • [www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment). Or contact the U.S. Department of Labor: (617) 624-6700 • [www.youth.dol.gov](http://www.youth.dol.gov)

### Sick Leave

M.G.L. Chapter 149, Section 148C

Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick time on their first day of work. Employees must have access to their sick leave 90 days after starting work.

Eligible employees may use their sick leave if they, their child, spouse, parent, or spouse's parent is sick, injured, or has a routine medical appointment. They may also use sick leave for themselves or their child to address the effects of domestic violence. Unless it is an emergency, employees must notify the employer before using sick leave.

Employees who miss more than 3 days in a row may need to provide their employer a doctor's note

### Paid Sick Leave

Employees with 11 or more employees must provide paid sick leave. Employers with fewer than 11 employees must provide sick leave; however, it does not need to be paid. Learn more about sick leave at: [www.mass.gov/ago/earnedsickleave](http://www.mass.gov/ago/earnedsickleave).

### Employers Must Not Discriminate

M.G.L. Chapter 149, Section 105A; M.G.L. Chapter 151B, Section 4

Subject to certain limited exceptions, employers must not pay one employee less for doing the same or comparable work as another employee of the opposite sex.

They must not discriminate in hiring, pay or other compensation, or other terms of employment based on a person's:

- Race or color
- Religion, national origin, or ancestry
- Sex (including pregnancy)
- Military service
- Sexual orientation or gender identity or expression
- Genetic information or disability
- Age

### Small Necessities Leave

M.G.L. Chapter 149, Section 52D

In some cases, employees have the right to take up to 24 hours unpaid leave every 12 months for their:

- child's school activities,
- child's doctor or dentist appointment, or
- elderly relative's doctor or dentist appointments, or other appointments.

Employees are eligible for this leave if the employer has at least 50 employees and the employee has:

- been employed for at least 12 months by the employer and
- worked at least 1,250 hours for the employer during the previous 12-month period.

### Reporting Pay

454 C.M.R. 27.04

Most employees must be paid for 3 hours at no less than minimum wage if s/he is scheduled to work 3 or more hours, and reports to work on time, and is not given the expected hours of work.

### Rights of Temporary Workers

M.G.L. Chapter 149, Section 159C

To learn about rights of temporary workers and employees hired through staffing agencies, call: 617-626-6970 or go to: [www.mass.gov/dols/](http://www.mass.gov/dols/).

### Rights of Domestic Workers

M.G.L. Chapter 149, Section 190

To learn about additional rights for workers who provide housekeeping, cleaning, childcare, cooking, home management, elder care, or similar services in a household, go to [www.mass.gov/ago/DW](http://www.mass.gov/ago/DW).

### Public Works and Public Construction Workers

M.G.L. Chapter 149, Section 26-27H

Workers who work on public construction projects and certain other public work must be paid the prevailing wage, a minimum rate set by the Department of Labor Standards based on the type of work performed.

### Domestic Violence Leave

M.G.L. Chapter 149, Section 52E

Employees who are victims, or whose family members are victims, of domestic violence, sexual assault, stalking or kidnapping have the right to 15 days of leave for related needs, such as health care, counseling, and victims services; safe housing; care and custody of their children; and legal help, protective orders, and going to court.

The leave can be paid or unpaid depending on the employer's policy. This law applies to employers with 50 or more employees.

### Employees Have the Right to Sue

Employees have the right to sue their employer for most violations of wage and hour laws.

Employees may sue as an individual or they may sue their employer as a group if they have similar complaints. Employees who win their case will receive back pay, triple damages, attorneys' fees, and court costs.

**Important!** There are strict deadlines for starting a lawsuit. For most cases, the deadline is 3 years after the violation.

### Employers Must Not Retaliate

M.G.L. Chapter 149, Section 148A; M.G.L. Chapter 151, Section 19

It is against the law for an employer to punish or discriminate against an employee for making a complaint or trying to enforce the rights explained in this poster.

The laws explained in this poster apply to all workers, regardless of immigration status, including undocumented workers. If an employer reports or threatens to report to immigration authorities because the worker complained about a violation of rights, the employer can be prosecuted and/or subject to civil penalties.

