

AUTHORIZATION AND APPLICATION

1.1 AUTHORIZATION. Pursuant to the authority contained in Section 108, 108A, and 108C of Chapter 41 of the General Laws, there shall be established Bylaws which may be amended from time to time by a vote of the Town at an Annual or Special Town Meeting applying to all employees. For positions covered by collective bargaining agreements or any other special agreements, the provisions of the Bylaw apply except where such agreements contain conditions contrary to the provisions of the Bylaw. In such instances the provisions of the collective bargaining agreements or other agreements shall prevail.

TERMINOLOGY

2.1 Definitions – In the Bylaw, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings.

2.1.1 Continuous Employment – Continuous employment shall mean uninterrupted service to the Town. Vacation periods, sick leave, and other leave granted in accordance with this Bylaw or with the General Laws are not considered a break in service.

2.1.2 Department – Any division or branch of the Town's municipal service whether under the direction and control of an appointed or an elected official, board, commission, committee, or other agency.

2.1.3 Department Head – The officer, board, commission, committee, or other agency having direct supervision and control of a department, or other person reporting directly to the Board of Selectmen.

2.1.4 Emergency Employment – The employment of a person or persons other than regular full-time, regular part-time, and temporary employees in the event of an unforeseen emergency as may be declared by a vote of the Board of Selectmen, by the State, or by a Federal Agency. Such employment is restricted to the duration of such an emergency.

2.1.5 Employee – For the purposes of this Bylaw, an employee is any person who is compensated by hourly wages or by salary and who works in the service of the Town on a full-time, regular part-time, or temporary basis, except those positions which are filled by election and those which are under the jurisdiction of the School Committee.

2.1.6 Regular Full-time Employee – An employee who works in the service of the Town a minimum of 35 hours each week on a regular basis.

2.1.7 Regular Part-time Employee – An employee who works in the service of the Town less than 35 hours each week on a regular basis.

2.1.8 Temporary, Casual and Seasonal Employees are nonexempt (subject to federal Fair Labor Standards Acts) employees hired at-will; they may be terminated at any time and for any reason. Employees may work in a part-time or full-time position, are paid a rate in accordance with the lowest level of the pay scale for their position, and are not eligible for any benefits.

- a. **Temporary Employee:** Upon approval of the Personnel Board, temporary employees may be hired through an agency or directly by the appointing authority. The worker is hired for a particular project or for an approximate finite period of time not to exceed 65 continuous business days. Management may extend the position with the approval of the Personnel Board but the position is non-recurring and at no time will exceed one year continuous employment.
- b. **Seasonal Employee:** An employee appointed to a seasonal position that is utilized for a specified period of time in conjunction with department or agency seasonal program needs: The position is not established on a continuous basis throughout the year but may be re-established in successive years and does not require approval of the Personnel Board.
- c. **Casual Employee:** An employee whose employment is irregular, brief, sporadic and unpredictable. Employment may not exceed 30 continuous business days in duration and does not require approval of the Personnel Board.

6 months = 26 weeks = 130 business days

3 months = 13 weeks = 65 business days

1 ½ months = 6 weeks = 30 business days

2.1.9 Appointing Authority – Any board or official authorized by the General Laws or otherwise to appoint employees.

PERSONNEL BOARD

3.1 COMPOSITION. There shall be a Personnel Board consisting of five (5) Regular unpaid members and one (1) Alternate unpaid member. All members of the Board shall be appointed by the Board of Selectmen in the month of April and shall be residents of the Town. No official or employee of the Town, except a Town Meeting member who is not an employee of the Town, shall be eligible to serve on the Personnel Board. The terms of office of regular members of the Board shall commence on the first day of May

following their appointment and shall be for three (3) years or until their successors shall have been duly appointed and qualified, except that the terms of office of the original members of the Board shall be for the term of one, two and three years respectively from the first day of May, in the year 1960, so that the term of one member shall expire each year. The term of office for the Alternate member will be for one (1) year with annual reappointment on the first day of each May.

3.1.1 TEMPORARY APPOINTMENTS TO THE BOARD. If and when it is determined by the Board of Selectmen that the Personnel Board lacks sufficient membership to muster a quorum, and that such inability shall likely continue to the next scheduled meeting of the Personnel Board, the Board of Selectmen may appoint one or more of its members, as necessary to achieve a quorum, to serve as members *pro tempore* of the Personnel Board.

Such members *pro tempore* shall enjoy all the rights and voting privileges of regular members. A member *pro tempore* shall continue to serve until a regular member is appointed and sworn in pursuant to section 3.1.

3.2 ADMINISTRATIVE AUTHORITY. It shall be the responsibility of the Personnel Board to ensure that the Town maintains an effective personnel system, to monitor the implementation of the Town's Personnel Bylaw, and to prepare an annual report for presentation to the Town Meeting.

3.3 RECLASSIFICATION. The Board shall, at least once a year, review the job descriptions and salaries of all positions which are subject to the provisions of this Bylaw and make whatever recommendations which it deems necessary in terms of reclassification.

3.4 STEP INCREASE. The Board shall, upon receipt of a written recommendation from the Department Head that the employee is performing at an acceptable level as demonstrated in the performance appraisal system, award a step increase to the next step on the approved pay scale to applicable full-time and part-time employees annually. Step increases based upon satisfactory performance evaluations would normally occur annually thereafter until that employee reaches the maximum step on that pay range.

3.4a Temporary and casual pay scales will be adjusted as deemed necessary by the Board of Selectmen.

3.5 BYLAW AMENDMENTS. The Personnel Board may, at its own option, propose amendments to this Bylaw as it deems necessary to the Annual Town Meeting and/or Special Town Meeting and forward such amendments to the Finance Committee for their recommendations.

3.6 ACCESS TO INFORMATION. The Personnel Board shall, except as otherwise provided by law, have access to all facts, figures, records and other information relating

to the personnel of Town departments which shall be furnished to them by those departments whenever so requested by the Personnel Board.

PERSONNEL RECORDS

4.1 CENTRALIZED RECORD KEEPING. The Personnel Board shall be responsible for establishing and maintaining centralized personnel records as may be required by law and which are necessary for effective personnel management. All employees of departments other than the school department shall comply with and assist in furnishing records, reports, and information as may be requested by the Personnel Board.

4.2 CONTENTS OF RECORDS. The Personnel Board shall maintain an individual personnel file for each employee which should include the following information:

Copies of documents that indicate all personnel actions affecting employment (promotions, demotions, step increases, reassignments, reclassification, transfers, separations, or layoffs). Copies of any correspondence directly related to the employee's past employment record as well as any performance appraisals shall also be maintained in these files.

Copies of all accident reports involving this employee.

Copies of all educational credentials obtained since appointment.

The above information must be submitted to the Personnel Board Secretary prior to a person's employment with the Town or prior to any classification or rate increase.

4.3 ACCESS TO PERSONNEL DEPARTMENT RECORDS. All personnel records shall be considered confidential and access to records shall be limited to the Personnel Board and the Appointing Authority. Any employee shall, upon request to the employee's Appointing Authority, be given access to their personnel file. The employee's review of his or her personnel file shall take place in the presence of the Personnel Board Clerk.

4.4 RELEASE OF INFORMATION. Unless written authorization is received from an employee no information from his or her file shall be released to anyone other than the Personnel Board, the Appointing Authority, and the employee. The only information which may be provided is verification of employment.

5. Deleted 10/05/2009.

RECRUITMENT AND APPOINTMENT

6.1 POLICY. The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, creed, color, nationality, religion, sexual preference or disability applying for employment in the Town will receive equal treatment. Selection and appointment for all positions will be based solely upon job abilities, and other characteristics necessary for successful job performance. The procedures covered in this section are to be considered minimum, and should not be construed to conflict with special requirements as may be necessary and usual to a particular department insofar as such special requirements exceed these minimum procedures or may be required by the provisions of a collective bargaining agreement.

6.2 RECRUITMENT PROCEDURES. When a vacancy occurs, the Department Head will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description is still accurate or whether it needs to be redefined. Any changes in the job description for the position must be reviewed and approved by the Appointing Authority and a copy sent to the Personnel Board.

6.2.1 The necessary job requirements will be those described in the job description for the position being filled. Current employees within the department where the vacancy exists will be given first consideration for the position. When a vacancy occurs the Department Head can make a recommendation for promotion from within the department to the Appointing Authority. Employees interested in being considered for the position should advise the Department Head or the Appointing Authority of their interest. The classification and salary range for all positions shall be established in accordance with the classification and compensation plans.

6.3 ADVERTISING. The methods of advertising will vary depending upon the nature and requirements of the position being filled. The following methods can be considered typical of those which may be used for recruitment: posting notices on public bulletin boards 48 hours prior to advertising in professional journals and newspapers with local and state-wide circulation. All job vacancy notices shall be advertised not less than 14 days prior to the deadline for submitting applications.

6.4 SELECTION PROCEDURES. All candidates applying for employment in the Town are required to complete an employment application form and return it to the Appointing Authority by the closing date, which was specified in the position announcement.

The Appointing Authority may utilize an examination in combination with other assessment tools as part of the selection process. The assessment tools selected will relate to the duties and responsibilities of the position for which candidates are being examined, and shall fairly appraise and determine the merit, fitness, ability and qualifications of applicants to perform the duties of the position. A variety of assessment tools may be employed, including but not limited to: assessment of training and work experience; written, oral, and performance tests; and reference checks.

The Appointing Authority or its designee will review the applications of all candidates who have applied for a particular position in order to determine whether each candidate meets the minimum requirements established for the position. The Appointing Authority will notify the Personnel Board, in writing, of the date and time of interviews, and forward copies of all candidates' resumes at that time. The Appointing Authority and the Personnel Board representative will interview qualified applicants and document their recommendations for selection or non-selection, and copies of this documentation shall be filed with the Appointing Authority and the Personnel Board, the EEO compliance officer to ensure compliance with EEO practices.

All appointments shall be made in writing by the Appointing Authority. The written notice shall include the salary, the starting date, and appropriate additional information. Copies of the notice of appointment shall be provided to the Personnel Board, Town Accountant, and Treasurer.

A record of the recruiting, examining, and appointing procedures which were used will be retained by both the Appointing Authority and the Personnel Board after the vacancy is filled. This record will include: the job description; vacancy announcement; listing of the source methods of recruiting; and the applications of all those who applied.

