

TOWN OF HADLEY

PERSONNEL POLICIES HANDBOOK

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INTRODUCTION

This Personnel Policies Handbook (hereinafter, Handbook) has been developed by the Town of Hadley (hereinafter, Town) for the exclusive purpose of explaining to all persons employed by the Town, except school department employees, the policies and procedures of employment with said Town. The policies and procedures contained herein supercede all prior applicable policies and procedures adopted by the Town.

The provisions contained within this Handbook are solely intended to be advisory in nature and are not to be considered, in whole or in part, as representing the terms and conditions of any employment contract, express or implied, between the Town and any of its employees. The Town retains the unrestricted right to add to, to modify, or to remove from this Handbook any personnel policy, procedure and/or employment benefit referenced directly or indirectly herein.

In the event of a conflict between any provision of this Handbook and the Town's by-laws, the by-laws shall prevail. If a conflict arises between a provision(s) of this Handbook and a provision(s) in any collective bargaining agreement between the Town and/or any individual employment contract between the Town and any employee, the latter shall prevail.

DEFINITIONS

1. **Probationary Employee:** New employees shall be considered as probationary employees for the first six (6) months of their continuous employment. If during the probationary period a probationary employee applies for and receives a lateral transfer, a promotion or a lateral appointment, the employee shall serve a full probationary period in the new position unless the employee's new position is under the immediate supervision of the same supervisor. During the new hire probationary period, an employee may be disciplined up to and including termination, without recourse to the appeals procedure contained herein.
2. **Employee:** Unless otherwise specifically excluded, "employee" shall include any employee receiving compensation from the Town pursuant to any one or more of the following employee classifications:
 - a. **Full-time employee:** The employee in this position works not less than thirty (30) hours per week and works year round excluding authorized paid leave time and authorized leaves of absence. Employees in this category receive full benefits as defined in this Handbook.
 - b. **Permanent part-time employee:** The employee in this position works less than thirty (30) hours per week and works year round excluding authorized paid leave time and authorized leaves of absence. Employees in this category working twenty (20) hours or more per week on a regular basis receive benefits as defined in this Handbook.
 - c. **Temporary employee:** Employees hired for specific projects on a short-term basis are considered temporary employees. The employment is not usually expected to last more than six (6) months and temporary employees do not receive benefits as defined in this Handbook.
 - d. **Exempt employee:** An employee who is exempt from the minimum wage and overtime regulations of the Fair Labor Standards Act (FLSA) and is paid a set amount of money per pay period.
 - f. **Non-exempt employee:** An employee who is paid in accordance with the overtime regulations of the Fair Labor Standards Act (FLSA), on an hourly basis and is entitled to overtime pay for hours actually worked in excess of 40 (48 hours for Fire Fighters, reference Fire Department Rules and Regulations) in a standard work week at time and one-half the regular rate of pay.
 - g. **Elected or Appointed Employee:** Employees of the Town who have either been elected or appointed to their respective position(s), and who receive compensation from the Town for services rendered.
 - h. **Grant-funded employee:** A full-time or temporary employee whose position is funded in whole or in part by a third party.

AFFIRMATIVE ACTION

The Town affirms its commitment to the policy of non-discrimination, equal opportunity and affirmative action in all aspects of employment, including, but not limited to, recruitment, selection, placement, wages, retrenchment, promotion And termination.

SAFE WORKPLACE ENVIRONMENT

The Town of Hadley maintains a zero tolerance policy toward workplace violence, or the threat of violence by any of its employees, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace which is free from intimidation, threats, harassment or violent acts. All employees will be presented with a copy of the employer's policy upon commencement of their employment and the policy will be posted in the workplace. (see Appendix, Section 1- "Policy on Workplace Violence")

DRUG AND ALCOHOL FREE WORKPLACE

It is the intent of the Town of Hadley to maintain a drug-free/alcohol-free, healthy, safe and secure work environment for all employees. In the pursuit of that goal, guidelines for all employees are as follows:

1. No employee shall report to work under the influence of alcohol, illegal drugs or other controlled substance, including steroids.
2. Employees are expected to report to work on time and in appropriate mental and physical condition to perform their job.
3. Employees are not allowed to manufacture, distribute, dispense, possess or use a controlled substance (without written prescription from a treating physician) or alcohol, on or off town property during work hours, including meal times and break periods.

Violation of this policy will be grounds for disciplinary action, up to and including termination.

EMPLOYEE STANDARD OF CONDUCT

Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or showing favoritism in conducting town business. Employees are expected to conduct themselves in a manner which in no way discredits the Town, public officials, or other fellow employees. This includes, but is not limited to, the use of computer equipment and services. (see Appendix, Section 1 – "Computer Equipment and Services Acceptable Use Policy")

SEXUAL HARASSMENT

The Town has been and remains committed to providing a workplace environment that is free of any conduct that could be considered harassing, abusive, disorderly, or disruptive. The Town recognizes and will protect the rights of all parties to be treated with respect, courtesy and tact. Actions or comments by Town employees or public officials, whether intentional or unintentional, that result in unlawful sexual harassment will not be Tolerated and will subject guilty parties to the maximum permissible disciplinary action. (see Appendix, Section 1 – "Interim Sexual Harassment Policy")

CONFLICT OF INTEREST

M.G.L., Chapter 268A set forth the law concerning the conduct of public officials and employees. This law places certain restrictions on Town employees and members of their immediate family (i.e., spouse, parents, children, brothers and sisters). Employees will receive information regarding this law when they are hired and periodic updates will follow.

WORK HOURS

Each position has an established number of hours to be worked each week. Those weekly hours are determined by the needs of a particular department and take into consideration the budgeted salary and hours assigned to the position.

BREAKS AND LUNCH TIME

Employees who work six or more hours per day are required to take a one-half (1/2) hour unpaid lunch break daily. These employees may not “work through lunch” in order to arrive late, leave early or work overtime. A supervisor may allow an employee to “work through lunch” under unusual circumstances but not as a normal routine. These employees are entitled to a paid fifteen (15) minute break in the morning and afternoon. The purpose of such “breaks” is to relieve employees of work-related duties and allow them to attend to their personal needs. If an employee opts not to take a break, they lose that time. “Breaks” may not be accumulated or accrued toward any future day nor may they be combined as an aggregate to leave work early. With the consent of both the supervisor and the employee, the “breaks” may be combined with the one-half (1/2) hour lunch break in order to take a one-hour (1) lunch.

ATTENDANCE

POLICY:

Regular and reliable attendance is an essential function of every job in the Town of Hadley. Employees are expected to report to work on time and, with the exception of authorized break and meal periods, to remain at work throughout the entire workday. Failure of an employee to report to work on time and/or to maintain regular and reliable attendance may result in disciplinary action, up to and including termination.

DEFINITIONS:

Unplanned absence: When an employee fails to meet scheduled hours, irrespective of the reason. Reasons for an unplanned absence might include transportation problems, a dependent's illness or personal illness.

Excused absence: When an employee fails to meet scheduled hours and such absence is for an authorized purpose such as jury duty, subpoena witness duty, and pre-authorized benefited leaves (vacation, compensatory, holiday, personal leaves, etc.).

Tardiness: When an employee is absent from his or her assigned work area at the assigned start time or following approved break time.

Unauthorized leaves: When an employee leaves work before the scheduled end of his or her work time, or is absent from work for any unauthorized reason. The refusal to accept necessary overtime is considered unauthorized leave.

No-Call, No-Show: When an employee does not notify the supervisor that he or she will be absent from work and does not report to work at the assigned place and time, irrespective of the reason for the absence.