### Time & Schedule Restrictions for Minors

Age	Must not work	At any time:
16 & 17	At night, from 10 p.m. to 6 a.m. (or past 10:15 if the employer stops serving customers at 10 p.m.) Exception: On non-school nights, may work until 11:30 p.m. or until midnight, if working at a restaurant or racetrack.	<ul style="list-style-type: none"> <li>• More than 9 hours per day</li> <li>• More than 48 hours per week</li> <li>• More than 6 days per week</li> </ul>
14 & 15	At night, from 7 p.m. to 7 a.m. Exception: In summer (July 1 – Labor Day), may work until 9 p.m. <b>During the School Year:*</b>	<ul style="list-style-type: none"> <li>• More than 8 hours on any day</li> <li>• More than 40 hours per week</li> <li>• More than 6 days per week</li> </ul>

\*Exception: For school-approved career or experience-building jobs, students may be allowed to work during the school day, up to 23 hours a week.

**Adult Supervision Required After 8 p.m. - After 8 p.m., all minors must be directly supervised by an adult who is located in the workplace and is reasonably accessible. Exception: Adult supervision is not required for minors working at a kiosk or stand in a common area of an enclosed shopping mall that has security from 8 p.m. until the mall closes.**

**Contact the Attorney General's Fair Labor Division: (617) 727-3465 – [www.mass.gov/ago/fairlabor](http://www.mass.gov/ago/fairlabor)**

Rev. 01/2017

#### **D. Overtime/Compensatory Time**

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. If an assignment requires work in excess of forty hours per week, such overtime work must be authorized in advance by the Department Head.

Non-exempt employees shall be paid one and one-half times their regular hourly rate for the hours worked beyond forty in the work week; vacation, personal, sick and holiday time are included as hours worked. Compensatory time may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such an agreement is made, compensatory time may be accumulated to a maximum of 40 hours for full-time regular employees and a pro-rated equivalent for part-time employees and compensatory time should be taken within a reasonable time of being earned. An employee is eligible to be paid for any compensatory time upon termination or retirement.

Supervisory, professional and managerial employees are exempt employees and are not eligible for overtime pay. In recognition that the municipal workload often requires an employee to attend work-related activities outside their normal schedule certain employees may earn "comp time" even if they are not covered under the Fair Labor Standards Act. "Comp time," under these circumstances, is earned at straight time, not at time and a half and is generally for work performed on days not usually scheduled for work – weekends and holidays, for instance. Permission to earn 'comp time' is at the discretion of the Town Administrator.

Earnings for Overtime and Compensatory Time are to be acknowledged on time sheets indicating the date earned and the reason for the added time. Comp Time use must also be acknowledged on time sheets.

#### **E. Call Back Pay**

Any regular, full-time employee called into work during non-scheduled hours shall be paid hour for hour at one and one-half times the employee's pay rate.

#### **F. Emergency Closing**

In the event that employees may not be able to work due to an emergency closing of a building, employees will not be required to make up the lost time.

#### **G. Pay for Temporary Assignments**

When an employee is temporarily assigned to a position with a higher pay for forty or more consecutive work hours, he/she may be granted a pay increase not to exceed the rate of pay of the higher position for the duration of the temporary assignment.

#### **H. Payroll Period**

Employees are paid on a bi-weekly basis. Direct deposit is available for your payroll check. The Direct Deposit Enrollment Form can be found online or at the Treasurer-Collector's office and is to be completed and signed by the employee to authorize this transaction to the employee's bank account. Physical paychecks shall not be given by the department head to

anyone other than the person for whom they are written unless a request is made in writing in advance by the person to whom the check is payable. Paychecks shall not be distributed prior to the date and hour authorized by the Treasurer unless for extenuating circumstances and approval by the appointing authority. No payroll deductions other than legally required deductions will be made from an employee's paycheck without the employee's written approval.

## **I. Reimbursements**

This policy provides the Town Administrator's directive to Department Heads regarding what employee expenses are reimbursable, under what circumstances and the procedures to request such reimbursement.

