



# Employee Handbook

Approved by Charlemont's Select Board

Date: January 29, 2015

Revised: June 25, 2018

---

# TOWN OF CHARLEMONT

---

## PERSONNEL POLICY HANDBOOK

### Contents

CONTENTS .....	2
INTRODUCTION & WELCOME .....	4
DEFINITIONS.....	5
PROBATIONARY PERIOD .....	6
CONFLICT OF LAW TRAINING .....	6
GENERAL INFORMATION .....	6
EQUAL OPPORTUNITY POLICY .....	7
WORK WEEK.....	7
PAYMENT OF WAGES .....	7
ATTENDANCE AND PUNCTUALITY .....	7
OVERTIME.....	8
VACATION .....	8
SICK LEAVE .....	9
LEAVES OF ABSENCE .....	9
FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA).....	9
HOLIDAYS .....	11
OTHER LEAVE.....	12
BENEFITS .....	13
COBRA RIGHTS .....	13
STANDARDS OF CONDUCT.....	14
DISCIPLINARY PROCEDURE .....	14
NON-HARASSMENT POLICY .....	15
SEXUAL HARASSMENT POLICY .....	15

WORKPLACE VIOLENCE POLICY .....17

DRUG FREE WORKPLACE POLICY ..... 18

PERSONNEL FILES ..... 19

PERFORMANCE REVIEW PROCESS ..... 19

MERIT RAISES ..... 20

GRIEVANCE PROCEDURE .....20

USE OF TOWN EQUIPMENT AND PROPERTY..... 21

USE OF TOWN VEHICLES.....21

USE OF PERSONAL VEHICLES .....21

ACKNOWLEDGMENT .....22

## INTRODUCTION & WELCOME

Welcome to the Town of Charlemont as an employee!

The Select Board is happy that you have been selected as a new member of our Town team of employees. As a small, rural community, you either already know or will soon meet many of our residents whom you will serve. This Handbook describes your rights and responsibilities as an employee of our Town. But working here is more than a set of rules. One of our senior employees describes it this way -

*When I am asked what it means to be a town employee, several key attributes come to mind.*

*First is integrity. Integrity is doing what is right, even when no one is looking. While this is important in all walks of life, it is central to your work as a town employee. The citizens of Charlemont entrust us with resources and authority. They count on us to perform our duties to the best of our abilities.*

*Second is service. We are here to serve the needs of all our citizens and the town as a whole. We must put the needs of others before ourselves to strengthen our community. People don't care how much you know until they know how much you care.*

*Third, we are here to perform excellent work. We need to challenge ourselves to improve and find ways of getting the job done even better than before.*

*Lastly, we need teamwork both within our unit and as town employees in general. Our team is a network of people who are elected, appointed and hired, people who work full-time and part-time and those who volunteer. We need each other to get the job done.*

Please read this Handbook completely, then sign the signature page and give a copy to your supervisor.

Thanks for serving with us!

## DEFINITIONS

The following words and phrases, whenever used in this policy, shall be defined as indicated below, unless the context clearly requires otherwise:

**APPOINTING AUTHORITY:** The Select Board is the appointing authority for all positions.

**AT-WILL EMPLOYEE:** All individuals employed by the Town are employed on an “at-will” basis. This means that the employment relationship may be terminated by either party at any time with or without cause and with or without prior notice.

**DEPARTMENT:** An operating unit of Town Government funded through one or more budget categories.

**DEPARTMENT HEAD:** The employee responsible for the administration and operation of a Town department who reports directly to the Select Board.

**DEFINED HOURS:** Hours of work at which the employee is required to be at a given work station, as opposed to working on flexible hours from the home.

**ELECTED OFFICIAL:** An individual who is elected by the citizens of the Town for an established position that requires certain duties to be performed with or without weekly hours defined.

**EMPLOYEE, FULL-TIME, REGULAR (NON-EXEMPT):** An employee who has been hired into an established position that normally requires a forty-hour workweek, and is subject to the overtime provisions of the Fair Labor Standards Act for hour worked in excess of forty in a week.

**EMPLOYEE, FULL-TIME (EXEMPT):** A salaried employee receiving a set amount of pay as annual compensation, and who is exempt from the overtime provisions of the Fair Labor Standards Act.

**EMPLOYEE, REGULAR PART-TIME:** An employee who has been hired into an established position that normally requires at least twenty defined hours in a workweek.

