

TOWN OF MENDON

PERSONNEL POLICY



Adopted May 25, 1999
Effective May 25, 1999
As amended through August 26, 2013

Mendon Board of Selectmen

TOWN OF MENDON
PERSONNEL POLICIES

ACKNOWLEDGEMENT

I have received a copy of the Town of Mendon Personnel Policies and have read and understood its contents. I understand that the policy is intended to provide an overview of the Town's Personnel Policies and does not necessarily represent all such policies in force.

I understand that no authority other than the Board of Selectmen may enter into any agreement, written or oral, that is not consistent with these policies.

Employee Name (please print)

Date

Employee Signature

Supervisor Name (please print)

Date

Supervisor Signature

TOWN OF MENDON
PERSONNEL POLICIES

TABLE OF CONTENTS

Section i and ii	Introduction
Section 1.0	General Provisions Section
Section 2.0	Recruitment and Hiring
Section 3.0	Probationary Period and Seniority
Section 4.0	Work Environment
Section 5.0	Performance Evaluations; Classification & Compensation Plan
Section 6.0	Authorized Leaves
Section 7.0	Family and Medical Leave
Section 8.0	Holidays
Section 9.0	Disciplinary Action
Section 10.0	Grievance Procedure
Appendix A	Classification Plan
Appendix B	Compensation Plan
Appendix C	Commercial Driver's License Alcohol And Drug Testing Policy
Appendix D	Policy and Procedures Concerning Sexual Harassment
Appendix E	Safety Policy
Appendix F	Evaluation Forms
Appendix G	Conflicts of Interest
Appendix H	Nepotism

TOWN OF MENDON
PERSONNEL POLICIES

INTRODUCTION

These policies describe the employment practices and benefits adopted by the Town of Mendon to promote fairness and equity in our workplace. In addition, the Classification and Compensation Plans appear as Appendix A and appendix B. The policy applies to all employees including those appointed by elected boards, committees, commissions and department heads not under the jurisdiction of the Selectmen. The intent of these plans is to provide the basis for ensuring that employees' compensation is aligned with the duties and responsibilities of their jobs, and to provide a mechanism to keep classifications up-to-date over time, as those duties and responsibilities change. Merit increases in compensation may be awarded on the basis of annual performance evaluation, the form for which is included as Appendix F.

The Town's Policy and Procedure on Sexual Harassment is detailed in Appendix D. All employees will be provided with a copy of this policy annually and are required to acknowledge having received it. The Safety Policy, set forth in Appendix E, applies to all employees as well. The Town's Policy on Alcohol and Drug Testing, Appendix C, applies specifically to employees whose duties require them to obtain commercial drivers licenses.

TOWN OF MENDON PERSONNEL POLICIES

Our policies, practices and benefits are periodically reviewed for updating, and we expect to change them from time to time. Therefore, you should always check with your manager or supervisor for the most current ones. The Town's benefit plans are defined in legal documents, such as insurance contracts, official plan texts and trust agreements. This means that if a question ever arises about the nature and extent of plan benefits or if there is conflicting language, the formal language of the plan documents govern, not the informal wording of this handbook. Plan documents are available for your inspection in the Town Treasurer's office and Selectmen's office.

ETHICAL STANDARDS / CONFLICT OF INTEREST

The Town of Mendon has an excellent reputation for conducting its business activities with integrity, fairness and in accordance with the highest ethical standards. As an employee, you are obligated to uphold that reputation in every business activity. If you are ever in doubt whether an activity meets our ethical standards or compromises the Town's reputation, please discuss it with your manager or supervisor. If you have further concerns, you may wish to contact the Commonwealth of Massachusetts, State Ethics Commission, One Ashburton Place, Boston. Two fact sheets published by the Massachusetts State Ethics Commission are included for reference. Appendix G addresses Conflict of Interest, and Appendix H deals with Nepotism.

OPEN DOOR POLICY

Employees are encouraged to share their concerns, seek information, provide input and resolve problems/issues through their immediate management, and as appropriate, consult with the Administrator who may refer the employee to the Selectmen. Managers and supervisors are expected to listen to employee concerns, to encourage their input, and to seek resolution to their problems/issues.

SUGGESTIONS

If you have any suggestions or ideas that you feel would benefit the Town, we would encourage you to tell us about them. We are always looking for suggestions that improve methods, procedures and working conditions, reduce costs or errors and benefit the Town's residents, taxpayers and Town employees. Toward that end, we have placed a suggestion box named "Ideas for Improvement" in the Town Hall. Please do not hesitate to use it.

TOWN OF MENDON
PERSONNEL POLICIES

1.0 GENERAL PROVISIONS

1.1 Authorization

These policies are promulgated in accordance with the authority granted to the Board of Selectmen. In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

1.2 Purpose

The purpose of these policies is to establish a system of personnel administration based on merit principles, including but not limited to:

- a) recruitment, selection and classification of employees on the basis of ability, knowledge, education and skill under fair and open competition;
- b) fair and equitable treatment of all applicants and employees in all aspects of the personnel system without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability and with proper regard for privacy and constitutional rights;
- c) retention and advancement of employees based on performance, with recognition of the obligation to make reasonable efforts to assist employees with inadequate performance.

1.3 Definitions

The following definitions shall apply:

Administrator: the Administrative Assistant to the Board of Selectmen.

Appointing Authority: Any board or official authorized by General Law or otherwise to employ personnel to perform services for the Town.

Board: The Board of Selectmen of Mendon.

Department Head: The officer responsible for supervising a Department's operations and activities. A Department head may be an appointing authority.

Exempt Employee: An employee whose position is not covered by, or is exempt from, the minimum wage and overtime provisions of the Fair Labor Standards Act.

Non-Exempt Employee: An employee whose position is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

TOWN OF MENDON
PERSONNEL POLICIES

Full-time Employee: An employee regularly scheduled to work at least 20 hours per week for fifty-two (52) weeks per year, or 1050 hours per year. Employees working two or more part-time schedules, which in aggregate total more than 20 hours per week, shall be treated as full-time employees.

Part-time Employee: An employee working fewer than nineteen hours per week for fifty-two (52) weeks per year.

Permanent Employee: An employee who has completed the probationary period and whose tenure of service is unlimited.

Temporary Employee: An employee whose fixed tenure of service is stipulated at the time of hire, excluding those who are appointed to serve in positions for which a term of office is stipulated by law or by-law, or contract employee.

Probationary Period: The first 180 days of employment for all employees, except Police Officers. For Police Officers, the first 12 months of employment shall be the probationary period.

General Laws: The General Laws of the Commonwealth of Massachusetts.

Immediate Family: An employee's spouse, children, grandchildren, parents, grandparents, siblings, aunts, uncles, nieces, nephews, and those of the employee's spouse. *Amended 7/8/02*

Town: The Town of Mendon.

TOWN OF MENDON
PERSONNEL POLICIES

1.4 Amendment of Policies

These policies may be amended as provided by the Board of Selectmen in accordance with the following procedure:

- a) The Board of Selectmen may propose new, amended or revised articles; any such proposed policy may be proposed at any meeting of the Board of Selectmen.
- b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Board of Selectmen during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen.
- c) Any new amended or revised policies shall become effective upon approval by the Board of Selectmen unless a specific effective date is provided by the Board of Selectmen.
- d) Copies of new or amended policies shall be posted in prominent locations within Town Hall.
- e) Copies of the new or amended policies shall be maintained by the administrative assistant.
- f) Copies of new or amended policies shall be distributed to all employees.
Section f) added 7/8/02

1.5 Personnel Officer

The Administrator shall serve as the personnel officer for the Town, responsible for the administration of the personnel system. He or she shall provide assistance and training to appointing authorities and department heads to ensure that recruitment, selection, appointment and retention of employees and benefit administration is conducted in ways that are consistent with these policies. He or she shall supervise the maintenance of a personnel record keeping system, and shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies.

