

OVERALL STATEMENT OF PURPOSE AND INTENT

The purpose of the Personnel Policies and Procedures Manual is to interpret the various aspects of the Town of Ayer's Personnel Bylaw and to give direction on how to implement the intent of the Bylaw. It further addresses matters not addressed in the Bylaw. In essence, this manual acts as the official guideline to all personnel practices in the Town of Ayer. As a written expression of the Town's personnel policies, it will ensure consistent application of all personnel rules and regulations for all Town employees.

This document shall enable department supervisors to administer the affairs of their departments within the approved personnel framework and policy statements. As such, it is expected that they will be completely familiar with the contents of the manual and keep their copies up-to-date at all times as amendments are issued by the Personnel Board and Town Administrator. This document is in effect for any employees not covered by a collective bargaining agreement.

It is intended to ensure compliance with all state, federal and Town laws as well as contractual commitments with Town employees.

It should serve as a reference and source of information for both department supervisors and their employees in determining established policies and procedures.

No department supervisor or employee has the authority to deviate from the written policy, but each does have the responsibility to notify the Personnel Board, when in his or her opinion the policies no longer serve the best interest of the Town, its departments or employees.

This manual is intended to be an accurate reflection of all personnel policies of the Town. If there are any discrepancies between this manual and the specific terms of any collective bargaining or personnel service contracts duly entered into by the Town, the specific terms of the contracts shall govern.

This manual shall be reviewed at least every three (3) years and updated at least every five (5) years or more frequently as circumstances dictate.

The date at the bottom of each page refers to the date of acceptance as Town policy.

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1. RESPONSIBILITIES

In addition to the general responsibilities outlined below, the Personnel Policies & Procedures establishes responsibilities for specific policies, procedures, rules and regulations. These responsibilities are established under the appropriate section.

1.1 Personnel Board

- The Personnel Board is responsible for the review and maintenance of the Personnel Bylaw.
- The Board recommends all Personnel Bylaw amendments to the Board of Selectmen for approval.
- The Personnel Board shall adopt policies and procedures, with the Selectmen's ratification, deemed necessary for the administration of the Personnel Bylaw.
- The Personnel Board shall classify all compensated positions in the employ of the Town, both part-time and full-time, except those in a collective bargaining unit or those employees under the jurisdiction of the school committee.
- The Personnel Board shall constitute a Board of Appeals for the grievances of Town employees who are not covered by a formal collective bargaining agreement. The appeals procedure is outlined in the Problem Resolution Procedure contained in this manual.
- The Personnel Board is responsible for the review and maintenance of the Personnel Policies and Procedures Manual.
- The Personnel Board is responsible for the review and maintenance of the Town's Classification and Compensation Plan.
- The Board shall be made of the following: one town employee not covered by the collective bargaining agreement, one member of the Finance Committee, three citizens. All appointments of the board shall be made by the Selectmen for a term of three years.

1.2 Town Administrator

- The Town Administrator, or his/her designee, is responsible for the day-to-day administration of the Personnel By-Law and policies and procedures.
- The Town Administrator shall review the Personnel Bylaw periodically and the policies and procedures and make recommendations to the Personnel Board for amendments.

- The Town Administrator, or his/her designee, is responsible for the Equal Employment Opportunity policies as defined in this manual.
- The Town Administrator, in conjunction with department heads, will be responsible for all recruitment and selection procedures as outlined in this manual.
- The Town Administrator, or his/her designee, shall be responsible for orienting all new employees to the Town of Ayer in accordance with the provisions of this manual.

1.3 Board of Selectmen

- The Board of Selectmen shall appoint the Personnel Board.
- The Board of Selectmen shall review all policies and procedures recommended by the Personnel Board and approve, disapprove or send them back with suggestions.
- The Board of Selectmen shall review all requests of the Personnel Board of By-Law amendments and submit to Town Meeting if approved.

1.4 Department Heads

- Department heads of the various Town departments shall review and be familiar with the Personnel Policies and Procedures Manual.
- Department heads shall administer their department in accordance with Personnel Policies and Procedures, including the establishment of employee conduct and work rules which are consistent with this manual.
- Department heads shall ensure that the Town is in compliance with the Town's Equal Employment Opportunity and Affirmative Action policies.
- Department heads may recommend in writing revisions to the Manual to the Town Administrator.
- A department head must sign all performance reviews, payrolls and vouchers for reimbursement, and any additional documentation requested by the Personnel Board requires a department head approval.
- In the case of a board or commission acting as department head, an affirmative vote or approval is gained by obtaining a majority vote. (Note: A board or commission may delegate, by a majority vote of the full board, one member to approve payroll. Payroll vouchers may be the only item that can be approved by that member of the board.

- Performance reviews, vouchers for reimbursement, and other documentation must be approved by the board or commission. If one member is appointed to sign payroll, a letter certifying the vote and signed by the board or commission must be forwarded to the Town Treasurer and to the Town Accountant.)

1.5 Town Employees

- All Town employees shall sign a form acknowledging that they have received a copy of these policies. Such signed copy will be kept in the employee's personnel file.
- All Town employees have the responsibility to familiarize themselves with the relevant sections of the Personnel Policies and Procedures Manual and shall comply with the provisions of this manual.
- All town employees shall share joint responsibility with their supervisors for adherence to the Town's Equal Employment Opportunity Policy.
- All Town employees may recommend in writing revisions to the Manual to the Town Administrator.

2. DEFINITIONS

Administrative Authority

The elected or appointed official or board having jurisdiction over a function or activity.

Appointing Authority

The administrative authority granted the power to appoint employees by the town charter, state statute or town meeting defined as the Board of Selectmen or the designee of the Board of Selectmen for all positions under their control.

Compensatory Time

Compensatory Time is the granting of time off for hours worked in excess of the employee's scheduled work hours for a week instead of overtime payment. Compensatory time is granted in 15-minute increments. Compensatory time is not allowed for exempt employees, and is allowed for non-exempt employees only in accordance with Fair Labor Standards Act (FLSA) Guidelines on a one for one and one-half basis (i.e. 1 hour worked = one and one-half hours compensatory time).

Continuous Service

Employment with the Town of Ayer which is uninterrupted except for required military leave of absence, authorized holiday, vacation, sick leave, and leaves of absence (except unpaid leave of absence or suspension). Any unauthorized absence of more than one week will constitute a break in service and such absence will not accumulate service credits.

Days

Unless otherwise specified, "days" mean Town of Ayer working days.

Department

Any department, board, committee, commission or other agency subject to the Town of Ayer's Bylaws.

Effective Service Date

This is the date of hire for regular employees, or when temporary employees are changed to regular status. Their effective service date is the date they become regular employees. Effective service shall not accrue while on unpaid leave of absence or suspension, and the effective service date will be changed accordingly. The date of hire shall be the first day of actual work. Determination of effective service shall at all times be kept in accordance with all state and federal laws that so govern.

Employee

Anyone employed by the Town of Ayer,. See also MGL 149, S. 148B.

Full-Time Employee

Anyone employed by the Town of Ayer who works more than 20 hours per week.

Part Time Employee

Anyone employed by the Town of Ayer who works 20 hours or less per week.

Non-Exempt Employee

An employee who is paid on an hourly basis. Overtime is paid when employee works more than 40 hours. See Fair Labor Standards Act.

Regular Employee

An individual who is employed in a full-time or part-time position in the town service which has required or which is likely to require the services of an incumbent in continuous employment for a period of fifty-two calendar weeks per year.

Exempt Employee

An employee who is not paid hourly, but receives a salary. Exempt (salaried) employees are not eligible for overtime. See Fair Labor Standards Act.

Seasonal Employee

An individual who is employed in a position which requires or which is likely to require the services of an incumbent for a period of less than fifty-two (52) weeks of continuous employment. The position is available on a yearly basis for a specified amount of time.

Temporary Employee

An individual who is employed in a position in the town service which requires or is likely to require the services of an incumbent for a period less than fifty-two calendar weeks in continuous employment. This position is not expected to be available on a yearly basis.

On-call Temporary Employee

Any non-benefit eligible employee whose duration of employment with the town is on an on-call or temporary basis.

Overtime

Time worked by a non-exempt hourly employee in excess of forty hours of work required in a week by the Town. Vacations shall count towards hours worked.

Probationary Period

INITIAL - The first 6 months of a regular employee's service in a given position is used as a trial period except those covered by the Supervisory Probationary Period. The employee may be terminated without cause during this period.