6.5 CORI POLICY. The Town of Ludlow will conduct Criminal Offender Record Information (CORI) checks as part of the general background check for certain employment, volunteer work or licensing purposes. Prospective employees will be asked to complete the CORI Request Form when required and will receive a copy of the Town's policy.

6.6 MEDICAL EXAMINATION. Before appointment to a position, but as the last step in the hiring process, the Town shall condition the employment offer on the results of a medical examination. The examination will be conducted solely to determine whether the applicant is capable of performing the essential functions of the job if the Town makes reasonable accommodations.

Medical examinations are required for all positions except temporary and seasonal.

All medical examinations will be performed by a physician approved by the Board of Selectmen. The examining physician will advise the Town as to whether the applicant is physically qualified to perform the duties of the position for which application is made. In the event that the physician advises that the applicant cannot perform the essential functions of the position, then the Town must attempt to make reasonable accommodations, as defined by the American with Disabilities Act.

6.7 EMPLOYEE APPEARANCE. Employees are expected to observe sensible standards of appropriate dress. The Town discourages employees not associated with public works from wearing jeans or sweatshirts or any other inappropriate attire that is not in keeping with a professional workplace.

ORIENTATION AND PROBATION

7.1 ORIENTATION. It shall be the responsibility of the appointing authority or its designee to notify all new employees of a date, time and designated location for starting work. If the new employee is subject to the provisions of a collective bargaining agreement then the employee shall be provided with a copy of that agreement as well as with a copy of this personnel policy. The Department Head or Supervisor shall provide on-site training regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

7.2 PROBATION. All new employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date and to continue for a six (6) month period, which may be extended by the number of days which the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. It shall also be used by the appointing authority to observe and evaluate the employee's attitude, conduct and work habits.

At least one month prior to completion of the employee's probationary period the Department Head or Supervisor will notify the Appointing Authority and/or Personnel Board in writing that:

- a) The employee's performance is satisfactory and that the individual should be retained as Regular employee in his position; or
- b) The employee's performance or conduct is unsatisfactory, and that his/her removal is proposed as of a specific date at the conclusion of the probationary period. The department head or supervisor will furnish reasons for the recommended dismissal.

The appointing authority shall have the option of extending the probationary period an additional three months for those employees who, due to extenuating circumstances, require additional observation. An employee who fails to meet satisfactory standards of performance shall be notified in writing of the reasons for his/her termination. Such an employee will have right of appeal.

PERFORMANCE APPRAISAL

8.1 POLICY. The Town recognizes the need for an operating performance appraisal system to:

- a. assess fairly and accurately an employee's strengths, weaknesses, and potential for growth;
- b. encourage and guide the employee's development of his/her special skills and work interests;
- c. assure the granting of increases and consideration for more complex work based on merit;
- d. provide a method of improving operational programs through employee input; and
- e. identify training needs.

8.2 COVERAGE. All regular full-time and part-time employees.

a. Newly hired employees who are in a 6 month probationary period shall be evaluated at least ninety days prior to the expiration of the probationary period. The Supervisor or Department Head shall make a determination that the employee is performing in a satisfactory or non-satisfactory period; and shall file a copy of this determination with the Personnel Board.

b. Regular employees who receive a less than satisfactory performance evaluation shall have their step increases delayed for six months at which time it will be either;

- (1) granted if performance is brought up to a completely satisfactory level or,
- (2) denied if performance remains below satisfactory. A copy of this evaluation shall be filed with the Personnel Board.

8.3 PROCEDURES. The Personnel Board and the appointing authority shall be responsible for the establishment and maintenance of the employee performance appraisal system. Employee evaluation is the continuing day-to-day responsibility of the Department Head. After each six-month period for non-managers and annually for managers and prior to affecting a step increase, the employee's Department Head will make a written evaluation of each employee's performance.

a. **EVALUATION FOR STEP INCREASE.** Thirty Days prior to an employee's eligibility for a step increase, the supervisor will review the employee's overall work performance and certify that the employee is performing either at an acceptable or unacceptable level of competence for his/her position. This review will serve as the basis for granting or denying the step increase. The review will be filed and discussed with the Personnel Board which will either approve or disapprove it.

b. **ANNUAL EMPLOYEE EVALUATION.** The annual evaluation is the summary of the supervisor's observations of the employee during the past year and a summary of the performance in terms of a variety of job-related factors. The evaluation will also include a plan to develop strengths, identify and improve weaknesses, and record the employee's observations of work assignments during the past year. Proper use of the performance evaluation serves as a means of identifying training needs, helping to improve individual performance, recognizing outstanding accomplishments, helping to strengthen employee/supervisor relationships, emphasizing the employee's contribution to the Town's programs, and helping to identify the strengths and weaknesses of those programs.

c. **ANNUAL EVALUATION**

1. The supervisor will make a written evaluation of the employee's job performance considering any changes that have occurred in the job or other factors which might affect job performance, and noting strengths and capabilities worthy of special mention and areas where improvement is needed. The employee and supervisor will then meet to conduct the annual employee-supervisor discussion.

2. **Employee-Supervisor Discussion** – The employee and supervisor will begin the discussion with a review of the employee's current job description in order to analyze and clarify current requirements and assigned duties, and to note any major changes which might have taken place in the employee's job. The employee's general observations of the Department's programs and especially suggestions for improving assignments, functions, and work procedures should be particularly encouraged. The employee should have the opportunity to discuss any other points and may attach comments to the supervisor's evaluation. The employee will then certify that he/she has reviewed the evaluation and that it has been discussed with him/her.

3. The Department Head will review the written evaluation, sign it, and make comments if desired. The employee will also have the opportunity to review and comment.

4. The evaluation will then be forwarded to the Personnel Board to become a part of the employee's personnel record. Department Heads are encouraged to bring significant program observations of employees to the attention of the Personnel Board.

8.4 PERFORMANCE COUNSELING. Any employee who exhibits substandard work performance will be counseled in the following manner.

- a. **Initial Counseling.** For the first indication of substandard work performance the Department Head will advise the employee of his/her unsatisfactory performance and recommend specific areas for improvement and establish a specific time period during which evidence of that improvement should manifest itself.
- b. **Written Documentation.** If performance continues to be substandard, the Department Head will state in writing:
 - 1) The specific deficiencies observed in the employee's performance.
 - 2) The necessary improvement.
 - 3) The period of time in which that improvement must occur, and
 - 4) What further action will result if the employee fails to show satisfactory improvement.
- c. **Signatures.** The written counseling memo should be signed by both the employee and the Department Head and shall be maintained within the department. If the employee refuses to sign, the Department Head should have a witness sign a statement that a copy was given to the employee. The employee's signature indicates receipt of the document only, and not necessarily acceptance of its contents.
- d. **Responses to Continued Substandard Performance.** If an employee continues to exhibit substandard work performance beyond the established time limits and below the expected level, the options available to the employee and Department Head will include:
(1) reassignment, (2) demotion, or (3) termination.

Written documentation shall be provided to the Personnel Board for the employee file.

PROMOTION, DEMOTION, TRANSFER, AND SEPARATION

9.1 COVERAGE. Probationary, full-time, and part-time employees.

9.2 PROMOTION POLICY. Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibility, and make known their qualifications for promotion to more difficult and responsible positions.

- a) Vacancy announcements shall be posted in appropriate town buildings.
- b) Current employees are encouraged to apply for any vacancy for which they meet the requirements of the position.
- c) No Department Head shall deny an employee permission to apply for a vacancy.
- d) When a Town employee's qualifications are judged to be equal or higher than outside applicants, the Town employee shall be given preference.
- e) When a person is promoted to a higher position, a classification and rate change form attesting to that action must be signed by the Appointing Authority and the Personnel Board, with copies to the Treasurer, Accountant, and the employee. Such employee shall receive a rate of

pay at not less than one full increment above his/her current rate of full pay, but in no event greater than the maximum step of the higher grade.

9.3 DEMOTION. An employee may be demoted to a position of a lower grade for which he/she is qualified for any of the following reasons:

- a) When an employee would otherwise be laid off because his/her position is being abolished.
- b) When the employee voluntarily requests a lower classification.
- c) When the employee can no longer fulfill the requirements of the position, as determined by the Appointing Authority, Personnel Board, and the current liaison of the Board of Selectmen to the Personnel Board.

9.4 TRANSFER. A position may be filled by transferring an employee from another position of the same or similar grade having the same maximum pay rate, involving the performance of similar duties, and requiring essentially the same basic qualifications. Interdepartmental transfers must be approved by the Department Heads so affected with the concurrence of the Personnel Board.

9.5 SEPARATION.

- a) **RETIREMENT** is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive benefits.
- b) **RESIGNATION** is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the Town by submitting in writing the reasons therefore and the effective date to the Appointing Authority or designee at least fourteen (14) calendar days in advance. The Appointing Authority or designee may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the Department Head with pertinent information concerning the reasons for resignation. The Department Head shall make every effort to conduct an exit interview with each employee who resigns and will verify the employee's reasons for leaving. Copies of the employee's letter of resignation will be placed in his/her Departmental and Personnel Board file.
- c) **LAYOFF.** In the case of layoff or reduction of personnel for lack of work or by reason of fiscal cutback, the laying off or demotion of employees within each job title shall be determined first by type of appointment in the following order: emergency, temporary, probationary, and then regular. Within the type of appointment, the order of layoff shall be determined by length of continuous service with the Town, unless provided for otherwise in a particular collective bargaining agreement. In no case shall such layoff or demotion be construed as a dismissal for unsatisfactory performance. Regular employees who are laid off shall be given first consideration for subsequent vacancies in the grade from which they were laid off, if no in-house candidate is selected, for a period of one (1) year. A layoff reemployment list will be maintained by the Personnel Board for a period of one (1) year.

OVERTIME

10. POLICY. Non- exempt employees (meaning employees other than department heads and managers) who work in excess of 40 hours per week will be paid at the rate of one and one-half times the employee's hourly rate. All overtime must be approved in advance by the non-exempt employee's immediate supervisor.

VACATION

11.1 COVERAGE. All regular full-time employees shall be entitled to vacation time after the completion of continuous service based upon the following schedule:

Period of Service Completed	Vacation Time Earned
6 months	1 week
1 year	1 week
2-4 years	2 weeks
5-9 years	3 weeks
10 years	4 weeks

As referred to in this policy, a vacation of one week duration shall mean the number of hours off with pay as an employee is normally required to work within a seven day period beginning on Sunday at 12:01 a.m. For purposes of determining eligibility, a year is defined as starting on the anniversary date of employment. All regular part-time employees are entitled to annual vacations as indicated above in an amount equal to the ratio that their part-time employment bears to full-time employment.