RESPONSIBILITIES:

Employees, who for unplanned reasons, will be absent from work are required to call in prior to or within thirty(30) minutes of their expected start time and to notify their designated supervisor that they will be absent, the reason for the absence, and when they anticipate that they will report to work. Employees on unplanned absence are required to check in daily or at longer intervals as determined by their supervisor. Failure to check in daily or as agreed upon with their supervisor for three (3) consecutive workdays or agreed upon intervals will be considered a voluntary termination.

Written medical documentation deemed acceptable by the Town may be required in those cases in which an employee is absent for medical-related reasons, and acceptable written medical documentation will be required if an employee is absent for more than five (5) consecutive work days. Failure to promptly produce such medical documentation shall be considered cause for discipline, up to and including termination. The presentation of a note from a licensed healthcare provider does not excuse the absence; it merely documents the illness. The Town may, at its discretion, require an employee to be examined by a healthcare provider selected and paid for by the Town. Fraudulent and/or abusive use of sick leave will be cause for discipline, up to and including termination. Attendance records are a part of the employee's permanent employment record, and will be considered for personnel actions when applicable. Tardiness and unauthorized absence from the work place will be considered when reviewing an employee's attendance.

PAYROLL POLICIES

PAYROLL POLICIES

POLICY:

This policy serves to outline information regarding the timing, options and procedures relevant to payroll.

GENERAL:

The Town of Hadley processes payroll and produces pay advices bi-weekly. A pay period is defined as a two one-week periods beginning on a Saturday and ending on Friday the following week. Pay is direct deposited into employee designated bank accounts on the Friday pay date. Forms are available from the Treasurer's Office to initiate and terminate a direct deposit election.

Employees should review the information on each pay advice and report any errors promptly. Errors should be directed to the department level first, then to the Payroll and Benefits Coordinator. Corrections will be made in the following payroll.

RESPONSIBILITIES:

Employees are responsible for recording their time accurately and as directed by their department. Non-union employees are to use Payroll Form P/R 100 (07-03). (See Appendix, Section 4 – "Sample Time Sheet"). Union employees are to use the established departmental practice for recording work time. For non-exempt employees, the time period must reflect all time worked, overtime, sick time, vacation time, personal time, or other time as designated by policy. . Exempt employees are paid their biweekly salary and shall record only accrued time taken on time sheets.

Department Heads/Elected Officials are responsible for approving time off and for verifying that payroll records are accurate before payroll is processed. They are also responsible for monitoring that all relevant policies and procedures are being consistently applied and for reporting any changes in an employee's status in a timely manner to the Human Resources office Department. All payroll submissions and approvals are signed under penalty of perjury attesting to the accuracy of the information. It is the policy of the Town of Hadley that any falsification of information on a time sheet shall be grounds for immediate dismissal

All time sheets must be submitted by the Department Head/Elected Official as follows:

- ❖ Original copy to the Human Resources Department.
- ❖ Photocopy to be maintained by originating Department.
- ❖ Time sheets must be submitted by noon. on the Monday following the end of each pay period. In the absence of the authorizing supervisor, the employee will submit a photocopy to Human Resources for processing. When the supervisor returns, the approved original must be submitted to Human Resources immediately.
- ❖ Paychecks will not be issued by the Human Resources Department without the receipt of a fully completed time sheet.

New employees or status change: The Human Resources Department is responsible for setting up new employees in the payroll system and entering changes to an employee's status. The Department Head is responsible for ensuring that the Human Resources Department receives all necessary information about a new hire.

Credit Union: Employees of the Town of Hadley are eligible to join either the Freedom Credit Union or the UMass Five College Federal Credit Union

PERSONNEL FILE

The Town shall maintain an official personnel file for each employee that shall be consulted when making all personnel decisions and recommendations. Any and all materials contained in the personnel file concerning the employee shall be open to the employee with a right to a copy upon written request and by appointment during regular business hours. All Town employees shall be responsible for supplying the Town with such documents as may be requested by the Town for purposes of fulfilling its obligation as an employer. The Town shall maintain the confidentiality of these files in accordance with applicable state and federal law.

PERFORMANCE EVALUATION POLICY

POLICY:

This policy serves to outline information regarding the timing and procedures related to Performance Evaluations. Performance Evaluations are not public records and may not be released.

GENERAL:

Each employee of the Town of Hadley will receive an annual performance review.

RESPONSIBILITIES:

The Department Head or appropriate supervisor will evaluate each part-time and full-time employee in the department on an annual basis. These employees will receive a Performance Evaluation by July 1st of each year. In addition, a Probationary employee will be evaluated three months after their initial date of hire.

The evaluation will be a reflection of the employee's performance measured against the job responsibilities set forth in the current job description for that position, and any goals established for that employee during that time period.

The Department Head or supervisor will prepare the Performance Evaluation and discuss it in a private setting with the employee. Each employee may provide input into his/her evaluation.

The Performance Evaluation will identify areas where the employee is doing well in addition to those areas that could use improvement. Steps to improve performance will be identified.

The employee will be asked to sign the Performance Evaluation.

The Performance Evaluation will become part of the employee's Personnel File.

The Performance Evaluation will not be a Public Record per State Statute.

The Department Head/supervisor must provide the Human Resources Office with a list of the employees who have received their annual review by July 7th of each year.

EMPLOYEE LEAVES (paid and unpaid)

VACATION LEAVE (as amended 3/21/07):

Effective January 1, 2008 the vacation period will be from January 1 through December 31. After completion of the six (6) month probationary period, eligible employees shall be entitled to the following vacation leave:

After six (6) months:	six months from date of hire	Five (5) working days
After one (1) year:	one year from date of hire	Five (5) additional working days
After two (2) years:	Jan. 1 of year following 1 yr. anniv.	Ten (10) working days per year
After five (5) years:	five years from date of hire	Five (5) additional working days
	Jan. 1 of year following 5 yr. anniv.	Fifteen (15) working days per year
After ten (10) years:	ten years from date of hire	Five (5) additional working days
	Jan. 1 st of year following 10 yr. anniv.	Twenty (20) working days per year
After twenty (20) years:	(20) years from date of hire	One (1) additional working day
	Jan. 1 of year following 20 yr. anniv.	(21) working days per year
	(21) years from date of hire	One (1) additional working day
	Jan. 1 of year following 21 yr. anniv.	(22) working days per year
	(22) years from date of hire	One (1) additional working days
	Jan. 1 of year following 22 yr. anniv.	(23) working days per year
	(23) years from date of hire	One (1) additional working day
	Jan. 1 of year following 23 yr. anniv.	(24) working days per year
	(24) years from date of hire	One (1) additional working days
	Jan. 1 of year following 24 yr. anniv.	(25) working days per year

Employees may carry-over up to one-half of accrued time per year.

Vacation Eligibility:

Vacation time for full-time and permanent part-time employees accrues from the date of hire, but vacation time may not be taken by either full-time or permanent part-time employees during the first six (6) months of employment. Full time employees and permanent part-time employees working twenty (20) or more hours per week on a regular basis are entitled to paid vacation on a prorated basis (see Appendix, Section 2 – “Prorating of Paid Leave Benefits”)

Use of Vacation, Holiday, and/or Compensatory Time:

Employees who wish to use vacation, holiday and/or compensatory leave time shall submit written requests for the use of this leave time to their immediate supervisor for prior approval. All planned leave requests should be submitted as far in advance as possible, but no later than twenty-four (24) hours in advance of the planned leave. Unauthorized use of vacation, holiday and/or compensatory time shall be considered as a no-show, no-call and subject the employee to discipline. Availability of accrued leave time for each employee shall be kept on record in the Human Resources Department and calculated from the time sheets submitted by each employee each payroll period.