TOWN OF MENDON
PERSONNEL POLICIES

1.6 Personnel Records

The Administrator shall maintain the official records, including records of recruitment, the job descriptions for all positions and the classification and compensation plan for all positions.

Each department may maintain records relating to an employee's tenure of service, including performance evaluations, letters of commendation received, training and certifications, and disciplinary action for each employee. Any record which contains personal medical information shall be retained in a separate confidential file, access to which shall be limited to those individuals who have a critical need for the information.

Employees are entitled to examine the contents of their individual personnel files at a time that has been arranged with the custodian of the file. No confidential information shall be released or disclosed to any third party without written authorization from the employee.

Official time and attendance records will be maintained by the Administrator. These records will include for each employee the following: hours of regular pay; hours of overtime pay; hours of stand-by duty; hours and type of paid leave, available and taken; and hours and type of authorized unpaid leave taken.

1.7 Non-Discrimination

It is the policy of the Town not to discriminate against any applicant for employment or any employee on the basis of race, color, national origin, religion, sex, age, sexual orientation, marital status, veteran status or physical handicap, with regard to recruitment selection, and placement, rate of pay, promotion and transfer, disciplinary measures, lay-offs and terminations, working conditions, social and recreational activities, testing and training, and compensation and benefits.

TOWN OF MENDON
PERSONNEL POLICIES

2.0 Recruitment and Hiring

Recruitment of prospective employees shall be conducted in a non-discriminatory manner.

A department head seeking to fill a position shall post a notice of vacancy for the position, after consultation with the Administrator. In addition to the posting, the notice of vacant position shall be advertised in a local newspaper at least once, with the first no less than seven (7) days before the deadline, to attract qualified candidates. The notice will include the job title, initial rate of pay or pay range, summary statement of duties, minimum qualifications relating to education, skills or experience, directions for submitting applications and deadline for receipt of applications. Deadline for receipt of applications will be no sooner than ten (10) days after posting. The notice will be posted in the Town Hall and in the department's work area, if its office is not in the Town Hall.

Consideration will be given to current employees for transfer or promotion. All applicants for employment will complete an official employment application form, which shall be retained by the Administrator. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form.

Appointing authorities will review applications from candidates and make their selection based on qualifications, including successful completion of any examination that measures ability to perform the essential functions of the job and receipt of satisfactory references from prior employers, supervisors or others.

Appointments shall be made in compliance with all state laws and regulations concerning conflict of interest. No person shall be appointed to a position in a department in which a member of his or her immediate family is employed, or under the authority of a board on which a family member serves, unless the appointing authority has obtained in writing the advice of Town Counsel or the State Ethics Commission confirming the legality of such appointment and specifying any restrictions that may apply to the applicant's working relationship with the family member.

Offers of employment to prospective uniformed members of the Police and Fire Departments shall be conditional upon the candidate successfully passing medical and physical fitness examinations conducted at the town's expense to determine whether the candidate is able to perform the essential functions of the position with reasonable accommodation. Examinations conducted under this section shall be by personnel who are knowledgeable about the physical demands of the

TOWN OF MENDON
PERSONNEL POLICIES

positions and are professionally trained to make the individualized assessments of applicants' abilities to meet those demands.

Offers of employment to prospective employees whose positions require a commercial driver's license shall be conditional upon the candidate passing a pre-employment drug test, as provided in the Town's Commercial Driver's License Alcohol and Drug Testing Policy, attached as Appendix C.

Accepted offers of employment will be confirmed in writing to the selected applicant, including starting date and hours of work, initial salary or rate of pay, and indicating whether the position is part-time or full-time; temporary or permanent; and exempt and non-exempt.

2.1 New Positions

New positions in the Town may only be created by the Board. A department head wishing to have a new position created must submit a request to the Board through the Administrator explaining the duties of the position and justification for it. A proposed job description should accompany the request as well as a suggested compensation range. The Administrator will forward the request to the Board with his/her recommendations. The Board may dispute the request or approve the establishment of a new position in an assigned classification subject to funding of the position by Town Meeting.

TOWN OF MENDON
PERSONNEL POLICIES

3.0 Probationary Period and Seniority

For all employees except Police Officers, the first 180 days of employment shall be a probationary period. For Police Officers, the first 12 months of employment shall be the probationary period. During the probationary period, employees will be observed and evaluated concerning their conduct, performance and work habits. Probationary employees may not use sick leave or vacation leave, and do not have access to the grievance procedure.

The employment of a probationary employee may be terminated at any time by the appointing authority. The department head shall notify the employee in writing of his/her six month's evaluation and whether the employee's performance is satisfactory and, if unsatisfactory, what action is recommended to be taken by the appointing authority.

The appointing authority will notify the employee in writing of a decision to terminate or, upon successful completion of the probationary period, that the employee has attained permanent status.

TOWN OF MENDON
PERSONNEL POLICIES

4.0 Work Environment

See Administrative Directives covering this subject. Copies will be given to all full time employees, when issued.

TOWN OF MENDON
PERSONNEL POLICIES

**5.0 Performance Evaluation:
Classification and Compensation Plans**

5.1 Performance Evaluation

During the probationary period, the job performance of newly hired employees will be evaluated as provided in Section 3.0.

The job performance of all permanent employees will be evaluated annually by the immediate supervisor as close as possible to the employee's anniversary date. The Administrator may, with the approval of the Board, develop and distribute forms to be used for this purpose to assess the quantity and quality of performance of job duties, attendance, attitude and other relevant performance measures. Employees shall be provided the opportunity to read and file comments on their evaluations. Upon completion of the evaluation process, forms shall be returned to the Administrator. Employees who are dissatisfied with the results of their evaluation may request reconsideration by the Administrator. Evaluations shall be maintained as confidential personnel records, which may be disclosed only in connection with personnel actions concerning the employee. Evaluations of Performance will be the basis for determining employee's merit increases.

5.2 Classification and Compensation Plans

The Board shall adopt a uniform system for the classification of positions 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. The classification plan is attached to these policies as Appendix A. The classification plan may be revised by the Board upon the recommendation of the Administrator because of changes in job duties or other factors.

The Board shall adopt a compensation plan to promote the recruitment of qualified applicants and to reward and retain employees based on their performance. The compensation plan will take into consideration the relative responsibilities of positions as set forth in job descriptions; wage rates paid for comparable position in comparable communities and in the private sector; wage rates paid under collective bargaining agreements, economic conditions in the general labor market, and the Town's fiscal policies. The plan shall be reviewed and revised from time to time in order to maintain a fair and equitable

TOWN OF MENDON
PERSONNEL POLICIES

compensation system for the Town. The compensation plan is attached to these policies as Appendix B.

5.3 Longevity (*Updated 8/26/13*)

Employees covered by these policies whose compensation is not subject to a collective bargaining agreement shall receive a longevity increase effective July 1st following the completion of the indicated length of service, according to the following schedule:

10 Years.....	1.5%
15 Years.....	2.5%
20 Years.....	3.0%
25 Years.....	3.5%

Payment of the longevity stipend shall be in a lump sum in the first pay period of each applicable fiscal year. These increases shall be calculated before, and are in addition to any general salary adjustments that may be authorized. Longevity increases are not part of the base salary, and remain a constant until the next plateau is achieved.