11.2 SCHEDULING. Vacations must be taken in the year in which they are earned and shall not accumulate from year to year unless such accumulation is specifically authorized by a collective bargaining agreement. Vacation requests should be given to Department Heads or Boards with as much advanced notice as possible and should normally be taken in units of at least one week. Vacation requests shall be granted by the Department Head or Board at such times as in their opinion they will cause the least interference with the performance of the regular work of the Department. In the event that the approval of a particular vacation period for one employee conflicts with that of another, the Department Head or Board will approve the request of the employee with the most seniority.

With prior approval of the Department Head and upon mutual consent, in the event an employee voluntarily agrees to work and defers one week of vacation due to a Department's busy work schedule, up to one week of vacation may be carried over for up to 90 days into the next year.

11.3 COMPENSATION UPON SEPARATION FROM SERVICE. A regular full-time and a regular part-time employee who leaves the service of the Town and who has vacation credits due him/her shall, upon his/her separation from Town service, be compensated for such vacation time as he/she had accrued. Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation allowance accrued during the year in which the employee died but which had not been used up to the time of his/her death.

SICK LEAVE

12.2 Upon the retirement or death of an employee who is eligible for sick leave, payment shall be made to the employee or his estate in the amount of \$10.00 for each sick day earned but not expended up to a maximum of one hundred (100) days.

12.3 COVERAGE. Regular full-time employees shall earn sick leave at the rate of one and one-quarter (1 ¼) days of sick leave per month after six months of employment. Unused sick days may accumulate up to a maximum of one hundred and eighty-five (185) days unless specified differently by an individual collective bargaining agreement.

12.4 SICK LEAVE DONATION

The Sick Leave Donation is a voluntary program which allows for employees to donate a specified amount of sick time to another employee.

PROCEDURES FOR VOLUNTARY DONATION OF SICK BENEFITS

- Donations of accrued sick leave must be in whole days, with a minimum of one day per donation.
- The donating employee shall specify the employee to receive the value of the donation. (SEE Sick Leave Waiver and Donation Authorization Form)
- Prior to processing the first donation to an employee, the eligibility of the recipient will be verified (i.e. employee status and exhaustion of paid sick leave) and request the individual's consent to receive donations. No donations will be processed until written authorization is received. The authorization will remain valid until the donation is exhausted or the individual (recipient) becomes ineligible to participate in the program.
- The donations processed for a recipient each pay period shall be limited to the amount equal to that individual's gross earnings per pay period. In the event donations exceed this limit, they will be processed in the order of the date on the donation authorization form, with the earliest date processed first. Excess donations will be held until the following pay period and processed at that time.
- The IRS has ruled that these payments are to be considered wages, and therefore taxable income to the recipient. As a result, the payments will be included in the annual Form W-2 prepared for the recipient and State and Federal income tax and FICA/Medicare tax will be withheld by the payroll department at the time of payment. The donating employee realizes no income and incurs no tax deductible expense or loss, either upon donation or payment to the recipient.

HOLIDAYS

13.1 **POLICY.** 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 of all duty except in cases where the Board or Department Head determines the employee is required to maintain essential town services.

New Year's Day
Martin Luther King Day
Presidents' Day
Patriots' Day

Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day

Memorial Day
Independence Day

The Day After Thanksgiving
Christmas Day

The foregoing twelve paid holidays will be observed regardless of when they fall. Saturday holidays will be observed on the Friday preceding the holiday. Sunday holidays will be observed on the Monday following the holiday. Employees will also be released after one half (½) day of work on Christmas Eve, provided that Christmas Eve falls on a regular scheduled work day. No additional time shall be granted when Christmas Eve falls on a Saturday or Sunday. Except as required to maintain essential town services, municipal buildings will be closed during these listed holidays.

Holiday pay shall be granted to the employee provided that the employee shall have worked on his/her last scheduled work day prior to such holiday and/or the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of this policy, or was appropriately excused.

13.2 COVERAGE. All regular, non-union, full-time and part-time employees shall be granted holiday pay in accordance with this policy provided that such holiday falls on an employee's regularly scheduled work day or falls on a weekend day and is celebrated in such a way as to make that employee eligible. Employees that are members of union bargaining units shall be granted holiday pay in accordance with their respective collective bargaining agreement. Temporary employees shall not be eligible for holiday pay.

GROUP INSURANCE BENEFITS (added 10/6/03)

14.1 GROUP HEALTH INSURANCE

POLICY. Group health insurance benefits are provided to all eligible Town employees and their eligible dependents through a policy held by the Town of Ludlow.

Eligible employees: full time employees who occupy positions classified as permanent, elected full time compensated officials (Clerk, Collector, Treasurer), part time employees who work a minimum of twenty hours each week and who occupy positions classified as permanent.

a) Eligible dependents: Legal spouse, dependent unmarried children, up to age 19, (age as designated by the insurance carrier if the child is a full time student at an accredited college or university.)

COVERAGE. All regular employees who work a minimum of twenty (20) hours per week and who choose to enroll in the Town's health insurance program are required to pay a percentage of the premium. The Town currently contributes 81% of the premium and the employee contributes 19%; these contribution rates are subject to change.

a) If an eligible employee elects not to subscribe to the group health insurance coverage provided by the Town, he/she must sign a waiver indicating that he/she does not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, he/she must wait until the open enrollment period prior to the anniversary date of the policy (July 1st) and must have met the requirements as set forth by the insurance carrier. Because of reporting requirements of the insurance carrier, an employee appointed to an eligible position and commences employment prior to the tenth (10th) day of the month will begin coverage on the first (1st) day of the following month. Coverage will be delayed one additional month for those employees appointed to an eligible position after the tenth (10th) day of the month.

b) It is the employee's responsibility to notify the Treasurer's Office of any change in status which would affect his/her insurance coverage (i.e., divorce, dependent child reaching specified years of age, change in individual or family coverage, planned retirement or termination). Continued health insurance coverage is available when an employee's status changes. The Treasurer's Office should be contacted for detailed information regarding this benefit.

14.2 RETIREES. 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 insurance plans offered by the Town's carrier provided he/she was enrolled in a plan on the date of retirement.

a. Upon attaining the age of 65, if the employee is eligible for Medicare, he/she must provide a copy of their Medicare card to the Treasurer's Office and may enroll in one of the supplemental plans, (in lieu of plans offered to active employees) offered to "Seniors" by the carrier.

b. If a retiree is not eligible for Medicare, the employee must provide the Treasurer's Office with written documentation of ineligibility from Social Security and may continue on the plan they were last enrolled in with the Town.

c. In accordance with the provisions of M.G.L. Chapter 32B, Section 9, upon the death of a retired employee, his/her surviving spouse may continue the group health insurance coverage provided that said surviving spouse pay the entire cost of such premiums without any contribution by the governmental unit.

14.3 INSURANCE ADVISORY COMMITTEE.

Pursuant to Massachusetts General Laws Chapter 32B, Section 3, an Insurance Advisory Committee is appointed annually by the Board of Selectmen to act in an advisory capacity to the Board of Selectmen with regard to group insurance coverage. The Committee consists of one (1) representative from the following employee groups: School Department: Ludlow Education Association, School Administration, custodians; one representative from police employees, one representative from fire employees, one representative from the public works employees, one representative from the Town's clerical employees; one representative from the library employees, one representative from Public Health nurses; one representative from the Town's Management employees and a retired former Town employee.

14.4 GROUP LIFE INSURANCE.

POLICY. Town employees who regularly work a minimum of twenty (20) hours per week and occupy positions classified as permanent are eligible to enroll in the Town's group life insurance coverage. At the time of employment, if an eligible employee elects not to subscribe to the group life insurance coverage provided by the Town, he/she must sign a waiver indicating that he/she does not wish to participate in this benefit.

The cost of the premium for life insurance is shared equally between the Town of Ludlow, (50%) and the eligible employee (50%).

14.5 WORKERS COMPENSATION

POLICY. Pursuant to Massachusetts General Laws, Chapter 152, all employees (except uniformed police and fire employees who are covered under M.G.L., Chapter 41, Section 111F) are provided insurance protection to cover the loss of wages and designated expenses arising from employment-related injuries.

- a. It is the responsibility of both the injured employee and his/her supervisor or department head to immediately report an injury to the insurance carrier and the Board of Selectmen's Office.

The Town expressly reserves the right to alter, amend or change all insurance benefits without notice, subject to its collective bargaining obligations.

PERSONAL/EMERGENCY, LEGAL, OR BUSINESS LEAVE, LEAVE OF ABSENCE, JURY DUTY AND BEREAVEMENT LEAVE

15.1 PERSONAL/EMERGENCY, LEGAL, OR BUSINESS LEAVE.

POLICY. All regular full time employees who have completed one full year of service prior to July 1st shall be eligible for (3) paid personal/emergency, legal or business leave days during the fiscal year.

- a) A newly hired employee shall work continuously for six (6) months before being entitled to one (1) personal day and continuously for one (1) year to be entitled to two additional paid personal/emergency, legal or business leave days.
- b) Said days are to be taken at the discretion of the employee with the approval of the Department Head when in his/her opinion said day will cause the least interference with the operation of the department. An employee wishing to take a personal leave day shall request permission from the Department Head at least forty-eight (48) hours in advance except in emergencies. In the event said days are taken for a genuine emergent situation, prior notice is not necessary, however, approval of the Department Head is necessary. Such leave shall not be cumulative.

15.2 LEAVE OF ABSENCE

POLICY. Employees may be granted leaves of absence without pay not to exceed sixty (60) days for reasons of personal convenience under the following conditions:

- a) Such a request must be made in writing to the respective Board and or Department Head.
- b) In making such a request, at least fifteen (15) days prior notice must be given before the date on which the anticipated leave would commence.

c) Employees granted such leave will not accrue credit for sick, vacation, or other types of paid leave.

d) Longevity benefits will continue to accrue.

COVERAGE. All regular full-time and part-time employees.

15.3 JURY DUTY

POLICY. An employee who is called to jury duty shall receive an amount equal to the difference between his/her normal compensation and the amount (excluding any travel allowance) received for such duty upon presentation of evidence of the amount so paid.

COVERAGE. All regular full-time and part-time employees.