EMPLOYEE LEAVES (paid and unpaid) continued...

HOLIDAYS: The recognized paid holidays shall be:

New Year's Day	Martin Luther King Day	President's Day
Patriots Day	Memorial Day	Independence Day
Labor Day	Columbus Day	Veteran's Day
Thanksgiving Day	the Friday immediately following Thanksgiving	
Christmas Day	one Floating Holiday.	

The granting of a Floating Holiday commences on January 1, 2005. A written request for a Floating Holiday must be made at least two weeks in advance to the appropriate supervisor. Any holiday falling on a Saturday will be celebrated on the preceding Friday, and any holiday falling on a Sunday will be celebrated on the following Monday.

Regular business hours will be observed on other weekdays of the year unless otherwise determined by the Board of Selectmen.

Full-time employees and permanent part-time employees working twenty (20) or more hours per week on a regular basis are entitled to this benefit on a prorated basis. (see Appendix, Section 2 – "Prorating of Paid Leave Benefits")

PERSONAL LEAVE (as amended 3/21/07):

Effective January 1, 2008 full-time employees and permanent part-time employees working twenty (20) or more hours per week on a regular basis shall be entitled to three (3) paid personal days per calendar year. This leave time shall not accrue beyond the calendar year. This benefit shall be paid on a prorated basis. (see Appendix, Section 2 – "Prorating of Paid Leave Benefits")

SICK LEAVE:

Sick leave may be used for the illness of the employee or a member of the immediate family. Full-time employees and permanent part-time employees working twenty (20) or more hours per week on a regular basis shall accrue sick leave pay at the rate of 1.25 days per month. This benefit shall be paid on a prorated basis. (see Appendix, Section 2 – "Prorating of Paid Leave Benefits")

Sick leave may be accumulated to a maximum of 150 days.

Sick Leave Buy Back:

Upon retirement, in accordance with the Hampshire County Retirement System, the Town shall buy back from all employees at fifty (50) percent of their current rate of pay, up to a maximum of 30 days of accumulated sick leave provided that the employee has completed fifteen (15) years of uninterrupted service at twenty (20) or more hours per week with the Town of Hadley and the employee has provided written notice to his/her supervisor at least 60 days in advance of his/her retirement date, unless the retirement is for medical reasons or directly related to a reduction in the work force.

MILITARY LEAVE:

Employees who are called for temporary military duty shall be granted a leave of absence upon presenting his/her supervisor a copy of his/her military orders regarding the leave request based upon provisions of all federal acts including the Gulf War Veteran Act and M.G.L. c. 33.

EMPLOYEE LEAVES (paid and unpaid) continued...

LEAVE WITHOUT PAY:

Employees may take leave without pay for periods up to one year in duration with the approval of the proper Administrative Authority (Board of Selectmen or designee) if, in the Board's opinion, the services of the town will not suffer and/or when an acceptable temporary replacement is available.

JURY DUTY:

Employees who are required to serve on a jury shall be paid by the Town for the first three (3) days of such jury duty if scheduled to work on these days. Any service beyond three (3) days, the Town will make up the difference (excluding travel) between the employee's regular compensation and the jury compensation. 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.

SMALL NECESSITIES LEAVE ACT (SNLA):

It is the policy of the Town of Hadley to provide eligible employees with additional leave for certain family obligations pursuant to state law regarding the Small Necessities Leave Act. (see Appendix, Section 2 –“Small Necessities Leave”, as amended).

MATERNITY AND ADOPTION LEAVE:

It is the policy of the Town of Hadley to provide eligible employees with additional leave for the birth or adoption of a child pursuant to state law regarding the Massachusetts Maternity Leave Act. (see Appendix, Section 2 –“Massachusetts Maternity Leave Act (MMLA)”, as amended).

FAMILY MEDICAL LEAVE ACT (FMLA):

The Town acknowledges that various benefits, including but not limited to sick leave, maternity leave and family leave, are available to its employees pursuant to state and federal law, and in particular, the FMLA. It is the Town's intent that any benefits provided herein are to be used as part of, and not in addition to, any statutory benefits so conferred. Where the Town's existing leave policies provide greater benefits than the FMLA, those benefits shall not be reduced by incorporation into these policies the provisions of FMLA. (see Appendix, Section 2 –“Family and Medical Leaves of Absence”, as amended).

EMPLOYEE LEAVES (paid and unpaid) continued...

BEREAVEMENT LEAVE:

Full-time employees and permanent part-time employees working twenty (20) or more hours per week on a regular basis shall be entitled to the following Bereavement Leave:

- ❖ Five (5) consecutive workdays bereavement leave for a death in the immediate family immediate family shall include the employee's spouse, child (including an unborn child in the last trimester), step-child, mother, father, siblings or domestic partner.
- ❖ Three (3) consecutive workdays (prorated) for the death of a grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law or other companion or relative residing in the employee's household.

The supervisor may authorize, at his/her discretion, the use of other paid leave for funeral attendance. This benefit shall be paid on a prorated basis. (see Appendix, Section 2 – "Prorating Paid Leave Benefits")

EMERGENCY OR WEATHER-RELATED OFFICE CLOSURE:

In the event that Town Offices are closed, or opening is delayed due to a weather-related or other emergency, employees scheduled for work that day shall be compensated for their regular work day. If the closing continues beyond two (2) consecutive days, employees may receive compensation if they choose to use personal days or vacation time.

WORKERS' COMPENSATION:

Employees shall report any accident and/or injury sustained during the performance of their respective duties. Such reports shall be in writing and presented to their supervisor within twenty-four (24) hours of occurrence.

EMPLOYEE BENEFITS

HEALTH INSURANCE:

Full-time and permanent part-time employees working twenty (20) or more hours per week on a regular basis shall be eligible to participate in the Group Health Insurance plan available to the Town of Hadley employees. The Town shall not pay less than the amount as required under M.G.L. c. 32 B.

GROUP TERM LIFE INSURANCE:

Full-time and permanent part-time employees working twenty (20) or more hours per week on a regular basis are eligible to participate in the Town of Hadley sponsored Group Term Life Insurance program. Participation in this program must be elected by the employee within the first thirty (30) days of employment. This benefit is only available at time of hire.

EMPLOYEE BENEFITS continued...

OPTIONAL LIFE AND DISABILITY INSURANCE:

Full-time and permanent part-time employees working twenty (30) or more hours per week on a regular basis are eligible to participate in the Town of Hadley sponsored Long-term Disability program.

Full-time and permanent part-time employees working twenty (20) or more hours per week on a regular basis are eligible to participate in the Town of Hadley sponsored Short-term Disability, Universal Life, Whole Life and Term Life programs.

SECTION 125 PROGRAM:

Full-time and permanent part-time employees working twenty (20) or more hours per week on a regular basis are eligible to participate in the Town of Hadley sponsored Flexible Spending Account program. This is a pre-tax program that allows eligible employees to set aside a certain amount of income on a pre-tax basis to pay for dependent care and out-of-pocket medical expenses.

SECTION 457 DEFERRED COMPENSATION PLANS:

Full-time and permanent part-time employees working twenty (20) or more hours per week on a regular basis are eligible to participate in the Town of Hadley sponsored Deferred Compensation Plan. This is a pre-tax program that allows eligible employees to set aside a certain amount of income on a pre-tax basis for their retirement.

RETIREMENT SYSTEM MEMBERSHIP:

Participation in the Hampshire County Retirement System (HCRS) is mandatory for all permanent employees who are eligible under the HCRS rules and regulations.