**EMPLOYEE, TEMPORARY OR SEASONAL:** An employee who has been hired into a position of specified duration in the service of the Town, or an employee who has been hired into an established position for a period not exceeding six (6) months.

**EMPLOYEE, YEARLY POSITION WITHOUT SET HOURS:** An employee who has been hired into an established position that requires certain duties to be performed without weekly hours defined. Such employees may be permitted to work from home and are not regularly required to hold more than four defined hours during which they are available to the public. Such employees shall not be entitled to paid leave benefits.

**HIRING:** The placement of a person into a position in the service of the Town. The Select Board is the sole appointing authority for the Town.

**LAYOFF:** The removal of an employee because of lack of work, insufficient funding, or other causes which do not negatively reflect on an employee’s work performance. Layoff shall not be considered as a dismissal or as disciplinary in nature.

REGULAR POSITION: A position in the service of the Town of which there is an expectation of need for an uninterrupted indefinite period.

TEMPORARY POSITION: A position in the service of the Town, which is required for a period of time not exceeding six (6) months.

VOLUNTEERS: People who are willing to perform certain duties for the Town without compensation or weekly hours defined.

## PROBATIONARY PERIOD

All employees shall serve a probationary period during their first three (3) months of employment. During this period of time, the employee will be able to determine if the new job is suitable for him/her and the department head or Select Board will have an opportunity to evaluate the employee's work performance.

## CONFLICT OF INTEREST LAW TRAINING

Chapter 268A of the Massachusetts General Laws requires all public employees to undergo Conflict of Law Training. Specifically, within thirty (30) days after commencing employment with the Town, and every two (2) years thereafter, all employees must complete an online training program summarizing the conflict of interest law. The training program can be accessed on the State Ethics Commission website at <http://www.muniprogram.eth.state.ma.us/>. Upon completion of the online training program, employees shall sign and print the certificate of completion provided at the end of the program, and provide said certificate to the Town Clerk, who shall retain it for no less than six (6) years.

Additionally, within thirty (30) days after commencing employment with the Town, and annually thereafter, each employee must review a summary of the conflict of interest law, which can be found online at:

<https://www.mass.gov/service-details/conflict-of-interest-law-education-and-training-guidelines>

Upon review of the summary, employees shall provide acknowledgement of completion thereof to the Town Clerk, who shall retain such acknowledgment for no less than six (6) years.

## GENERAL INFORMATION

- A. All individuals employed by the Town are "at-will" employees and the employment relationship may be terminated by either party at any time with or without cause and with or without prior notice.
- B. The Select Board shall act as administrator of the Town's personnel policies and procedures.
- C. Only the Select Board is authorized to appoint and discharge employees.

- D. The provisions of the Employee Handbook, developed or disseminated by the Town, are designed and intended to provide guidance and information and do not create an employment contract or other employment obligation for the Town And are subject to change at the discretion of the Select Board.
- E. Upon appointment, each employee shall receive a job description and a copy of the current Employee Handbook. When changes to the Handbook are made, each employee shall receive notice of the change and an updated version of the Handbook.

## EQUAL OPPORTUNITY POLICY

- A. The Equal Opportunity Policy shall be applicable to all persons in the service of the Town, except officials elected by popular vote and persons under the direction and control of the School Committee, the Town Moderator, or the Board of Library Trustees. All persons covered hereby shall be subject to the provisions set forth in this section, as determined to be applicable to them by the Select Board. Nothing in this section shall be construed to be in conflict with MGL c. 150E, relating to public employee collective bargaining, which shall prevail if there is any conflict.
- B. It shall be the policy of the Town of Charlemont to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial hiring, advancement, compensation, and general working conditions, without regard to age, race, color, national origin, sex, religious creed, sexual orientation, gender identity, genetic information, active military or veteran status, ancestry or disability.

## WORK WEEK

- A. Because of the varied nature of the Town’s business, employee work schedules may vary depending upon the job. The normal business hours for each position are described in each employee’s Job Description. Employees should contact their Department Head with any questions with regard to hours of work.
- B. For regular, full-time employees, the normal workweek shall be forty (40) hours. The normal workweek for regular part-time, temporary and public safety personnel (fire and police) shall be determined by the Select Board. The workweek ends on Friday.