15.4 BEREAVEMENT LEAVE

POLICY. Bereavement leave shall be granted in the case of the death of a member of an employee's family. If the family member was a father, mother, spouse, child, sister, brother, grandparent, grandchildren, mother-in-law or father-in-law, the employee shall receive up to three (3) days leave provided that such days are the employee's regular working days and are taken within seventy-two (72) hours after the death. If the death in the employee's family was that of a brother-in-law, sister-in-law, uncle or aunt, niece/nephew, the employee shall receive up to one (1) day leave provided that the day of leave is the employee's regular working day and is taken to attend the funeral of such relative.

COVERAGE. All regular full-time and part-time employees.

FAMILY AND MEDICAL LEAVE (FMLA) **(changed 10/05/09)**

16.1 POLICY.

The Town of Ludlow will grant "eligible Employees," as defined in Section 16.3, up to twelve (12) weeks of leave during any twelve (12) month period for the following reasons:

Basic Leave Entitlement

Employees may qualify for 12 weeks of unpaid job-protected leave for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care (leave must be completed within 12 months of the child's birth, adoption or foster care placement);
- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his or her job.

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 a 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 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 unpaid leave to care for a covered service member during a single 12-month period. A covered service

member 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.

Except in the following instances, employees must use all accrued sick, vacation, and personal time off during their FMLA leave: (The remainder of the FMLA leave is unpaid.) (Added 5/13/02)

1) If the employee is a birth mother, accrued sick leave must be utilized first for the period of the disability. After the disability, the employee may request unpaid leave for the remainder of the FMLA leave for the care of the child. Accrued vacation time and personal time may be used in lieu of part or all of the unpaid leave. (Added 5/13/02)

2) If the employee is not a birth mother, s/he may request unpaid leave or use the accrued vacation and personal time in lieu of all or part of the unpaid leave for the duration of the FMLA leave (Added 5/13/02)

The Town of Ludlow will maintain coverage for the employee under any group health plan for the duration of the FMLA leave. The coverage provided will be at the same level and under the same conditions that would have been provided if the employee had not taken the leave.

If both spouses are employed by the Town of Ludlow they are both entitled to a combined total of 12 work-weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Employees generally have the right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of their FMLA leave.

16.2 NOTICE. Employees wishing to take an FMLA leave must give the Town of Ludlow 30 days advance notice when the need for leave is foreseeable.

If the need for FMLA leave is not foreseeable, employees must give the Town as much advance notice as possible. An employee shall provide at least verbal notice within one or two business days of when the need for leave becomes known to the employee along with the anticipated timing and duration of the leave. The employer should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee.

If an employee requests leave for a serious health condition, the Town of Ludlow may require that the employee submit a Certification of Health Care Provider form (U.S. Department of Labor Form WH-380-E or WH-380-F). If the FMLA leave was for the employee's serious health condition, the Town of Ludlow may also require that the employee present a certification of fitness to return to work.

16.3 ELIGIBLE EMPLOYEES. An "eligible employee" is an employee of the Town of Ludlow who:

- (1) Has been employed by the Town of Ludlow for at least 12 months (does not need to be consecutive months), and
- (2) Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, and
- (3) Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite

16.4 INTERMITTENT LEAVE. (Added 5/13/02) Intermittent leave or leave on a reduced leave schedule which is medically necessary may be taken. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

The employee shall advise the employer, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employer and employee shall work out a schedule which meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the health care provider.

FMLA allows intermittent or reduced scheduled leaves in certain circumstances:

1. Leave for the birth or placement of a child may be taken intermittently or on a reduced leave schedule only if the employer agrees. Employer agreement is not required for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.
2. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.
3. Intermittent leave may be taken for a serious health condition which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. This includes medical appointments, prenatal examinations or bouts of severe morning sickness.
4. Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if he or she does not receive treatment by a health care provider.
5. There is no limit on the size of an increment of leave when an employee takes intermittent leave or leave on a reduced leave schedule. However, an employer may limit leave increments to the shortest periods of time that the employer's payroll system uses to account for absences or use of leave, provided it is one hour or less.

THE SMALL NECESSITIES LEAVE ACT

The Small Necessities Leave Act mandates that certain employers provide up to 24 hours of unpaid leave during any twelve month period to "eligible employees." This leave is in addition to the 12 weeks already allowed under the Federal Family and Medical Leave Act.

Employees are eligible for the 24 hour leave under the statute if their employer has 50 or more employees working within 75 miles of the worksite of the employee requesting the leave. In addition, the employee must (I) have been employed for at least 12 months by the employer from whom the leave is requested, and (II) provided at least 1,250 hours of service for the employer during the immediately previous 12 month period.

17.1 REASONS FOR TAKING LEAVE. The 24 hour unpaid leave may be taken for any of the following reasons:

- to participate in school activities directly related to the educational advancement of a son or daughter of the employee such as parent-teacher conferences or interviewing for a new school; or
- to accompany the son or daughter of the employee to routine medical or dental appointments such as check-ups or vaccinations; or
- to accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

17.2 NOTICE REQUIREMENT/CERTIFICATION. To be entitled to the leave, employees must provide notice to the employer as follows:

- if the need for leave is foreseeable, the employee must request the leave not later than 7 days in advance;
- if the need is not foreseeable, the employee must notify the employer as soon as practicable under the particular circumstances of the individual case.

To the extent possible, employees must provide written notice to the employer. If not feasible, employees may request leave orally.

Certificates and/or requests for leave provided by employees must be kept in the employee's personnel record and must be maintained for three years in accordance with M.G.L. C 149, § 52C. Records and documents relating to medical certifications or medical histories of employees' family members must be maintained as confidential medical records and kept in separate files from the usual personnel files.

17.3 UNLAWFUL ACTS BY EMPLOYERS. A violation of the Act occurs when the employer (I) fails to provide the time requested by the eligible employee; or the (II) employer harasses the employee who requests the leave, even if the leave is granted; or (III) the employer retaliates against the employee for using time the employee has properly requested and is entitled to. Harassment includes annoying, beleaguering, bothering, unwelcome teasing or tormenting. Retaliation includes firing the employee, demoting the employee, not otherwise restoring the employee to the position held by that employee prior to taking the leave, and/or creating an unnecessarily unpleasant work environment for the employee.

17.4 ENFORCEMENT. The Act authorizes the Attorney General to initiate either a criminal action against an employer who violates the Act and/or to seek injunctive relief against such employer.

Any employer convicted of a criminal violation of the Act is subject to a \$500 fine. In addition, any aggrieved employee may institute a civil action for injunctive relief and/or damages against his or her employer. Should the employee prevail, he or she will be entitled to treble damages, costs of the litigation and reasonable attorney's fees.

MATERNITY LEAVE

18.1 Employees may be granted maternity leaves in accordance with the provisions of M.G.L. C. 149, §105 D.

LONGEVITY

19.1 POLICY. Town employees shall be eligible for longevity pay in accordance with the following schedule unless otherwise indicated by specific collective bargaining agreements;

FULL-TIME EMPLOYEES:

After five (5) years of continuous employment	\$200.00
After ten (10) years of continuous employment	\$300.00
After fifteen (15) years of continuous employment	\$400.00
After twenty (20) years of continuous employment	\$600.00

Regular part-time employees working a minimum of twenty (20) hours shall be eligible for annual longevity payments in accordance with the following schedule unless otherwise indicated by specific collective bargaining agreements:

After five (5) years of continuous employment	\$100.00
After ten (10) years of continuous employment	\$200.00
After fifteen (15) years of continuous employment	\$300.00
After twenty (20) years of continuous employment	\$400.00

Longevity shall be compiled by using the employee's anniversary date for computing length of service. At termination of employment, eligible employees shall receive prorated longevity using the total number of days since their previous anniversary date as a numerator, and three hundred and sixty-five as a denominator.

19.2 COVERAGE. All regular full-time and part-time employees.

INJURED ON DUTY/SAFETY

20.1 POLICY. Any town employee, except those in Schedules III (Fire) and IV, (Police) who sustains an injury or illness in the performance of his or her duties will be covered for medical benefits and/or disability payments under the Town's current Workers' Compensation Policy. All employees who are injured must immediately report the injury to their supervisor and complete a written injury report form which will be provided to him/her by the supervisor. It is imperative that all employees report any injuries at once. The Town is required by law to file and "Employers' First Report of Injury Form" with the Massachusetts Department of Industrial Accidents within five (5) days of the employee's first notice of injury.

20.2 COMBINING WORKMEN'S COMPENSATION WITH SICK LEAVE OR VACATION. When the injured employee's workmen's compensation is less than his/her average weekly wage and the employee has unused vacation and/or sick leave to his credit, the employee may request that he/she be paid the difference between his/her normal base pay and the workmen's compensation rate. The allowance over and above the rate will be proportionately charged to the employee's vacation and/or sick leave.

20.3 COVERAGE. All regular full-time and part-time employees except members of the Police and Fire Departments who are covered under the provisions of Chapter 41, Section 111F of the Massachusetts General Laws.

SAFETY

20.4 POLICY. The Town shall provide and maintain safe working conditions. All employees shall be provided with necessary safety equipment and clothing. All employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished.

20.5 RESPONSIBILITY OF DEPARTMENT HEADS. Department heads and supervisors shall assume full responsibility for safe working areas; recommended corrections in deficient work procedures, facilities, clothing or equipment; insure the availability and utilization of appropriate protective clothing and equipment; monitor working conditions and field procedures to detect any possible safety hazards; and investigate and report all accidents promptly. In addition, they shall meet on a regular basis with a loss control representative from the Town's Workmen's Compensation Carrier in order to evaluate accidents and monitor the implementation of safety measures. Regular training sessions on safe work procedures will be scheduled for all Town employees.

20.6 RESPONSIBILITY OF EMPLOYEES. Each employee shall assume full responsibility for observing all safety rules, operating procedures and safety practices; utilize personal protective equipment at all times; promptly report unsafe working areas, conditions or other problems; and report all accidents to the appropriate supervisory personnel. Employees who violate any safety rules or policies may be subject to disciplinary action.

20.7 COVERAGE. All regular full-time and part-time employees.

20.8 MANDATORY USE OF SEAT BELTS. All Town of Ludlow employees are required to wear a safety belt when operating or riding in a vehicle owned or leased by the Town of Ludlow, or in any other vehicle, including a personal vehicle, while engaged in Town related business. All employees, including Police, Fire, and School Department personnel must comply with this Bylaw unless exempted by M.G.L. Chapter 20, Section 13A.