Participation in the Nationwide Retirement OBRA plan is mandatory for all temporary, seasonal and part-time employees earning less than \$3500.00 per year.

POST EMPLOYMENT BENEFITS

HEALTH INSURANCE (adopted 4/04/07, effective 7/1/07, amended 3/21/12 by adding subsection 2):

Retirees, and their dependents, are eligible to receive health insurance as per MGL Chapter 32B provided that the retiree meets the following minimum criteria:

- 1.) The retiree must be eligible to receive a retirement annuity from either the Hampshire County Retirement System (HCRS) or the Massachusetts Teachers' Retirement System (MTRS), and
- 2.) Any employee retired by the Town under the current pension plan as a result of their employment with the Town shall be eligible to continue as a participant in the group health plans offered by the Town's carrier provided he/she was enrolled in the group plan on the date of retirement. This rule takes effect on the date of adoption (3/21/12) and shall apply to all employees who retire as of the date of the adoption of this rule.

The Town will pay 50% of the health insurance premium for retirees and their spouses and dependents in accordance with the MGL Chapter 32B

GROUP TERM LIFE INSURANCE (adopted 3/21/07, effective 7/1/07):

Retirees are eligible to continue their Group Term Life Insurance as per MGL Chapter 32B with the coverage converted from Life and AD&D (accidental death and dismemberment) to Life only.

COMPENSATORY TIME

POLICY:

It is the policy of the Town of Hadley to grant compensatory time off for non-exempt employees for hours worked above their contracted and/or budgeted hours per week consistent with the Fair Labor Standards Act.

GENERAL:

This policy applies to town employees who are not covered by a collective bargaining agreement. Employees who are covered by a collective bargaining agreement are subject to that agreement and should refer to their union contract for the policy on compensatory time.

COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES:

Employees classified as non-exempt and who are required to work in excess of their weekly budgeted hours shall be granted one (1) hour of compensatory time for each hour worked between their weekly budgeted hours and forty (40) hours. Employees classified as non-exempt who are required to work in excess of forty (40) hours per weekly work period, may choose to be compensated at 1.5 times their regular rate of pay or may request 1.5 hours of compensatory time for each hour worked in excess of forty (40) per weekly work period instead of overtime pay, up to a maximum accrual of 40 hours. Non-exempt employees must receive prior permission from their supervisor before they can work any voluntary or non-required overtime hours. Non-exempt employees must use their accumulated compensatory time within ninety (90) days of the end of the work week in which it was earned, subject to supervisor approval. No more than forty (40) hours of compensatory time can be accumulated by any employee. An employee who reaches this cap will not be permitted to accrue additional compensatory time. If required by a supervisor to work additional hours, the employee will be paid overtime wages at time and one half their regular hourly rate from the Department budget.

A management review is required when an employee nears (or attains) 40 hours of approved accrued compensatory time. The employee, Department Head and HR Director shall participate in the management review. The review shall include an analysis of factors potentially contributing to the accrual, such as job assignments, distribution of responsibilities, department budget allocations, department attendance and time management. An effort should be made to reduce or eliminate factors contributing to compensatory time accrual. Any adjustments subsequently made to job assignments, responsibilities or budget shall be communicated to all parties.

Payment at the then current rate for any unused compensatory time shall be made to non-exempt employees at the time they leave the service of the Town, including retirement.

FLEX TIME and EXTRA TIME FOR EXEMPT EMPLOYEES:

Effective January 1, 2021 or the expiration date of their current employment agreement (whichever is later) employees who are managerial or salaried exempt under the Fair Labor Standards Act are not eligible for overtime pay or compensatory time off. Exempt employees are expected to work the number of hours necessary to accomplish assigned duties and responsibilities, but may request a management meeting to review duties and responsibilities when expectations and reality are not aligned. Regular work hours shall

incorporate time requirements detailed in employee job descriptions, including attendance at assigned evening meetings.

FLEX-TIME.

Exempt employees may be permitted to arrange their usual work schedules to accommodate unusual demand for evening or weekend work. For example, an employee obliged to attend an extra evening meeting may decide to come to work late the following day. Managers are expected to keep the normal business hours worked by others in their department, but flexible scheduling for unusual time demand periods may be appropriate. Advance approval of flexible schedules should be obtained. Flex time may be recorded on time sheets but is not paid out in compensation.

EXTRA TIME OFF FOR EMERGENCY WORK:

An exempt employee may request and take extra time off when the employee has worked additional hours that clearly and substantially exceed the average work week. An example may include a major public safety or weather incident. The employee is expected to demonstrate that it was not possible to delegate or accommodate the work hours, and extra time off may be taken only with the prior approval of the Town Administrator. Time off granted pursuant to this policy does not accrue and is not paid out in compensation.

DISCIPLINARY POLICY

DISCIPLINE:

Discipline is a form of corrective action that, at the Town's discretion, may include, but not be limited to, verbal and written warnings, suspension from work without pay, and/or termination. Employees shall have the right to appeal a supervisor's decision to the Board of Selectmen or appropriate authority, whose decision on the appeal shall be binding upon all parties.

An employee having successfully completed the required probationary period shall not be discharged, suspended or demoted for disciplinary reasons without just cause.

Just cause may include, but shall not be limited to, any one or more of the following:

1. willful neglect or non-performance of one or more assigned duties;
2. demonstrated incompetence in the performance of one or more assigned duties;
3. behavior that seriously interferes with the normal operation of the Town administration, the department, or any members of the workforce or elected or appointed officials;
4. insubordination, which shall mean a refusal to carry out a direct and lawful order;
5. dishonesty in the performance of assigned duties;
6. theft, misappropriation or misuse of town funds or property;
7. falsification of time sheets, records or reports;
8. chronic absenteeism or tardiness without a reasonable cause;
9. disclosure of confidential town information;
10. violation of safety rules, practices or policies;
11. unauthorized possession or use of alcohol, illegal substances or an un-prescribed controlled substance during any period of assigned work;
12. off-duty conduct which will result in harm to the Town and/or,

13. conduct which violates the Town's policies regarding workplace violence, discrimination and/or sexual harassment.

Disciplinary action shall not be applied in an arbitrary or capricious manner. When applied, discipline shall be corrective and implemented in progressive stages from minor to severe, except in those instances in which an employee's action(s) are determined by the Town to be so egregious that immediate discipline is required. Progressive stages of discipline may include any or all of the following actions: verbal reprimand, written reprimand, probation, suspension, and/or discharge.

COMPLAINTS:

The Town shall, within fourteen (14) workdays of receiving a written, signed complaint or any material which the Town believes would adversely affect that employee's employment status, send or communicate to the employee said complaint or material. If any complaint, or record thereof, is placed in an employee's personnel file, the employee shall, within fourteen (14) workdays, have the right to file a statement in response which shall be attached to the complaint and included in the personnel file.

PERSONNEL FILE CHECK:

Supervisors are required to consult the personnel file of employees before taking any personnel action.

APPEALS PROCEDURE

GENERAL:

This procedure is designed to facilitate the prompt, fair, impartial and informal settlement of questions arising from the interpretation and/or administration of any provision contained within this Handbook. In recognition that disputes may arise between an employee(s) and their supervisor(s) regarding the interpretation and/or application of any provision contained herein, the employee(s) may appeal the decision of their supervisor(s) by following this Appeals Procedure. Any employee(s) who believes that their supervisor(s) has not complied with any provision contained in this Handbook shall have the right to challenge that action through this Appeals Procedure, as defined herein.