SUPERVISORY - The first 6 months of a Town employee's first Town Supervisory position will be used as a Supervisory Probationary Period as defined in Chapter 7.3.

Position

An office or post of employment in the Town Service with duties and responsibilities calling for the full-time, part-time or temporary employment of one person.

Protective Services

Members of the police, fire department, and emergency management.

Town:

The Town of Ayer.

2.1 Employee Categories

All positions subject to the provisions of the Personnel bylaw of the Town shall fall into one of the following categories:

- a. Benefit Eligible
- b. Non-Benefit Eligible
- c. Seasonal
- d. Temporary Employees

3. Personnel Records

The Town Administrator, in conjunction with the Treasurer and/or their designees, shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator.

3.1 Contents of Records

The Town Administrator and/or his/her designee shall maintain an individual personnel file for each employee, who may include, but not be limited to, the following:

- The employment application
- Federal and State Tax Forms (Withholding Forms)
- Copy of Federal Immigration Form (In Separate File)
- Payroll Change Notice Forms
- Special Letters of any kind
- A copy of any required physical or psychological examination reports and health reports.
- Any investigation information.
- A report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, leaves of absence or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, and other records that may be pertinent to the employee's employment record.

A copy of the following documents will be maintained in the Treasurer's Office:

- Federal and State Tax Forms (Withholding Forms)
- Payroll Change Notice Forms
- Insurance Forms

3.2 Access to Records

Any employee or designee (designated in writing) may upon written request to the employee's appointing authority have access to review his/her personnel file a maximum of two times per calendar year. Upon receipt of the written request, the Town Administrator or designee shall have five (5) working days to provide the file in accordance with Massachusetts State Law, Chapter 149: Section 52C. The employee's review of his/her employment record shall be in the presence of the Town Administrator or a voted designee of the Personnel Board. Personnel records are the property of the Town of Ayer. Personnel records are kept in the Treasurer's office.

3.3 Release of Information

The Town Administrator or the Town Treasurer will not release any information to any individual except the employee or the employee's designee (designated in writing), the employee's Department Head, the Appointing Authority or the Personnel Board and at no time shall such information be released unless the information is requested in writing and the employee is notified.

4. COMPENSATION PLAN

All employees shall be paid in accordance with the rates in the compensation plan, excluding those positions within a collective bargaining unit, in the library or within the jurisdiction of the school committee.

4.1 Administration

The Personnel Board, in accordance with the Personnel Bylaw, shall have the responsibility of administering this classification and compensation system.

4.2 Adjustments

Employees may be adjusted one step within their respective pay grade on July 1, subject to appropriations. Each pay grade is composed of nine steps, step 1 being the base or minimum for each grade. All adjustments are based on the employee performing at least satisfactory work based on their evaluation. Employees shall then advance a step each succeeding July 1. Employees entering on duty after March 1 shall not be eligible get a step increase until July 1 of the following calendar year.

4.3 Hiring

The hiring rate shall be at step # 1, unless prior experience and/or qualifications warrant a higher step within the grade. Any hiring rate above the step# 3 must first be approved by the Appointing Authority and then the majority of the Personnel Board. Any appeal may be taken to the 5-member panel referenced in Chapter 12, step 5.

4.4 Maximum Compensation

Maximum is defined to mean the rate for fully proficient performance.

4.5 Advancement

Advancement of employees through the steps in a grade in the compensation plan shall be on the basis of performance (see policy on Performance Reviews). A performance increase is a salary adjustment within the job grade in recognition of satisfactory performance. It is not automatic.

4.6 Denial

Any employee denied wage/salary adjustments on the basis of an unsatisfactory performance review shall be eligible for reconsideration six (6) months after the denial

4.7 Promotions and Grade Changes

An employee, who receives a promotion and/or is assigned to a new salary grade, shall be assigned the step in the new grade closest to but higher than that which he/she is currently earning as a minimum step. The appointing authority can assign a higher step than the minimum within that grade. Personnel Board approval is required if the step granted is more than 3 steps above the minimum step allowed by this section.

4.8 Temporary Promotions

If an employee is temporarily assigned by the supervisor to assume the title and all of the duties of a job classification in a higher grade, for more than ten days, he or she shall be compensated at the higher grade for the new position, subject to appropriations. Pay will be set as shown in section 4.7 above. He or she will go back to the old grade, step and rate at the end of the temporary assignment.

4.9 Position Transfers

If an employee is transferred to a position in the same grade, the employee shall be paid at their same level of compensation.

4.10 Compensation Exceptions

Compensation for hours worked in excess of the standard work week shall only be allowed with prior department head approval and shall be as follows:

4.10.1 Hourly Employees

Hourly employees who are required to work in excess of forty (40) hours a week shall be eligible for pay at the rate of time and one-half (1.5) for all hours worked in excess of 40, with the prior approval of the department supervisor.

4.10.2 Overtime work

Whether reimbursed by compensatory time or by overtime pay, all overtime must be required by the department's workload and must be authorized by the employee's supervisor in advance. In other words, overtime or compensatory time is earned for what an employee is required to do in excess of the normal work week, not what he or she chooses to do. Hours worked shall be defined as hours physically worked and vacation time.

4.11 Overtime

From time to time, due to operational needs, overtime may be necessary in order to accomplish departmental objectives. In these situations, supervisors may assign mandatory overtime to employees.

4.12 Exempt Employees

Employees, including but not limited to the following list of employees, that are covered by this plan shall be considered "exempt" employees for the purpose of the Fair Labor Standards Act (FLSA):

- Board of Selectmen
- Town Administrator
- Financial Manager / Town Accountant
- Fire Chief
- Police Chief
- Department of Public Works Superintendent
- Town Treasurer
- Tax Collector
- Town Clerk
- Police Lieutenant
- Assessing Administrator
- Economic Development Director
- Town Engineer
- Veterans' Agent
- Parks Director
- Any other employee whose status should be exempt under the FLSA

All other employees shall be considered "Non-Exempt" employee for the purpose of the FLSA. All town employees must submit a weekly time sheet to the Town Treasurer.

5. CLASSIFICATION PLAN

It is the policy of the Town to establish and provide a uniform system for classifying all appointed positions and to establish proper relationships between those appointed positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

5.1 Contents of the Classification Plan

All appointed employees of the Town, whether full-time or part-time, excluding those within a collective bargaining unit or within the jurisdiction of the school committee and the Library, will be employed in positions classified according to the Town's classification and compensation plan contained in the appendices A and B. The classification plan consists of the following:

5.1.1 Position Descriptions

5.1.1.1

Each appointed position shall have a written description, written by the supervisor and approved by the appointing authority. The position description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications, as well as a determination if the position is exempt or non-exempt.

5.1.1.2

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

5.1.2 Position Titles

The title of each class of position is the official title of every position allocated to the class, and is used for administrative purposes such as payroll, budget, financial and personnel forms and records. No

person shall be appointed or promoted to any position in the Town under a title not included in the classification plan.

5.2 Responsibility

The Town Administrator, or his/her designee, shall have the responsibility for the administration and day-to-day maintenance of the classification plan and is authorized to:

5.2.1

Complete studies of proposed new positions and make recommendations to the Personnel Board on: allocations to existing classes; re-establishment of a former class; establishment of a new class of positions; or deletion of a class of positions.

5.2.2

Provide for studies of existing positions when there has been substantial change in the duties and responsibilities, which justify consideration of possible reclassification.

5.2.3

Conduct periodic studies and request such assistance as may be needed to assure that the classification plan remains uniform and current.

5.2.4

Require the submission of position questionnaires or any other related information when considered necessary for the proper maintenance of the plan.

5.2.5

Develop forms and procedures to determine the proper classification of each position.

5.2.6

Make routine revisions to class description content such as additions and deletions of illustrative tasks.

5.3 Classification of New Positions

New positions may be established upon the recommendation of a department supervisor. The department supervisor proposing the creation of a new position shall provide the Town Administrator to recommend to the Personnel Board the appropriate classification. The Personnel Board will review the information received from the Town Administrator and the department supervisor and rate the position to determine the appropriate allocation of the position to the classification plan. Final approval of the new position(s) lies with the Appointing Authority and is subject to appropriation.

5.4 Reclassification of Positions

5.4.1

Positions may not be reclassified without the following steps in order:

- a request by the employee and/or supervisor,
- a review by the Town Administrator,
- approval by the Personnel Board, and
- approval by the Appointing Authority.

5.4.2

The Town Administrator, or his/her designee, shall notify the department supervisor of the decision of the Personnel Board and the Appointing Authority regarding the classification request and starting date.