## PAYMENT OF WAGES

The Town of Charlemont requires workers to be paid their wages through direct deposit, leaving the financial institution to where funds will be received up to the employee. Employees should contact the Town Treasurer with any questions or to learn more about how to enroll.

## ATTENDANCE AND PUNCTUALITY

- A. If an employee is going to be absent or late for work, the employee must notify the Department Head or Select Board as soon as possible prior to the start of the workday.

- B. If an employee is absent for three (3) consecutive workdays without notifying the Town, it is assumed that the employee has voluntarily abandoned his/her position with the Town, and the employee will be discharged.

## OVERTIME

- A. There may be times when an employee will need to work overtime so that the Town may successfully meet the needs of the citizens of Charlemont. All overtime for employees must be approved by a Department Head or the Select Board.
- B. All non-exempt employees will be paid time and a half for hours worked over forty (40) in a week, consistent with the Federal Fair Labor Standards Act and applicable state statutes.
- C. Only actual hours worked, earned vacation hours, earned personal hours, and earned sick time count towards computing weekly overtime.
- D. With prior written approval by the Select Board, employees may elect to receive compensatory time in lieu of overtime pay for hours worked in excess of forty (40) hours per week. Compensatory time shall be earned at time and a half for each hour worked in excess of forty (40) per week. In a fiscal emergency, employees who accept an overtime assignment may be required to accept compensatory time.

## VACATION

### Entitlement Guidelines

Employee Type	Years of Service	Vacation Time Earned
Regular Full-Time	1-4	2 weeks
	5-9	3 weeks
	10-19	4 weeks
	20+	5 weeks
	1-4	2 weeks based on part-time workweek hours
	5-9	3 weeks based on part-time workweek hours
	10-19	4 weeks based on part-time workweek hours
	20+	5 weeks based on part-time workweek hours

- A. All vacation leave must be approved and scheduled in advance with the Department Head and the Select Board.
- B. Vacation time may only be taken after the first three (3) months of employment.



- C. Vacation leave shall not be granted in advance of being earned.
- D. Vacation leave may be taken in the year earned or, with permission from the Select Board, carried over to the next year. No more than the yearly amount earned may be carried over at any time; i.e., if an employee earns two (2) weeks a year, they may carry forward two (2) weeks and have a total four (4) weeks accumulated.

## SICK LEAVE

- A. Regular full-time employees shall be permitted to take up to eight (8) days of paid sick leave per year; which shall accrue at the rate of 5.33 hours per month. Sick leave shall be calculated on a fiscal year basis, and may be accumulated up to 2080 hours (260 days).
- B. Regular part-time employees shall be eligible for pro-rated paid sick leave in accordance with the schedule set forth above in section A.
- C. If an employee is out on sick leave for more than three (3) consecutive days or the Department Head believes the employee is abusing sick leave, the Select Board or Department Head may require the employee to produce a doctor's letter in order for the employee to be eligible for sick leave under this program and to confirm their inability to work. Employees determined to have engaged in sick leave abuse shall be subject to disciplinary action, up to and including termination of employment.

## LEAVES OF ABSENCE

Under special circumstances, an employee with at least one (1) year of employment may request, in writing, an authorized leave of absence without pay from the Select Board. While on an authorized leave of absence, the employee will not be eligible for any employment related benefits but will be able to retain their health insurance by paying 100% of the premium. The Town will make reasonable efforts to return the employee to the same or similar job as held prior to the leave, subject to staffing and business requirements. Leaves shall not exceed one (1) year.

## FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)

- A. The Town is committed to complying with all applicable provisions of the FMLA.
- B. The Federal Family and Medical Leave Act allows eligible employees to take up to twelve (12) weeks of unpaid family/medical leave within a twelve (12) month period and be restored to the same or equivalent position upon their return to work. To be eligible for leave under the Act, the employee must have worked for the Town for at least twelve (12) months and for at least 1,250 hours in the past twelve (12) months.
- C. Eligible employees may take family/medical leave under the Act for any of the following reasons:
  - 1. For incapacity due to pregnancy, prenatal medical care or child birth;
  - 2. To care for the employee's child after birth, or placement for adoption or foster care;

3. To care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
  4. For a serious health condition that makes the employee unable to perform the employee's job.
- D. 12-Month Period: For purposes of this policy, the twelve (12) month period shall be defined the calendar year. An eligible employee's leave entitlement consists of up to twelve (12) weeks of FMLA leave during this twelve 12- month period.
- E. Concurrent Use of Accrued, Unused Paid Leave: Employees taking FMLA leave shall be required to use concurrently with FMLA leave any paid sick leave, vacation, emergency, and personal leave benefits accrued as of the beginning of such leave. Once these benefits have been exhausted, the remainder of FMLA leave shall be unpaid.

