



TOWN OF WEST TISBURY PERSONNEL BY-LAW

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1.0 General Provisions

1-1. Authorization

This By-law is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, Chapter 4I, sections 108A and 108C and General Law Chapter 40, section 21.

1-2. Purpose

The purpose of this By-law is to establish a system of personnel administration with policies and procedures governing employment within the Town of West Tisbury, which are consistent with the following merit principles:

- (a) Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- (b) Fair treatment of all applicants and employees shall be the goal in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, sexual orientation, gender expression, national origin, political affiliation, age, disability, or other non-merit factors and with proper regard for privacy and constitutional rights. (4/13/10)
- (c) Retention of employees shall be determined on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.
- (d) Employees shall be protected against coercion for partisan political purposes and shall be prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office. (4/8/03)

1-3. Application

- (a) All town departments and positions, including positions funded by a grant or other payment source, shall be subject to the provisions of the By-law except elected officials, those under the direction and control of the Up-Island Regional School District Committee, and employees covered by contractual agreement. Nothing in this By-law, however, shall bar extending the By-law to otherwise exempt employees or officials.(4/13/10)
- (b) Any grant written under the auspices of the Town shall comply with the Personnel By-law of the Town. Classification and compensation of grant employees and employees funded by other payment sources must be approved

by the Personnel Board. Benefits provided will be subject to the discretion of the Selectmen or the Personnel Board.

1-4. Personnel Board

The Board of Selectmen shall appoint a Personnel Board consisting of five members. Members shall serve for three-year terms. One of the members shall be a Town employee, nominated following election by the employees and appointed by the Selectmen. Said election shall be administered by the Town Administrator. Only employees described in 1-6 (c & d) shall be eligible to vote and serve on the Board. No elected official of the Town or more than one Town employee shall be appointed to the Board. (04/09/02) (4/13/10)

1-5. Rules of Interpretation

- (a) The By-law is intended to be in accordance with all applicable state and federal laws and collective bargaining agreements. In the event of inconsistencies with the applicable state or federal law or collective bargaining agreement, the applicable law or agreement shall apply.
- (b) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

1-6. Definitions

The following definitions shall apply:

- (a) "Town" shall mean the Town of West Tisbury.
- (b) "Employee" shall mean an employee of the Town occupying a position in the classification plan.
- (c) "Full-time Employee" shall mean an employee working twenty (20) or more hours per week for fifty-two (52) weeks a year, minus authorized leaves provided for in these Personnel By-laws. Leaves and benefits shall be based on the average number of hours or days of work such employee is required to perform. An employee working more than one part-time job whose hours total twenty (20) or more per week shall be considered full time.
- (d) "Part time Employee" shall mean an employee working less than twenty (20) hours per week for fifty-two (52) weeks a year. Part time employees will not be eligible for leaves and benefits as outlined in this By-law.
- (e) "Temporary Employee" shall mean any employee retained to accomplish a specific task, for a period not to exceed six (6) calendar months. The position will be paid from the existing regular compensation plan, at the appropriate

level. Temporary employees are not eligible for benefits as outlined in this By-Law.

- (f) “Seasonal Employee” shall mean an employee hired for an annually recurring position, not to exceed six (6) calendar months. Seasonal employees will be paid from the Seasonal Compensation Plan, and may acquire step increases after the first year of employment upon the recommendation of the hiring authority. Seasonal employees are not eligible for benefits as outlined in this By-law.
- (g) “Contract Employee” shall mean any employee hired for a specific task through a bidding process. The contract employee’s compensation will be determined through negotiations for the contract. Contract employees’ compensation will not be controlled by the regular compensation plan, nor will they receive step increases if hired more than once. They are not eligible for benefits under this By-law.
- (h) “Grant Employee” shall mean any non-contractual individual employed by the Town under the auspices of a grant.
- (i) “Emergency Employee” shall mean any employee hired on a non-competitive basis for a period of time not to exceed forty-five (45) days. An emergency employee is hired as a substitute for a regular full or part-time employee who is on leave, has left the position and a replacement has yet to be hired or for similar unforeseen circumstances, to prevent stoppage of public business. Emergency hiring is a form of temporary hiring. The employee will be paid at the same grade, but not necessarily the same step, as the employee being replaced. (4/13/10)
- (j) “Appointing or Hiring Authority” shall mean any board or official authorized by General Law or otherwise to appoint employees. An employee of an elected board shall be hired by the board; an employee of an appointed board shall be hired by the Board of Selectmen. (4/8/03)
- (k) “Department Head” shall mean the official, individual, board, or other body directly responsible for supervising a department's operations and activities. For the purpose of this By-law, where the employee in question is the Department Head or the only employee, the Appointing Authority shall be deemed the Department Head.
- (l) “Department” shall mean any department, board, committee, commission, or other agency of the Town subject to this By-law.
- (m) “Continuous Service” shall mean employment uninterrupted except by authorized leaves.

- (n) “Day” shall mean the average number of regularly scheduled working hours the employee is required to perform his/her duties for the Town in a given twenty-four (24) hour period. For employees with variable or unscheduled working hours, “Day” shall mean the average weekly total of hours worked, divided by five. (4/8/03) (4/13/10)
- (o) “Service” for the purpose of vacation status only, shall mean paid service in the Commonwealth or in any political subdivision thereof prior to entry into Town service, provided that no break in service of three years or more occurred between such termination of employment and entrance into service of the Town. In order to credit such prior service towards the establishment of vacation status, a person must be employed by the Town a full year and submit to his/her Department Head documentation of such service executed by the appropriate official of the Commonwealth or any of its political subdivisions. (4/13/10)

1-7. Amendment of the By-law. This By-law may be amended at any annual or special Town Meeting.