5.4.3

If more than one person performs the same duties under the same Department Head and only one position is being reclassified to a higher grade, the higher graded position must be processed as indicated in Chapter 6.

6. RECRUITMENT AND SELECTION

Every person applying for employment in the Town will receive equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices.

The Board of Selectmen is the appointing authority for all positions under their control.

For positions working for an elected board or commission, a majority vote of the members constitutes the appointing authority.

For positions working for an elected official, the elected official is the appointing authority.

6.1 Recruitment

The department supervisors, in conjunction with the Town Administrator, shall have a major role in the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans.

6.1.1 Notice of Vacancies

Department supervisors, upon the identification of a vacancy or on the authorization of a new position, shall prepare a job vacancy notice. The job vacancy notice shall include the job title, major duties of the position, qualifications, salary ranges, a closing date for applications, and application instructions. The Town Administrator shall review and approve all job notices prior to advertisement and posting where applicable. Recruitment for a position shall not begin until the Town Administrator approves the job vacancy notice. Elected officials have the right to post notice and hire their own employees.

6.1.2 Posting and Advertisement of Job Vacancy Notices

Notices of vacant positions shall be posted in-house in an appropriate open access area for employees to review. Advertising for positions should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. The position must be advertised at least fifteen (15) days prior to the closing date for application.

6.1.3 Applications

All candidates applying for employment in the Town shall complete an official employment application form and return the form to the Appointing Authority postmarked prior to the end of the working day of the closing date specified in the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature.

A resume and signed cover letter may be substituted for some positions at the discretion of the appointing authority.

6.2 Selection

The Town Administrator and the department supervisor shall establish any one or a combination of selection procedures in order to determine the candidates' ability to perform in the position:

- Written examination
- Interview
- Practical (or performance) test
- Evaluation of Experience and training

The methods of selection used shall be developed in a manner so as to not discriminate against the applicant.

6.2.1

If a panel or an individual is appointed to narrow down the qualified candidates, the appointing authority can predetermine the number of final candidates to be presented to the authority. If no panel or individual is assigned to narrow down the applicant pool, all qualified candidates will be referred directly to the appointing authority.

6.2.2

The Town Administrator and department supervisor shall also determine for each open position:

- whether the evaluation procedure(s) shall be used to exclusively classify applicants as "qualified" or "not qualified" basis, or to be one part of an overall composite of the applicant's ability to perform in the position; and
- If a combination of procedures are used, what the relative weight of each evaluation procedure is in the overall assessment.

6.2.3 References

A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be complete prior to the offer of employment.

6.2.4 Application Records

The Town Administrator shall maintain the application, reference checks, and related documents submitted for the period required by law.

6.2.5 Employment Eligibility

All appointees shall provide proof of eligibility to be employed by the Town of Ayer in compliance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and provide employment eligibility documentation outlined on Form I-9.

6.2.6 Appointment

All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the salary, the starting date, and any conditions of employment not covered in these personnel policies. Copies of the notice of appointment shall be provided to the Town Administrator, Treasurer, Town Accountant and the employee, as well as being placed in the employee's personnel file.

6.2.7 Medical Examinations

Persons selected for employment with the Town, after receipt of notice of such appointment and prior to the starting date of employment, may be required to undergo a medical examination, which may include drug testing and/or psychological examination, if the position for which the person being hired requires a fitness for duty examination for all new employees. The examination shall be at the expense of the Town by a physician designated by the Board of Selectmen. The examining physician shall advise as to the applicant's fitness for duty.

6.2.8 Failure to Report

An applicant who accepts an appointment and fails to report to work on the day set by the appointing authority, without prior department head approval of the change, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

6.2.9 Nepotism

Supervisors are not allowed to hire or to supervise relatives as defined in the Massachusetts General laws.

6.2.10 Bonding of employees

Employees, who by the nature of their job descriptions are required to handle large sums of money, shall be "Bonded" at the town's expense.

7. ORIENTATION AND PROBATIONARY PERIOD

The Town Administrator and/or department supervisor is responsible for informing new employees of their rights, responsibilities, duties, and obligations.

7.1 Orientation

7.1.1 The department supervisor will:

- A. Notifies the new employee of a starting date, time and designated location for starting work
- B. Provide on-site orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures within seven calendar days of the start of the employment.
- C. Provide the employee with a copy of this Personnel Guide and Policies & Procedures Manual within seven (7) days of the start date.

7.1.2 The treasurer or his/her designee will:

Thoroughly explain all the benefits and options the employee is entitled to and shall assist the employee with completion of appropriate forms within seven calendar days of the start of employment.

7.2 Probationary Period - New Employees

For all employees, the first six months of employment will be a probationary period. The probationary period, which begins on the first day of employment, shall be utilized to help new employees achieve effective performance standards. At the midpoint or the third month of the probationary period, the supervisor will complete a written evaluation of the new employee. The written evaluation will be shared with the employee and a copy, signed by both the supervisor and employee acknowledging review of the evaluation, will be put in the employee's personnel file. The employee may be dismissed without cause during the probationary period. The employee may not appeal the removal.

Upon expiration of the probationary period, the supervisor will complete a second written evaluation of the new employee. Using the two written evaluations as supporting documentation, the supervisor will notify the appointing authority and Town Administrator that:

- The employee's performance meets satisfactory standards and the individual will be retained in the position; or
- The employee's performance was unsatisfactory, stating the specific reasons and dismissal will occur.

7.3 Probationary Period - New Supervisors

All newly appointed supervisors and department heads who have been promoted from within the Town of Ayer, will be required to successfully complete a supervisory probationary period, to begin immediately upon the employee's starting date as a supervisor/department head and to continue for a six month period. The supervisory probationary period will be utilized to help new supervisors achieve effective performance standards. The employee's supervisor to observe and evaluate the supervisory aspects of his/her performance standards will use the supervisory probationary period. The employee may be involuntarily changed to a lower graded position within or outside of his/her department, if he/she fails the supervisory period. The employee may not be dismissed during this probationary period, unless other reasons may exist which justify dismissal.

8. EMPLOYMENT OF MINORS

8.1 General

The Massachusetts General Laws (MGL) Chapter 149 Section 66 & 67 governs the employment of those under the age of 18. Following are guidelines as to hours worked and permit needed for those employees under the age of 18. All questions shall be referred to the Treasurer or the Town Administrator.

Under no circumstances may these provisions be relaxed or violated.

8.2 13 and Under

Employees who are under the age of 14 may not be hired under any circumstance.

8.3 14 & 15 Year Olds

Those employees whose ages are 14 or 15 at the time of hire shall be required to submit to the Town an employment permit which is obtainable from the school district in the town in which the employee resides.

These employees are allowed to work only under the following conditions:

- Hours must be scheduled between the hours of 6:30 am and 7:00 pm (6:30 am to 9:00 pm from July 1 to Labor Day). Hours may not be worked outside this time frame.
- Can work no more than 8 hours per day.
- Can work no more than 6 days per week.
- Can work no more than 48 hours per week.
- Cannot operate power equipment whatsoever.
- Must be under direct supervision of an employee 18 years or older.

8.4 16& 17 Year Olds

Those employees whose ages are 16 or 17 at the time of hire shall be required to submit to the Town an educational certificate which is obtainable from the school district in the town in which the employee resides.

These employees are allowed to work only under the following conditions:

- Hours must be scheduled between the hours of 6:00 am and 10:00 PM.
Hours may not be worked outside this time frame.
- Can work no more than 9 hours per day
- Can work no more than 6 days per week
- Can work no more than 48 hours per week.
- Cannot operate dangerous power equipment as defined by law.

A push mower is not classified as dangerous. Prior to operation of power equipment, please check with the DPW Superintendent or appropriate Department Head as to its classification.

9. STANDARDS OF CONDUCT

The Town of Ayer strives to create and maintain a positive work environment. The Town stresses courteous and respectful behavior towards your fellow employees and customers. An employee should have a responsible attitude. The following standards will assist in clarifying differences in judgment. These standards simply outline general principles on which employees are expected to base their behavior. The examples are not meant to be all-inclusive. In general, employees can anticipate that actions harmful to another employee or to the Town are cause for disciplinary procedures or possible dismissal. Employees are expected to respect the individual rights and privacy of others.