## MILITARY FAMILY LEAVE

- A. Eligible employees whose spouse, son, daughter or parent is on covered active-duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- B. The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

## BENEFITS AND PROTECTIONS

- A. During FMLA leave, the Town shall maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. If paid leave is substituted for unpaid family/medical leave, the Town will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium by making arrangements with the Town.
- B. Upon return from FMLA leave, in most situations employees will be entitled to restoration to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- C. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## USE OF LEAVE

- A. An eligible employee is not required to use his/her 12-week leave entitlement in one block. In most

circumstances, the Act allows for leave to be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

- B. If you elect not to return to work at the end of the leave for at least thirty (30) calendar days, you will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or because of other circumstances beyond your control.

## EMPLOYEE RESPONSIBILITIES

- A. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.
- B. Employees must provide sufficient information to the Town to determine whether the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.
- C. The Board must be notified of all leave that falls under the Federal Family and Medical Leave Act.
- D. Additional information and FMLA leave request forms are available upon request from the Town.

## HOLIDAYS

- A. The following days shall be recognized as legal holidays. Regular full-time employees will receive these days off with pay. Regular part-time employees will receive these days off with pro-rated pay:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

- B. Unless otherwise determined by the Select Board, holidays which fall on a Saturday will be observed on the preceding Friday and holidays which fall on a Sunday will be observed on the following Monday.
- C. If a regular full-time employee is required to work a holiday after working forty (40) hours in the week, said employee shall be compensated in accordance with the Federal Fair Labor Standards Act.
- D. Regular part-time employees whose regularly scheduled work day is not a Monday or Friday (see section B above) will work with their supervisor to determine which scheduled day they will not work for their pro-rated holiday.

## OTHER LEAVE

- A. Bereavement Leave: In event of a death of a spouse, child, parent, brother, sister, grandparent, grandchild, or that of a spouse an employee shall be entitled to three (3) days leave without loss of pay.
- B. Military Leave: Regular full-time employees or regular part-time employees who are called to perform military duty in the Armed Forces of the United States pursuant to the provisions of MGL C33, s 59, or required to serve an annual tour of duty as a member of a reserve component of the Armed Forces of the United States, shall be granted a military leave of absence without loss of pay for not more than seventeen (17) working days annually. An employee, upon request, may use any accrued vacation or sick leave to cover an unpaid military leave of absence. An employee shall present a copy of his/her military orders to his/her department head.
- C. Personal Leave: On each July 1, regular full-time employees on the payroll as of that date will each be credited with three (3) personal leave days. Regular part-time employees on the payroll as of that date will each be credited with three (3) pro-rated personal leave days. Such personal leave may be taken during the next twelve (12) months at a time or times requested by the employee and approved by the department head and/or Select Board. Any unused personal leave not taken by June 30 shall be forfeited. Personal leave may be used in hourly increments, with a two-hour minimum. A two (2) day notice of intent to use personal leave is required unless it is an emergency.
- D. Jury Duty Leave: An employee of the Town who serves as a grand or traverse juror in Federal Court or in the Courts of the Commonwealth shall receive compensation from the Town as salary, the difference between his/her regular rate of pay and the compensation paid to the employee for such jury service, exclusive of any travel or other allowance(s), as outlined in MGL c. 234A, §48.

## PRO-RATION OF VACATION, SICK, PERSONAL AND HOLIDAY PAY

Type of employment	Hours worked per week	Hours allotted as pay for holidays, vacation, sick or personal days
Full-time	40	8
Regular part-time	20	4
Part-time with defined hours*	Approved hours worked	Hours worked/40

(\*example: 14 hours worked/40 = 0.35. 0.35 x 8 = 2.8 hours allotted as pay)

## BENEFITS

Regular full-time employees and regular part-time employees working for the Town at least twenty (20) regularly defined hours per week are eligible to participate in the following fringe benefit programs offered by the Town unless otherwise indicated:

A. Retirement/pension plan, as provided for under MGL c. 32.

Eligibility: All full-time employees and part-time employees working twenty (20) hours or more on a regular defined basis must belong to the Franklin County Retirement System. Elected officials who do not want to become a member of the system must complete a waiver form giving up their right to be a member.