2.0 Administration

2-1. Responsibilities of the Personnel Board. The Personnel Board shall be responsible for the administration of this By-law. The responsibilities of the Personnel Board shall be as follows:

- (a) Maintain an effective personnel system, by establishing policies, procedures and regulations to ensure proper administration of the Town’s Personnel By-law, and prepare an annual report.
- (b) Formulate and review the classification and compensation plans every five (5) years and annually review the pay schedule as set forth in Section 7.3 of this By-law. The classification and compensation plans will be reviewed concurrently.
- (c) Evaluate and classify positions, review requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices.
- (d) Monitor the implementation of the Town's personnel By-law and practices.
- (e) Provide advice and assistance to Department Heads, supervisory personnel and employees on all aspects of personnel management.
- (f) Supervise and maintain a centralized personnel record keeping system.

- (g) Evaluate the effectiveness of forms used in the administration of this By-law and update as necessary. (4/8/03)
- (h) Approve step increases as recommended by Department Heads and Appointing Authorities.
- (i) Review and recommend the annual wage adjustment percentage, as appropriate, subject to Town Meeting approval.
- (j) The Personnel Board may employ assistance and incur expenses, as it deems necessary, subject to appropriation of funds.

3.0 Personnel Records

3-1. Centralized Record Keeping. The Personnel Board shall be responsible for establishing and maintaining personnel records as may be required by law and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Board.

3-2. Contents of Records. The Personnel Board shall maintain an individual personnel file for each employee which may include, but not be limited to, the following:

- (a) The employment application.
- (b) A copy of all background investigation reports.
- (c) A copy of any physical examination reports and health reports shall be kept in a sealed envelope in the employee's personnel file or in a separate file and maintained in accordance with applicable law or regulations.
- (d) A report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, employee's response to disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

3-3. Access to Records. Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the chairman of the Personnel Board, persons authorized by the Personnel Board, appointing authorities, the Board of Selectmen, and the Town Administrator. Any employee may upon request to the Personnel Board have access to review his personnel file. The employee's review of their employment record shall be in the presence of an authorized personnel employee, the Town Administrator, or the Board of Selectmen.

3-4. Release of Information. Unless written authorization is received from an employee, no information concerning that employee other than employment verification shall be released, unless dictated by law.

4.0 Recruitment and Appointment

4-1. Coverage. All employees.

4-2. Policy. The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, creed, color, nationality, religion, sex, sexual orientation, gender expression or disability applying for employment in the town shall receive equal treatment. The recruitment, selection and promotion of candidates and employees shall be based solely on job-related criteria as established in the position descriptions and in accordance with proper personnel practices.

4-3. Recruitment. All Department Heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and wage range for positions shall be established in accordance with the classification and compensation plans.

- (a) Notice of Vacancies. Department Heads shall, upon the identification of a vacancy or on the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall include: the job title, major duties of the position, qualifications, wage range, a closing date for applications, and application instructions.
- (b) Posting and Advertisement of Job Vacancy Notices. Notices of vacant positions, not including emergency appointments, shall be posted for fourteen (14) business days on the Town Hall bulletin board. Job vacancy notices shall be placed in a local newspaper at least fourteen (14) days prior to the close of applications. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.
- (c) Applications. All candidates applying for employment in the Town shall complete an official employment application form and return the form to the Appointing Authority prior to the end of the working day of the closing date specified for the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications.
- (d) Examinations. The Appointing Authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position. A pre-employment physical examination may be required of all full time new personnel by a practicing physician, approved by the Department

Head. This report is to be made on a form provided by the Town. Examination is to be at the expense of the Town.

- (e) References. A candidate's former employers, supervisors, and other references shall be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.
- (f) Application Records. The application, documentation of reference checks, and related documents submitted shall be maintained by the Department Head and after filling of a vacancy materials shall be turned over to the Personnel Board. The Personnel Board shall maintain application records for the period required by law. Appointing authorities, Department Heads and the Personnel Board shall, to the extent possible, maintain the confidentiality of any application.

4-4. Appointment. The decision to hire an employee shall be initiated and approved by the Department Head or Appointing Authority after review by the Personnel Board. All appointments shall be confirmed in writing by the Appointing Authority and shall be subject to the limitations of its appropriation. The written notice of appointment shall include the wage, the starting date, and appropriate additional information. Copies of the notice of appointment shall be provided to the Personnel Board (see section 3-1). (4/13/10)

4-5. Failure to Report. An applicant who accepts an appointment and fails to report to work within three days after the date set by the Appointing Authority or the Department Head shall be deemed to have declined the appointment and the offer of employment shall be withdrawn. (4/13/10)

5.0 Orientation and Probation

5-1 Coverage. All employees.