- 1) Allowed Reimbursable Expenses - Generally, allowed reimbursable expenses are those that employees must incur as a result of completing their normally assigned duties and responsibilities for the Town, including conferences, meetings and seminars, and shall be conducted in the most reasonable, cost-efficient manner possible.
  - a. Such expenses may include meeting refreshments, postage, copying, auto mileage, conference registration fees, airplane tickets, food and beverages while at professional meetings, parking charges, tolls, valet services, customary tips, taxi charges, rental cars, internet connection fees or similar incidental expenses.
  - b. Reimbursements should be made only for charges reasonably needed for the conduct of Town business and not for the purpose of personal convenience.
  - c. Liquor is not a reimbursable expense under any circumstances.
- 2) Procedures to Request Reimbursement
  - a. An original itemized receipt, invoice or bill is required.
  - b. The invoice or receipt must state a minimum of the following:
    - The provider of the service or goods
    - Dates of service and / or invoice date
    - Itemized list of what was purchased
    - Itemized amount of what is owed
  - c. It is recognized that in rare circumstances it may not always be possible to obtain such a receipt, e.g., a "fast lane" toll. In that case, the timing, reasonableness and setting of the requested reimbursement will be considered.
  - d. Reimbursements which are not validated with a receipt will be paid only if deemed reasonable by the Town Accountant, as per M.G.L. Ch. 41 Sec. 56.
  - e. If it is not clear from the receipt / invoice documentation who actually paid the bill, then additional documentation, such as a charge card statement, will be required.
  - f. When a credit card payment is being reimbursed:
    - If the receipt displays the last 4 digits of the card used, then submit a legible
    - copy of the credit card showing the name and matching 4 digits;

- If the receipt does not display the credit card number, then submit a copy of
  - the credit card statement showing the charge to be reimbursed.
- g. The Town can only reimburse the individual that can be proven to have actually incurred the expense, i.e., the individual associated with the charge card used.
- h. The Town cannot legally, and will not, reimburse or pay sales tax. It can, however, pay meals and hotel/motel excise taxes.
- i. Reimbursement requests shall be made via a timely submitted signed voucher form that contains:
- Authorized signature (dept. head or majority of the related board)
  - Employee number to be paid
  - Invoice date, Invoice number and Due Date
  - Appropriate Accounts & Amounts to charge
  - Description field completed for each line item
- j. Conference and seminar attendees are strongly encouraged to pay their fees in advance in order to obtain any early registration discounts and to allow time to have the cost paid directly via the Town's regular accounts payable process.
- k. Mileage reimbursement for use of private vehicles will be made at the current IRS rate as posted by the Finance Director. Mileage shall be calculated from the employee's office location to the destination points. Mileage to or from an employee's place of residence is not reimbursable. Expenses for tolls and parking shall not be included in this mileage rate, but may be submitted for reimbursement according to the provisions of this policy. A completed Town mileage reimbursement form shall be submitted as supporting documentation for the miles being reimbursed. This form can be found on the Shared Drive.

## Section 10: Repeal & Amendment

These policies may be altered, repealed, or amended at the Town Administrator's discretion providing, whenever possible, sixty (60) days written notice to employees of changes to any policy.



## Section 11: Severability

If any provision of this Policy shall conflict with any Federal or State statute or Wage and Hour Law or regulation applicable to any position, or any other law, it shall be deemed modified by the law or regulation. Each provision of this Policy shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

## Section 12: Receipt & Review Certification

I, \_\_\_\_\_, employee of the Town of Maynard, do hereby certify that I have received and reviewed the Town's Policies and Procedures and accompanying materials, and I have been given the opportunity to ask questions and receive clarification where necessary. By signing below, I explicitly acknowledge the expectations of the Town's Anti-Harassment Policy, including Sexual Harassment, contained herein.

\_\_\_\_\_

Signed

\_\_\_\_\_

Date

**Return to Human Resources Coordinator**



\_\_\_\_\_

Date

\_\_\_\_\_

Signed

## Appendix A: Health Insurance Rules and Regulations

### Town of Maynard

*Policies regarding eligibility for health insurance benefits*  
Adopted by the Town Administrator, January 1, 2018

The following rules and regulations are adopted by the Town of Maynard pursuant to M.G.L. Chapter 32B, Section 14 and any other applicable provision of the laws of the Commonwealth of Massachusetts or the United States. The Maynard Board of Selectmen, as the appropriate public authority, is the source of final appeal within this municipal jurisdiction for the rules contained herein and on behalf of the Town of Maynard and its employees. In the event of a conflict between these rules and regulations and any applicable State or Federal law, the provisions of such law shall control. In the event of a conflict between these rules and regulations and any collective bargaining agreement, the provisions of the collective bargaining agreement shall control.