B. Health insurance plan, as provided for under MGL c. 32B.

- (1) Eligibility: Regular full-time and regular part-time employees who are regularly scheduled to work twenty (20) defined hours or more per week. Compensated elected Town Officials who regularly work at least twenty (20) hours or more per week.
- (2) Cost: The Town group health insurance plan(s) shall be chosen by the Board of Selectmen. The Town currently contributes 75% of the cost of the premium with the employee contributing 25% of the premium. The Town reserves the right to lower its contribution to no less than 50%.
- (3) Retirees may elect to enroll in an indemnity plan, for which he/she shall be responsible for 50% of the premium, with the Town contributing 50% of the premium.

C. Life insurance plan. The Board of Selectmen shall determine what type of life insurance plan will be made available to eligible Town employees.

- (1) Eligibility: Regular full-time and regular part-time employees who are regularly scheduled to work twenty (20) defined hours or more per week. Compensated elected Town officials who regularly work at least twenty (20) hours or more per week.
- (2) Cost: The Town shall contribute the full amount of the premium for regular full-time and regular part-time employees and 50% of the premium for retirees. Retirees must contribute the remaining 50% of the premium.

## COBRA RIGHTS

- A. On April 7, 1986, a Federal law was enacted (Public Law 99-272, Title X) requiring that most employers sponsoring group medical plans offer employees and their families the opportunity for temporary extension of medical coverage (called “continuation coverage”) at a group rate in certain instances where coverage under the plan would end.
- B. As an employee of the Town, you have the right to choose this continuation coverage if you lose your group medical coverage because of a reduction in your hours of employment or termination of your employment (for

any reason other than gross misconduct on your part).

- C. Under the law, the employee or family member (to include divorced spouse or dependent child) has the responsibility to inform the Town's group health plan administrator (Town Accountant) of a divorce, legal separation, or a child losing dependent status under the Town's medical insurance plan.
- D. The Town has the responsibility to notify the insurance company's plan administrator of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.
- E. When the insurance company's plan administrator is notified that one of the above referenced events has happened, the insurance company's plan administrator will in turn notify you that you have the right to choose continuation coverage. Under the law, you have at least sixty (60) days from the date you would lose coverage because of the events described above to inform the insurance company's plan administrator that you want continuation coverage.
- F. If you do not choose continuation coverage, your group medical insurance coverage will end.
- G. If you choose continuation coverage, the Town is required to give you coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for thirty-six (36) months unless you lost group medical coverage because of termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen (18) months.
- H. Under the law, you may have to pay part or the entire premium for your continuation coverage. The law also states that, at the end of the eighteen (18) month or thirty six (36) month continuation coverage period, you may be allowed to enroll in an individual conversion medical plan provided under the Town medical insurance plan.
- I. Through the Town, an employee may request a printed copy of the Employer's Guide to Group Health Continuation Coverage under COBRA, a publication from the U.S. Department of Labor Employee Benefits Security Administration.

## STANDARDS OF CONDUCT

- A. Each employee has an obligation to observe and follow the Town's policies and to maintain proper standards of conduct at all times. If an individual's behavior interferes with the orderly and efficient operation of a department, corrective disciplinary measures will be taken.
- B. Town employees shall refrain from taking action that uses public office for private gain, giving preferential treatment to any person, or showing favoritism in conducting town business. Employees are expected to conduct themselves in a manner which in no way discredits the Town, public officials, or other fellow employees while on the job.
- C. For violation of any town policy, disciplinary action may include a verbal warning, written warning, and suspension without pay and/or discharge. The appropriate disciplinary action will be determined by the Select Board. The Select Board does not guarantee that one form of action will necessarily precede another.
- D. The following misconduct may result in discipline up to and including discharge; flagrant misconduct, violation of the Town's policies or safety rules, insubordination, poor attendance, possession, use or sale of alcohol or controlled substances on work premises or during work hours, poor performance, theft, dishonesty, physical

harassment, sexual harassment or disrespect toward fellow employees, visitors or other members of the public. These examples are not all inclusive. Discharge decisions will be based on an assessment of all relevant factors, including but not limited to an employee's disciplinary record and work performance.