5-2. Policy. Appointing authorities shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

5-3 Orientation. Appointing authorities or their designee shall:

- (a) notify the new employee of a date, time, and location for starting work;
- (b) provide the employee with a copy of this personnel By-law the sexual harassment policy, the sick bank policy, the handbook for public officials, and the State conflict of interest laws, and thoroughly explain all the benefits and options the employee is entitled to, and assist the employee with completion of appropriate forms; (4/13/10)

- (c) provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department, including the safety policies and procedures. (4/8/03)

5-4. Probationary Period. All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion and to continue for a six (6) month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the Appointing Authority to observe and evaluate the employee's conduct and work habits. Upon expiration of the probationary period, the Appointing Authority shall notify the Personnel Board in writing that:

- (a) The employee's performance meets satisfactory standards and the individual will be retained in the position; or
- (b) The employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period will be extended for one additional three (3) month period; or
- (c) The employee's performance or conduct was unsatisfactory, stating the specific reasons, and that removal will occur.
- (d) The employee may be removed by an Appointing Authority at any time during or following the probationary period if the Appointing Authority determines that the employee intentionally falsified information relating to his or her application for employment. Moreover, an employee may be terminated simply by providing notice to said individual during the probationary period that such person was unable or unwilling to perform the required duties, or displayed conduct, habits, or dependability which did not merit continuing the employee in the position. There is no requirement for "cause," "just cause" or other standard of proof, so long as the determination to terminate was not made for a discriminatory reason. The affected employee is not entitled to a hearing unless the reason(s) given are such that they merit a so-called "name clearing hearing" to prevent the person from being able to gain employment elsewhere. In any event, the employee will not be entitled to regain his or her position, regardless of the outcome of such name-clearing hearing. The employee and the Personnel Board shall be notified in writing of the reasons for the termination and the effective date of the action.

6.0 Classification Plan

6-1. Coverage. All employees except contract employees.

6-2. 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 based on the level of responsibilities assumed and the minimum qualifications required to perform

the job so that the same schedule of compensation may be applied to each class, ensuring equal pay for equal work.

6-3. Contents of the Classification Plan. 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) require essentially the same training and experience; 3) be filled by substantially the same methods of selection; and 4) be of same relative value and therefore deserving of the same range of compensation.
 - 1. 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.
 - 2. Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.
- (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. No employment or promotion hereunder shall become effective until such time as the appropriation or other monies out of which the compensation is to be paid shall be adequate.
- (c) Change in position description or title. The overseeing board shall submit a new position description and any change in position title to the Personnel Board for evaluation and classification.
- (d) No employee of the Town shall hold two or more different Town jobs, the performance or scheduling of which may either be in conflict or exceed a 40 (forty)-hour workweek.

6-4. Administration of the Classification Plan. The Personnel Board shall have responsibility for the administration of the classification plan and shall be authorized to:

- (a) complete studies of 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 the duties and responsibilities, which justify consideration of possible reclassification;
- (c) conduct periodic studies to insure the classification plan remains uniform and current; and
- (d) develop procedures to determine the proper classification of each position and classify positions.

6-5. Classification of New 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 a proposed position in sufficient detail to enable the Personnel Board to appropriately classify the position.

6-6. Reclassification of Positions and Periodic Reviews. Positions may not be reclassified without the overseeing board submitting a new position description and any change in position title to the Personnel Board for evaluation. The Board shall at five-year intervals review all positions subject to the classification plan in accordance with proper personnel practices. Any change to the classification plan is subject to approval of the Town. (4/8/03)

6-7. Classification Plan. The classification plan is appended to this By-law and shall be considered a part of this By-law.

7.0 Compensation Plan

7-1. Coverage. All employees except contract employees.

7-2. Policy. The Personnel Board shall annually establish a compensation plan. The compensation plan shall be related to the classification plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the Town; and ratified labor agreements. Employees shall be paid in accordance with the rates in the compensation plan. (4/13/10)

7-3. Pay Schedule. The Personnel Board shall review annually the established Pay Schedules. It shall keep informed as to pay rates and policies outside of the Town and shall recommend to the Town any action deemed desirable to maintain a fair and equitable pay level. Any changes in the compensation plan affecting pay schedules are subject to approval of the Town.

7-4 Starting Rates for New Appointments. Persons appointed to positions shall be paid at the minimum wage rate, except that, however, the Appointing Authority may recommend compensation at a higher rate on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate. Such a request shall be made to the Personnel Board in writing by the Appointing Authority at the time of employment or at

the expiration of the probationary period. The Personnel Board shall approve or disapprove the request.

7-5. Step Increases. Progression through the rate ranges normally will be one step annually, unless otherwise recommended by the Department Head and approved by the Personnel Board. Step increases may be given only on the basis of satisfactory work performance as certified annually by the Department Head.

7-6. Performance Evaluations. All employees, regardless of their position on the Classification Plan, shall have an annual written performance evaluation, which shall be prepared by the Department Head or Appointing Authority on such form as is approved by the Personnel Board. The Performance Evaluation shall be submitted to the Personnel Board on the first day of the month in which the employee's anniversary date falls. If an employee has had a change in status his performance review shall be one year after such change. The Performance Evaluation shall include the recommendations for a step increase or the denial of a step increase by the Department Head or Appointing Authority if applicable. The employee's new rate, if granted, will become effective on the employee's anniversary date.

7-7. Promotion. An employee who receives a promotion shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay or at a step that the Appointing Authority, subject to approval of the Personnel Board, believes the employee's qualifications and performance warrant.

7-8. Working out of Grade.