9.1 Standards

- You are expected to perform all duties assigned by your department head or designee regardless of your title, unless deemed to be illegal or unethical.
- If anyone is injured, notify the department head or designee at once.
- If you plan to resign, common courtesy dictates that you notify your department head at least two weeks in advance.
- You are expected to be courteous at all times to all employees, residents and other individuals.
- Where appropriate, employees must be properly attired in supplied clothing and required safety clothing/equipment.
- Tools, equipment and supplies must be used in a safe and prescribed way; tools, equipment and supplies must not be abused.
- Property belonging to the Town, its customers, vendors or employees shall not be defaced or damaged, nor shall Town equipment or property be used without authorization.

• **9.2 Gross Violations**

The following are considered gross violations of town policy for which disciplinary action, such as immediate suspension and possible termination may occur:

- Reporting to work under the influence of drugs or alcohol, possession or use of alcohol or illegal drugs during working hours.
- Fighting or any belligerent behavior or misconduct that endangers the life or property of others.
- Any security violation involving a willful intent to defraud (such as theft).
- Possession of dangerous weapons.
- Flagrant insubordination such as leaving a work location contrary to direct instructions, refusal to do assigned tasks.

9.3 Supervisors Code

Supervisors shall:

- Manage the work of your department in serving the Town according to your best professional judgment, the plans of the Town, and your supervisors, and cooperate with other departments as appropriate.
- Manage employees fairly and equitably, communicating expectations of performance, recognizing and rewarding acceptable work and discussing actions needed to improve performance when needed.
- Take part in regular two way communication between yourself and employees for whom you are responsible, and act on their behalf with your supervisors when appropriate.
- Manage your department's finances and the Town's funds economically.
- Provide a comfortable, non-threatening work environment; respect individual diversity among employees.
- Serve the public and fellow employees with cooperation and respect, personally and under the law.

9.4 Conflict of Interest

The Massachusetts conflict of interest law, Chapter 268A of the General Laws, prohibits public employees from soliciting or accepting gratuities for or because of, their official duties. This law prohibits certain activities, which could result in a conflict of interest or create the appearance of a conflict of interest. If you have any questions, please contact the Town Administrator.

9.5 Gifts & Contributions

Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who is seeking to obtain business with the Town, or from any person within or outside the Town employment whose interest may be affected by the employee's performance or non-performance of official duties. Massachusetts General Laws Chapter 268A addresses this issue in detail. The State and the Town take this issue seriously. Violators face potential prosecution under the law. If you have any questions, please contact the Town Administrator.

9.6 Confidentiality

The Town of Ayer has contact with many organizations including state, county and federal governments, private businesses and citizens. In many cases the Town is dealing with issues that are of a confidential and sensitive nature. Employees must be cautious not to disclose confidential information, which could lead to legal and financial repercussions for the Town, poor public relations and/or bad employee morale. If you have any questions, in regard to confidential matters, see your supervisor before discussing or releasing information. Improper disclosure of confidential matters could be subject to disciplinary action.

10. HARASSMENT POLICY

10.1 Policy

10.1.1 Introduction:

The Town of Ayer depends upon a work environment of tolerance and respect for the achievement of its Town goals. The Town is committed to providing a working environment that is free of all forms of gender, race, sexual or religious abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Harassment is a form of behavior, which adversely affects the employment relationship. State and Federal law prohibit it. The Town also condemns and prohibits sexual harassment by any employee.

Harassment does not refer to purely social activities. It refers to behavior, which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale, and/or interferes with the ability of the employee to work effectively. Sexual harassment includes unwelcome actions such as:

- sex oriented verbal abuse;
- sexual remarks or jokes;
- unwelcome sexual advances;
- such conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- physical contact such as patting, pinching, or constant brushing against another's body;
- demands or requests for sexual favors whether or not they are accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee;
- Assaults or molestations.

10.1.2 The Rule

It is, therefore, against the policies of the Town for any employee of the Town, male or female, to harass another employee sexually or in any other context including, but not limited to:

- submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- submission to or rejection of such conduct by an individual is made the basis for employment decisions affecting the employee;
- such conduct has the purpose or effect of interfering with an individual's work performance;
- retaliation is threatened or undertaken against an individual who complains that such conduct is interfering with his or her work performance; or
- A hostile or intimidating work environment is created for the employee.

10.2 Violation of Policy

Any employee violating this policy shall be subject to appropriate discipline, including possible discharge by the Town.

10.3 Town Procedures for Complaints

10.3.1 Complaint Procedure

If any employee believes he or she is subject to sexual harassment, the employee should initiate a formal complaint by contacting their supervisor or next higher person in the chain of command, if more appropriate. Any Town employee may wish to utilize the Personnel Board in an advisory capacity prior to filing a formal complaint with their supervisor.

The complaint process for sexual harassment is outside of the normal problem resolution procedure. The complaint procedure outlined in this policy shall be utilized instead of the problem resolution procedure (Chapter 13) for sexual harassment. The employee should file the complaint in writing and submit it to the Board of Selectmen within 180 days following an incident of alleged harassment. (You should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it may be for the Town to reconstruct what occurred.)

The complainant will be requested to write out his or her complaint to document the charge; employees will not have to go through the regular chain of reporting procedures when reporting sexual harassment.

10.3.2 Investigation

On receiving the complaint, the Board of Selectmen will promptly determine a course of action for the conduct of a confidential investigation into the matter. If after the completion of the preliminary investigation the Town determines there is reasonable cause for finding a violation of this policy, the Town shall notify the complainant and the charged employee of the finding in writing. The charged employee shall be requested to respond to the complaint within 14 calendar days in writing.

10.3.3 Decision

After the response of the charged employee, and any further investigation as may be warranted, the Town shall make a final decision. If the Town finds that the allegations in the complaint are established by the investigation, the Town shall initiate discipline of the charged employee. Discipline shall be appropriate to the offense and employees involved, and may include discharge.

The complainant and the charged employee shall be notified of the disposition of the investigation in writing.

11. DISCIPLINE

All employees are responsible for observing regulations necessary for proper operation of departments in the Town. Disciplinary action may be imposed upon an employee for failure to fulfill responsibilities. The following shall be sufficient cause for disciplinary action:

- Refusal to perform assigned work or violation of any reasonable official order, or failure to carry out any lawful and reasonable directions made by a proper supervisor;
- Habitual tardiness or absence from duty;
- Use or possession of alcohol or illegal narcotics while on duty – violation of this section is cause for immediate dismissal;
- Willful misuse, misappropriation, negligence or destruction of Town property or conversion of Town property to personal use or gain;
- Fraud in securing appointment;
- Disclosure of confidential information;
- Abuse of sick leave or absence without leave;
- Conviction of a felony;
- Violation of safety rules, practices and policies;
- Engagement in sexual, gender, race or religious harassment;
- Disorderly conduct;
- Violation of the Standards of Conduct;
- Incompetence or inefficiency in performing assigned duties;
- Any other situation or instance of such seriousness that disciplinary action is warranted.

11.1 Disciplinary Procedures

Department supervisors shall be responsible for enforcing rules and regulations. The type or level of disciplinary action imposed is at the discretion of the appointing authorities and department supervisors and is dependent upon the nature and seriousness of the disciplinary violation. Supervisors with union employees must ensure that the proper steps in the union contract are closely followed.

Disciplinary action can include the following: Oral Reprimand, Written Reprimand, suspensions and dismissal. In the case of suspensions and dismissals, the Town Administrator shall be contacted prior to the disciplinary action being issued. All disciplinary action shall be noted in the employee's personnel file.

11.2 Oral Reprimand Conference

It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who break a rule are not problem employees unless they are habitual offenders. An oral reprimand conference is the first (and often only) step in the disciplinary procedure. In this conference, the supervisor tries to reach an understanding of the causes of the offense and to impress upon the employee the need for corrective action. The conference can eliminate misunderstandings immediately and set the desired standards of conduct and performance. A written record of oral reprimands is kept in the employee's personnel file. After a period of twelve (12) months, the reprimand will be removed from the employee's file if his/her performance and conduct have been satisfactory during that time.

11.3 Written Reprimand

Should an oral reprimand fail to result in improved behavior, a written reprimand may be necessary. A written reprimand will specify the nature of the employee's offense, the efforts made previously to correct the problem, and a warning to the employee that future disciplinary action may be taken if the matter is not corrected. A copy of the written reprimand shall be sent to the employee and to the Town Administrator for the employee's personnel file. The employee may write a letter, which responds to the reprimand, and send it to the Town Administrator. Such a letter shall be placed in the employee's personnel file. After a period of twelve (12) months, the reprimand will be removed from the employee's file if his/her performance and conduct have been satisfactory during that time.