20.9 CELL PHONE USE POLICY. Except on the case of an emergency the use of cell phones, camera phones or similar devices is prohibited during working hours whether driving a Town vehicle or on the job site. It includes receiving or placing calls, text messaging, listening to voice mail, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose. Hands free devices may only be used by Department Heads, Supervisors and Foremen. If a Department Head, Supervisor or Foreman uses a cell phone while operating a Town vehicle, whether a Town phone or a personal phone, he/she is required to stop the vehicle in a safe location in order to safely use the cell phone or similar device. If the use of a cell phone is required on the job site, he/she must take care to ensure that they are out of harms way in regards to traffic and heavy machinery. Any employee may use a cell phone only in case of emergency. Employees who violate this policy will be subject to disciplinary actions, up to and including employment termination.

HARASSMENT

21.1 POLICY. It is the policy of the Town of Ludlow to provide a working atmosphere for employees and visitors which is free from harassment. It is a violation of this policy for any employee, supervisor or elected official to engage in or condone harassment, either sexual or otherwise. It is the responsibility of every employee to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of the Town are implemented. Any employee who believes that he or she has been subjected to harassment has the right to file a complaint with the Town's compliance officers. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties.

21.2 DEFINITIONS. Harassment: Conduct directed at an employee, either by a coworker, manager, supervisor, or elected official, that is intended to threaten or disturb.
Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written or physical conduct of a sexual nature which may include, but is not limited to, the following circumstances:

- a) When submission to such conduct is made explicitly or implicitly a term or condition of employment.
- b) When submission to or rejection of such conduct by an individual is used by the offender as a basis for making personnel decisions affecting the individual subjected to sexual advances;
- c) When such conduct has the effect of unreasonably interfering with the individual's work;
or
- d) When such conduct has the effect of creating an intimidating, hostile or offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually orientated conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

ALL EMPLOYEES SHOULD TAKE SPECIAL NOTE THAT, AS STATED ABOVE, RETALIATION AGAINST AN INDIVIDUAL WHO HAS COMPLAINED ABOUT HARASSMENT, AND RETALIATION AGAINST INDIVIDUALS FOR COOPERATING WITH AN INVESTIGATION OF A HARASSMENT COMPLAINT IS UNLAWFUL AND WILL NOT BE TOLERATED BY THE TOWN OF LUDLOW.

21.3 PUBLICATION OF POLICY. At the beginning of their employment with the Town, each employee shall receive a copy of this policy. Copies of a poster explaining what constitutes harassment shall be posted at all employment sites.

21.4 TRAINING. All administrators, supervisors and employees shall receive appropriate training, including but not limited to the following:

Handouts of written material which defines what constitutes harassment with examples.

21.5 COMPLAINT PROCEDURE. If an employee believes that he/she has been subjected to harassment, the employee has the right to file a complaint with the Town. This may be done in writing or verbally.

This complaint may be filed with either of the Town's two Harassment Officers. The Harassment Officers shall be appointed by the Town Administrator. Their names, addresses, telephone numbers and e-mail addresses shall be posted on the bulletin boards on the first and second floors of the Ludlow Town Hall.

The complaint should include the following details: the name of the complaining party; the name of the offender; the date of the offense; a description in as much detail as possible of the incident(s), including any statement by either party; and a list of known witnesses.

21.6 INVESTIGATION. Complaints filed pursuant to this policy shall be promptly and thoroughly investigated by the designated individual to whom the complaint is made. All circumstances of the situation shall be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes harassment, consideration shall be given to the totality of the circumstances, including the context in which the alleged incident occurred. Upon completion of the investigation, the supervisor shall prepare a report including the following:

- 1) The date(s) of the incident(s)
- 2) The name of the complainant
- 3) The name of the offender(s)
- 4) A summary of the factual allegations that allege harassment
- 5) The name of all potential witnesses
- 6) A summary of the steps taken to complete the investigation
- 7) A summary of all witness statements (with copies of the actual statements attached)
- 8) A listing of any physical evidence available
- 9) A factual summary of all the evidence that either supports or refutes the allegations of sexual harassment.

21.7 COMPLAINT REVIEW COMMITTEE. The complaint Review Committee shall consist of the Board of Selectmen. (Upon receipt of the completed investigation report from the investigator, the board shall assign its member who functions as liaison to the Personnel Board to attempt to resolve the matter.) If the matter is not resolved within a reasonable time, the Board of Selectmen shall set a hearing date.

21.8 HEARINGS. Hearings shall be held in accordance with the State Administrative Procedures Act, and all appropriate collective bargaining agreements. Notwithstanding any of the provisions of the State Administrative Procedures Act, and all appropriate collective bargaining agreements, all accused employees shall be notified in writing at least 10 days before about the hearing and the allegation; to be allowed to attend the hearing and testify in his or her own behalf; be entitled to confront or cross-examine the complaining party and other witnesses who are called; be entitled to call witnesses in his or her own behalf; and be allowed to introduce evidence which is relevant to the issues presented by the complaint and the investigative report.

21.9 WRITTEN DECISIONS. Within 10 days of the hearing, the Board of Selectmen shall issue a decision that:

Includes a finding of facts and conclusions explaining how those facts establish a violation of the sexual harassment policy; and recommends sanctions.

21.10 SANCTIONS. Employees who violate this policy may be subject to sanctions up to and including termination.

21.11 STATE AND FEDERAL REMEDIES. In addition to the above, if someone believes that he/she has been subjected to harassment he/she may file a formal complaint with either or both of the government agencies listed below. Using the Town's complaint procedure does not prohibit someone from filing a complaint with either of these agencies. Each agency has a short term for filing a claim (EEOC, 180 days; MCAD, 6 months).

1. The United States Equal Employment Opportunity Commission (EEOC)
One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200
2. The Massachusetts Commission Against Discrimination (MCAD)

Boston Office: One Ashburton Place Room 601 Boston, MA 02108 (617) 727-3990	Springfield Office: 436 Dwight Street Room 220 Springfield, MA 01103 (413) 739-2145
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CODE OF CONDUCT

22.1 POLICY. All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting town business.

This policy covers all regular full-time and part-time employees.

22.1. a CUSTOMER SERVICE POLICY.

The primary duty of an employee of the Town of Ludlow is to serve the public.

It is the employee's responsibility to extend courteous service to customers as expeditiously as possible. Politeness should also be extended during all telephone conversations whether it is a simple request or a call from a distraught individual.

Citizens visiting/inquiring/complaining/ are NOT to be deemed an interruption to our daily duties. They are a part of our daily duties.

22.2 RECEIPT OF GIFTS.

a) Employees are expressly prohibited from soliciting or accepting gifts, gratuity, favors, entertainment, loans, or any other item of monetary value from any person who has or may be seeking to obtain business with or privilege from the Town, or from any person within or outside town employment whose interests may be affected by the employee's performance or nonperformance of official duties.

b) Acceptance of nominal gifts (\$50.00) in keeping with special occasions, such as marriage, retirement, or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, e.g., pens, notepads, calendars of nominal intrinsic value, is permitted.

c) **FLOWER FUNDS OR GIFTS FOR FELLOW EMPLOYEES.** Contributions made for such funds or special gifts are not prohibited. However, participation in such activities, including contributions for even nominal gifts to Supervisors must be wholly voluntary on the part of each employee and any gifts should be of minimal value.

d) **SUPERVISORS AND DEPARTMENT MANAGERS.** The policies described in all of the above sections shall apply to Supervisors and Department Heads, appointed or otherwise. In addition, Supervisors and Department Heads must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No Supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no Supervisor or Department Head shall borrow money or accept favors from any subordinate.

22.3 BUSINESS ACTIVITIES AND SOLICITATIONS. No employee shall engage in any business other than his/her regular duties during working hours; this policy specifically excludes such activities as solicitation of fellow employees, lending of money for profit or any similar activity.

22.4 PRIVILEGED INFORMATION. Employees who deal with plans and programs of significant public interest have a fiduciary obligation to the Town. They must not use this privileged information for their own financial advantage or provide friends and acquaintances with information which they could use to their financial advantage. If an employee finds that he/she has an outside financial interest which could be affected by town plans or activities, then he/she must immediately report the situation to his/her supervisor. Each employee is charged with the responsibility of insuring that he/she releases only information that should be made available to the general public. The unauthorized release of privileged information or its use for private gain constitutes just cause for termination from town employment.

22.5 USE OF PROPERTY. Employees, supervisors, and Department Heads shall not, either directly or indirectly, use or allow the use of town property for anything other than official activities.

22.6 POLITICAL ACTIVITIES. All employees are entitled to exercise their rights as citizens to express their opinions and to cast their votes. Town employees, while on Town time, may not, however:

a) use their official authority or influence for the purposes of interfering with or affecting the result of an election.

b) directly or indirectly coerce, command, or advise a state or local official or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

c) use Town resources, equipment, or money for any election or campaign purposes while on town time.

DISCIPLINARY POLICY

23.1 COVERAGE. All regular full-time and part-time employees.

23.2 POLICY. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the departments of Town government.

a) Departmental Responsibilities. Each Department Head is responsible for the proper and efficient operation of his/her department and for enforcing all policies and regulations. Supervisors are authorized to apply, with the approval of the appropriate Department Head, such disciplinary measures as may be necessary.

b) Reasons for Disciplinary Action. Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public. The following shall constitute sufficient cause for disciplinary action.

- 1) Neglect in the performance of the duties of the position to which the employee is assigned.
- 2) Disregard for or frequent violation of Town departmental policies and regulations.
- 3) Willful misuse, misappropriation or destruction of Town property or conversion of Town property to personal use or gain.
- 4) Frequent tardiness or absence from duty without prior approval.
- 5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions from a supervisor, or other acts of insubordination.
- 6) Habitual use of intoxicating beverages to excess or abuse of narcotics, drugs, or other controlled substances so as to interfere with job performance or the efficiency of Town service.
- 7) Use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.
- 8) Use of ethnic slurs, racial epithets or any terms of derision when referring to a specific ethnic, racial or religious group. Use of derisive terms when referring to people of specific religions, sexual orientation, gender, or in any way handicapped.
- 9) Unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficient provision of Town services.
- 10) Disregard for or frequent violations of Town bylaws or state laws.
- 11) Violation of privileged information or its use for private gain.
- 12) Failure to observe safety practices including use of safety equipment such as eye protection or hearing conservation devices or any other safety equipment which is deemed necessary by the supervisor.
- 13) Sexual Harassment.
- 14) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

23.3 PRODECURES.

a) **ORAL REPRIMAND.** Whenever grounds for disciplinary action exist, including but not limited to, abuse of leave, absenteeism, insubordination, misconduct, or failure to follow established safety rules, and the supervisor determines that more severe action is not immediately warranted, the supervisor should orally communicate to the employee the supervisor's observation of the deficiency and offer assistance in correcting it.