(a) Employees temporarily assigned to a higher grade shall, after actively working two consecutive weeks in said higher grade, be entitled to receive the wage of the higher grade at least one step higher than the employee's current wage. The two weeks shall be exclusive of sick leave or vacation leave. An employee shall have the right, without fear of discrimination, to refuse permanent assignment to a higher job grade; provided, however, the Town retains the right to abolish the lower grade position. (4/13/10)

(b) If any current employee should be reclassified to a lower rated job, he/she shall enter it at a rate no lower than his/her existing rate.

7-9. Notice of Employment. Appointing authorities shall notify the Personnel Board of all persons employed, the classification, and the rate of compensation (see section 4-4).

8.0 Overtime

8-1. Coverage. All employees except contract employees.

8-2. Policy. The Town shall pay overtime in conformance with the Fair Labor Standards Act (FLSA). Department Heads shall be responsible for the control and authorization of

overtime. Overtime shall be authorized only in emergencies at the discretion of a Department Head. Employees shall be compensated for overtime at an hourly rate of time and one half for all hours worked over 40 in a week. The Town has adopted a 28-day work cycle for the Police Department as provided by section 207(k) of the FLSA. With the approval of the Department Head, an employee may elect compensatory time off at the rate of time and a half for all hours worked over 40 in a week. An employee accepting compensatory time agrees that a request to take time off using compensatory time may be refused by the Department Head if it would result in calling in another employee at overtime.

8-3. Authorization. It is the responsibility of the Department Head to control and minimize overtime. It shall be authorized by him/her in advance and shall be kept within the appropriated funds. The Department Head shall also maintain records of all overtime granted to each employee.

8-4. Deleted (4/13/10)

9.0 Police Department

9-1. Coverage. All Officers of the Police Department will be compensated for hours worked in excess of their standard established work schedule, and those hours shall be classified as overtime and be compensated at a rate of 1-1/2 (one and one half) times their base pay on an hourly basis.

9-2. Court Time. Court appearances, made by Police Officers, that occur outside of their regular duty hours (requiring them to work more than 40 hours) will be compensated at a rate of 1-1/2 (one and one half) times base pay on an hourly basis with a minimum of 4 (four) hours. If court time exceeds 4 hours, compensation will be paid for each additional hour worked.

9-3. Duty Overtime. Overtime pay will be paid at the rate of 1-1/2 (one and one half) times their base wage for hours worked as a result of extending a tour of duty on a shift to properly complete an investigation or work assignment. Work completed within a portion of an hour will be compensated for the full hour. (4/13/10)

9-4. Extra Duty. Police Officers who are required to work in excess of their standard established work schedule while assigned to special events, investigative duties, emergencies and other Town situations, as determined by the Police Chief, will be compensated at the rate of 1-1/2 (one and one half) times their base wage with a minimum of 4 (four) hours. (4/13/10)

9-5. On Call Duty. Police Officers who are assigned to an On Call Shift shall be compensated \$75 per shift. (4/14/2015)

9-6. Detective Stipend. Police Officers who are assigned to "Detective Responsibilities" will be compensated at a rate of \$28.00 per week.

9-7 Shift Differential

Full time officers assigned to work evening shifts between the hours of 4:00PM and 2:00 AM shall be paid an additional \$2.00 per hour added to their base pay.

Full time officers assigned to work an overnight shift between the hours of 11:00 PM and 8:00AM shall be paid an additional \$2.50 per hour added to their base pay. (4/11/17)

9-8 Working on Vacation

Full time officers who are on a vacation day for their scheduled shift may work overtime shifts that are being filled on a rotational basis for that day. (4/11/17)

10.0 Holidays

10-1. Coverage. Full-time employees except contract employees.

10-2. Recognized Holidays. The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days' employees, without loss of pay, shall be excused from all duty except in cases where the Department Head determines that the employee is required to maintain essential Town services. Holidays which fall on a Saturday will be observed on the preceding Friday and those falling on a Sunday will be observed on the following Monday.

New Year's Day, Martin Luther King Day, Presidents' Day, Patriots' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Half day last work day before Christmas, Christmas Day.

10-3. Terms of Holiday Pay. Holiday pay shall be granted as follows:

- (a) Employees paid on an hourly basis shall receive one day's pay at the regular rate of the employee based on the number of hours regularly scheduled on the day on which the designated holiday occurs; and
- (b) Holiday pay shall be granted to an employee provided that the employee shall have worked on the employee's last scheduled working day prior to such holiday, 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 these regulations, or was appropriately excused.
- (c) An employee working on a paid holiday shall receive in addition to holiday pay, overtime at a rate in conformance with Section 8-2 of this By-law.
- (d) In the event of an emergency or inadequate manpower, a Department Head who must work on a paid holiday, upon approval of the Appointing Authority, shall

receive, in addition to regular earnings, straight time based on their calculated hourly rate.

- (e) If the holiday falls on an employee's regularly scheduled day off, he or she will be entitled to either an additional day's pay at straight time or a paid day off, with the approval of the Department Head.

11.0 Vacation Leave

11-1. Coverage. All full-time employees except contract employees.

11-2. Vacation Granted.