11.4 Suspension and Dismissal

A supervisor may initiate suspension with/without pay of any employee employed by the Town of Ayer with the approval of the Town Administrator who will consult with labor counsel. The following procedures must be adhered to:

- A. For Suspensions of Five Days or Less: Within one (1) working day after the suspension, the employee shall be given: (1) written notice stating the specific reason or reasons for said suspension or dismissal and the contemplated action; a copy of the written notice shall be submitted to the Town Administrator and the Personnel Board, and 2) information to the effect that within two (2) working days, the employee may request a hearing before the appointing authority. The hearing shall be given within seven (7) working days after receipt by the appointing authority of such request.
- B. For Suspension of More Than Five Days: The Supervisor, with the approval of the Town Administrator, may recommend, in writing, to the appointing authority that an employee be suspended for a period of more than five days. Prior to this discipline being implemented, the appointing authority shall hold a hearing within seven (7) days of said written recommendation to determine if the proposed discipline is justified
- C. Within seven (7) working days after completion of the hearing, the appointing authority shall notify the employee in writing of its decision together with reasons for said decision. A copy of the decision shall be submitted to the Personnel Board and the Town Administrator for purposes of record keeping.
- D. An employee suspended in accordance with this policy shall automatically be reinstated at the end of such suspension. An employee whose suspension or discharge under this section is decided to have been without cause shall be deemed not to have been suspended or discharged, and shall be entitled to compensation for the period for which said employee was not paid.
- E. Employees may also be discharged for unsatisfactory performance of work on the job. Prior to such suspension, unless in the case of a grievous violation of policy, a department supervisor must make every effort to correct performance by counseling, oral reprimand and a written statement.

11.5 Dismissal

Dismissal is the most severe and permanent form of disciplinary action and, as such, should be exercised with care and considerable prior thought. Any department supervisor who proposes to dismiss a regular employee shall consult in detail with the Town Administrator prior to taking any action.

For Dismissal: The Supervisor, with the approval of the Town Administrator, may recommend, in writing, to the appointing authority that an employee be dismissed. Prior to this discipline being implemented, the appointing authority shall hold a hearing within seven (7) days of said written recommendation to determine if the proposed discipline is justified.

Once it is decided to dismiss an employee, the appointing authority shall send the affected employee a letter that states the grounds for the action and the employee's appeal rights. The letter may be hand delivered by the department supervisor or sent by certified mail, receipt requested. The letter of dismissal shall be effective immediately.

11.6 Demotion for Cause

When the employee's ability is impaired to the extent he/she is unable to perform his/her assigned duties, but not hampered to the extent he/she is unable to work at lower paid related duties, a department supervisor may, with the approval of the Town Administrator and the Personnel Board, recommend that an employee be demoted. Prior to the employee being demoted, the employee shall be given a hearing before the appointing authority to determine whether such action is justified. As in other disciplinary actions, the grounds shall be stated in a letter to the affected employee. A copy shall be forwarded to the Treasurer's Office.

12. PROBLEM RESOLUTION PROCEDURE

It is the policy of the Town of Ayer to provide an effective and acceptable means for employees to bring problems and complaints concerning their well being at work to the attention of their supervisor. When the employee feels aggrieved, he or she shall be allowed to follow all the steps of this procedure with freedom from reprisal. However, this procedure does not confer the right upon anyone to make slanderous or libelous statements, or to take any other actions otherwise prohibited by law.

Employees are encouraged to bring any problems or complaints to their respective supervisor or appointing authority regarding work or other day to day relations with the town.

STEP 1 - If any employee has a request or problem, it should be first discussed with his/her immediate supervisor within 10 calendar days from when the event occurred or from when he/she found out about the event. The supervisor shall respond within 10 calendar days.

STEP 2 - If this conference fails to clear up any questions to the satisfaction of the employee, he/she may refer the matter in writing to the department head within 10 days, unless the Department Head is the immediate supervisor, in which case this step may be skipped. The department head shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem within 14 calendar days.

STEP 3 - If 14 calendar days have elapsed since the submission of the matter in writing to the department head or supervisor if Step 2 was skipped, and the dispute is still unresolved, either party may appeal to the Personnel Board within 14 calendar days.

STEP 4 - The Personnel Board shall take the question under advisement, collecting such facts relating thereto as it may deem helpful, and it may, in its discretion, hold private or public hearings with respect to such question. Not later than thirty (30) days after receipt of written submission of the matter, the Personnel Board shall render its decision and thereafter promptly take such action as may be necessary and authorized relative to the Dispute.

STEP 5 - If the decision rendered by the Personnel Board is considered unsatisfactory to either party, then final appeal may be made to a 5-member panel consisting of the following persons within 14 calendar days. If the issue directly involves one or more of these panel members, they will not be on this panel for those specific case days (Town Clerk will be utilized as the 5th member if needed). The panel will consist of the following:

- Police Chief
- Fire Chief
- Department of Public Works Superintendent
- Town Administrator

- Treasurer
- Town Clerk
- Member of the Board of Assessors
- Town Accountant
- Economic Development Director
- Member of the Board of Parks Commissioners
- Member of the Planning Board
- Member of the Zoning Board of Appeals
- Member of the Board of Health
- Member of the Conservation Commission

In the case of Boards and Commissions listed above, one member from each body shall be chosen each year to serve as the representative to this appeals board. Such selection shall be made on or before July 1st of each year.

One of the five members chosen for a particular case shall be chosen by lottery to serve as board chair. The findings of the Board of Appeals shall be determined by a majority vote of the case panel and will be binding on all parties.

If the complainant does not meet the time limits on any of these steps, the complaint will be determined to have been dismissed or resolved to the satisfaction of both parties. If the supervisors, appointing authority or Personnel Board does not meet the time limits on any of these steps, the complainant shall have the right to advance to the next step in the procedure. The time limits may be extended for any of these steps by mutual agreement of the parties.

12.1 Valid Complaints

Complaints by an employee relating to his/her employment which include, but are not necessarily limited to, are the following:

- Disciplinary actions of any kind;
- Actions resulting from the performance review;
- Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules and regulations;

- Acts of reprisal as the result of utilization of the grievance procedure;
- Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, handicap or political affiliation;
- Complaints of personal harassment by fellow personnel;
- Assignment of significant duties on a regular and recurring basis outside the employees posted job descriptions;
- Actions resulting from job reclassifications;

12.2 Non-Valid Complaints

Complaints, which do not apply, involve the following:

- The creation, establishment or revision of wage and salary tables, position Rating Manual Standard, and general benefits accorded to employees;
- Work activity accepted by the employee as a condition of employment or work activity, which may be reasonably expected to be a part of the job content;
- The contents of statutes or established personnel policies, procedures, rules and regulations;
- The methods, means, scheduling, and staffing by which work activities are to be carried out;
- Discharge, demotion, layoff or suspension from duties because of lack of work, reduction in work force or job abolition;
- Resignation;
- Employee requested demotion or transfer without loss of pay;

13. PERFORMANCE REVIEW AND LONGEVITY PAY

13.1

The section of these policies and procedures that details a performance review system is still under development. The assessment form included with this manual will be used as a tool for employee performance review and observation.

13.2 Five Years Service

When a benefit-eligible employee has reached five (5) years of continuous employment with the town they will receive a stipend of two-hundred (\$200.00) dollars. For each year of continuous service thereafter, the employee will receive a thirty (\$30.00) in addition to the stipend of two hundred (\$200.00) dollars and is subject to appropriations. The benefit is capped at seven-hundred and fifty (\$750.00) dollars.

14. TRAINING AND EDUCATION

In order to provide a high level of service to our citizens and customers, employees continually need to improve existing skills and develop new ones, acquire new knowledge, and increase their overall competence. Accordingly, the Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided by the Town.

We expect that a great deal of your development will take place on the job. To complement your work experience, the Town will provide internal training sessions as department supervisors deem necessary. The Town will also sponsor employees to attend off-site training sessions from time to time to develop their skills.

15. RESIGNATIONS/TERMINATION

15.1 Notice

Whenever practicable, an employee shall give his/her department supervisor notice of resignation at least two weeks prior to his/her last day of work.

15.2 Layoff

The Town of Ayer reserves the right to lay off any employee whenever such action becomes necessary by reason of budgetary constraints, lack of work, the abolition of a position, a material change in duties or organization or for any other appropriate reasons. The appointing authority reserves the right to set layoff procedure.