#### 1. Qualification for Health Insurance:

- A. Employees must be compensated by the Town of Maynard;
- B. Employees must be regularly employed by the town, and generally must work not less than twenty (20) hours per week or 1,040 or more hours in a fifty-two (52) week year;

Although school employees have a variable work year, they are subject to the 1,040 or more hours provision, whether spread over fifty-two (52) weeks, or some lesser variant, for example, a nine (9) month school year;

Teachers and all other public school employees shall be deemed to be employees during the months of July and August; provided, however, that employee contributions for health insurance for those two months are deducted from compensation paid for services rendered during the previous school year;

- C. Elected officials are eligible for group insurance, if they are compensated, regardless of hours worked;
- D. In the case of layoffs or reduction in personnel due to lack of work or budgetary cutbacks, any employee rehired within one year of the date of separation shall be considered as having uninterrupted service for the purposes of establishing benefit costs upon rehire. An individual rehired following an absence longer than one year will be treated as a newly hired employee subject to all the contributory responsibilities existing for the current period of employment;
- E. Temporary employees and intermittent police officers, generally, do not qualify for plan participation;

**2. Grant employees or employees of regional collaborations paid by third party sources:**

- A. Grant employees and employees whose compensation is funded through payments by third parties may be eligible for benefits. Any grant or fee billing system, under which insurance benefits are an eligible cost, must include sufficient funds to reimburse the town for its share (employer portion) of insurance premiums on behalf of participating employees, and the town must be reimbursed in full for its payment of these premiums, unless the Town otherwise expressly agrees to self-fund benefits for said employees in accepting said grant;
- B. Supporting grant or contractual documentation must be placed on file at the office of the Town Accountant;
- C. Grant employees must meet the eligibility requirements stipulated above in section 1 (one) in order to participate in the town's benefit plans.

**3. COBRA qualifying subscribers:**

- A. COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1985, provides temporary continuation of health insurance coverage for former employees. Governed by Title X of federal law, as amended, COBRA defines and governs continuation coverage requirements (including qualifying events that trigger continuation coverage, notice requirements, premium payments, and eligibility) of covered employees and other beneficiaries;

**4. Retirees health insurance:**

- A. Retirees from the town, namely retired Maynard town or school employees participating in the Maynard Retirement System or the Massachusetts Teachers Retirement System, are generally eligible to participate in the town's health insurance program.
- B. Upon separation from town employment, an employee, who is otherwise eligible for and has petitioned for retirement under Chapter 32, may elect to participate in a town sponsored health plan program subject to the terms and underwriting conditions of the town's current insurance providers. An employee must elect coverage within 30 days of the date of separation. The eligible employee, who fails to elect coverage within the prescribed period and fails to comply with the conditions set by the town's current insurance providers, will be deemed to have waived eligibility.
- C. A retiree may not add dependents to a plan if they were not **enrolled** dependents of the employee at the time of retirement.
- D. A town retiree or spouse who has a dependent who is not enrolled or eligible to be

enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the Town.

- E. Employees who separate from service with the Town prior to retirement eligibility may, upon accepting a pension from the Maynard Retirement System, enroll in a Town of Maynard health insurance plan then in effect. A retiree exercising this option must do so concurrently with acceptance of the first pension payment or he or she cannot subsequently re-establish town benefits.

Retirees who have moved their retirement earnings into a different retirement system are not eligible for health insurance from the Town of Maynard, with the exception of employees who become teachers in Maynard and transfer to the Massachusetts Teachers' Retirement System.

- F. A retiree, receiving health insurance benefits from the Town, who un-enrolls from the Town provided coverage, for any reason, subsequently loses eligibility to return to the Town for health insurance coverage.