- (a) An employee in continuous service shall be granted two (2) weeks (twice the number of days regularly scheduled in each week) of vacation with pay after completion of one year of service but less than five years of continuous service.
- (b) An employee in continuous service shall be granted three weeks (three times the number of days regularly scheduled in each week) of vacation with pay after five (5) years of continuous service but less than ten (10) years of service.
- (c) An employee in continuous service shall be granted four weeks (four times the number of days regularly scheduled in each week) of vacation with pay after ten (10) years of continuous service. (4/8/03)
- (d) An employee in continuous service shall be granted five weeks (five times the number of days regularly scheduled in each week) of vacation with pay after twenty-five (25) years of continuous service. (4/9/13) Effective date 7/1/14

11-3. Scheduling. Requests for vacation periods for individual employees shall be approved by the Department Head so long as they do not interfere with the operation of the Department. Vacation should be taken in the twelve months following the year in which it was earned. Unused vacation may be carried forward into the next twelve month period and requires the written approval of the Department Head. Carried over vacation time not so utilized within the next twelve month period shall be forfeited. A copy of the written approval must be submitted to the Personnel Board. (4/8/03)

11-4. Vacation Benefits upon Termination. Upon termination, an employee or the beneficiary of a deceased employee shall be paid an amount equal to the vacation allowance as earned and not granted in the vacation year prior to such termination. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which termination occurred up to the time of the employee's separation from the payroll with the following exceptions:

- (a) The employee had not completed his/her probationary period.

- (b) The employee failed to give proper notice of termination. (See termination of employment).
- (c) The employee was terminated due to delinquency or misconduct on the part the employee.

11-5. Other Uses of Vacation Leave. At the discretion of the Appointing Authority and the approval of the Personnel Board, sick leave used in excess of that authorized may be charged to vacation leave. Notice of such a decision shall be provided to the Personnel Board.

11-6. Additional Days' Vacation. An employee shall be granted another day of vacation, if while on vacation leave a designated holiday occurs.

11-7. Working on Vacation. With the approval of the Department Head, an employee, in continuous service of at least 10 (ten) years, may elect to work up to half of earned vacation time from the current year at regular compensation, in addition to paid vacation. Exceptions may be granted by the Personnel Board.

11-8. Return of Former Employees. A former employee who returns to Town service within three years from the date of separation from service shall be credited with the length of service attained at the termination of his previous service, for the purpose of vacation status. Any such employee who returns more than three years after separation from service shall not receive credit for a former period of service in calculating vacation.

11-9. Entitlement When on Leave with Pay. Vacation credits shall accrue to a person while on leave with pay or industrial accident leave.

12.0 Sick Leave

12-1. Coverage. Full-time employees except contract employees

12-2. Granting of Sick Leave. Accrual of sick leave for employees who have successfully completed the required probationary period shall be at the rate of one and one-quarter days for each month of service completed. Upon completion of the probationary period an employee shall be credited with seven and one half (7 1/2) days of sick leave.

12-3. Use of Sick Leave. Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness including pregnancy, injury or a quarantine by public health authorities. Injury, illness, or disability, self-imposed or resulting from the use of alcohol or drugs, may not be considered proper claim for leave under this section, except in the case of an employee under the care of a physician or participating in a recognized treatment or rehabilitation program.

12-4. Illness in Immediate Family. The Department Head may allow paid time off not to exceed 7 (seven) days in case of serious illness in the immediate family of the employee

which requires the personal presence of such employee. The 7 (seven) days need not be consecutive calendar days; they are charged to sick leave; are allowed on an annual basis; and may not be accumulated if not used. Immediate family for the purpose of this rule shall, except in unusual circumstances, include husband, wife, domestic partner, children, parent brothers or sisters and step family. (4/9/13)

12-5. Accrual of Sick Leave. An employee shall be credited with the unused portion of leave granted under this section up to a maximum of 120 days upon termination or resignation. No sick leave credits will be accrued while absent on leave without pay.

12-6. Separation Benefit. Upon retirement, death, or resignation of an employee, or termination by dismissal through no fault or delinquency of his own, the Town shall pay to the employee or his estate, as the case may be, an amount of money equal to 25% of the employee's accumulated unused sick leave up to a maximum of 120 days as of the effective date of retirement, resignation, or termination by dismissal through no fault or delinquency of his own, or the day of death. The rate of pay for the sick leave shall be based on the number of hours per week for which the employee is employed by the Town at the time of retirement, resignation, termination by dismissal through no fault or delinquency of his own, or death.

12-7. Notification. Sick leave will commence on the date and time that notification of the employee's sickness, injury or quarantining is given to the Department Head by the employee or the employee's family or physician. Notification shall be made to the employee's supervisor, if possible, prior to starting time but no later than one hour after starting time.

12-8. Certification of Illness. A Department Head may request a physician's certificate of illness after three consecutive days absence or after a series of repeated absences during the year. The Town reserves the right to discipline or discharge an employee that abuses or overuses sick leave.

12-9. Sick Leave Register. Department Heads or the Appointing Authority shall maintain an adequate register of employee sick leave, both accrued and granted for each employee. Copies of such a register shall be provided to the employee and submitted to the Personnel Board upon request. Department Heads or Appointing Authorities shall clearly indicate on their payrolls all payments for sick leave, and are responsible for the control of such sick leave in their department. Sick leave which is inadequately documented may be revoked by the Personnel Board.

12-10. Workers' Compensation. At the discretion of the employee, and with Personnel Board approval, accumulated sick leave, vacation time and overtime may be used to compensate for the difference between the worker's compensation benefit and the employee's normal base pay.