## NON-HARASSMENT POLICY

The Town of Charlemont has been and remains committed to providing a workplace environment that is free of any conduct that could be considered harassing, abusive, disorderly, or disruptive. The Town recognizes and will protect the rights of all parties to be treated with respect, courtesy and tact.

## SEXUAL HARASSMENT POLICY:

It is the goal of the Town of Charlemont to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Charlemont takes all allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment; where it is determined that such inappropriate conduct has occurred. We will act promptly to eliminate the conduct and impose such corrective action as is necessary.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed to or intended to limit our authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### *Definition of Sexual Harassment:*

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advance, request for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

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

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

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

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

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated by this organization.

*Complaints of Sexual Harassment:* If any of our employees believe that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally. If you would like to file a complaint, you may do so by contacting the Select Board.

*Sexual Harassment Investigation:* When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. Additionally, the person alleged to have committed sexual harassment will also be interviewed. Once the investigation has been completed, The Select Board will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, prompt action to eliminate the offending conduct, and as appropriate, disciplinary action will be imposed.

*Disciplinary Action:* If it is determined that inappropriate conduct has been committed by one of our employees the Select Board will take appropriate action under the circumstances.



*State and Federal Remedies:* In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 180 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”)

Congress Street – 10<sup>th</sup> Floor  
Boston, MA 02114  
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place – Rm 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office:

424 Dwight Street, Rm 220  
Springfield, MA 01103  
(413) 739-2145

## WORKPLACE VIOLENCE POLICY

The Town of Charlemont maintains a zero-tolerance policy toward workplace violence or the threat of violence by any of its employees, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace, which is free from intimidation, threats, harassment or violent acts.

### DEFINITIONS:

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

- Any form of oral or written threat that suggests or infers physical harm or an act of violence.
- The use of Town property services or equipment such as phones, faxes, copiers, computers, vehicles, etc., for the purpose of threatening any individual with physical harm or an act of violence.
- Any physical assault, or threat of physical assault, such as hitting, pushing, punching, kicking or holding.
- Impeding or intentional blocking of the movement of another person with the intent to cause harm or intimidation.

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

## DRUG-FREE WORKPLACE POLICY

It is the Policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

- A. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances, including on-the-job consumption of alcohol, on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited. Although the non-medical use of small amounts of marijuana has been decriminalized in the Commonwealth of Massachusetts, the use of marijuana on Town property or any other worksite where employees may be assigned remains strictly prohibited.
- B. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent that such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.
- C. Employees who are convicted of controlled substance-related violations in the workplace under state or federal law, or who plead guilty or *nolo contendere* to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the Select Board.
- D. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.
- E. **EMPLOYEE ASSISTANCE PROGRAM.** The Town recognizes drug and alcohol dependency as an illness and a major public health problem. The Town's objective is to prevent conviction for drug-related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Department Head or their healthcare provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job, and will not be noted in any personnel record.
- F. Violations of any and all provisions of the Town's Drug-Free Workplace Policy may result in disciplinary action, up to and including termination from employment.

## PERSONNEL FILES

The Town of Charlemont shall maintain an official personnel file for each employee that shall be consulted when making all personnel decisions and recommendations. All Town employees shall be responsible for supplying the Town with such documents as may be requested by the Town for purposes of fulfilling its obligation as an employer. The Town shall maintain the confidentiality of these files in accordance with applicable state and federal law.

**CONTENTS:** Each personnel file shall contain each employee's application, all reviews and personal information and other personnel documents as defined by G.L. c. 149, §52C. All files shall be retained in accordance with the Supervisor of Records' retention schedule.

ACCESS: Any and all materials contained in the personnel file concerning the employee shall be made available to the employee in accordance with the provisions of G.L c. 149, §52C.

LOCATION: All personnel files shall be maintained in a locked filing cabinet in Town Hall with appropriate labeling.

## PERFORMANCE REVIEW PROCESS

This policy serves to outline information regarding the timing and procedures related to Employee Performance Reviews. Performance Reviews are not public records except as defined by the Open Meeting Law.

GENERAL: Each employee of the Town of Charlemont will receive an annual performance review.