#### **5. Medicare eligible retirees:**

- A. A retiree, spouse, or dependent insured or eligible to be insured under M.G.L. c. 32B, if enrolled in Medicare Part A at no cost to the retiree, spouse, or dependent or eligible for coverage under Medicare Part A at no cost to the retiree, spouse, or dependent, will be required to transfer to a Medicare health benefits supplement plan (Medicare extension plan) offered by the town.
- B. The town shall pay any Medicare Part B penalty (only) assessed by the federal government on retirees, their spouses and dependents as a result of enrollment in Medicare Part B at the time of transfer into the Medicare health benefits supplement plan;
- C. The town may, from time to time, request from any retiree, a retiree's spouse or dependents, proof certified by the federal government, of their eligibility or ineligibility for Medicare Part A and Part B coverage;
- D. If retirees do not submit the information required, they shall no longer be eligible for their existing health coverage.

#### **6. Spousal health insurance upon death of an employee:**

- A. Upon the death of an active employee or retiree, the surviving spouse may continue the group coverage, including dependent coverage, until remarriage or death of said surviving spouse, in accordance with M.G.L. Chapter 32B § 9B. The surviving spouse must pay 100% of the premium to continue with coverage, said premiums

are to be paid to the Town through automatic pension reduction or paid in advance to the Town of Maynard. through its health benefits administration process. Continuation of health coverage in the case of divorce or separation.

- B. Coverage of spouses and dependents following divorce or marital separation is regulated by the provisions set forth in Section 9H of Chapter 32B and the court ordered details of the divorce or separation. In the case of a re-marriage, a former spouse may still receive coverage but a separate plan is required. 100% of the cost of a second plan is to be paid by the employee.
- C. An employee may not elect different insurers for both the employee and his or her spouse when only one of the married individuals is a town employee. Should both spouses be employees, they will be subject to duplicate coverage regulations of the insurance providers, as well as state and federal statutes. In the event statutory restrictions compel different coverage, the town will comply with the appropriate statute and regulations.

## **7. Health care premium cost sharing:**

- A. Chapter 32B of the Massachusetts General laws governs the town's contribution to the premium cost for indemnity-type health insurance plans.
  - 1. The town has accepted MGL Chapter 32B, Section 7A, requiring the Town to provide at least 50% of the premium cost. The Board of Selectmen determines the actual contribution percentage of premium apportionment, subject to certain bargaining requirements.
  - 2. The town's current premium contribution is set forth in Appendix A attached hereto.
  - 3. For COBRA qualified plans, the employee or dependent pays the entire premium plus a 2% administrative surcharge.
- B. The Massachusetts Health Connector (Connector) mandates that employers offer access to health insurance for individuals not otherwise insured. Although the Connector offers an array of plans for uninsured individuals and families, the town does not pay such insurance; in accordance with the 2006 Health Care Reform Law however, the town does provide a Section 125 Plan. This plan allows pre-tax withholdings, which may be used for Connector premiums, for employees who regularly work at least 64 hours per month for the town, but who are otherwise benefit ineligible as part-time employees.

## **8. Supplemental insurance plan cost sharing:**

- A. Flexible Spending Account (FSA) is offered to benefit eligible employees of the town. It is a pre-tax mechanism that allows employees to set aside a pre-

determined amount of money each year to pay for allowable medical expenses not otherwise covered by the employee health insurance plans. This voluntary election plan is payroll deducted. Contributions are limited to IRS allowable amounts.

**9. Waiver of coverage:**

- A. Once an employee waives his or her right to the town's group insurance plans, the employee will not be readmitted to the program until an open enrollment period, except upon a qualifying event, and will be subject to the underwriting requirements of the insurance provider.
- B. A new employee, who fails to enroll in any of the town's health and/or life insurance, or other general benefit plan options within 30 days of hire, is deemed to have waived such right of participation until the next open enrollment period or upon a qualifying event. Any employee choosing not to enroll will be asked to acknowledge same by signing a waiver form.

**10. Notice of termination of employment:**

Department Head's shall notify the treasurer's office at least 15 days prior to the termination of any employee or as soon as practicable. The Health Benefits Administrator will determine health benefit or COBRA eligibility, as well as portability for other benefit plans, prepare and provide appropriate notices in accordance with law.

**11. Changes in benefit guidelines:**

These policies may be waived, suspended, or rescinded by the Town Administrator provided, however, that the proposed waiver, suspension, or amendment, is allowable.