12-11. Sick Leave Bank

- (a) Full-time employees may choose by written notification to contribute two of their own sick leave days initially, and then one per year thereafter, into a sick leave bank. The Bank will be administered by a Sick Leave Bank Committee consisting of three members and one alternate. One shall be the Town Administrator and the other two shall be contributing employees, one being a Department Head. The two employee members must be elected by members of the Bank. The term of office shall be two years, with no more than two succeeding terms. The alternate member shall be a contributing employee, elected in the same manner, and serving the same term as the other members of the Committee. In the event of a committee vacancy, the Personnel Board employee representative will serve as an acting member of the committee.
- (b) This Committee shall be empowered to make rules and regulations consistent with the intent of the By-law.
- (c) The Committee shall designate a yearly enrollment period during which time all eligible employees will be asked to indicate, in writing, their desire to be included in the sick leave bank. Note: Under the rules and regulations of the Committee, the annual enrollment period is the month of July.
- (d) An employee who has exhausted all of his/her accumulated sick leave can make written application to the Committee for use of bank days in case of serious long-term illness. However, employees who had not joined the Sick Leave Bank (as above) shall not be eligible to draw from the bank.
- (e) A majority vote of the Committee shall be necessary for the granting of sick leave bank days, and in making its decision the Committee shall review the facts surrounding the request. A maximum of 30 sick leave days can be awarded by the committee without further review.
- (f) If the decision of the Sick Leave Bank Committee is not favorable, it may be appealed to the Personnel Board of the Town for review, and the decision of the Personnel Board shall be final and binding and not subject to further review.
- (g) If the Sick Leave Bank is exhausted, it shall be renewed by the contribution of one additional day of sick leave by each member covered by this Sick Leave Bank. Such additional days will be deducted from the employee's annual sick leave. The Sick Leave Bank Committee shall determine the time when it becomes necessary to replenish the Bank.

13.0 Bereavement Leave

13-1. Coverage. All Full-time employees except contract employees.

13-2. Policy. Emergency leave of up to five (5) days may be granted for a death in the employee's immediate family. Immediate family shall include: wife, husband, domestic

partner, mother, father, grandfather, grandmother, child, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandchild and step-family. Compensation shall be limited only to the time lost from the employee's normal straight time schedule. (4/9/13)

14.0 Temporary Military Leave

14-1. Coverage. All Full-time employees except contract employees.

14-2. Policy. Employees called for temporary period of training in the military forces of the nation or the Commonwealth shall be paid for a period of up to fifteen (15) days per year, an amount equal to the difference between an employee's normal straight time compensation and the amount received for such service upon presentation of evidence of the amount paid for military training. Employees shall remain entitled to vacation leave.

15.0 Jury Leave

15-1. Coverage. All employees.

15-2. Policy. Employees called for jury duty shall be paid for the amount equal to the difference between compensation which would have been paid for the hours missed because of jury duty and the amount paid by the court, excluding allowance for travel. (4/8/03)

16 .0 Family and Medical Leave

The following is a good-faith effort to summarize some of the provision of the Family and Medical Leave Act (FLMA).

16-1. Coverage. All Full-time employees.

16-2. Policy. Entitlement to Leave: Subject to certification by the appropriate health care provider, an eligible employee shall be entitled to a total of 12 (twelve) unpaid work weeks of leave during any 12 month period for one or more of the following:

- (a) Because of the birth of a child of the employee and in order to care for such child;
- (b) Because of the placement of a child with the employee for adoption or foster care;
- (c) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition;
- (d) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

16-3. Expiration of Entitlement. The entitlement to leave for the birth or placement of a child shall expire at the end of the 12-month period beginning on the date of such birth or placement.

16-4. Intermittent Leave or Reduced Hours Schedule. Leave may be taken intermittently or a reduced hours schedule may be taken with the written recommendation of the Department Head and approval of the Personnel Board. Leave taken intermittently or a reduced hours schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

16-5. Relationship to Paid Leave. The employee may elect, or the Department Head may require the employee to substitute any of his/her accrued paid vacation leave or personal leave for any part of the 12-week period of such leave.

16-6. Notice. In any case where the expected leave is foreseeable, the employee shall provide not less than 30 days' notice before the leave is to begin. In cases where 30 days' notice is impossible, the employee shall provide such notice as is practicable.

16-7. Employment and Benefits Protection. At the expiration of the leave, the employee shall be restored to the previous position with the same status, pay, length of service credit, and seniority as of the date of the leave. The employee shall not be entitled to the accrual of seniority or other employment benefit covered by this By-law during any period of leave.

17.0 Personal Leave

17-1. Coverage. All Full-time employees except "contract employees".

17-2. Policy. Each Full time employee, after the completion of one year's service, shall be allowed up to three (3) days of leave with full pay during each year for the purpose of transacting or attending to personal, legal, business or family matters which require absence during regular working hours. Leave under this section shall be available for reasons of hardship or other pressing need and not merely for personal convenience. Full or half day increments may be taken. Days or half days cannot be accumulated or carried over.

18.0 Leaves of Absence

18-1. Coverage. All employees.

18-2. Policy. Unless covered elsewhere in this By-law, all leaves of absence shall be without compensation.

18-3. Scheduling and Approval. Leave of absence without pay may be granted for a period not to exceed six months, but may be extended for not more than two additional three-month periods. The decision to grant a leave of absence shall be initiated and approved by the Department Head or Appointing Authority after review by the Personnel Board.