At this point, some specific time period should be established between the supervisor and the employee during which the problem should be corrected before any further action is taken. Whenever possible, sufficient time for improvement should precede formal disciplinary action. No notation in the employee's personnel file is necessary. If no incidents of the behavior which have cause for the original oral reprimand recur in a twelve month period of time, the reprimand will be considered null and void.

b) **WRITTEN REPRIMAND.** A written reprimand shall be addressed to the employee and will include: the charge; the specific behavior and the dates of the behavior (where appropriate) that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstance affecting the severity of the discipline; and advice on the right to appeal.

A signed copy of the reprimand shall be sent to the Department Head or Board Chairman and will be kept in the employee's personnel file, and the employee will have the opportunity to submit comments for the personnel folder. Both documents will be purged from an employee's file at the end of twelve months.

c) **SUSPENSION.** A Department Head, Board, or designee (supervisor) may suspend an employee, without pay, for up to, but not exceeding thirty (30) calendar days. On or before the effective date of the suspension, the employee will be furnished with a written statement setting forth the reasons for the suspension, the effective dates of the suspension, and the date the employee should return to work.

The statement will also include: the charge; the specific behavior and the dates of the behavior (where appropriate) that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstance affecting the severity of the discipline; and advice on the right of appeal.

d) **DISMISSAL.** The Department Head or Board may terminate an employee after due consultation with Town Counsel and the supervisor recommending the dismissal. The employee must be given a written notice signed by the Board or Department Head specifying the effective date of the termination, the charge, the specific behavior and the dates (where appropriate) that support the charge, any circumstances affecting the severity of the discipline, and advice on the right of appeal. Discipline is generally a progressive procedure; however, suspension or dismissal may be the initial step taken in a disciplinary action depending upon the severity of the grounds for disciplinary action. When any formal disciplinary action is taken, a copy will be forwarded to the Personnel Board and a copy will be placed in the employee's personnel file.

GRIEVANCE PROCEDURE

24.1 A grievance procedure is a dispute between an employee and the appointing or supervisory authority arising out of an exercise of management rights or administrative discretion, or interpretation of these policies.

This grievance procedure is outlined for non-unit employees. With respect to union-represented employees, departmental labor agreements should be reviewed for individual department policies.

All employees have a right to have grievances and concerns regarding employment heard in a fair, equitable, and timely manner. The decision to air a grievance will not result in any penalty to the employee, regardless of the final decision. The grievance procedure steps are as follows:

Step 1. The employee should raise any questions, concerns, or grievances with their immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level.

Step 2. If the employee is not satisfied with the response during informal discussions, that employee may present the case to the department head. The department head will meet with the employee to discuss the case and provide the employee with a response on a timely basis.

Step 3. If the employee is still not satisfied, the employee may submit a written grievance to the Board of Selectmen within a timely basis.

Based on the written grievance and any other information, the Board of Selectmen, with Labor Counsel, will make a final determination concerning the case. The determination by the Board of Selectmen will be final and binding.

Employees may request to bring a fellow employee to meetings during the grievance review and may, with the agreement of the other party, extend the time limits.

24.2 PRIVACY AND INFORMATION. In all instances, both the employee's right to privacy and the right of the public to have access to public information shall be preserved by observance of the appropriate statutes and laws pertaining to both.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM

25.1 POLICY. Except as noted in Section 9.2 (d), it is the policy of the Town of Ludlow to provide equal employment opportunity for all. Personnel decisions will be based solely upon individual merit and fitness of applicants and employees related to the specific job requirements and without regard to race, color, religion, sex, age, national origin, physical disability, political affiliation, or other non-merit factors. In its continuing effort to upgrade the standard of living and civil rights of its citizens, the Town will require all of its elected officials and employees to uphold this policy.

25.2 RESPONSIBILITY FOR AFFIRMATIVE ACTION. The responsibility for implementing the Affirmative Action Program rests with each Town department. The Town Administrator has been assigned by the Board of Selectmen the responsibility of coordinating the implementation of the Program in his/her capacity as its Director. His/her duties will include:

- a) Monitoring and aiding all Town departments in identifying and correcting all deficiencies which presently exist in the provision of equal employment opportunity.
- b) Monitoring the Town's Affirmative Action Program and initiating any steps which are needed to deal with its shortcomings.
- c) Handling expeditiously any complaints from Town employees who believe themselves to be the victims of discrimination.
- d) Serving as liaison between the Town, the outside community, and minority and women's groups.

25.3 DISTRIBUTION OF POLICY. The Town of Ludlow will communicate its Equal Employment Opportunity Policy to all officials, employees, contractors, and the general public in the following manner:

- a) Inclusion of this document as part of the Town's Personnel Policy.
- b) Providing a copy of this document to every Town department, board, and committee for posting and distribution to employees.
- c) Ensuring that each Town department communicates this policy to:
 - 1) All job applicants.
 - 2) All private contractors who do business with the Town.
 - 3) All sources of employment referrals including, but not limited to: Civil Service, Massachusetts Division of Employment Security, area minority groups and women's organizations.

25.4 TRAINING. The Town of Ludlow will afford full and equal opportunity for participation in all training programs that are made available to Town employees. Training systems will be reviewed periodically to ensure that training opportunities are being offered to all eligible employees on an equal basis and that any inequities are corrected.

25.5 EMPLOYEE BENEFITS AND STATUS. The Town of Ludlow will ensure that there will be equality in the administration of employee benefits and compensation. The Town will insist that the criteria for fringe benefits, overtime, and pay rates will not differ because of race, color, religion, sex, age, or natural origin.

25.6 PROGRAM EVALUATION. All Town departments should prepare annual progress reports to provide an accurate overview of the operating of the EEO Program. The EEO Director should prepare an annual report for presentation to the Board of Selectmen on the overall status of the Program, identifying any particular problems which have been encountered and outlining the recommendations for corrective action. The Board of selectmen should review this Affirmative Action Program annually and revise it as necessary in order to adjust to economic and social changes while all the time placing particular emphasis on the needs of racial minorities, women, the handicapped, and older workers.

POLICY ON MAINTAINING A DRUG FREE WORKPLACE

26.1 The Town of Ludlow recognizes the need for a safe and health work environment and intends to provide a workplace free from the illegal use of drugs, alcohol, and controlled substances for their employees in accordance with the United States Drug-Free Workplace Act of 1988 (PL100-690 or 41 U.S.C.S. 701-707).

The unlawful manufacture, distribution, sale, possession or use of any controlled substances, or use of alcohol or drugs is absolutely prohibited on all property owned, leased or under the control of the Town, including but not limited to: all work stations, offices, town sites, in town vehicles, parking lots, roadways, or in town facilities by all town employees while they are acting in their capacity as employees.

The purpose of establishing a drug-free workplace is to inform town employees about:

- a. the serious danger of drub abuse in the workplace;
- b. the Town's policy of maintaining a drug-free workplace;
- c. the availability of drug counseling, rehabilitation and employee assistance programs; and

- d. the consequences of employee drug use in the workplace. (Any employee found in violation of this policy will be subject to discipline up to and including dismissal and/or may be required to successfully complete counseling or a rehabilitation program.)

The Town of Ludlow establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy; and that each employee must notify the Board of Selectmen within five (5) days of any arrest for violation of any federal or state criminal drug law occurring in the workplace.

Additionally, any employee who is convicted of any violation of this policy must, within five (5) days of any such conviction, notify the Board of Selectmen.

The Board of Selectmen shall notify the appropriate federal agency within ten (10) days of receiving notice of a violation of statute and shall have up to thirty (30) days, from the time of notification by the employee of a conviction for a workplace offense, to take appropriate personnel action up to and including discharge.

Absence from Duty – An employee who is absent from duty for more than sixty (60) continuous calendar days on sick leave, injured-on-duty leave, disciplinary suspension, or leave of absence may be tested within the first fourteen (14) calendar days after his/her return to active duty.

Serious Incidents – An employee involved in an incident on the job which is serious, life threatening, or involves serious bodily injury may be tested after the incident if a test is approved by the Board of Selectmen or its designee. In deciding whether to approve the test, the Selectmen will base its decision on all of the circumstances.

Reasonable Suspicion – An employee may be tested after a determination by the Board of Selectmen or its designee that there is reasonable suspicion to test the employee based on management judgement that an employee is in violation of Town policy. Reasonable suspicion is a belief, based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is using or is under the influence of drugs so that the employee's ability to perform his/her duties is impaired. Reasonable suspicion shall be based upon information of objective facts obtained by the department and the rational inferences which may be drawn from those facts. The information, the degree of corroboration, the results of the investigation or injury and/or other factors shall be weighed in determining the presence or absence of reasonable suspicion.

Procedures

A. Hair samples, urine samples, or blood samples when requested by the employee, will be taken from an employee or a prospective employee according to directions provided by the testing facility. The sample will either be hand delivered to the testing facility or it will be mailed via overnight courier service such as provided by Federal Express.

B. The laboratory selected to conduct the analysis must be experienced and capable of quality control, documentation, chain of custody, technical expertise and demonstrated proficiency in radio-immunoassay testing. Technicians performing the tests must be available for testifying regarding test results, if required. (Only a laboratory which has been properly licensed or certified by the state in which it is located to perform such tests will be used.) The testing standards employed by the laboratory shall be in compliance with the Scientific and Technical Guidelines for Drug Testing Programs, authored by the Federal Department of Health and Human Services, initially published on February 13, 1987, and as updated.

C. The employee to be tested will be interviewed to establish the use of any drugs currently taken under medical supervision.

Any employee taking drugs by prescription from a licensed physician as a part of treatment, which would otherwise constitute illegal drug use, must notify the tester in writing and include a letter from the treating physician. Any disclosure will be kept confidential by the tester.

D. Test results will be made available to the employee as soon as they are made known to the department. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the employee requests it, a copy of the memorandum will be placed in the employee's personnel file.

E. The testing procedures and safeguards provided in this policy shall be adhered to by all personnel associated with the administering of drug tests. The employee will be assigned a test code identification for the purposes of maintaining anonymity and to assure privacy throughout the sampling and testing procedure. The employee will sign and certify documentation that the coded identification on the testing sample corresponds with the assigned test code identification.