15.2.1 Termination Report

A termination report shall be filed by the Department Supervisor along with a copy of the resignation whenever an employee is terminated for any reason. Please fill out accurately in order to assist the Town if the employee seeks to be rehired at some time in the future. The form will not be used for reference checks outside of Town departments. A copy needs to be provided to the Treasurer's office immediately, since a number of employees benefits are affected by termination.

15.2.2 Seasonal Employees

A termination report shall be filed for each seasonal worker at the end of his/her current seasonal experience.

15.2.3 Exit Interview

The Town Administrator and the supervisor shall conduct an exit interview for all employees terminated.

15.2.3 Unemployment

Employees who are released from service due to no fault of their own are eligible for unemployment under Massachusetts General Laws Chapter 151A.

16. HOLIDAYS

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days, employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- ½ day before Christmas (excluding when this holiday falls on Sunday or Monday)
- Christmas Day
- 1/2 day before New Year's Day (excluding when this holiday falls on Sunday or Monday)

16.1 Coverage

Regular employees, who work at least 20 hours per week or work 1040 hours in a year, shall be entitled to time off with pay for each scheduled holiday based upon their normal hourly rate. In no case shall any employee receive more than eight (8) hours of holiday pay. Holiday time shall be considered hours worked but shall not count towards overtime. An employee will receive holiday pay only for his/her regularly scheduled hours on that holiday.

16.2 Special Circumstances

16.2.1

Whenever any of the above-named holidays falls on a Saturday or Sunday, the preceding Friday, in the case of a Saturday holiday, and the following Monday, in the case of a Sunday holiday, shall be recognized as the holiday for the purpose of time off.

16.2.2

Holiday leave will be granted on the holiday whenever possible. If according to the needs of a department, holiday leave cannot be granted on the day on which the holiday is observed, the employee shall receive pay for time worked as well as the holiday pay (for a total of 2.5X regular pay).

17. PERSONAL DAYS

All full-time employees be entitled to three (3) personal days (24 hours) per fiscal year. Part-time employees are prorated on the three personal days by the number of hours.

17.1 Policy

Personal days shall be considered as a privilege, which should be used to take care of personal business or to address special instances or emergencies. Personal days shall be taken in one hour increments. Employees may be eligible to apply vacation, sick, or personal days.

17.2 Conditions

Personal days cannot be used in conjunction with vacation, holidays or sick days unless with approval of the departmental supervisor. Personal days shall not be considered hours worked.

17.3 Accrual

Personal days shall not accrue from fiscal year to fiscal year. Personal days not used within a fiscal year shall be erased unless approval is received from the Town Administrator and appointing authorities for special circumstances. Personal days shall not accrue when an employee is out on leave.

17.4 Termination

Unused personal days shall not be reimbursed upon termination for any reason.

18. VACATION LEAVE

The Town provides vacation leave for all regular, full-time employees and for all regular, part-time employees who work not less than (20) hours weekly. Annual vacation may be taken as earned, if approved by supervisor. For the purposes of determining vacation eligibility, prior public service may be considered, at the discretion of the Appointing Authority.

18.1 Accrual of Vacation Leave

18.1.1

Vacation leave will be earned on the basis of the number of complete calendar months of active employment with the Town multiplied by a vacation leave accrual rate on the following sliding scale:

Policies 18.1.1, 18.1.2 & 18.1.3 effective and applicable to employees *hired on or prior to April 4, 2011*:

18.1.1

Vacation leave will be earned on the basis of the number of complete calendar months of active employment with the Town multiplied by a vacation leave accrual rate on the following sliding scale:

Complete months of active, continuous service:	Maximum days earned per month:	Maximum days earned per year:	Maximum days carried to the next fiscal year:
0-60	0.8333	10	20
60 - 120	1.25	15	30
121-plus	1.67	20	40

18.1.2

Vacation leave may not be accumulated to more than two times the applicable vacation leave rate for an employee; provided, however, that the limit shall be extended to more than two times the employee's earned rate if departmental scheduling or other extenuating circumstances relating to the functioning of the department preclude the use of vacation leave at the time. Documentation of reasons for the

extension and circumstances must be put in writing, approved by the appointing authority, a copy given to the Treasurer's Office and a copy placed in the employee's personnel file.

18.1.3

Vacation leave shall be taken in hour increments.

18.1a Accrual of Vacation Leave

Policies 18.1.1a, 18.1.2 a& 18.1.3a effective and applicable to employees *hired on or after to April 5, 2011*:

18.1.1a

Vacation leave will be earned on the basis of the number of complete calendar months of active employment with the Town multiplied by a vacation leave accrual rate on the following sliding scale:

Complete months of active, continuous service:	Maximum days earned per month:	Maximum days earned per year
0-60	0.8333	10
61-120	1.25	15
121-plus	1.67	20

18.1.2a

Vacation leave may not accrue beyond the maximum annual leave accrual rate for an employee. When an employee reaches their maximum accrual, vacation will stop accruing until some of the hours have been used, at which point leave will begin to accrue again.

18.1.3a

Vacation leave shall be taken in half or full-day increments.

18.2 Termination

Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by retirement, or entrance into the military, or resignation, the employee shall be paid at his/her current rate of pay, an amount equal to the vacation allowance as earned and not taken in the vacation year prior to such termination. In addition, payments shall be made for that portion of the vacation allowance accrued in the vacation year during *which* termination occurred up to the time of the employee's separation from the payroll. A termination report must be completed by the supervisor and submitted to the Treasurer's office.

18.3 Death

Whenever employment is terminated by death, the estate of the deceased shall be paid an amount equal to the current vacation balance – both carried and current year vacation.

18.4 Pay in Lieu of Vacation

Pay in lieu of vacation is not allowed except in the case of employee termination.

18.5 Vacation Authorization

Approval and timing of vacations shall be determined by the department supervisor or department head, with due regard to the wishes of the employee and the needs of Town services.

18.6 Legal Holidays During Vacation Days

An employee shall not be charged a vacation day if, while on vacation leave, a designated holiday occurs which falls on or is legally observed on Monday, Tuesday, Wednesday, Thursday, or Friday occurs in this period (ref: Chapter 16.2.1).

18.7 Legal Holidays During Non-scheduled Work Days

Any holiday that falls on a non-scheduled work day for an employee shall be taken on a future date as determined by the employee and the supervisor.

19. SICK LEAVE

All benefit-eligible employees who have completed the six-month of continuous service and work a minimum of twenty (20) hours per week shall be entitled to sick leave.

19.1 Policy

Sick leave shall be considered as a privilege, which may be used only in the case of actual illness or disability or medical necessity of an employee. Sick leave shall only apply to personal illness, family illness, disabling non-work-related accidents, prescribed medical examinations and absences concerned with accidents or illness and deemed justifiable by the department supervisor. Sick Leave shall be taken in one hour increments. Employees shall not be compensated for accrued but unused sick leave upon the termination of their employment.

19.2 Eligibility

Full-time employees shall earn 120 hours sick leave with pay each fiscal year. A regularly scheduled day is determined by dividing regularly scheduled hours per week by five (5) and then rounded to the nearest 1/2 hour. Part-time employees shall be prorated.

19.3 Carry-Over of Sick Leave

Sick leave credits may be carried-over from year to year, to a maximum of 1040 hours. Unused credits are not reimbursable upon termination of employment.

19.4 Reporting Sick Leave to Employer

Except in the case of an emergency, an employee must notify the appropriate supervisor of illness and absence prior to the start of the shift except in an emergency.

The employee may be required to produce a physician's certificate of illness after three days absence or after a pattern of repeated absences during the year. The certificate shall be sent to the hiring Town Administrator. If abuse is found the employee may be subject to disciplinary action.

19.5 Tracking system

All department heads are responsible for tracking their staff's time and responsible for accurate reporting. The Treasurer's Office shall provide a monthly tracking report for the purposes of reconciling the records in the Treasurer's Office with the records kept by the department heads and/or supervisors. Ultimate responsibility for accurate record keeping rests with the department head.

20. JURY LEAVE

Any regular employee who shall be required to serve on any County or Federal Jury or Grand Jury shall be paid the difference between the amount paid for such service and his straight time rate, for the time lost from his scheduled work by reason of such service, provided, however, for the first three days of any Massachusetts jury service, such employee shall be paid the full amount for the time lost from his scheduled work, subject to the following provisions:

- An employee must notify his supervisor within three working days after receipt of notice of selection for jury duty;
- An employee called for jury duty who shall be temporarily excused from attendance at Court must report for work if sufficient time remains after such excuse to permit him to report to his place of employment and work;

In order to be eligible for such payments, the employee must furnish a written statement to the Employer from the appropriate public official showing the date and time served and the amount of pay received.