DEFINITIONS:

- ❖ Appeal – an appeal is defined as an allegation by a Town employee(s) that his/her supervisor has incorrectly interpreted and/or applied a specific provision contained in this Handbook.
- ❖ Appeals Procedure-the procedure that is to be followed in processing an employee complaint.
- ❖ Day – shall mean a workday.
- ❖ Employee – all full and part-time employees of the Town who are not members of a collective bargaining unit.
- ❖ Complaint – a complaint is a written statement describing the alleged violation of the Handbook and the remedy requested. The written complaint shall be made on a Step One Complaint form and shall contain all known facts pertaining to the alleged violation of the policy, including the date on which the incident is alleged to have occurred, the specific policy and/or procedure allegedly violated, all relevant facts supporting the employee(s) allegation, and the remedy being requested. All exhibits upon which the employee(s) intend to rely shall be appended to the initial complaint.
- ❖ Supervisor – any Town employee authorized to act upon the Town's behalf in a supervisory and/or managerial capacity.
- ❖ The Board of Selectmen, or designee(s) – will act upon the Town's behalf to hear and render a final and binding decision on all Step Two employee complaints.

If an employee(s) believes that any policy and/or procedure contained in this Handbook has been misinterpreted and/or misapplied, the employee, may within ten (10) days after the employee knew or should have known of the alleged violation, utilize the appeals procedure to remedy the alleged violation of the Handbook. The failure of an employee(s) to strictly comply with the time limits for filing and/or processing a complaint shall be deemed to be a waiver of the right to use the appeals procedure. If a supervisor fails to meet a specified time deadline, the employee(s) may move the complaint to the next step in the appeals procedure.

APPEALS PROCEDURE continued...

GUIDELINES:

Informal Adjustment:

Whenever possible, an employee(s) shall first attempt in good faith to resolve their allegation through informal discussion with their immediate supervisor before filing a Step One complaint.

Step One:

If the issue is not resolved during the informal discussion stage, within ten (10) days thereafter, the employee(s) may file with his/her supervisor a complaint using the Step One Personnel Complaint form. (see Appendix, Section 3 – “Step One Personnel Complaint Form”) A copy of the form is available from the Town Administrator. After receipt of the Step One Complaint, the immediate supervisor shall meet with the employee(s) and review the complaint and remedy requested. The supervisor shall prepare and deliver to the employee a written decision (see Appendix, Section 3 – “Step One Personnel Decision Form”) on the allegation(s) within ten (10) days after the receipt of the initial Step One Complaint form.

Step Two:

Within five (5) days after receipt of the supervisors’ written response, if the complaint is not resolved at Step One, the employee(s) may appeal to the Board of Selectmen (or designees) or the appropriate hiring authority by submitting a Step Two Personnel Appeal form (see Appendix, Section 3 – “Step Two Personnel Appeal Form”). The employee must include a copy of the initial Step One Complaint form and a copy of the supervisor’s Step One Complaint Decision form when submitting the Step Two Appeal to the Board of Selectmen (or designees) or the appropriate hiring authority.

Within thirty (30) days after receipt of the Step Two Personnel Appeal form the Board of Selectmen (or designees) or appropriate hiring authority shall convene a meeting for the purpose of hearing the employee(s) complaint. During the hearing, the employee(s) shall have the right to call and examine witnesses and to introduce other evidence, provided, however, the strict rules of evidence shall not apply. No new issues may be raised at Step Two beyond those raised in the initial Step One Complaint form. At the hearing, the employee(s) may have, at his/her own expense, a designated representative, or may represent themselves. Within thirty (30) days after the conclusion of the hearing, the Board or hiring authority or designee, on behalf of the Town, shall issue a written decision.

EXIT INTERVIEWS

Employees who are retiring or resigning from their employment in the Town of Hadley are encouraged to complete an Employee Exit Interview Survey Form before their last day of work. The purpose of the survey is to obtain information from departing employee(s) that may be useful to the Town in improving the work environment for current and future employees. This data, compiled by the Board of Selectmen's designee, will be forwarded to the Board of Selectmen on a periodic basis. (see Appendix, Section 3 – "Exit Interview Survey")

SEVERABILITY

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

APPENDIX

SECTION 1

POLICY ON WORKPLACE VIOLENCE

DEFINITIONS:

Workplace violence includes, but is not limited to, harassment, threats, intimidation, physical attack, or property damage. The following are a few examples of conduct that the Town will not tolerate pursuant to this policy:

- ❖ Any form of oral or written threat that suggests or infers physical harm or an act of violence.
- ❖ The use of Town property, services or equipment such as phones, faxes, copiers, computers, vehicles, etc., for the purpose of threatening any individual with physical harm or an act of violence.
- ❖ Any physical assault, or threat of physical assault, such as hitting, pushing, punching, kicking or holding.
- ❖ Impeding or intentional blocking of the movement of another person with the intent to cause harm or intimidation.
- ❖ The carrying, transportation or storage of firearms and ammunition including starter pistols, flare guns, explosives and blasting caps either on the person or in a vehicle, while on town property, is also expressly prohibited. The possession of a valid License to Carry Firearms, Firearm Identification Card, or Federal Firearms License does not supercede this prohibition. Any other object that may be construed as a dangerous weapon as defined under MGL, c.269-10, or items possessed with the expressed intent to harass or injure others are likewise prohibited.

Any violation of the above prohibitions shall subject the individual to appropriate disciplinary action up to and including termination.

PREVENTION OF WORKPLACE VIOLENCE:

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

PROCEDURE FOR REPORTING VIOLENCE:

Each incident of workplace violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the Town Administrator. The Administrator will assess and investigate the incident. If after the completion of a preliminary investigation, it is determined that there is reasonable cause for finding a violation of this policy, the complainant and the charged party will be notified of the finding orally. The charged party will be requested to respond to the complaint. After hearing both sides of the incident, the Administrator will recommend appropriate action, if needed, to the Selectboard or appropriate hiring authority. Such action may include any of those listed in the Disciplinary Policy, or in the case of external individuals, filing a complaint with the Police Department.

If immediate action is required, the Administrator may take appropriate action and report to the Selectboard or appropriate hiring authority as soon as possible.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified by the immediate Supervisor who must then report the incident immediately to the Administrator.

INTERIM SEXUAL HARASSMENT POLICY

BACKGROUND:

The Town of Hadley ("Town") will not allow or condone any form of sexual harassment within the work environment; the Town will not allow any conduct that has the purpose or effect of interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment in the work place is unlawful behavior, prohibited by both state and federal law. It interferes with work performance; creates an intimidating, hostile, or offensive work environment; or influences or tends to affect the career, salary, working conditions, responsibilities, duties, or other aspects of career development of an employee or prospective employee; or creates an explicit or implicit term or condition of any individual's employment, it will not be tolerated.

EXAMPLES:

These are examples of conduct which may, depending on the circumstances, constitute sexual harassment: Unwelcome sexual advances, verbal or physical conduct of a sexual nature, visual forms of sexual nature (e.g. signs, posters, or jokes, and the like), requests for sexual favors, or any terms of employment conditioned upon sexual favors, or on the toleration of sexual harassment of any kind. The motive of an employee who sexually harasses another employee will not determine whether harassment has occurred; it is the impact of the harassment that shall be a determinate factor. This policy applies to all persons employed by the Town and to all phases of employment and includes recruiting, hiring, transfer, promotion, salary negotiations, working conditions, training and termination.

PROCEDURES:

Sexual harassment conduct, when experienced or observed, shall be immediately reported, verbally or in writing, to the Board of Selectmen and the Administrative Assistant. Complaints may be addressed to the Board of Selectmen and the Administrative Assistant at 100 Middle Street, Hadley, MA 01035, or by calling 413-586-0221.