TOWN OF MENDON
PERSONNEL POLICIES

6.0 Authorized Leaves

6.1 Vacation Amended 12/8/99

- 6.1.1 As used in this section, “week” shall mean the equivalent of the number of days or hours an employee is regularly scheduled to work during a week, based on the following formula:

A regular, full-time employee with one (1) year or more of service will receive two (2) weeks of paid vacation.

A regular, full-time employee with five (5) years or more of service will receive three (3) weeks of paid vacation.

A regular, full-time employee with ten (10) years or more of service will receive four (4) weeks of paid vacation.

A regular, full-time employee with fifteen (15) years or more of service will receive five (5) weeks of paid vacation.

- 6.1.2 Vacation time is accrued on a monthly basis at the beginning of employment, and use cannot exceed accrued amount.
- 6.1.3 Unused vacation leave, not to exceed the amount accrued by the employee in one fiscal year, may be carried over into a subsequent fiscal year.
Amended 7/8/02
- 6.1.4 Requests for vacation must be submitted in writing and approved in advance by the department head or Administrator.
- 6.1.5 Employees who have exhausted all their sick leave benefits may, with approval of the Board of Selectmen upon the recommendation of the department head, Administrator and appointing authority, have their absence charged as vacation.
- 6.1.6 Employees terminating employment will be eligible for payment of their unused vacation time. In the event of their death, payment will be made to the family’s estate.

TOWN OF MENDON
PERSONNEL POLICIES

- 6.1.7 At the time of adoption of this policy, employees who have in excess of the vacation time carry-over allowed in 6.1.2 may carry such excess on to termination or retirement. Future accumulation is to be in accordance with the above-stated policy.
- 6.1.8 Any unused earned vacation time remaining at the time of an employee's termination will be paid out in a lump sum. The last day of actual work is the termination date for the employee. Employees may not add unused vacation days to the last day actually worked in order to postpone their termination date whether for the purpose of accumulating more vacation time, prolonging insurance benefits, or for any other purpose. *(This section added 7/8/02)*

6.2 Sick Leave

- 6.2.1 **Accrual of Sick Leave**
Full-time employees shall accumulate sick leave with pay not to exceed 15 working days for each year of service (one and ¼ days per month not to exceed 15 days). Accumulation of sick leave shall begin on the first working day of the month following employment. An employee shall be credited annually with the unused portion of sick leave granted under this section up to a maximum of 105 days.
- 6.2.2 **Extended Sick Leave / Long Term Disability Insurance Policy**
The Town shall purchase a group disability insurance policy, which shall provide long-term disability coverage to employees. Such insurance policy shall not become effective until an employee has been on sick leave for 90 days.
- 6.2.3 **Use of Sick Leave**
An employee shall be entitled to sick leave only when the employee is capable of performing duties due to personal sickness, injury, purposes of medical treatment or quarantine by public health authorities. Sick leave shall not be granted for injury sustained in other employment. Sick leave may not be used for purposes of vacation leave, personal leave or other non-authorized purposes provided, however, leave may be used for purposes of bereavement leave or for family leave.
- 6.2.4 **Notification**
Sick leave shall commence on the date that notification of the employee's sickness or injury is received. Such notification due to illness shall be given as early as possible on the first day of absence from work.

TOWN OF MENDON
PERSONNEL POLICIES

After five consecutive days of absence or after a repeated series of absences during the years of employment, an appointing authority may request a physician's statement which certifies the employee's ability to perform normal work duties or to verify any sickness.

6.2.5 In cases of extreme need, the Board of Selectmen may authorize variations in the use of sick leave.

6.2.6 Employees who have been injured on duty and are back to work will not be required to use their sick leave to go to doctor's appointments or therapy sessions which are related to the on duty injury.

Sections 6.2.1-6.2.5 effective Jan. 1, 1999; 6.2.6 effective July 8, 2002

6.3 Injury Leave

Employees shall report any accidents or injuries, which arise out of, or occur during the course of, employment immediately to their supervisors. An employee who sustains an injury, which requires him or her to leave work, will be paid regular wages or salary through the end of the workday.

6.4 Bereavement Leave

Bereavement leave of up to three work days may be granted by the department head to an employee to attend a funeral or to take care of matters caused by the death of a member of his or her immediate family. Employees may be granted administrative leave to attend the funeral of a fellow town employee or the funeral of the spouse, child or parent of a fellow town employee. *Amended 7/8/02*

6.5 Military Leave

All permanent full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding 17 days per calendar year in order to receive military training. At least 60 days prior to departure, employees shall provide notice of the date of departure and date of return, and shall provide confirmation of the satisfactory completion of such training upon his or her return to work.

Absence from work for military training, as provided in this section, shall not affect the employee's right to receive normal vacation, sick leave or other employment benefits.

Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than ten (10) working days per calendar year.

TOWN OF MENDON
PERSONNEL POLICIES

6.6 Maternity Leave

In accordance with General Laws c. 151B, § 4 and 804 Code of Massachusetts Regulations 8.0, a female employee who has been employed by the Town for at least six consecutive months as a full-time employee shall be entitled to leave for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of 18, or under the age of 23 if the child is mentally or physically handicapped. In order to be eligible for leave under this section, the employee is required to give two weeks notice in advance of the anticipated date of departure, stating her intention to return and anticipated date of return. Upon her return to work, the employee is entitled to be restored to her previous position, or to a similar position, which has the same status and pay as her previous position, and to the length of service credit and seniority as of the date of her leave. Leave under this section shall be unpaid unless the employee is eligible to apply other leave, such as sick leave or vacation to which she is entitled. Any leave taken under this section shall be deemed leave taken under the provisions of Section 7.0, *Family and Medical Leave*.

6.7 Jury Duty Leave

Regular employees shall be granted leave when called for jury duty and shall be paid their regular wages for the days of jury service. Employees must present evidence of compensation received from the court to the Town Accountant and turn such funds into the town. Employees are required to report for work while on jury service if released before the end of the regular workday.

6.8 Court Appearance

Regular full-time and regular part-time employees will be granted leave and expenses when required to appear in a court trial or hearing as a witness for the Town or as a representative for the Town. In all other court or hearing appearances as a plaintiff, defendant or witness, the employee shall use available vacation leave or personal leave up to five (5) days. *Amended 12/8/99*

6.9 Leave of Absence

The Board may grant employees leave of absence from work for periods of time up to six months. Employees shall request leave in writing at least two weeks prior to the proposed commencement date of the leave, indicating the reason for the request. The Board's approval shall stipulate the date of return to work and any other conditions, which it deems appropriate. An employee who fails to return on the stipulated date, or fails to obtain an extension of the leave of absence, shall be deemed to have voluntarily resigned his or her position. Leaves of absence shall normally be unpaid, and no benefits shall accrue during the leave.

TOWN OF MENDON
PERSONNEL POLICIES

6.10 Compensatory Time

Employees who work in excess of their scheduled hours in a given week may, with the approval of the department head and the Administrator, accrue compensatory time. Compensatory time shall be credited at a rate of one hour for each hour worked, for all hours worked in a week up to a total of forty (40) hours, and at the rate of one and one-half hours for each hour worked in excess of forty (40) hours. Employees may accrue up to a maximum of forty (40) hours. Requests to use compensatory time must be approved by the department head and the Administrator.