### RESPONSIBILITIES:

- A. The Department Head or appropriate supervisor will evaluate each part-time and full-time employee in the department on an annual basis. These employees will receive a Performance Review by July 1 of each year. In addition, Probationary employees shall be evaluated three months after their initial date of hire.
- B. The review shall be a reflection of the employee's performance measured against the job responsibilities set forth in the current job description for that position, and any goals established for that employee during that time period. The Department Head or supervisor will prepare the Performance Review and discuss it in a private setting with the employee. Employee may respond to their Performance Review.
- C. The Performance Review shall identify areas where the employee is doing well in addition to those areas that could use improvement. Steps to improve performance will be identified.
- D. Each employee shall receive a copy of his/her review, and be asked to sign the Performance Review. The Performance Review will become part of the employee's Personnel File.
- E. The Performance Review will not be a Public Record except as defined by the Open Meeting Law.
- F. The Department Head/supervisor must provide the Select Board with a list of the employees who have received their annual review by July 7 of each year.

## MERIT RAISES

Merit pay, also known as pay-for-performance, is defined as a raise in pay based on a set of criteria set by the employer. This raise will be based upon the results of the employee's most recent performance review. The amount of the increase will be determined by the Department Head, subject to approval by the Select Board.

## GRIEVANCE PROCEDURE

An employee filing a grievance may do so without fear of reprisal.

PROCESS:

- A. There shall be a grievance procedure available to those employees whose rights, in their opinion, have been prejudiced in any way.
- B. As used in this section, the word “grievance” shall be construed to mean a dispute between an employee and his/her supervisor or another employee.
- C. It is understood that if the dispute is with another employee, he/she shall first present the problem, in writing to the department head or supervisor within seven (7) days of the dispute. It is further understood that in the absence of a department head or supervisor, or if one of the employees to the dispute is the department head or supervisor, the dispute shall then be presented, in writing, to the Select Board within seven (7) days.
- D. The department head, supervisor of Select Board must respond to the complainant either in writing or through a hearing process within two (2) weeks of receipt of the reported complaint.
- E. The department head, supervisor, or Select Board may exercise their authority to act immediately in the event of imminent risk to the health and/or safety of others.
- F. Every employee has the right to appeal a decision.

APPEAL: An employee who disagrees with the grievance decision of his/her department head or supervisor may appeal to the Select Board as outlined below.

- A. If the grievance has not been satisfactorily resolved by the department head/supervisor, the employee shall notify the Select Board, in writing, regarding the problem within seven (7) days of said decision.
- B. If the employee has not received a decision from the department head/supervisor within two (2) weeks of the initial written complaint, he/she may appeal to the Select Board citing their department head/supervisor’s “failure to act”.
- C. Appeal must be in writing, with a copy of the original complaint attached
- D. The Select Board will investigate the grievance and present their conclusions in writing to the employee. Any decision of the Select Board is final and binding upon the parties and is not subject to further review.

## USE OF TOWN EQUIPMENT AND PROPERTY

Employees are expected to use proper care and sound judgment when using the Town’s property and equipment, including computers, internet, and email systems. No property may be removed from the Town premises without the proper authorization of the Department Head or the Select Board. If Town property is lost, broken or damaged, it must be promptly reported to the Department Head or Select Board.

## USE OF TOWN VEHICLES

- A. Operators of Town vehicles shall be required to maintain a current Massachusetts driver’s license with the

appropriate endorsements and shall be responsible for the safe operation and cleanliness of the vehicle.

- B. Accidents and moving violations involving a Town vehicle must be promptly reported to the Department Head and the Select Board.
- C. Employees shall be personally responsible for any moving violation and fines incurred while operating a Town vehicle and may be subject to additional disciplinary action.
- D. Town vehicles shall only be used for job-related travel. Any operation of a Town vehicle outside of the geographical boundaries of the Town requires approval of the Department Head or the Select Board.
- E. Employees requiring a CDL license will be required to comply with the provisions of the Omnibus Transportation Employee Testing Act of 1991, as amended.

## USE OF PERSONAL VEHICLES

- A. Town fuel may not be used in personal vehicles except in cases of emergency and only with approval of the Department Head or Emergency Management Director.
- B. Requests for mileage reimbursement for approved Town business must be submitted to and approved by the Department Head or the Select Board.

## EMPLOYEE ACKNOWLEDGEMENT

I have received a copy of the Town of Charlemont Personnel Policy Handbook, which outlines the benefits, policies and my responsibilities as an employee of the Town. I have read and understand the information in this Handbook. I further agree to ask about policies that are unclear to me, and will comply with the policies, benefit requirements and procedures pertaining to the areas in which I am employed.

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

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

---

Print Name

---

Signature

---

Date