F. The employee to be tested will be notified of the test requirement a reasonable time before testing and when blood or urine samples are to be taken, shall report to the station at the time designated for transportation to the medical facility or laboratory designated by the Town to obtain the testing samples. Hair samples may be taken at the place of work.

G. The Town will designate to the testing facility the specific drugs for which the sample is to be analyzed. The testing facility will report findings only as to those specific drugs for which the Town requested testing.

The testing shall consist of an initial screening test and, if that is positive, a confirmation test. The confirmation test shall be by gas chromatography or mass spectrometry.

H. Each step of the processing of the test sample shall be documented in a log to establish procedural integrity and the chain of custody. Where a positive result is confirmed, test samples shall be maintained in secured storage for as long as necessary.

Prohibited Conduct

1. Illegal possession of any controlled substances.
2. Illegal use of any controlled substances.
3. Refusal to comply with the requirements of this drug policy.
4. Improper use of prescription medicine.

Definitions

1. **Alcohol** – Alcohol includes alcoholic beverages and any other intoxicating liquid that contains alcohol.
2. **Controlled Substances** – Are defined as any controlled substance defined or classified as such by law, including but is not limited to: amphetamines, marijuana, cocaine, opiates, and phencyclidine and may also mean prescription drugs.
3. **Illegal Drugs** – Includes any drug whose sale, use, or possession is unlawful including controlled substances.
4. **Legal Drugs** - Includes prescription drugs or medications that are prescribed only to the person whose name is on the prescription bottle.

5. **Reasonable Suspicion** – Means a belief based on facts sufficient to lead a prudent person to suspect an occurrence is taking place or has taken place.
6. **Conviction** – Means a finding of guilt, including a plea of nolo contendere, or imposition of sentence or both by a judicial body charged with the responsibility to determine violation of the federal or state criminal drug statutes.
7. **Employees in Sensitive Positions** – Means employees, in this case, with CDL licenses and/or drive vehicles owned by the Town of Ludlow.
8. **Drug Screen** – Means an initial test such as comparable to the enzyme multiplied immunoassay technique which is called EMIT assay urinalysis which is positive for any employee will be further verified by gas chromatography/mass spectrometry (GC/MS) Analysis or its equivalent.
9. **Negative Result** – Means results of the initial screen indicated no presence of a controlled substance or its metabolites in the individual's system or if the medical review officer has found a supportable reason for the urine test though positive may call it negative.
10. **Positive Test** – Means results of the screening and the confirmatory test indicate the presence of a controlled substance or its metabolites in the individual's system whether either performed in the urine, hair, blood, or alcohol drug testing.
11. **Refusal to Submit to an Alcohol or Controlled Substance Test** – Means that the employee;
 1. Fails to provide adequate breath for testing without a valid medical explanation;
 2. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part;
 3. Engages in conduct that clearly obstructs the testing process.

Impairment by Prescription Medicine – An employee shall notify the Department Head when required to use prescription medicine which the employee has been informed may impair job performance. The employee shall advise the department head of the known side effects of such medication and the prescribed period of use. The department head shall document this information through the use of internal confidential memoranda maintained in a secured file. The employee may be temporarily reassigned to other duties, or prohibited from working, where appropriate, while using prescription medicine which may impair job performance or create unsafe working conditions. An employee prohibited from working may utilize sick leave where appropriate or may be placed on unpaid leave of absence if sick leave is not available.

Return to Duty and Follow-up – This is conducted when an individual who has violated the prohibited alcohol and drug testing process returns to performing regular duties. Follow-up tests are unannounced and this remains in effect for up to five years.

Refusal to be Tested:

Failure to comply with the drug and alcohol testing procedures may result in disciplinary action, up to and including, the termination of employee.

All employees will be given a copy of this policy to retain and review.

Employees having any questions in regard to this policy are invited to contact the Board of Selectmen to discuss their concerns.

COMPUTER/COMMUNICATIONS SYSTEMS USE POLICY

27.1 PURPOSE. The Town of Ludlow, MA recognizes the need for computers and communications systems (electronic mail, voice mail, and facsimile) and the vital role they play in assisting Town employees in delivering exceptional public service. The Town recognizes the computer and communication systems as tools and it is expected that these tools will be used in an appropriate manner at all times. The primary purpose of computers and communications systems is to serve Town business. These systems are not for personal use during work hours, and may be used for personal use only by the express permission of a Department Head during non-work hours. All information and communication on such systems is the property of the Town of Ludlow. The following rules are implemented to ensure that these valuable Town resources are being properly utilized by employees, contractors, officials and volunteers.

27.2 LEVELS OF ACCESS. Positions in the organization will have varying degrees of computer access and capability. Access level will be determined by the employee's Department Head in conjunction with the Systems Administrator. Not all positions require or will have computer access. The Town specifically reserves the right to withdraw any computer or communications system access to any employee at any time.

Levels:

1. Access to view Intranet.
2. Access to Intranet and basic systems (Word, Excel, Outlook, Intranet, etc.)
3. Access to Intranet, basic systems and internal e-mail.
4. Access to Intranet, basic systems, secured select systems such as payroll, accounts payable, GIS, and internal e-mail.
5. Access to Intranet, basic systems, secured select systems, internal and external e-mail.
6. Access to Intranet, basic systems, internal and external e-mail, and the Internet.
7. Access to Intranet, basic systems, secured select systems, internal and external e-mail, and the Internet.

27.3 POLICIES AND PROCEDURES FOR COMPUTER/COMMUNICATION SYSTEMS. The following policies and procedures are designed for the proper use of the Town's computer and communication systems resources. Violation of these policies will subject the employee to disciplinary action, up to and including the termination of one's employment. Contractors or vendors who violate this policy will be in breach of their contract with the Town and subject to immediate cancellation of the contractual relationship.

27.4 DEFINITIONS:

27.4.1 Communication Systems: E-Mail, voice mail, facsimile and the communications infrastructure.

27.4.2 Computer: All hardware and operating systems.

27.4.3 Hacking/Cracking: The unauthorized attempt to enter into any other computer or system.

27.4.4 Internet: A worldwide computer network which you can send a letter electronically, chat to people electronically, or search for information on almost any topic. A network of computer networks.

27.4.5 Virus: A computer generated message used to debilitate, destroy, or disrupt the proper functioning of a computer or system.

27.4.6 E-Mail: Electronic messages transmitted via computer to internal users, external users, or both.

27.4.7 Internet Service Provider: An entity that provides the initial host connection to the Internet.

27.4.8 Confidential or Sensitive Information: That information which is used by Town officials or employees in representing the Town in pending legal matters or negotiations of any type which would put the Town at a disadvantage in the negotiation process should the information be disseminated. Additionally, this includes personnel information, health information, and financial information regarding any employee of the Town.

27.5 RULES FOR COMPUTER USE: The following rules are designed for the proper use of Town owned computer and communication systems. As noted in the introductory paragraph to this policy, this is Town owned equipment which must primarily be used for Town business. Town systems shall only be used for personal use during non-work hours, and only with the express permission of a Department Head. All other uses, including but not limited to the following are prohibited:

27.5.1 Town computers and communication systems shall not be used for transmitting or receiving messages that violate the Town's policies prohibiting sexual harassment or workplace violence. Receipt of any messages violating these policies shall be immediately reported by the recipient to his/her Department Head who in turn will report this to the Board of Selectmen.

27.5.2 Violating any federal or state law (including all copyright laws) is prohibited.

27.5.3 Vandalizing any hardware, software, computer or communications system is prohibited. Intentionally introducing any computer viruses into the system is strictly prohibited.

27.5.4 The Town systems shall not be used for political purposes.

27.5.5 The Town systems shall not be used for collective bargaining purposes other than by the Board of Selectmen and Union officials communicating with the Town Negotiator.

27.5.6 The system shall not be used for fundraising activities.

27.5.7 Hacking or cracking is strictly prohibited. Testing the system's security shall be the responsibility of the Systems Administrator and such testing shall only be conducted under the express authorization of the Executive Secretary.

27.5.8 Chain letters, lotteries, games, etc. are prohibited from the Town's computer systems.

27.5.9 Misrepresenting oneself in any communication or attempting/sending any message anonymously is strictly prohibited.

27.5.10 Loading, use and accessing of personal Internet Service Provider accounts (AOL, CompuServe, etc.) on Town owned equipment is prohibited.

27.5.11 Do not tell your password to anyone and do not record it where it may be found. Do not use anyone else's password without their permission and your Department Head's permission. Attempting to access/use another person's password without the required permission is strictly prohibited.

27.5.12 Do not write anything about anyone that is inflammatory or defamatory. There should be no expectation of privacy with respect to the use of the computer. E-mail is not confidential. Your

E-mail and files are the property of the Town. If you don't want to read about it in the newspaper tomorrow, or in a court of law, or have it read by your supervisor, don't write it.

27.5.13 The system shall not be used for engaging in commercial activity, i.e. conducting a private business.

27.5.14 Employees will not be allowed to access sites that are not work related and the Town employs software designed to limit access to sites that may be offensive. Specifically, any site that displays pornography or nudity shall not be accessed. Attempting to circumvent this software is prohibited. Sites that are offensive or discriminatory based on race, gender, religion, national origin, or any other protected classification of persons shall not be accessed by Town employees, unless they are accessed as part of a police investigation and then only after the Chief of Police or his/her designee has been made aware of the site to be accessed prior to actually accessing it. Any employee who visits a site by accident that is prohibited under this paragraph shall forward the web site address to the Systems Administrator.

27.5.15 No privately owned computer systems, laptop computers, or peripherals will be added to the Town system without prior authorization from the Systems Administrator. Privately owned software will only be installed on Town computers (including laptops) by the Systems Administrator with proper authorization from a Department Head and Board of Selectmen.

27.5.16 No confidential, attorney-client communication or information related to pending litigation shall be communicated via E-mail. E-mail is subject to discovery and may be subject to the Massachusetts Freedom of Information Act. Confidential or sensitive information should more appropriately be communicated in written form or verbally.

27.5.17 Employees shall not transmit confidential or sensitive information via E-mail or facsimile machine to any entity without the express authorization of their Department Head.

Violation of any of the foregoing rules may result in the imposition of disciplinary action, up to and including, the termination of employment.

27.6 MONITORING OF COMPUTER/COMMUNICATIONS ACTIVITY. Internet (including all web sites visited), E-mail and use of computers may be monitored for compliance with this policy in accordance with the Massachusetts General Laws. All messages sent over the Town computer and communications systems are the property of the Town. These messages are subject to the discovery process.