TOWN OF MENDON
PERSONNEL POLICIES

7.0 Family and Medical Leave

7.1 Definitions

The following definitions shall apply to this section:

Health care provider: A doctor of medicine or osteopathy authorized to practice within the located state, or any person determined by the Secretary of Labor, or others capable of providing health care services as defined by the Department of Labor Family and Medical Leave Act rules.

Intermittent leave: Time away from the job taken in separate blocks of time due to a single illness or injury.

Reduced leave schedule: A reduction in the number of hours per workday or workweek.

Serious health condition: An illness, injury, impairment or physical or mental condition that involves:

- a) incapacity or treatment as an in-patient in a hospital, hospice or residential medical care facility; or
- b) incapacity requiring absence from work or other activities for more than three (3) calendar days and involves continuing treatment of a health care provider; or
- c) continuing treatment by a health care provider for a chronic or long-term health condition which is incurable or, if left untreated, would result in incapacity for more than three (3) calendar days.

Twelve-month period: A “rolling” period measured backward from the date an employee uses any family and medical leave.

7.2 Eligibility

Employees who have completed at least 12 months of employment with the Town and who have worked at least 1,250 hours during the preceding 12 months.

7.3 Policy

Eligible employees will be granted a leave for up to 12 weeks during any 12-month period for:

- a) family leave due to the birth, adoption or placement of a child (foster care);
- b) medical leave due to an employee’s serious health condition;

TOWN OF MENDON
PERSONNEL POLICIES

- c) medical leave due to an employee's care of a spouse, child or parent who has a serious health condition.

7.4 Notice Requirements

At least 30 days in advance, the employee shall submit to the department head or appointing authority, if there is no department head, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If 30 days notice is not possible, the employee shall give notice as soon as practicable.

7.5 Certification Requirements

- 7.5.1 In connection with family leave, employees shall upon request by the department head or appointing authority provide proof of birth, adoption or placement of a child.
- 7.5.2 In connection with medical leave, employees shall upon request by the department head or appointing authority, provide medical certification which shall include:
 - a) In the case of the employee's illness, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the provider has personally examined the employee, identification of the serious medical condition, unless it is confidential in nature with date of onset and probable duration, and stating that the employee is unable to perform his or her duties due to the specific illness or injury on the days in question.
 - b) In the case of care for a spouse, child or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question.
- 7.5.3 Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so.
- 7.5.4 An appointing authority may require, at the Town's expense, a second opinion from a health care provider designated by the Town. If there is a conflict between the second opinion and the original medical certification, The appointing authority may seek a third opinion, at the Town's expense, from a health care provider designated or approved by both the Town and the employee.

TOWN OF MENDON
PERSONNEL POLICIES

- 7.5.5 Employees may be required to provide recertification, including the employee's affirmative commitment to returning to work and anticipated date of return after each 30-day period of medical leave, or at shorter intervals if the employee requests an extension of leave; if there are significant changes from the original certification circumstances; or if the Town receives information which casts doubt on the validity of the certification.

7.6 Intermittent and Reduced Leave Schedule

Employees may request medical leave on an intermittent leave or on a reduced leave schedule, if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operation.

7.7 Compensation and Benefits

- 7.7.1 Leave under this section shall be unpaid unless an employee applies other paid benefits leave that may be available, such as vacation leave or sick leave. Use of such paid leave will not extend the total length of leave time available under this section beyond 12 weeks in a 12-month period.
- 7.7.2 Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.
- 7.7.3 During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays the required employee share of premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee the cost incurred in maintaining insurance coverage for the duration of the employee's leave.

7.8 Re-employment Rights

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as at the start of the leave. If, during the period of leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

TOWN OF MENDON
PERSONNEL POLICIES

7.9 Coordination with Maternity Leave

Leave taken under Section 6.6 shall be deemed family and medical leave so that the total amount of leave shall not exceed twelve (12) weeks in a 12-month period.

7.10 Family Business Leave / Small Necessities Leave

In accordance with General Laws c. 149, §52D, an eligible employee is entitled to a total of 24 hours of leave during a 12-month period, in addition to other leave under this section, to participate in school activities directly related to the educational advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments; and to accompany an elderly relative as defined in §52D to routine medical or dental appointments or other professional services related to the elder's care. Leave under this provision is in addition to the 12-week leave provision and may be taken on an intermittent or reduced leave schedule. Family business leave may be unpaid, or the employee may apply any paid leave that he or she has available.

Employees requesting leave under this provision must complete and sign a certification stating the date on which leave will be taken, the duration of the leave, and the purpose for requesting the leave. This certification, which is available from the Administrator, must be provided at the time the employee gives notice of the need for leave, or within two business days thereafter. In the event of unforeseen leave, the certification must be provided within two business days after the leave was taken, or as soon as it was reasonable practicable to do so.

TOWN OF MENDON
PERSONNEL POLICIES

8.0 Holidays

The following holidays shall be observed on the day on which they are designated by the Commonwealth of Massachusetts:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Patriots' Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

Holidays which fall on Saturday will be observed on the preceding Friday.
Holidays which fall on Sunday will be observed on the following Monday.

Full-time employees will be eligible for time off for holidays without loss of pay, provided they report for work or have been excused from work on the scheduled work day prior to, and immediately following the day the holiday is observed.

Non-exempt employees who are required to work on a holiday will be compensated for the hours worked at a rate of pay equal to one and one-half times their regular hourly rate, in addition to their regular pay for the day.

TOWN OF MENDON
PERSONNEL POLICIES

9.0 Disciplinary Action

Disciplinary action may be imposed upon an employee for misconduct or failure to fulfill his or her responsibilities as an employee. Specific grounds for disciplinary action include, but are not limited to, the following:

- a) Chronic tardiness or absenteeism, or unauthorized absence from work
- b) Unsatisfactory job performance
- c) Conduct which violates General Laws c. 268A (Conflict of Interest)
- d) Possession or use of alcohol or controlled substances during working hours, or reporting to work under the influence of alcohol or controlled substances
- e) Falsification of records, including application for employment, and obtaining sick, injury or bereavement leave under false pretenses
- f) Conducting or engaging in any business activity that conflicts, or gives the appearance of a conflict, with Town employment
- g) Abusive, harassing or threatening language or conduct towards the public or a fellow employee, including insubordinate conduct towards a supervisor, department head or other Town official
- h) Willful misuse, misappropriation, destruction, theft or conversion to personal use of Town property, materials, equipment or funds
- i) Engaging in political activity or conducting private business during working hours
- j) Violating Town policies on safety, sexual harassment or others
- k) Soliciting other employees during working time, excluding breaks and meal times, or distributing literature of any kind in work areas

TOWN OF MENDON
PERSONNEL POLICIES

9.1 Receipt of Gifts

- 9.1.1 Items of monetary value. Employees are prohibited from soliciting or accepting gifts, gratuities, favors, entertainment, loans or any other item of monetary value from any person who has or is seeking to obtain business with the Town or from any person within or outside Town employment whose interests may be affected by the employee's performance or non-performance of official duties.
- 9.1.2 Nominal gifts. Acceptance of nominal gifts less than \$25.00 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 material, e.g. pens, notepads or calendars of nominal intrinsic value, is permitted.
- 9.1.3 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.
- 9.1.4 Supervisors. The policies described in all the above sections shall apply to supervisors. In addition, supervisors 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 other than those of nominal value for special occasions, and no supervisor shall borrow or loan money or accept favors from any subordinate.