Upon receipt of a complaint, the appropriate department head will be instructed to conduct an investigation and prepare a report for the Board of Selectmen and the Administrative Assistant. The report must provide details of the investigation and shall also set forth recommendations by the investigator for actions to be taken to address and remedy possible future harassment and to ensure against retaliation directed to the victim(s) and/or complainant(s). Furthermore, the report must include comments and signatures of all parties involved in the investigation. The alleged perpetrator of sexual harassment must have an opportunity to put in writing in a permanent record his/her understanding of what actually transpired. Similarly, the alleged victim must have an opportunity to put in writing his/her version of what happened and the treatment received throughout the investigative process.

INTERIM SEXUAL HARASSMENT POLICY continued...

CONFIDENTIALITY:

The privacy of the employee under investigation, and of the complaining employee(s) as well as the alleged victim(s) shall be respected at all times. The records and information concerning any complaint or investigation, whether written or not, shall be kept in a safe place and shall be regarded as confidential, to the extent possible.

RETALIATION:

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of such a complaint.

SANCTIONS:

Any act of sexual harassment or retaliation is considered a major violation of Town policy and will be dealt with accordingly by corrective counseling and/or disciplinary actions which may include written warning, suspension, or termination, depending upon the severity of the violation and consistent with contractual obligations of all parties concerned. Any employee who commits a second act of harassment or retaliation will be subject to termination.

ENFORCEMENT:

The responsibility and authority for enforcement of this Policy lies with the Board of Selectmen. The Board of Selectmen may designate the Administrative Assistant to act on its behalf.

EFFECTIVE DATE:

This Policy shall become effective on the day following formal approval by a majority vote of the Board of Selectmen and shall not apply to any activity prior to the effective date.

Upon acceptance, a copy of this Policy will be given to every current employee of the Town. At the time of hiring every new employee of the Town will be given a copy of this Policy and signature in a log book maintained for that purpose.

This Policy will be distributed annually to every employee.

REVISIONS:

This Policy may be amended by a majority vote of the Board of Selectmen.

CONCLUSION:

It is the intent of the Town to provide a work environment free from verbal, physical, and visual (sign, posters, or documents) forms of sexual harassment between employees. All employees are expected to be sensitive to the individual rights of their co-workers.

This Sexual Harassment Policy was adopted by the Board of Selectmen on October 2, 1996.

INTERIM SEXUAL HARASSMENT POLICY continued...

ENFORCEMENT AGENCIES:

FEDERAL: U.S. Equal Employment Opportunity Commission (EEOC)
1801 L Street, NW
Washington, DC 20507
Online at <http://www.eeoc.gov>
Toll free (800) 669-4000
Toll free TDY (800) 669-6820

STATE: Massachusetts Commission Against Discrimination (MCAD)
Online at <http://www.mass.gov/mcad/>

In Boston:
One Ashburton Place, 6th Floor, Room 601
Boston, MA 02108
(617) 994-6000
TDY (614) 994-6196

In Springfield:
436 Dwight Street, 2nd Floor, Room 220
Springfield, MA 01103
(413) 739-2145

COMPUTER EQUIPMENT AND SERVICES
ACCEPTABLE USE POLICY *(adopted 12/20/06, dist. 4/12/0)*

INTRODUCTION:

The Town of Hadley provides staff with the computer equipment and the ability to communicate and receive information using electronic mail and the Internet. The Town utilizes this technology to improve staff efficiency and communication, and to serve the public more effectively. These computer resources are the property of the Town of Hadley and should be used for appropriate business purposes. Town employees are expected to use their access to electronic mail and the Internet in a responsible and informed way.

The Town reserves the right for legitimate business purposes to monitor, review, and retrieve any information stored on or transmitted with Town equipment and, therefore, users should not have an expectation that their email communication, or documents stored on Town equipment, will remain private.

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

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

INTERNET:

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

The Town allows users the privilege of Internet access for limited personal use, such as looking at home pages and sending e-mails to friends. This privilege of personal use of the Internet is subject to terms and conditions established by the Town herein, and as they may be amended from time to time, and may be withdrawn in the future, with or without cause, in the discretion of Town management. Any personal use of the Internet must be on the employee's own time and must not interfere with the Town's operation or the user's work responsibilities.

At no time may the Internet be used for any type of commercial use, or to transact non-government business. The use of the Internet to solicit or proselytize others for commercial ventures, religious or political is prohibited.

Users need to be aware of the impact of their activities on computer resources. Use of the Town's computers for non-government business purposes is prohibited during business hours.

COMPUTER EQUIPMENT AND SERVICES
ACCEPTABLE USE POLICY continued...

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

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

ELECTRONIC MAIL (E-MAIL) ACCESS AND USE:

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

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

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

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

NETWORK SECURITY:

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

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

COMPUTER EQUIPMENT AND SERVICES
ACCEPTABLE USE POLICY continued...

EXPECTATION OF PRIVACY:

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

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

OPEN MEETING LAW:

Users need to take into consideration the applicability of the open meeting law when participating in an electronic conversation through e-mail, chat, or other such method of electronic communication.

APPENDIX

SECTION 2

PRORATING OF PAID LEAVE BENEFITS

DEFINITION:

The calculation of paid leave benefits based upon the average number of hours worked per day in a regularly scheduled work week.

PROCEDURE:

The level of benefit is calculated by taking an employee's regular weekly scheduled hours and dividing that number of hours by five (5) and then multiplying that number by the accrual rate.

EXAMPLE:

Holiday Pay:

An employee whose regular work schedule is twenty-five (25) hours per week

would get:	Scheduled hours	25	
	Divided by	<u>5</u>	
	Equals	5	hours of pay per full day Holiday

Vacation Leave:

An employee whose regular work schedule is twenty-five (25) hours per week

would get:	Scheduled hours	25	
	Divided by	<u>5</u>	
	Equals	5	hours of pay per vacation day accrued

Personal Leave:

An employee whose regular work schedule is twenty-five (25) hours per week

would get:	Scheduled hours	25	
	Divided by	<u>5</u>	
	Equals	5	hours of pay per personal day.

Sick Leave:

An employee whose regular work schedule is twenty-five (25) hours per week would accrue sick pay as follows:

Scheduled hours	25	
Divided by	<u>5</u>	
Equals	5	hours
Times accrual rate	<u>1.25</u>	days per month
Equals	6.25	hours per month

Bereavement Leave:

An employee whose regular work schedule is twenty-five (25) hours per week

would get:	Scheduled hours	25	
	Divided by	<u>5</u>	
	Equals	5	hours of pay per bereavement day.

FAMILY AND MEDICAL LEAVES OF ABSENCE (FMLA)

POLICY:

It is the policy of the Town of Hadley to comply with the provisions of the Family and Medical Leave Act of 1993 (FMLA), as amended.

DEFINITIONS FOR FMLA:

Eligible Employee: Employees are eligible if they have worked for at least one year and have provided at least 1,250 hours of service during the previous 12-month period.

Covered Family Member: Employee's spouse, son or daughter, or parent (as described in FMLA).

The 12 Month Period: The eligible period for leave shall be measured by rolling backward from the date an employee uses any FMLA leave.

- ❖ An employee granted FMLA Leave must first use available sick leave followed by vacation leave then available comp time. The employee may reserve personal time and up to one week of vacation for later use.
- ❖ The Town retains the right to apply FMLA leave concurrent with any other leave that an employee may qualify for because of the same condition or event.

Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

BASIC LEAVE ENTITLEMENT:

FMLA provides for up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's family member who has a serious health condition; or,
4. For a serious health condition that makes the employee unable to perform the employee's job.