21. MILITARY LEAVE

21.1 Long Term Military Service

Employees entering the Armed Forces of the United States, pursuant to the provisions of the Universal Military Training and Service Act, as amended by the Military Selective Service Act of 1967 (and as may be hereafter amended), shall be granted all rights and privileges provided by law.

21.2 Short Term Military Duty Pay

Employees who are National Guardsmen or United States Armed Forces Reservists and who are on ordered annual active duty, shall be paid for such time lost from work for not more than fourteen (14) days/year, at their base rate of pay, less the pay received from the armed services. Payment shall not be made to members of the National Guard when mobilized during an emergency in the Commonwealth. Employees are required to request such leave as far in advance as possible.

22. FAMILY AND MEDICAL LEAVE

22.1 Federal Family and Medical Leave Act

The Town of Ayer will provide leave and/or benefits to covered employees in accordance with the Federal Family and Medical Leave Act of 1993.

22.2 Qualifications for Leave

An employee who qualifies for leave will be granted up to twelve weeks of leave for the following reasons:

- to care for a newborn child;
- to care for a child the employee has adopted or to whom the employee will provide foster care;
- to care for a son/daughter, spouse or parent with a serious health condition;
- To allow the employee to care for him or herself because the employee's own serious health conditions makes the employee unable to work.

22.3 Continuation of Health Benefits

Employees are entitled to continue to receive group health plan benefits under the same terms and conditions as when they were actively employed. Accordingly, the Town will continue to pay its contribution toward health care premiums for employees granted leave.

22.4 Return from Leave

The Town will allow an employee to return to his or her previous or an equivalent position with no loss of benefits at the end of the leave, provided the employee would not otherwise have been laid off.

22.5 Use of Leave

Federal Family and Medical Leave Act laws shall apply.

22.6 Use of Leave for Health Conditions

The Town will require certifications concerning health conditions.

22.7 Failure to Return

An employee who fails to return to work after family leave has expired for a reason other than the continuance, reoccurrence or onset of a serious health condition that would entitle the employee to leave under the Act, will be required to reimburse the Town for the Town's contribution toward health coverage during the period of leave.

23. BEREAVEMENT LEAVE

23.1 Granting of Bereavement Leave (3 Days)

The Department Supervisor, if necessary, may grant bereavement leave, to an employee, not to exceed three paid days at the time of the funeral. This applies to all employees, part-time and full-time. The employee receives their normal pay for those workdays, which are covered by the bereavement period. If one or more of those days are non-work no additional paid days off are to be granted (i.e., if part-time employee has a regular tour of duty of 8 hours per day, Monday, Wednesday and Friday, the bereavement period includes the non-work days (Tuesday, Thursday, Saturday and Sunday), but they do not receive pay for those days). Such leave may be granted only in the event of the death of the employee's parent, grandparent, child, spouse, brother, sister or parent-in-law, grandparent-in-law son and daughter-in-law and for foster and step-children.

23.2 Granting of Bereavement Leave (1 Day)

Bereavement leave, if necessary, may be granted to an employee by the Department Supervisor for one day to attend the funeral of a brother-in-law, sister-in-law of an employee.

24. LEAVE OF ABSENCE

24.1 General Policy

Upon a written request, a department supervisor, may, with the approval of the Town Administrator, at his or her discretion, grant a leave of absence without pay to a regular employee up to a maximum of 30 calendar days per year. Leaves of Absence for periods of time in excess of thirty (30) days shall require the approval of the Board of Selectmen, Town Administrator and department supervisor. Employees on unpaid leave shall return to work at the specified date and time unless the department supervisor extends the leave. Failure to return to work on the specified date, without approval from the department head, will be considered a resignation from the employment of the Town with the loss of all seniority and benefits. Employees returning from an unpaid leave of absence shall be credited with seniority and benefits at the level at which they were frozen.

24.2 Benefits during Leaves of Absence

Employee benefits, including sick leave and vacation, do not continue and/or accrue during leaves of absence without pay but shall remain frozen at the levels at which they existed at the commencement of the leave. In order to continue coverage under the Town's health and life insurance plans, the employee shall pay the total monthly premiums for the plan, payable to the Town of Ayer and given to the Treasurer on the first of each month (ref: Chapter 26.5).

24.3 Medical Leave

In the case of an employee on a leave of absence for medical necessity or disability which qualifies for payments by the Town's workers' compensation insurer, the employee may elect to receive wages or salary for part of accumulated sick leave earned as of the start of the medical leave. Employees may elect to use increments of accumulated sick leave to supplement workers compensation in order to bring payments up to full salary, until the depletion of accumulated sick leave. Otherwise no cash salary or wages shall be paid for any period for which total incapacity compensation is paid by the Town's insurer, except that in the case of subsequent separation from the Town's employment during the term of the leave, the employee may receive salary or wages in full for any vacation to his/her credit at the commencement of the leave (ref: Ch. 26.5).

25. ADMINISTRATIVE & COMPENSATORY LEAVE

If the appointing authority or department supervisor grants a day off for any of the following reasons (fire, weather, building construction, maintenance problems or other reason not listed here) the employee shall receive regular pay.

25.1 Administrative Leave

The appointing authority or department supervisor may place an employee on administrative leave pending the outcome of an investigation. The employee shall receive regular pay and benefits during that time period. Circumstances under which administrative leave might be applied include, but are not limited to:

- Snow days
- Declared State of Emergency for non-essential employees

Other circumstances may lead to the classification of leave as administrative. These classifications are subject to review and approval by the Town Administrator.

25.2 Compensatory Time

In extreme, rare circumstances, Non-Exempt employees may request Compensatory Time off in place of overtime.

- Exempt employees are not entitled to Compensatory Time.
- Compensatory time must be used within two pay periods.
- Compensatory Time earned and Compensatory Time used will be noted on the employee's time sheet.

26. INSURANCE

26.1 Summary

This policy will govern the treatment of insurances including Life, Health and Disability. Information on all insurances and Health Plans is available at the Treasurer's Office.

26.2 Life Insurance

The Town provides term life insurance to all employees who work twenty (20) hours or more on a regular basis or 1040 hours per year. The insurance is not automatic. The insurance is not mandatory and employees may elect to take the insurance at a cost determined by the Treasurer's Office on an annual basis. The qualified employee shall be offered the insurance at the time of hire by the Treasurer's Office.

26.3 Health Insurance

The Town provides health insurance in conformance with Chapter 32B of the Massachusetts General Laws. Employees who work twenty (20) hours or more on a regular basis or 1040 hours per year are eligible. The insurance is not mandatory, and employees may elect to not take the insurance.

The employee may opt to join any of the policies within 30 days of the date of employment. Any eligible employee refusing health insurance through the Town shall sign a waiver of coverage. Employees may change status or plans during the open enrollment month. Employees may not make changes other than in the open enrollment month unless they decide to drop the policy or they have a change in status. Examples of change of status can include, but are not limited to: birth or adoption of a child, marital changes or the loss of insurance under another policy.

The qualified employee shall be offered the insurance at the time of hire by the Treasurer's Office.

26.4 Reduction in Hours

If an employee's hours are reduced below 20 hours per week on a regular basis or 1040 hours per year, the following procedures shall be implemented.

A) Life Insurance - Policy for that employee shall be canceled on the effective date of change in the reduction of hours.

B) Health Insurance, Voluntary Reduction in Hours - If the reduction in hours is due to employee request or as a result to satisfy the needs of the employee, the current policy shall be canceled on the effective date of change in the reduction of hours.

26.5 Consolidated Omnibus Budget Reconciliation Act (Cobra) Provisions

A) There are provisions under Federal Law for employees who lose group coverage due to a reduction in hours. These employees may be eligible to maintain insurance under the Town's group policy at full cost (102%) to the employee for period of not less than 18 months.

B) There are also provisions under Federal Law for employees who have left the employ of the Town to maintain group coverage. These former employees may be eligible to maintain insurance under the Town's group policy at full cost (102%) to the individual for a period of not less than 18 months.

C) Further information on these programs may be obtained through the Treasurer's Office.

26.6 Worker's Compensation

Worker's Compensation shall be provided to all employees in conformance with Massachusetts General Laws.

27. BREAKS

Under the Federal Fair Labor Standards Act (FLSA) An employee must take at least a 1/2 hour unpaid Lunch break if the employee works six (6) hours or more per day. The employee must be completely relieved from duties for the purpose of eating. The employee is not considered relieved if he or she is required to perform any duties, whether active or inactive, while eating. Employees are also allowed one 10-minute break every 4 hours.