TOWN OF MENDON
PERSONNEL POLICIES

9.2 Disciplinary Process

The degree of discipline imposed shall be commensurate, in the judgment of the appointing authority, with the severity of the offense and prior work and disciplinary history of the employee. Disciplinary action may include the following actions, as appropriate in individual situations and circumstances.

a) Oral Warning

A department head may issue an oral warning to an employee when he or she has observed, or otherwise become aware of, unacceptable conduct or unsatisfactory job performance. A record of the oral warning will be made in the employee's personnel file maintained by the department.

b) Written Warning

If an oral warning has failed to correct the problem or where the conduct merits more serious initial action, the department head may issue a written warning to the employee. A copy of the written warning will be placed in the employee's personnel file maintained by the department.

If a warning or warnings failed to correct unsatisfactory job performance or other unacceptable conduct, further action may be taken at the direction of the department head with the approval of the appointing authority including, but not limited to, suspension or discharge. Such disciplinary action may be taken without prior warning, when warranted, due to the severity of the conduct.

TOWN OF MENDON
PERSONNEL POLICIES

10.0 Grievance Procedure

Any employee who has completed the probationary period who believes that he or she has not received equitable treatment concerning some condition of employment, including administration of these policies, may seek review of his or her complaint. A complaint must first be brought to the attention of the employee's direct supervisor. If the employee is not satisfied with the results of the discussion with the supervisor, he or she may bring the matter to the attention of the department head or appointing authority.

If the employee is not satisfied with the results of the review by the supervisor or department head, he or she may submit the complaint in writing to the Board. The Board will conduct an investigation into the facts alleged in the grievance, and will meet with the employee. The Board will make every effort to resolve the grievance promptly and fairly. If the Board is unable to resolve the grievance to the employee's satisfaction within fourteen (14) days of meeting with the employee, the Board will provide the employee with a written statement of its position within an additional seven (7) days.

TOWN OF MENDON
PERSONNEL POLICIES

APPENDIX C
Commercial Driver's License Alcohol and Drug Testing Policy

Section 1.0 Introduction

This is the policy of the Town of Mendon regarding alcohol testing and drug testing of those employees who operate motor vehicles which require a commercial driver's license as provided in the rules and regulations of the U.S. Department of Transportation.

Section 2.0 Definitions, Terms and Abbreviations

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, methyl or isopropyl alcohol.

Alcohol concentration: Also called alcohol content; the alcohol volume of breath as indicated by an evidential breath test, such as a breathalyzer.

Alcohol use: The consumption of any beverage, mixture or preparation, including medications, containing alcohol.

Breath alcohol technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing device.

CDL: Commercial driver's license.

CMV: Commercial motor vehicle.

Confirmation test: In alcohol testing, a second test with a result of 0.02 or greater that provides a quantitative measurement of alcohol concentration.

Controlled substances: In this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to amphetamines (including methamphetamines), cocaine, marijuana, opiates and phencyclidine (PCP).

DOT: Department of Transportation.

Driver: Any person who operates a commercial motor vehicle including full-time drivers, temporary or occasional drivers, leased drivers and independent owner-operator contractors who are either directly or indirectly employed by the Town of Mendon.

TOWN OF MENDON
PERSONNEL POLICIES

Evidential breath testing: A device for alcohol breath testing that has been approved by the National Highway Safety Administration.

Medical review officer (MRO): A licensed physician (M.D. or O.D.) responsible for interpreting lab results from the Town's drug testing program.

Screening test: In alcohol, the initial test to determine if a driver has a prohibited concentration of alcohol in his or her system. In drug testing, a screen to eliminate negative urine specimens from further consideration.

Substance abuse: Refers to patterns of substance use that result in health consequences or impairment in social, psychological and occupational functioning.

Substance abuse professional: A licensed physician (M.D. or O.D.) or a licensed or certified psychologist, social worker or addiction counselor with experience in the diagnosis and treatment of alcohol and substance problems.

Town: Town of Mendon.

Section 3.0 Coverage

The Federal Highway Administration Department of Transportation Alcohol and Drug ruling applies to every person who operates a CMV in interstate or intrastate commerce, and is subject to the CDL requirements of part 383.

Section 4.0 Safety-sensitive Function

A safety-sensitive function includes any of the following functions or activities:

- a) Waiting to be dispatched, while at a carrier or shipper facility or on any public property, unless the driver is relieved from duty by the employer;
- b) Inspecting service, brakes, including trailer brake connections, parking brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses or warning devices for stopped vehicles;
- c) Inspecting, servicing or conditioning any CMV in operation;
- d) At the driving controls of a CMV in operation;

TOWN OF MENDON
PERSONNEL POLICIES

- e) While in or upon any CMV, except when resting in the sleeper berth;
- f) Supervising or assisting in loading or unloading a vehicle;
- g) Attending a vehicle being loaded or unloaded;
- h) While in readiness to operate the vehicle;
- i) When giving or receiving receipts for shipments loaded or unloaded;
- j) Performing driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents;
- k) Repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Section 5.0 Alcohol and Drug Prohibitions

The DOT refers to the restrictions for the use of both alcohol and drugs as “prohibitions.”

5.1 Alcohol Prohibitions

A driver may not report for duty or stay on duty:

- a) with a blood alcohol concentration of 0.02 or greater;
- b) if in possession of alcohol (unless it is being transported as cargo) including any product or medication containing alcohol;
- c) within four hours of using alcohol.

A driver who has had an accident may not use alcohol until post-accident testing is done, or for a period of eight hours, whichever comes first.

5.2 Drug Prohibitions

Drivers may not report for or stay on duty:

- a) if they have tested positive for a drug; or
- b) while using any drugs, except when a physician has prescribed a substance which does not interfere with the driver’s ability to operate a vehicle in a safe manner.

Drivers may be required to report the use of any drugs prescribed by a physician.

TOWN OF MENDON
PERSONNEL POLICIES

Section 6.0 Testing

There are five situations where testing may be done to determine the presence of alcohol and/or drugs.

6.1 Pre-employment

Before a new hire may perform any safety-sensitive duties or when a person transfers into a safety-sensitive function from elsewhere in the Town.

6.2 Post-accident

Following an accident involving a fatality or when the driver was cited for a moving violation.

6.3 Random

Unannounced random testing is required on a certain percentage of drivers each year.

6.3.1 Selection and participation. The random selection process will ensure that each driver has an equal chance of being tested. Drivers must report immediately to the test site when notified that they have been selected for random testing.

6.3.2 Alcohol. Random testing for alcohol must be performed immediately before, during or after performing safety-sensitive work. The percentage of drivers to be randomly tested for alcohol in any year of the testing program depends on the percentage of positive tests for the entire industry. The current rate is 10 percent (10%), subject to change by the Federal Highway Administration.

6.3.3 Drugs. Random testing for drugs may be performed at any time a driver is working for the Town. Fifty percent (50%) of all drivers in the testing group must be randomly tested for drugs in each year of the testing program.

TOWN OF MENDON
PERSONNEL POLICIES

6.4 Reasonable suspicion

If a department head believes that the behavior or appearance of a driver may indicate alcohol or drug use. Appearance, speech, behavior and body odors are factors in determining reasonable suspicion. Drivers may not report for or stay on the job while under the influence of alcohol. The Town will not allow drivers to perform safety-sensitive duties until their alcohol concentration is less than 0.02 or 24 hours have passed from the time of the initial observation. No action will be taken against a driver regarding alcohol misuse on the job unless an alcohol test was administered or refused.

6.5 Return to duty and follow-up

6.5.1 Return-to-duty testing is required for drivers who have violated prohibitions before they may return to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required.