18-4. Benefit Entitlement. An employee on a leave of absence without pay shall not accrue sick leave, vacation leave or be eligible for holiday pay.

19.0 Longevity Pay

19-1. Coverage. All Full-time employees except contract employees.

19-2. Policy. Annual Longevity increments shall be as follows:

- (a) Upon completion of 10 (ten) years of continuous employment to the Town, an employee shall be paid an additional 1% of the employee's base hourly rate multiplied by the scheduled number of the hours for the previous year.
- (b) Upon completion of each additional five (5) year period of continuous employment to the Town, an employee shall be paid an additional 1% of the employee's base hourly rate multiplied by the scheduled number of the hours for the previous year. (4/9/13)

(b)

19-3. When Paid. Longevity pay shall be paid to an employee on his anniversary date.

19-4. Definition of Continuous Employment. Continuous employment shall mean employment uninterrupted, except by authorized leave.

20.0 Sexual Harassment Policy

20-1. Coverage. All employees.

20-2. Policy. No employee shall exercise responsibilities or authority in such a manner as to make submission to unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature a term or a condition of employment within the Town. No employee shall engage in verbal or physical behavior of a sexual nature where such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance or creates an intimidating, hostile or offensive environment. The Town's sexual harassment policy is included here by reference. This policy shall be posted in Town Hall, and distributed to each employee annually.

21.0 Safety

21-1. Coverage. All employees.

21-2. Policy. The Town shall make a reasonable effort to provide and maintain safe working conditions.

21-3. Procedures. As appropriate, and subject to budget restrictions, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

21-4. Responsibilities of Department Heads and Employees.

- (a) Department Heads and Appointing Authorities are responsible for the safety of the working areas within their direct control, and shall: recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or attitudes; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.
- (b) Each employee shall observe all safety rules, operating procedures, facilities, safety clothing or equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

21-5. Disciplinary Action. Employees violating safety rules, practices and policies may be subject to disciplinary action.

22.0 Standards of Conduct

22-1. Coverage. All employees.

22-2. Policy. Town employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to conduct themselves in a manner that in no way discredits the Town, public officials or fellow employees.

23.0 Disciplinary Policy

23-1. Coverage. All employees.

23-2. Policy. All employees are responsible for observing regulations necessary for proper operation of Town departments. Disciplinary actions shall be the responsibility of supervisors, Department Heads, and appointing authorities, who shall exercise their responsibility with discretion and with concern for the employee.

23-3. Reasons for Disciplinary Action. Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. The following, while not intended to be all inclusive, shall be sufficient cause for disciplinary action:

- (a) Incompetence or inefficiency in performing assigned duties.
- (b) Inability to perform one or more critical elements of the position.

- (c) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- (d) Habitual tardiness or absence from duty.
- (e) Falsification of time sheets or any other official documents.
- (f) Use or possession of controlled substances (as defined in MGL 94-C) or alcohol during working hours.
- (g) Misuse or unauthorized use of Town property.
- (h) Fraud in securing appointment.
- (i) Disclosure of confidential information.
- (j) Abuse of sick leave or absence without leave.
- (k) Violation of safety rules, practices and policies.
- (l) Violation of the Town's sexual harassment policy.
- (m) Violation of the State conflict of interest laws.

23-4. **Disciplinary Procedures.** Department Heads and supervisors shall be responsible for enforcing rules and regulations. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspensions, and discharge. Transferring an employee may be done whenever the best interest of the department or Town would be served. The severity of an infraction shall dictate the level of disciplinary action imposed. There is no requirement that every step be followed. So-called "progressive discipline" assumes the offense is not a serious one. Common sense and the nature of an employee's misconduct may require starting at a higher level of discipline, even with discharge.

- (a) **Oral reprimand.** A Department Head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.
- (b) **Written reprimand.** If an oral warning shall fail to correct an action warranting disciplinary action, the Department Head shall issue a written warning including reasons for the warning and an offer of assistance on the part of the Department Head in correcting the unsatisfactory situation. A copy of the

written warning shall be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved. The written warning shall be provided to the employee.

- (c) Disciplinary Probation. If a written warning fails to correct the situation the employee may be placed on disciplinary probation for a period of up to three (3) months by the Department Head or Appointing Authority. A written notice of such probationary period shall be provided to the employee. A copy of such notice shall be included in the employee's personnel file.
- (d) Suspension. At the discretion of a Department Head, and with sufficient cause, a Department Head may suspend an employee without pay for a period or periods not to exceed twenty (20) working days in any twelve (12) month period. Suspension may be in lieu of oral reprimand, written reprimand, and disciplinary probation and may be effective immediately. Within forty-eight (48) hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for and the length of the suspension. A copy of such notice shall be provided to the Personnel Board.
- (e) Discharge. An employee may be discharged for unsatisfactory job performance, violation of Town regulations, or after exhausting other disciplinary procedures. The decision to discharge an employee shall be initiated and approved by the Department Head or Appointing Authority after review by the Personnel Board. The Department Head shall provide the employee with a written notice stating the reason or reasons for the discharge and the effective date of the discharge. A copy of such notice shall be provided to the Personnel Board.

24.0 Termination of Employment

24-1. Coverage. All employees.

24-2. Policy. To maintain a fair and equitable policy as it pertains to termination.