**12. Public Authority:**

These guidelines are promulgated as rules, pursuant to the authority vested in the Town Administrator by Section 14 of Chapter 32B of the Massachusetts General Law

Appendix  
(Town of Maynard Health Insurance Rules and Regulations)

**Health Insurance Premium Contributions**

In accordance with MGL Chapter 32B, the Town has accepted Chapter 32B, Section 7A and 9A which are local options enabling the town to pay more than 50% of the premium for employees and retirees. The Town of Maynard currently contributes 75% of the premium cost for all active employee and retiree plans.

- Divorce or court ordered continuation plans - Employee or dependent pays in accordance with Chapter 32B, Section 9H and in accordance with the court order.
- A surviving spouse pays 100% of the premium.
- COBRA Qualified Plans – Former employee or Dependent Pays 100% + 2% Administrative Fee.
- Supplemental Plans (Dental/Eye Care, etc.) employee pays 100%.

## **Appendix B: Break Time for Nursing Mothers**

Employers are required to provide “reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.” Employers are also required to provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.”

The FLSA requirement of break time for nursing mothers to express breast milk does not preempt State laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond 1 year after the child’s birth).

### **Time and Location of Breaks**

Employers are required to provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.

A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother’s use, it must be available when needed in order to meet the statutory requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

### **Coverage and Compensation**

Only employees who are not exempt from section 7, which includes the FLSA’s overtime pay requirements, are entitled to breaks to express milk. While employers are not required under the FLSA to provide breaks to nursing mothers who are exempt from the requirements of Section 7, they may be obligated to provide such breaks under State laws.

Employers with fewer than 50 employees are not subject to the FLSA break time requirement if compliance with the provision would impose an undue hardship. Whether compliance would be an undue hardship is determined by looking at the difficulty or expense of compliance for a specific employer in comparison to the size, financial resources, nature, and structure of the employer’s business. All employees who work for the covered employer, regardless of work site, are counted when determining whether this exemption may apply.

Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. In addition, the FLSA’s general requirement that the employee must be completely relieved

from duty or else the time must be compensated as work time applies. See WHD Fact Sheet #22, Hours Worked under the FLSA.

### **FLSA Prohibitions on Retaliation**

Section 15(a)(3) of the FLSA states that it is a violation for any person to “discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.”

Employees are protected regardless of whether the complaint is made orally or in writing. Complaints made to the Wage and Hour Division are protected, and most courts have ruled that internal complaints to an employer are also protected.

Any employee who is “discharged or in any other manner discriminated against” because, for instance, he or she has filed a complaint or cooperated in an investigation, may file a retaliation complaint with the Wage and Hour Division or may file a private cause of action seeking appropriate remedies including, but not limited to, employment, reinstatement, lost wages and an additional equal amount as liquidated damages.

## Summary of Amendments

2017-09-21	<b>Section 2 Scope of Policies (Police)</b>	Amended to comply w/MPD polices
	<b>Section 8 Benefits</b> , Letter F. Holidays	Amended to reflect MPD/MFD contracts
2018-01-01	<b>Appendix A: Health Insurance Rules and Regulations</b>	New
	<b>Section 9 Compensation and Classification:</b> Letter C. Fair Labor Standards Act	Amended to reflect MPD/MFD unions
2018-02-12	<b>Section 2 Scope of Policies (Fire)</b>	Amended to comply w/MFD policies
	<b>Section 7 Personnel Records</b> , Letter A Personnel File	Amended to reflect 10-day rule
	<b>Section 7 Personnel Records</b> , Letter C. Access to Personnel Records	Amended to reflect two times per year
2018-03-15	<b>Section 6 Conduct and Working Conditions</b> , Letter C. Pregnant Workers Act	New
	<b>Appendix B: Break Time for Nursing Mothers</b>	New
	<b>Section 5 Employment Practices</b> , Letter B, Equal Pay Act	New
	<b>Section 10 Repeal and Amendment</b>	Amended to allow for required statutes
2018-04-25	<b>Section 5 Employment Practices</b> , Letter L. Probationary Period	Amended to add EIP for extensions
	<b>Section 6 Conduct and Working Conditions</b> , Letter D. Drug and Alcohol Free Workplace	Amended to add marijuana
2019-03-19	<b>Appendix A: Health Insurance Rules &amp; Regulations</b> , 4C	Amended to clarify dependent eligibility
	<b>Appendix A: Health Insurance Rules &amp; Regulations</b> , 4E	Amended to cover teachers