6.5.2 Follow-up testing is required after a driver returns to a safety-sensitive function. A minimum of six tests during the first year back in a safety-sensitive position is required. Follow-up testing may continue for up to five years.

Section 7.0 Refusal to be Tested

Drivers must submit to alcohol and drug testing. If a driver refuses to be tested, it is considered a positive test result. Refusal to test is considered to be any time a driver either fails to provide enough breath for alcohol testing or enough urine for drug testing (without a valid medical excuse) after being notified of the test, or otherwise obstructs the testing process.

Section 8.0 Alcohol Testing Procedure

8.1 All alcohol testing will be done by a BAT in a private setting.

8.2 The BAT will ask test subjects for identification. The BAT will provide identification to the test subject upon request.

8.3 The test subject must blow forcefully into the mouthpiece of the testing device. The BAT must show the test subject the test result on the testing device.

8.4 A screening test is done first. If the reading is less than 0.02, the test subject will sign and date the certification. The test will be reported as negative.

TOWN OF MENDON
PERSONNEL POLICIES

- 8.5 If the reading is 0.02 or greater, a confirmation test must be performed after 15 minutes, but within 20 minutes of the first test. Test subjects will be directed not to eat, drink, belch or put anything in the mouth to avoid the build-up of mouth alcohol, which could lead to an artificially high test result.
- 8.6 If the screening and confirmation test results are not the same, the confirmation test result is used.
- 8.7 Any refusal to be tested or to sign the testing form will be reported immediately to the Town.

Section 9.0 Drug Testing Procedure

- 9.1 Drug testing is done by analyzing a urine sample which will be collected in a private location.
- 9.2 Urine specimens are divided into two containers by the collection site person in the presence of the test subject. These two samples, called primary and split, will be sent to a testing laboratory certified by the federal government.
- 9.3 A screening test will be performed on the primary sample at the laboratory. If this test is positive for drugs, a confirmation test is required using the primary sample.
- 9.4 The confirmation test must use a specialized procedure called gas chromatography / mass spectrometry to ensure that over-the-counter drugs are not reported as positive.
- 9.5 If the first test is positive, the MRO will contact the test subject to find out if there is a medical reason for drug use. If the MRO determines that there is a legitimate medical excuse, the test may be reported as negative.
- 9.6 A test subject may request a test of the split specimen within 72 hours of notification that the first test was positive. If a second test is requested and is positive, the test subject will be responsible for the cost of the second test. The second test, using the split sample, will be sent to another federally certified laboratory. If the request for a second test is not made within 72 hours, but the test subject can provide a legitimate reason for not doing so, the MRO may order the split specimen to be tested.

TOWN OF MENDON
PERSONNEL POLICIES

- 9.7 Removal from safety-sensitive duty is required by the DOT following the first positive drug test. If the analysis of the split sample does not confirm the presence of a drug, the MRO shall cancel the test and report this to the DOT, the Town and the test subject.

Section 10.0 Consequences of Violating the Alcohol or Drug Prohibitions

10.1 Alcohol Violations

- 10.1.1 Removal from safety sensitive functions.
- 10.1.2 Following a violation, a driver may not return to safety-sensitive duties until an evaluation has been performed and any recommended treatment has been completed.
- 10.1.3 Anyone with an alcohol concentration of 0.02 or greater, but less than 0.04, may not return to safety-sensitive duties for at least 24 hours.

10.2 Drug Violations

- 10.2.1 Removal from safety-sensitive functions.
- 10.2.2 A driver cannot return to safety-sensitive duties until an evaluation has been performed, recommended treatment has been completed, and a verified negative drug test is produced.

10.3 Discipline

An employee who refuses to be tested, or who tests positive for alcohol or drugs, may be subject to disciplinary action, including suspension and discharge in appropriate situations.

Section 11.0 Alcohol and Drug Treatment

- 11.1 In conformity with DOT rules and regulations, employees will be provided with an opportunity for treatment at their own expense and without any obligation for the Town to hold a job open. Employees who violate an alcohol or drug prohibition must be evaluated by a substance abuse professional to determine what help is needed. As provided in Section 10.0, completion of recommended treatment is a condition for return to a safety-sensitive job.
- 11.2 The Administrator has been designated as the Town's coordinator for alcohol and drug problems and to assist with treatment referrals. He or she may be reached at the Selectmen's Office, Town Hall, 20 Main Street, Mendon, MA 01756. The Administrator's telephone number is 508-473-2312.

TOWN OF MENDON
PERSONNEL POLICIES

Section 12.0 Effects of Alcohol and Drugs on the Body

12.1 Alcohol

Alcohol, a nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. A 12-ounce can of beer, a 5-ounce glass of wine and a 1½-ounce shot of hard liquor all contain the same amount of alcohol. The average person takes about one hour to process and eliminate ½ ounce of alcohol. Coffee, cold showers or exercise do not speed up the process. Alcohol first acts on the parts of the brain that affect self-control and learned behaviors. This explains the aggressive behavior of some people who drink. In large doses, alcohol can impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart, and can cause permanent brain damage. On average, heavy drinkers shorten their life span by about 10 years. Other effects include greatly impaired driving ability; reduced coordination and reflex action; impaired vision and judgment; inability to divide attention; lowering of inhibitions; and hangover, including headaches, nausea, dehydration, unclear thinking and aching muscles.

12.2 Amphetamines

Amphetamines are drugs that stimulate the central nervous system and produce a feeling of alertness and an increase in speech and general physical activity. Street names for amphetamines include speed, uppers, bennies, wake-ups and dexies. People who use amphetamines become addicted quite often, believing that they need the drug to get by. They use the drug frequently to avoid the “down” mood which they experience when the drug wears off. Even small infrequent doses can produce restlessness, anxiety, mood swings, panic, heart rhythm disturbances, paranoid thoughts, hallucinations, convulsions and coma. Long-term users often have acne, trouble with teeth, gums, nails and hair. Frequent use can produce brain damage and speech problems. Other effects include loss of appetite; irritability and anxiety; increased heart rate and blood pressure; difficulty in focusing eyes; exaggerated reflexes; distorted thinking; perspiration, headaches, dizziness and insomnia.

12.3 Cocaine

Cocaine is a stimulant drug which increases heart rate and blood pressure. As a powder, cocaine is inhaled, ingested or injected. Cocaine is also used as a free-base cocaine known as “crack” or “rock” which is smoked. Crack cocaine is one of the most addictive drugs. Cocaine causes rapid heartbeat,

TOWN OF MENDON PERSONNEL POLICIES

tremors and even convulsions. Due to the extreme demand for oxygen it creates, cocaine use can directly cause a heart attack. High doses can depress brain functioning, breathing and heartbeat, which can cause death. Other effects include heightened, but momentary, feeling of confidence, strength and endurance; accelerated pulse, blood pressure and respiration; impaired driving ability; paranoia, which may trigger mental disorders; irritation and bleeding of nostrils; mood swings and anxiety; reduced sense of humor; and compulsive behavior, such as teeth grinding or repeated hand-washing.

12.4 Opiates

Opiates include heroin, morphine, codeine and other narcotics used to relieve pain and induce sleep. Heroin, also called “junk” or “smack,” accounts for 90 percent of the narcotic abuse in this country. Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal and cannot be obtained legally even with a doctor’s prescription. Most medical problems are caused by uncertain dosage level, use of unsterile needles, contamination of the drug, or dangerous combination with other drugs. Other effects include short-lived euphoria; impaired driving ability; drowsiness, followed by sleep; decreased physical activity; reduced vision; change in sleeping habits and possible death.