24-3. Classifications.

- (a) Layoffs (including termination due to financial exigency)/Furloughs/Military Service. Employees will be eligible to receive all vacation pay as outlined in 11-4 and Sick Leave Benefit as outlined in 12-6.
- (b) Resignation. Employees are expected to provide the Town with a written notice of resignation at least two (2) weeks prior to the last day worked. The two (2) week period shall be exclusive of sick leave or vacation leave. The Appointing Authority, with the approval of the Personnel Board, may waive the need to work any or all of the two (2) week period. If the two (2) week period is waived, the employee will still be paid at their regular rate of pay for that time.

Employees are eligible to receive all vacation pay as outlined in 11-4 and Sick Leave Benefit as outlined in 12-6.

- (c) No call, no show/ Resignation with less than 2 weeks' notice. An employee will be considered to have resigned his position if he fails to report to work or call in for a period of three (3) consecutive workdays. Employees will be eligible for only vacation earned but not granted in the prior year 11-4(b) and Sick Leave Benefit 12-6.
- (d) Termination for cause. Employees will be eligible only for vacation earned but not granted in the prior year 11-4 (c).

24-4 Performance Evaluation. A performance evaluation is required at separation. Satisfactory evaluation at separation is required for rehire, with the right to appeal to the Personnel Board.

24-5. Rehire/Recall

- (a) Recall. If an employee is recalled within twelve (12) months of his termination date, he/she will be reinstated with no loss of seniority with regards to benefits covered within this By-law, including longevity pay and personnel records. (See also Section 11-8)
- (b) Military Discharge. If application is made within 90 days of discharge, the employee's original hire date will be reinstated with no loss of seniority with regards to benefits, longevity pay and personnel records.
- (c) Rehire. If an employee is rehired within one year of termination, after completion of a period equal to the length of termination, or the probationary period, whichever is longer, the employee will be reinstated with no loss of seniority with regards to benefits covered within this By-law, including longevity pay and personnel records. (See also Section 11-8)
- (d) After reinstatement of original hire date an employee may elect to "Buy Back" his earned sick days by repaying any benefits paid to him under the Sick Leave Benefits 12-6.
- (e) Vacation payment made to such employee for accrued vacation during the year which termination occurred will be considered time granted upon reinstatement.

25.0. Grievance Procedure

25-1. Coverage. All employees.

25-2. Policy. Employees shall have the right to confer with the Personnel Board on any matter that is covered by personnel policies. The Personnel Board shall have the power to

adjust grievances that do not require the expenditure of funds in excess of available appropriations.

25-3. Grievance Procedure. Grievances shall relate to improper application of the personnel By-law or disciplinary procedures. Grievances shall be resolved in the following manner:

- (a) Employees are encouraged to discuss any matter of dispute with a Department Head in a mutual effort to resolve any problem or misunderstanding. Failing to resolve any grievance in an informal manner, an aggrieved employee may present a grievance in writing to a Department Head along with all pertinent information relative to the grievance and indicating the relief that is desired. The Department Head shall within seven (7) working days of receipt of a grievance provide an answer in writing to the aggrieved employee, a copy of which shall be provided to the Personnel Board.
- (b) If the grievance has not been resolved as provided in (a) above, the aggrieved employee may within seven (7) working days after receipt of the written answer from the Department Head or within fifteen (15) working days after presentation of the grievance to the Department Head, present the grievance in writing to the Personnel Board. The Personnel Board shall schedule a hearing on the grievance and shall answer the grievance within twenty (20) working days after its receipt. The Department Head and employee shall have the right to attend such hearing.

26.0 Classification and Compensation Plans (Effective November 17, 2015 ; Revised April 12, 2016)

26.1 Year Round Classification Plan

GRADE 1	Circulation Assistant Custodian Kitchen Manager
GRADE 2	Administrative Clerk Building Maintenance Worker Highway Department Laborer
GRADE 3	Administrative Assistant Animal Control Officer Reference and Technology Librarian Programming Coordinator/Administrative Assistant (4/12/2016)
GRADE 4	Associate Assessor/Data Collector Assistant Librarian/Children's Librarian/Youth Librarian Executive Assistant Outreach Coordinator
GRADE 5	Head of Circulation/Assistant Library Director (4/12/2016)
GRADE 6	Board Administrator Local Building Inspector Patrol Officer
GRADE 7	Council on Aging Director Health Agent Library Director
GRADE 8	Inspector of Buildings/Zoning Enforcement Officer Police Sergeant Principal Assessor Town Accountant Treasurer
GRADE 9	Police Lieutenant
GRADE 10	Town Administrator
GRADE 11	None

26.2 Classification Plan– Seasonal (Effective November 17, 2015)

GRADE	1	Library Page (4/13/10)
GRADE	2	Parking Lot Attendant
GRADE	3	Beach Sticker Seller Assistant Recreation Instructor Summer Parking Officer (WTPD)
GRADE	4	Assistant Swim Instructor Tennis Instructor Highway Department Laborer
GRADE	5	Lifeguard Swim Instructor Recreation Instructor Summer Patrolman (WTPD)
GRADE	6	Acting Summer Program Director
GRADE	7	Summer Program Director

26-3 Year Round Pay Schedule (Separate Document prepared by Town Accountant)

26.4 Seasonal Pay Schedule (Separate Document prepared by Town Accountant)