27.7 RECORDS RETENTION. Pursuant to the records retention law in Massachusetts, E-mail, documents, reports, and other public records that need to be saved should be done so in a hard copy format in accordance with the approved records retention schedule. Records retention is the responsibility of public records custodians, including public officials, employees, contractors, and volunteers. The Town Accountant and/or Systems Administrator backs up computer source documents for disaster recovery only, not records retention. After a hard copy has been printed of E-mail that must be saved, be sure to delete the message from your mailbox. Promptly delete messages that do not need to be saved.

27.8 SECURITY OF COMMUNICATIONS. Be advised that others not associated with the Town may be monitoring your Internet communications and that these communications are not secure.

All employees, contractors, officials, and volunteers who are granted access to the Town of Ludlow computer/communication systems will be required to sign a Computer Use Agreement Form indicating that the employees, contractor, or vendor has received a copy of the Town of Ludlow Computer/Communications Systems Use Policy and that they agree to be bound by said policy.

AMERICANS WITH DISABILITIES ACT REQUIREMENTS

28.1 Pursuant to the requirements of 28 CFR Part 35, the Town of Ludlow advises applicants, participants, and the public that it does not discriminate on the basis of disability in access to, or employment in, its programs, services, and/or activities.

The Town of Ludlow has appointed an ADA Coordinator to coordinate efforts to comply with these requirements. Inquiries, requests, and complaints should be directed to:

Brien Laporte, Building Commissioner, 488 Chapin Street, Ludlow, MA 01056.
TEL: 583-5605.

28.2 Americans with Disabilities Act Grievance Procedures

- a) **Purpose** – The purpose of this procedure is to secure, in the easiest and most efficient manner, the resolution of grievances. For the purpose of this organization, a grievance shall be defined as a complaint regarding access or alleged discrimination.
- b) **Scope** – This procedure shall be available to all individuals utilizing the services and facilities of the Town, applicants for employment with the Town, and all employees of the Town.
- c) **Complaint Process** –

STEP 1

All grievances are to be submitted in writing to the ADA Coordinator. The grievant shall set forth in the body of the grievance the nature of the complaint, the facts upon which it is based, the specific barrier to access or alleged discrimination, and the relief requested. No grievance shall be accepted which has been submitted:

- 1) More than one hundred and eighty (180) days after the occurrence of the event giving rise to the grievance; or
- 2) Within one hundred and eighty (180) days after the grievant, through the use of reasonable diligence, should have had knowledge of the event.

Within ten (10) calendar days of receiving the written grievance, the ADA Coordinator will meet with the grievant, and attempt to resolve the grievance. The ADA Coordinator will provide a written response to the grievant within ten (10) calendar days of the meeting. If the ADA Coordinator's response does not resolve the grievance to the satisfaction of the grievant, he or she may proceed to Step 2 by giving written notice no more than ten (10) days after the ADA Coordinator's response is received or due.

STEP 2

All written requests of appeal will be considered by the ADA Compliance Committee. The committee shall be comprised of three (3) members: a member of the Board of Selectmen or its designee, the Chair of the Commission on Disabilities; and a citizen appointed by the Town Administrator to serve a term of two (2) years. Consultation will be sought from an expert in the specific disability area related to the complaint in question. Following the Committee's review of the written appeal, a hearing will take place in which the grievant may present the specifics of the grievance and the desired relief. Notice of the public hearing will be given and the proceedings of the hearing shall be open to the public. The Commission shall issue a written decision within forty-five (45) calendar days of being notified of the appeal. All committee proceedings shall be recorded, transcribed and maintained. If the complaint still has not been resolved to the

satisfaction of the grievant, he or she may proceed to Step 3 by giving written notice no more than ten (10) calendar days after the ADA Committee's written decision is received or due.

STEP 3:

Step 3 hearings will be considered by the Board of Selectmen in a public hearing. A written determination must be made within thirty (30) days of the public hearing. All determinations of the Board of Selectmen shall be final.

- d) **Records** – Record of proceedings and action taken on each request or complaint will be maintained at each level of the grievance process.
- e) **Reprisal** – Reprisal against any grievant or witness is prohibited.

EMPLOYEE IDENTIFICATION

29.1 Except as noted below, all town employees shall be issued a town employee identification card. Employees shall carry such identification at all times during working hours. When town employees are required by their duties to enter into private homes or onto other private property they shall display their identification on a lanyard or by some other means.

29.2 The identification shall consist of a laminated plastic card measuring approximately 2 1/8" by 3 1/2", and shall incorporate such anti-tampering security devices, if any, as are deemed appropriate by the Town Administrator. The identification card shall also include the following items:

- 29.2.1 The Town seal.
- 29.2.2 The phrase "TOWN OF LUDLOW EMPLOYEE IDENTIFICATION".
- 29.2.3 A full face photograph of the employee.
- 29.2.4 The employee's title or job classification.
- 29.2.5 The employee's department, if not obvious from the title or job classification.
- 29.2.6 The employee's signature.

29.3 Town employee identification cards shall remain the property of the town and shall be surrendered by the employee upon termination of employment.

29.4 Expiration:

- 29.4.1 Employee identification issued to permanent employees shall have no fixed expiration date and shall be replaced only as required.
- 29.4.2 Employee identification issued to temporary or seasonal employees shall contain the words "expires on" and a date. Such date shall be the earlier of a) the expected date of termination of employment, or b) one year from the date that the identification is issued.

29.5 Exemptions:

- 29.5.1 Employee identification, if any, issued to employees of the school department shall be at the sole discretion of the school committee.
- 29.5.2 Employee or other identification issued to police and fire personnel shall be at the sole discretion of the chief of that department. Such identification shall conform to all state and federal statutes and guidelines.

CLASSIFICATION PLAN

30.1 COVERAGE. All regular full-time and part-time employees.

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

30.3 CONTENTS. The Classification Plan shall consist of the following:

- a) **POSITION DESCRIPTIONS.** Position descriptions for positions which are similar in duties, degree of difficulty and level of responsibility so that each position in the class can:
- 1) be given the same job title;
 - 2) requires essentially the same training and experience;
 - 3) can be filled by essentially the same methods of selection; and
 - 4) is of the same relative value and therefore deserving of the same range of compensation.

Each position shall have a written description. The 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. 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 of the 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.

- b) **POSITION TITLES.** The title of each class of position shall be the official title of every position allocated to the class, and shall be 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.

30.4 ADMINISTRATION. The Board of Selectmen shall have responsibility for the administration of the Classification Plan and shall be authorized to:

- a) complete studies of the new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;
- b) provide for studies of existing positions when there has been a substantial change in their duties and responsibilities which justify consideration of possible reallocation.

30.5 CLASSIFICATION OF POSITIONS. Appointing authorities proposing the creation of new positions shall provide the Personnel Board with a description of the duties, skills, knowledge, abilities, and other work performance requirements of the proposed position in sufficient detail to enable the Personnel Board to properly classify the position. When a position has changed substantially as to the kind and/or level of work, an appointing authority may initiate a request for a change in classification by submitting a written request to the Personnel Board accompanied by a position description questionnaire. The appointing authority shall document any changes in the position in terms of its duties and responsibilities and present this evidence to the Personnel Board for its review. The Personnel Board

shall review the request for reclassification and make its recommendation in the form of a proposed bylaw amendment to the Annual Town Meeting.

COMPENSATION SYSTEM

31.1 POLICY. The Board of Selectmen shall be responsible for the maintenance of a uniform and equitable pay plan which shall consist, for each grade of positions, of minimum and maximum rates of pay and such intermediate increment steps as are deemed appropriate. Insofar as it may be practical, the Personnel Board shall prepare a schedule of revisions to the compensation plan, whether negotiated or otherwise, for employees who are not members of bargaining units and present said schedules to the Board of selectmen for their review on an annual basis. Upon their approval, said schedule of revisions shall be included in the form of a proposed amendment to the Personnel Bylaw in the Warrant for the Annual Town Meeting and the necessary funds will be proposed to the Finance Committee for inclusion in the annual budget. The Personnel Board will be asked to give a recommendation on the proposed increases.

31.2 MAINTENANCE OF THE PLAN. The Town Administrator shall on an annual basis prepare an analysis of prevailing rates of pay for comparable public employment in the area and at large, taking into consideration cost of living factors, budget effects of various alternative pay plans, and other factors which may be pertinent in recommending changes in the plan. The Town Administrator shall include the summary findings of his analysis in the form of a report which shall be presented to the Board of Selectmen, the Finance Committee, and the Personnel Board.

31.3 PAY ADMINISTRATION AND APPOINTMENT RATES. An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the grade to which the position is assigned; however, subject to the approval of the Appointing Authority and the Personnel Board, original employment at a salary above the minimum step may be made upon written certification by both the Appointing Authority and the Personnel Board that such action is justified by either the lack of qualified applicants at the lower rate or the exceptional qualifications of the prospective appointee.

31.4 STEP INCREASES. Step increases within an established range are not automatic but require certification by the immediate supervisor that the employee is performing at an acceptable level of competence, as demonstrated in the performance appraisal system. All employees in an approved position shall be evaluated every six (6) months. An annual evaluation shall be due in June of each year for Department Heads and Management. **Step increases for management-level employees are to take place on July 1 of each year,** The following factors shall not affect eligibility for a step increase:

- a) overall pay adjustments resulting from any pay survey.
- b) transfers within grade providing supervisory responsibility remains intact.
- c) a period of paid leave.

The denial of a step increase may not always connote less than satisfactory service of an employee. If funding is not available, step increases may be denied. Written notice of any denial and the reasons therefor shall be submitted to the employee at least ten (10) calendar days after the due date for the step increase. The employee's eligibility for future increases shall remain unchanged.

31.5 PROMOTION. Upon promotion, the employee's salary shall be set at the rate of the next higher grade which provides the least increase in pay.

31.6 DEMOTION. When an employee is demoted to a lower grade, his/her salary shall be set at:

- a) the rate in the lower grade which provides the smallest decrease in pay if the action is not for cause; or
- b) any appropriate rate, as determined by the appointing authority, in the lower grade which is less than the existing salary if the action is for cause.

31.7 TRANSFER. When an employee is transferred from a position in one grade to a position in another grade which does not have an equal step increment, the employee shall be placed in the step increment which most nearly approximates his earlier step rate provided that it does not result in pay decrease.