28. PAYROLL / PAY DAY

28.1 Time Sheets

A time sheet must be filled out and signed by the employee's supervisor as to hours worked for that week for all town employees. Time off due to vacation, sickness and other leaves allowed shall also be indicated on the time sheet. Time sheets for all town employees shall be submitted to the accounting office in accordance with publicly stated deadlines. The Town Accountant and Town Treasurer will process the payroll for the Board of Selectman to sign the warrant in order to distribute checks on Thursdays to department supervisors or their designee. Checks will then be distributed to the individual employees by their department.

28.2 Format

Departments may utilize a traditional punch card or time sheet. Other forms may be used as long as prior approval has been received from the Town Treasurer.

28.3 Signature

An employee's supervisor, department head, appointing authority or designee must sign off on the time sheet as to its accuracy. A copy of the letter authorizing a designee to sign the time sheet for an employee must be given to the Town Treasurer and Town Accountant.

28.4 Verification

The department supervisor shall verify the employee's request for hours and transcribe that information to the time sheet. The department supervisor shall correct any errors to the time sheet and have the employee initial those changes.

28.5 Payroll Change Notices

Payroll change notices shall be filed for all new employees and for a current employee, when a change in pay, address or position occurs. Fill in all applicable sections. The notice shall be filed prior to the first day of work for a new employee and prior to the effective date of the change for a current employee. Paychecks will not be processed until the form has been properly filed.

29. INFORMATION TECHNOLOGY

29.1 Definition

The acceptable use of information technology is an essential concern for all town employees, elected and appointed officials of the Town of Ayer. Information Technology is defined as:

- Computers (including servers, workstations, laptops and handheld devices)
- Computer-related peripherals (printers, scanners, power supplies, fax machines, cameras, etc)
- Software (operating systems, office programs, applications and utilities)
- Telephones, Modems & Handheld devices (including blackberry, cell phones, PDA's)
- Town of Ayer Information Technology infrastructure includes all servers, computers, modems, routers, switches, and related software.

29.2 Scope

Cover proper use of information technology as related to the town of Ayer and its employees, elected and appointed officials. Additional policies that address specific issues such as e-mail use, software standards, hardware standards, equipment, etc, are addressed in separate policies.

29.3 Purpose

This policy is an overall guideline for employees, elected officials and appointed officials to reference for proper and acceptable use of information technology for the town of Ayer. Information Technology should be used primarily for official Town of Ayer business related to conducting Town government, other uses, such as commercial or political use are expressly prohibited.

29.4 Appropriate and Inappropriate Uses

29.4.1 Appropriate Use

Appropriate use of Town of Ayer information technology equipment and network resources is for official town business and governing. These include, but are not limited to:

- Accessing external websites to reference information or conduct research for official purposes

- Corresponding with the Town's customers, residents and other town employees

29.4.2 Inappropriate Use

Inappropriate use of technology includes any activity that is illegal, the creation or distribution of pornography, political lobbying, and conducting business for personal gain. Inappropriate use also includes the use of any town technology to violate any established town policies or laws.

- Activities that could cause disruption or network slow down
- Use of abusive or objectionable language
- Use of technology to create a hostile work environment or harass another person
- Misrepresentation of oneself or the Town of Ayer
- Lobbying Town Boards or elected officials for personal or extra departmental issues

29.5 Incidental Uses

The use of computers, internet and related infrastructure equipment is solidly integrated into most everyone's daily lives and the town understands that incidental personal use of technology such as accessing personal email accounts, handling of family matters, etc., will occur. As long as it is limited in scope and does not interfere with town business or violate any town policies. No assumption of privacy is or can be made and all internet access and infrastructure access is subject to monitoring. All data existing within the Town of Ayer Information Technology infrastructure is considered property of the Town of Ayer.

29.6 Privacy

All data contained within the Town of Ayer information technology infrastructure is considered property of the Town. Most items are considered public record and may be requested in accordance with the Freedom of Information Act. No assumption of privacy is made.

29.7 Information Technology Security

29.7.1 System Access

Users must be authorized to access any town system that requires a password. Users are prohibited from trying to gain access to unauthorized systems. This includes the unauthorized use of another user's password. Users are required to maintain the privacy of passwords and are prohibited from publishing or sharing passwords. Should a user suspect that their password or access has been compromised, the user shall immediately notify the Technology Department to request a new password.

29.7.2 Software Installation

In order to maintain compliance to licensing and copyright law, to increase security, reliability and the integrity of systems, software installation is allowed only within the following parameters:

- The software is included on the Software Standards list (to be supplied)
- The person installing the software is expressly authorized to do so by the Systems Manager.
 - The software is licensed to the Town of Ayer.

29.7.3 Hardware & Peripheral Installation

In order to maintain a secure, stable and operational network, hardware and peripheral installation is allowed only within the following parameters:

- The equipment is owned by the Town of Ayer and has been inventoried and accepted for use by the Town
- The equipment falls within the Equipment Standards list
- Since all data within the Town of Ayer Information Technology infrastructure is subject to monitoring and is considered public information, attaching personal equipment to Town of Ayer IT Infrastructure is not permitted unless expressly authorized by the Town of Ayer

29.7.4 Sustainability

Computer users are expected to use hardware and software in a manner that enables its ongoing usage. If a piece of equipment malfunctions, the user is to notify the Systems Manager in a timely manner so that the equipment may be assessed for damage and replaced or repaired.

29.7.5 Data Security

Each user is the custodian of their data and must not share passwords or other restricted information with unauthorized users. Users also must not intentionally delete town-owned data, particularly Email, documents and other items considered Public Record.

The Technology Department will ensure all critical systems are backed up on a daily basis. Backups will be stored in redundant offsite locations. The Technology Department will provide user's access to secure network storage that is included in the daily backups.

30. MISCELLANEOUS POLICES

30.1 Reference Checks

This procedure is in reference to personnel references requested by outside businesses or agencies, unless directed otherwise by a legal decision. Only the following information shall be provided by the Treasurer's office:

- Dates of Employment.
- Position Held.
- Rates of Pay (request and response in writing only).
- All requests for information shall be referred to the Treasurer's office.

30.2 Credit Toward Seniority and Benefits

All time earned as a regular employee shall be credited towards an employee's term of service. All time not worked, as a regular employee (i.e. temporary, seasonal, call) shall not be credited to an employee's term of service.

30.3 Travel Reimbursement

In the event that a Town employee is required to use his/her own personal vehicle to conduct business for the Town, that employee must first obtain authorization from his/her supervisor. Once that authorization has been given, the employee will be reimbursed at a rate determined by the Board of Selectman. Other reimbursements may include tolls, parking, accommodations and meals. All expense reimbursements must be approved in advance by his/her supervisor. In order for the employee to receive reimbursement, he/she must first complete an expense voucher and have his/her supervisor approve it on a monthly basis.

30.4 Drugs and Alcohol

30.4.1

The Town of Ayer is a drug and alcohol free workplace. The manufacture, use, possession and distribution, disposition of alcohol and or a controlled substance is prohibited, as is reporting to work under the influence of alcohol or a controlled substance. The use or possession of medication prescribed by an authorized health care provider is permitted. Employees are expected to review his or her duties as a Town employee with the authorized health care provider prescribing the medication, and inform his or

her supervisor if the medication may have an impact on the performance of the employee, or the safety of the employee, other employees, or the public. Use of "over the counter" medications is permitted, provided the employee informs his or her supervisor if the medication may have an impact on the employee's performance or the safety of the employee, other employees, or the public.

30.4.2

The Town establishes as a condition of employment that each employee must abide by this Drug and Alcohol Policy. Each employee must notify the Town Administrator of any conviction for violation of any federal or state criminal drug law occurring in the workplace.

30.4.3

Violation of this policy may result in disciplinary action, including, but not limited to, suspension and/or termination.

END OF POLICIES

Acknowledgement of Policies and Procedures

As the hiring authority, I certify that I have provided a copy of the current Personnel Policies and Procedures manual to the employee for review.

Signed

Print name

Department

Date

As the employee, I certify that I have received a copy of the current Personnel Policies and Procedures manual. By signing this acknowledgement, I verify that I have been given a copy for my files and that I have read the manual.

Signed

Print name

Department

Date

Please return this page to the Town Administrator for inclusion in the employee's personnel file. A copy may be kept by the employee and/or the hiring authority for reference.