Limitation - Entitlement to leave for the birth or placement of a child (1 and 2 above), expires at the end of the 12-month period beginning on the date of such birth or placement.

FAMILY AND MEDICAL LEAVES OF ABSENCE (FMLA)

continued....

MILITARY FAMILY LEAVE ENTITLEMENTS:

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

INTERMITTENT OR REDUCED LEAVE:

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of their own serious health condition when medically necessary. Medically necessary means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.

PROCEDURE:

Employee Notice Requirement

An employee must provide 30 days advance notice in the event of a foreseeable leave. A Request for Family and Medical Leave form (available from the Town Treasurer's Office) should be completed by the employee and returned to their immediate supervisor. When 30 days is not possible, the employee must provide notice as soon as practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed Request for Family and Medical Leave form.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

FAMILY AND MEDICAL LEAVES OF ABSENCE (FMLA)

continued....

PROCEDURE (continued):

Medical Certification of a Serious Health Condition

- ❖ For leaves taken because of a serious health condition, the employer may require the employee submit a completed Certification of Health Care Provider form to their immediate supervisor within 15 days of the leave request, or as soon as is reasonably possible. Forms are available from the Town Treasurer's Office (Form WH-380-E for employee, Form WH-380-F for family member, Form WH-385 for covered servicemember if Military Family Leave).
- ❖ The Town of Hadley *may* require a second or third opinion (at employer's expense), periodic reports on the employee's status to include a new Certification of Health Care Provider form every thirty days and intent to return to work, and a fitness-for-duty report to return to work.
- ❖ All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained separate from the employee's Personnel file.

EFFECT ON BENEFITS:

- ❖ An employee granted a leave under this policy will continue to be covered under the Town of Hadley's group health insurance plan and life insurance plans under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- ❖ Employee contributions will be required either through payroll deduction or by direct payment to the Treasurer's Office. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to change in rates that occur while the employee is on leave.
- ❖ If the employee's contribution is more than 30 days late, the Treasurer's Office may terminate the employee's insurance coverage.
- ❖ If the Town of Hadley pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the Town for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- ❖ If the employee fails to return from approved FMLA Leave for reasons other than; (1) the continuation of a serious health condition of the employee or a covered family member; or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the Town of Hadley may seek reimbursement from the employee for the Town's portion of the insurance premiums paid on behalf of that employee (also known as the employer contribution) for the length of the leave.
- ❖ An employee is not entitled to seniority or benefit accrual during periods of *unpaid* leave but will not lose anything accrued prior to leave. An employee whose leave extends beyond twelve weeks and goes into an unpaid status will not accrue benefits or seniority for that period.

FAMILY AND MEDICAL LEAVES OF ABSENCE (FMLA)

continued....

JOB PROTECTION:

- ❖ If the employee returns to work at the end of the approved FMLA Leave (up to 12 weeks Basic, or 26 weeks Military), he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.
- ❖ The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- ❖ If the employee fails to return to work at the end of the approved FMLA Leave (up to 12 weeks Basic, or 26 weeks Military), the employee will be terminated, unless the leave can be extended under some other statute or Town policy.

MASSACHUSETTS MATERNITY LEAVE ACT (MMLA)

POLICY:

It is the policy of the Town of Hadley to comply with the provisions of the Massachusetts Maternity Leave Act (MMLA)

ELIGIBILITY:

A female employee is eligible for maternity leave under the MMLA if:

- A. She has completed the initial probationary period of six month or in the event the employer does not utilize a probationary period for the position in question, has been employed for at least three consecutive months as a full-time employee; and
- B. she is absent from such employment for a period not exceeding eight weeks for the purpose of:
 - 1. giving birth; or
 - 2. adopting a child under the age of 18; or
 - 3. adopting a child under the age of 23, if the child is mentally or physically disabled; and
- C. she gives her employer at least two weeks notice of her anticipated date of departure and intention to return.

AVAILABILITY:

Maternity leave under the MMLA is available at the time of the birth or adoption, but not substantially earlier or substantially later.

EFFECT ON BENEFITS:

- ❖ An employee granted a leave under this policy will continue to be covered under the Town of Hadley's group health insurance plan and life insurance plans under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- ❖ Employee contributions will be required either through payroll deduction or by direct payment to the Treasurer's Office. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to change in rates that occur while the employee is on leave.
- ❖ If the employee's contribution is more than 30 days late, the Treasurer's Office may terminate the employee's insurance coverage.
- ❖ If the employee fails to return from approved Massachusetts Maternity Leave for reasons other than; (1) the continuation of a serious health condition of the employee or a covered family member; or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the Town of Hadley may seek reimbursement from the employee for the Town's portion of the insurance premiums paid on behalf of that employee (also known as the employer contribution) for the length of the leave.
- ❖ An employee is not entitled to seniority or benefit accrual during periods of *unpaid* leave but will not lose anything accrued prior to leave.

USE OF ACCRUED VACATION, PERSONAL, AND SICK TIME:

If maternity leave is unpaid, the employee will be permitted (but not required) to use, concurrently with the maternity leave, accrued vacation, personal, or sick time under the following circumstances:

1. Vacation or Personal Time – an employee may voluntarily use any accrued vacation or personal time she has concurrently with all or part of her maternity leave.
2. Sick Leave – an employee may use sick leave concurrently with any part of her maternity leave that satisfies the employer's sick leave policy.

The MMLA does not in any way limit the right of an employee to use accrued vacation, sick leave or personal time before her statutory maternity leave begins, or after her leave ends, in accordance with her employer's policies and applicable law.

JOB PROTECTION:

- ❖ If the employee returns to work at the end of the approved MMLA Leave (up to 8 weeks), she will be reinstated to her former position or an equivalent position with equivalent pay, benefits, status and authority.
- ❖ The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- ❖ If the employee fails to return to work at the end of the approved MMLA Leave (up to 8 weeks), the employee will be terminated, unless the leave can be extended under some other statute or Town policy.

SMALL NECESSITIES LEAVE (SNLA)

POLICY:

It is the policy of the Town of Hadley to provide eligible employees with additional leave for certain family obligations pursuant to state law regarding the Small Necessities Leave Act.

ELIGIBLE EMPLOYEES:

Employees are eligible if they have worked for at least one year, and provided at least 1,250 hours of service during the previous 12-month period.

ELIGIBLE EVENTS:

Eligible employees are entitled to a total of 24 hours of leave during any 12 month period to:

- ❖ Participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- ❖ Accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations;
- ❖ Accompany an elderly relative of the employee (a person at least 60 years of age, related by blood or marriage to the employee) to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

PROCEDURE:

If the need for the leave can be foreseen, the employee must give seven days' notice before the leave is to begin. If the need is unforeseeable, the employee must give as much notice as possible under the circumstances. Request Forms are available from the Town Treasurer's Office.

The 24 hours of leave allowed under the SNLA may be used all at once or in lesser increments of time (half hour increments) taken intermittently or on a reduced schedule basis, as arranged in advance with the department manager.

An employee granted SNLA leave may use accrued personal time, compensation time, or vacation leave. If the employee chooses not to use accrued benefit time, the hours taken will be unpaid. Sick leave shall not be used for SNLA.

Department supervisors are responsible for keeping track of the SNLA time used by their employees.

- ❖ The department supervisor shall ensure that the *Earnings Worksheet* is documented as SNLA leave.
- ❖ The department supervisor may, but is not required to, request some form of documentation from the employee either before or after the SNLA leave is taken. (Check with the Treasurer's Office if there is a question.)

Department supervisors and employees are encouraged to contact the Treasurer's Office with any questions about the SNLA.