12.5 Phencyclidine

Phencyclidine or PCP, also known as “angel dust,” was developed as a surgical anesthetic in the late 1950s. Later, due to its negative side effects, it was restricted to use as a veterinary anesthetic and tranquilizer. Today, it has no lawful use and is no longer legally manufactured. PCP is a very dangerous drug that can produce violent and bizarre behavior. More people die from accidents caused by erratic and unpredictable behavior produced by the drug than from the drug’s direct effect on the body. PCP scrambles the brain’s internal connections and changes how users see and deal with their environment. Routine activities such as driving and walking become very difficult. Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state, including any of the following: muscle rigidity; loss of concentration and memory; visual disturbances; delirium; feelings of isolation; and convulsions. Other effects include impaired driving ability; drowsiness; perspiration; repetitive or incomplete speech patterns; blank stare; thick, slurred speech; and involuntary eye movement.

TOWN OF MENDON
PERSONNEL POLICIES

Section 13.0 Distribution

Copies of this policy will be distributed to all covered employees.
Employees will be requested to complete a form acknowledging receipt of the policy and indicating that they have read the policy.

TOWN OF MENDON
PERSONNEL POLICIES

APPENDIX E
Safety Policy

Section 1.0 Safety Policy Statement

- 1.1 The Town of Mendon reaffirms its strong commitment and intent to provide a safe, healthful work environment.
- 1.2 The personal safety and health of each employee is of primary importance. The prevention of occupational induced injuries and illnesses is of such consequence that it is to be given precedence over operating procedures in the normal reference.
- 1.3 To the greatest degree possible, the Town will provide the safest facilities for personal safety in keeping with the highest standards.
- 1.4 The Town will maintain a safety and health program conforming to the best practices in organizations of this type.
- 1.5 In order to be successful, this program shall embody proper attitudes, toward injury and illness prevention on the part of both supervisors and staff. All accidents and injuries are preventable if favorable attitudes are in place.
- 1.6 It will require the complete cooperation of everyone, not only between supervisors and functional staff, but also between each employee and his or her fellow employees.
- 1.7 The employee's cooperation in the detection, correction and avoidance of hazardous conditions and hazardous actions is a condition of employment as well as a moral obligation to co-workers and citizens alike.
- 1.8 The Town's objective is a safety and injury prevention program that will reduce the number of injuries to an absolute minimum to eliminate the pain and suffering and the burdens resulting from such injuries. The Town's goal is zero (0) accidents and injuries.
- 1.9 The Town shall, to the greatest extent possible:
 - a) Provide a safe physical plant, including mechanical, electrical, chemical and environmental factors.
 - b) Conduct a program of hazard surveillance tours and inspections to discover and eliminate unsafe conditions and unsafe acts.
 - c) Train all levels of staff in good safety and health practices.
 - d) Provide and require the use of personal protective equipment to comply with regulatory standards in all cases where they apply.
 - e) Develop and enforce safety and health rules under the several regulatory agencies as a condition of employment.
 - f) Investigate promptly and thoroughly every accident in order to discover the causes and initiate corrective action as required by law.

TOWN OF MENDON
PERSONNEL POLICIES

1.10 Responsibilities

- a) The Town accepts the responsibility for leadership in the safety and health program and for providing safe facilities and procedures and practices.
- b) Department heads are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise to ensure that all operations are performed with the utmost regard for the safety of all personnel involved, including themselves.
- c) Employees are responsible for wholeheartedly accepting the safety and health principles of accident and injury prevention in their own enlightened self-interest. This includes compliance with all the safety rules and regulations (the law requires them) and for continuously practicing safety in the performance of all duties.

Section 2 Safety Rules for Municipal Employees

2.1 General Rules

- a) Learn the right way to do your job. Ask questions about things you do not understand.
- b) Use the correct tools and equipment for the job. If you are not sure, ask.
- c) Observe and follow recommended work procedures developed by your supervisor.
- d) Keep your work area in good order.
- e) Avoid horseplay and so-called practical jokes. There is nothing funny about an injury.
- f) Report any unsafe conditions to your department head immediately.
- g) Protective equipment
 - 1. Wear personal protective clothing equipment as required, which may include:
 - a) Visibility vests
 - b) Hardhat
 - c) Gloves
 - d) Safety shoes
 - e) Eye protection
 - f) Face shields
 - g) Rearing protection
 - 2. This is a condition of employment.
- h. An employee is responsible for loss, destruction or damage of equipment, if said loss, destruction or damage is not due to normal work situations.
- i. Employees shall not operate equipment unless they have permission and are adequately trained and experienced to do so.

TOWN OF MENDON
PERSONNEL POLICIES

- j. Employees shall report broken or defective equipment to the respective department head immediately.
- k. Employees shall report all injuries, no matter how slight, to the appropriate foreman or department head.
- l. Employees shall not smoke or allow open flames or sources of ignition in flammable or explosive atmospheres, including excavations, trenches and the garage or maintenance areas.
- m. The use of drugs or intoxicants in any form shall not be permitted before or during working hours.
- n. All vehicles and equipment shall be inspected daily by the operators before use, and defects reported in writing to the appropriate department head.
- o. Employees shall not wear loose clothing or go without proper covering.
- p. It is the policy of the Town of Mendon that no employee shall ride outside the passenger compartment of a vehicle. All individuals in town-owned vehicles must be seated inside, wearing seatbelts. This policy will be rigorously enforced. Failure to comply may result in disciplinary action. Police Dept. employees are exempt from this policy as long as the Police Department has its own written seat belt policy.

Section p. added Jan. 22, 2003

TOWN OF MENDON
PERSONNEL POLICIES

APPENDIX G
Conflicts of Interest

The following two (2) sections on Conflict of Interest and Nepotism are included in these policies because we want all of our employees to be totally aware of the “Law of the Land.” You should contact the Ethics commission directly if you have any questions on your own status.

The Commonwealth of Massachusetts
State Ethics Commission

Avoiding “Appearance of Conflicts of Interests”
Standards of Conduct (Section 23)

The appearance of a conflict of interest will often be created when a public employee’s personal interests or relationships overlap with his or her public obligations. The Standards of Conduct (section 23 of the Conflict Law) provides a general code of ethics for all public employees and officials when faced with this overlap of private interests and official responsibilities.

Section 1 Unwarranted Privileges

Municipal officials or employees are prohibited from using or attempting to use their official positions to secure for themselves or others unwarranted privileges of substantial value that are not properly available to similarly situated individuals. “Substantial value” has been set at \$50 or more by the courts and the Ethics Commission. “Similarly situated individuals” means, in various situations, other people, business or other entities in the city, town, state or county who are not necessarily public employees.

Section 2 “Appearances” of Conflicts

TOWN OF MENDON PERSONNEL POLICIES

Public officials and employees must avoid conduct that creates a reasonable impression that any person can improperly influence or unduly enjoy their official favor, or that they are likely to act (or fail to act) because of kinship, rank, position or undue influence by any party or person. A reasonable impression of favoritism or bias may arise when a public official acts on matters affecting a friend's, a business associate's or a relative's financial interest.

Current state law allows public officials to act on matters, even if it creates the appearance of a conflict, if they openly admit all the facts surrounding the appearance of bias prior to any official action. (Prior to April 1987, when Section 23 was amended by the Legislature, if there was an "appearance" of a conflict, it automatically constituted a conflict of interest mandating that the public official abstain from acting on the matter.)

Specifically, the law now states that if a reasonable person having knowledge of the relevant circumstances would conclude that a public official or employee could be improperly influenced, the public employee can dispel this impression of favoritism by disclosing all the facts that would lead to such a conclusion. For example, it may be necessary for a public official to disclose a personal relationship with someone appearing before his or her board.

Appointed officials must make such disclosures in writing to their appointing authority (the person or board who appointed them to their job). This disclosure must be kept available for public inspections. An elected official's public disclosure must be made in writing and filed with the city or town clerk. These public disclosures must be made prior to any official participation or action. In addition, if an appearance of a conflict of interest arises in a public meeting, officials would be well advised to make an oral disclosure for inclusion in meeting minutes.

Once a public disclosure has been made, the official may participate in the matter notwithstanding the "appearance" of a conflict. When officials do act on matters affecting individuals with whom they have a private relationship, they must act objectively and carefully not to use their official position to secure any unwarranted privilege or benefit for that person.

NOTE: The conflict law (in sections 6, 11 and 19) expressly prohibits public officials from acting on any matter that affects the financial interest of themselves, their immediate family members or businesses for which they serve as employee, partner, officer, director or trustee. "Immediate family" is defined in the law as the employee and his or her spouse and each of their parents, children, brothers and sisters. The public disclosure

TOWN OF MENDON
PERSONNEL POLICIES

process is not available for elected public officials when faced with matters affecting this group. They simply must abstain from participating in the matter. Public officials who are appointed or hired to their jobs should contact the Ethics commission or consult the agency's "Advisory No. 11 – Nepotism" before taking any action on such matters.

APPENDIX H
Nepotism

The Commonwealth of Massachusetts
State Ethics Commission

The Commission's Advisory on Nepotism explains to public officials and employees exactly what constitutes a "nepotism violation" and what the Commission's enforcement policy is regarding these violations.

The law's broad prohibition against acts of nepotism serve to prevent potential conflicts or the appearance of favoritism that arise whenever a public official's personal loyalty to a family member competes with the public interest.

The following specific acts are prohibited under the law:

1. Hiring an immediate family member;
2. Any significant involvement in the hiring process; e.g., interviewing or creating a test for applicants;
3. Any significant involvement in the reappointment, promotion, reclassification, demotion or firing of an immediate family member;
4. Determining family member's salary (including approving "automatic" increases such as annual step increases);
5. Conducting a job performance review of a family member;
6. Day-to-day supervision of a family member;
7. Delegating the task of dealing with an immediate family member to a subordinate.

Municipal officials who are appointed may go through this same process under the conflict law. Copies of the correspondence have to be filed with the Ethics Commission but must be available for public inspection at the city or town clerk's office.

Because elected officials are not appointed, there is no one to authorize their participation. They must always abstain from participating in a matter involving an immediate family member.

The Nepotism Advisory also details the commission's enforcement policy in handling nepotism cases.

TOWN OF MENDON
PERSONNEL POLICIES

Because of the uncertainty prior to the 1983 SJC decision whether conflict law prohibited nepotism, nepotism violations which took place prior to the date of this advisory – if the original hiring was before August 1983 – will be resolved confidentially. If, however, the initial hiring was after August 1983, nepotism violations will be handled on a case-by-case basis. The more serious nepotism violations (e.g., luring, promotions and substantial salary increases) will be resolved publicly with fines and, where appropriate, action seeking resignation of the family member or rescission of the personnel actions involved.

APPENDIX D
Sexual Harassment Policy

A) Sexual Harassment Policy Statement. The Town of Mendon does not tolerate, condone or excuse sexual harassment of any kind within any department or organization of the municipal government. It is the policy of the Town of Mendon to provide a work environment in which every employee is treated with fairness and dignity. In accordance with this policy and with the Town's commitment to equal opportunity, the Town of Mendon recognizes sexual harassment in the workplace as a serious form of illegal sex discrimination.

The Town of Mendon prohibits sexual harassment by any of its employees, officers, or agents and hereby establishes a procedure by which sexual harassment complaints may be filed, investigated, and resolved.

This policy applies equally to all individuals, both male and female, working for the Town. It applies to all employment relationships, including supervisor/subordinate and same-level employee relationships.

All employees, officers, and agents of the Town of Mendon are responsible for insuring that their behavior is not sexually harassing in any way. Supervisory level employees are responsible for being proactive in insuring that the workplace is free from sexual harassment and for reporting to the Administrative Assistant any complaints of harassment reported to them.

B) Sexual Harassment-Defined & Examples. Sexual harassment is a violation of both federal and state law. It is defined as follows:

1) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

[a] Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment or is used as the basis for an employment decision; and/or,

TOWN OF MENDON
PERSONNEL POLICIES

- [b] Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual; and/or,
- c] Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, humiliating, hostile, or offensive work environment.

2) Sexual Harassment may take many forms, including but not limited to:

- [a] Verbal harassment or abuse; and/or,
- [b] Subtle pressure or requests for sexual activity; and/or,
- [c] Unwelcome and unnecessary touching of an individual, such as patting, pinching, hugging, and brushing up against the individual's body.

A person of either sex engaging in this prohibited activity is engaging in sexual harassment.

C)Reporting Sexual Harassment Incidents. An employee who believes that he/she has been subjected to sexual harassment by an officer, employee, or agent of the Town, may choose either or both of the following steps:

- 1) The employee may inform the harasser that the conduct is offensive and must be stopped; and/or,
- 2) The employee should promptly report the offense to:
 - [a] The employee's immediate supervisor; and/or,
 - [b] The employee's Department Head; and/or
 - [c] The Administrative Assistant; and/or,
 - [d] Any other management representative of the Town with whom the employee feels comfortable speaking; and/or,
 - [e] The Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108, Telephone (617) 727-3990.

D)Investigation of Sexual Harassment Complaints. All incidents or allegations of sexual harassment within the Town of Mendon shall be investigated by the Administrative Assistant. The Administrative Assistant will arrange for the prompt investigation of said complaints. The Administrative Assistant is authorized to take any steps he/she deems appropriate to insure that this policy is enforced, including but not limited to interim actions while the complaint is being investigated, designation of an investigator, the procedure used for the investigation, a hearing on the complaint, designation of a hearing officer, and the final disposition of the complaint. Any employee filing a claim will be required to fully cooperate with this investigation. The Administrative Assistant will make the final

TOWN OF MENDON
PERSONNEL POLICIES

determination of whether this policy has been violated. The Administrative Assistant will inform the Board of Selectmen as to the final disposition. Any investigation into sexual harassment will be conducted in as confidential manner as possible. Only those individuals with a need to know will be informed of the complaint. The investigation will be conducted in a manner which will elicit candid statements from the complainant and witnesses.

E) Protection of Individuals Filing Complaints. Employees, officers, or agents of the Town are prohibited from directly or indirectly retaliating in any manner against an employee who files a claim of sexual harassment.

F) Violations and Discipline. Any employee, officer, or agent of the Town who is determined to have violated this policy will be subject to swift and firm disciplinary action, up to and including dismissal and/or termination.

G) Questions or Information. An employee, officer, or agent of the Town who has questions regarding this policy shall be referred to the Administrative Assistant.

TOWN OF MENDON
PERSONNEL POLICIES

**I, _____(PRINT NAME), AS AN
EMPLOYEE OF THE TOWN OF MENDON, DO HEREBY
ACKNOWLEDGE RECEIPT OF THIS SEXUAL HARRASSMENT
POLICY, AND NOTIFY THE BOARD OF SELECTMEN AS SUCH.**

Employee Signature

Date