APPENDIX

SECTION 3

**TOWN OF HADLEY
HADLEY, MASSACHUSETTS**

SAMPLE STEP ONE PERSONNEL COMPLAINT

TO _____
(Name of Supervisor)

FROM _____
(Name of Employee)

WORK AREA _____

DATES OF ALLEGED VIOLATION(S) _____

Statement of Violation: (State all known facts pertaining to the alleged breach on which this complaint is based. All evidence supporting your allegation must be attached hereto. If additional space is needed, please attach additional pages, appropriately captioned.)

Specific Handbook Provisions Alleged to Have Been Violated:

Remedy Requested:

Signature **Date**

Home Address

**TOWN OF HADLEY
HADLEY, MASSACHUSETTS**

SAMPLE STEP ONE PERSONNEL DECISION

EMPLOYEE _____

SUPERVISOR _____

After reviewing the complaint and supporting evidence attached thereto, and after meeting with the above named aggrieved employee for the purposes of resolving his/her complaint on _____, 20____, I make the following Decision:

1. Statement of facts:

2. Position of Employee:

3. Decision and Reason(s) for Decision:

4. Remedy offered, if appropriate:

Supervisor _____
Signature Date

**TOWN OF HADLEY
HADLEY, MASSACHUSETTS**

SAMPLE STEP TWO PERSONNEL APPEAL

TO: BOARD OF SELECTMEN (or designee, or appropriate appointing authority)

FROM _____
(Name of Employee)

WORK AREA _____

I hereby appeal the Step One Decision issued by _____
_____, on _____.

Signature **Date**

Home Address

Attach complete copies of both the Step One Personnel Complaint form and the Step One Personnel Decision form.

Town of Hadley

SAMPLE Employee Exit Interview Survey

Name: _____

Employment Start Date: _____ Employment End Date: _____

Title of Most Recent Position: _____

Name of Most Recent Supervisor(s): _____

Instructions: Responses to this Exit Interview Survey are voluntary; however, the value of the survey will be enhanced if you complete as much of the survey as possible. The information from this survey and those from other surveys will be reported to the Board of Selectmen on a periodic basis in group form. Please take a few minutes to complete the Employee Exit Interview Survey.

For each numbered statement below, indicate the extent to which you agree or disagree with the statement in terms of your experience as a Town of Hadley employee, by placing a check mark in the box below the letters of one of the response options. The response options are as follows:

SA = Strongly Agree with the statement

A = Agree with the statement

D = Disagree with the statement

SD = Strongly Disagree with the statement

NA = Not Applicable to Your Experience as a Town of Hadley Employee

	Disagree.....Agree				
	SD	D	A	SA	NA
1. My current position made good use of my knowledge and skills.					
2. My current position was interesting and challenging.					
3. I saw opportunities for professional growth in my current position.					
4. I was given adequate resources/equipment to perform my job.					
5. I was given appropriate training to perform the duties of my current position.					

Disagree.....Agree
SD D A SA

NA

6. The supervisor of my current position was effective in managing my work					
7. I was compensated fairly for my work					
8. I enjoyed working with other Town employees.					
9. There is very good interaction between Town departments.					
10. Other members of my department valued the quality of my work.					
11. My supervisor valued the quality of my work.					
12. Staff in my department treated each other with respect.					
13. My supervisor supported me when issues related to my job arose.					
14. My supervisor treated me with respect.					
15. The quality of the physical environment (building quality, air quality, heat, ventilation, lighting, etc.) in which I worked was very good					
16. Staff in my department are motivated and conscientious employees.					
17. I would recommend employment for the Town of Hadley to others that I know.					

Additional Comments: Please use the space below and the reverse side of this sheet to provide any other comments you wish to make about your employment experience for the Town of Hadley. **Thank you for your time in completing this survey.**

SECTION 4

Sample Non Exempt Employee Biweekly Time Sheet

PAY PERIOD:	<div style="border: 1px solid black; padding: 2px; text-align: center;">TO</div>						
EMPLOYEE NAME:	<div style="border: 1px solid black; height: 20px;"></div>						
TITLE/DEPT:	<div style="border: 1px solid black; width: 150px; height: 20px;"></div>	Bi-Weekly Hours in Budget:					<div style="border: 1px solid black; width: 100px; height: 20px;"></div>

Week #1							
	SAT	SUN	MON	TUE	WED	THU	FRI
TIME IN							
TIME OUT							
TIME IN							
TIME OUT							
TIME IN							
TIME OUT							
TIME IN							
TIME OUT							
Hours Worked							

Week #2							
		SUN	MON	TUE	WED	THU	FRI
TIME IN							
TIME OUT							
TIME IN							
TIME OUT							
TIME IN							
TIME OUT							
TIME IN							
TIME OUT							
Hours Worked							

Pay Codes: *R - Regular* *OT - Overtime* *V - Vacation* *S - Sick* *P - Personal*
 H - Holiday *B - Bereavement* *J - Jury Duty* *O - Other* *C - Comp.*

LEAVE HOURS	Vacation	Personal	Float. Hol.	Sick	Comp		
Beginning O/H							
Accum. this period							
Used this period							
Ending O/H							

Pay Type	Hours		Pay Rate		Sub- Total
Regular/Salary		@		=	-
Vacation		@		=	-
Personal		@		=	-
Float Hol.		@		=	-
Sick		@		=	-
Comp.		@		=	-
TOTAL HOURS	<div style="border: 1px solid black; padding: 2px; text-align: center;">0</div>				

Account #

Total Pay

-

EMPLOYEE SIGNATURE _____ date _____ I attest that the hours indicated on this time sheet are true and accurate.	SUPERVISOR AUTHORIZATION _____ date _____ I verify that the hours indicated on this time sheet are true and accurate.
--	--

SAMPLE HADLEY EXEMPT EMPLOYEE TIME SHEET

Employee Name: _____ Budgeted
 Department: _____ Bi-weekly
 Pay Period: _____ to _____ Hours: _____

Day of Week	Date	Hours worked			Leave hours		Specify	Total hours
		Regular	Vacation	Earned	Sick	Holiday	Other	
Sun								0
Mon								0
Tues								0
Wed								0
Thurs								0
Fri								0
Sat								0
Subtotals:		0	0	0	0	0	0	
						Week 1 total		0

Day of Week	Date	Hours worked			Leave hours		Specify	Total hours
		Regular	Vacation	Earned	Sick	Holiday	Other	
Sun								0
Mon								0
Tues								0
Wed								0
Thurs								0
Fri								0
Sat								0
Subtotals:		0	0	0	0	0	0	
						Week 2 total		0

	Regular	Vacation	Earned	Sick	Holiday	Other	
Total	0	0	0	0	0	0	

Pay period total 0

Employee
Signature _____

Supervisor
Signature _____

I attest that the hours indicated on this time
Sheet are true and accurate

I verify that the hours indicated on this time
Sheet are true and accurate

Date _____

Date _____

EMPLOYEE ACKNOWLEDGMENT

I have received a copy of the Town of Hadley Employee Handbook, which outlines the benefits, policies and my responsibilities as an employee of the Town. I will familiarize myself with the information in this handbook, will seek verification or clarification where necessary, and will comply with the policies, benefit requirements and procedures pertaining to the areas in which I am employed.

The information contained in the Employee Handbook is subject to change as situations warrant, and I understand that changes in policy may supersede, modify or eliminate the policies summarized in the handbook. Changes in policy will be communicated to me through official notices. I accept responsibility for keeping informed of these changes.

I understand that I have an obligation to inform my supervisor of changes in my personal data, such as address, telephone number, marital status and number of dependents.

Printed Name _____

Signature

Date signed