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#### 1.14.1 Authorization

Pursuant to the provisions of the Massachusetts General Laws (M.G.L.) Chapter 41, Sections 108A and 108C and other enabling acts, the town establishes plans that authorize a Classification Plan classifying positions in the service of the town into groups and classes doing substantially similar work or having substantially similar responsibilities, except for the following:

1. those under the control of the school district
2. those covered by collective bargaining agreement
3. those filled by popular election; and
4. those with individual contracts with the town.

#### 1.14.2 Administration of Personnel Bylaw

This Personnel Bylaw shall be administered by the Town Administrator under the general direction of the Board of Selectmen. The Board of Selectmen may establish policies and procedures as necessary for the administration of this Personnel Bylaw. The Town Administrator shall periodically review the Bylaw and make recommendations to the selectmen for any changes, as appropriate.

It shall be the responsibility of the Town Administrator to research and recommend to the Board of Selectmen the appropriate agencies for the review of the town's Classification and Compensation Plans at reasonable intervals.

#### 1.14.3 Equal Employment Opportunity

The provisions of this bylaw shall be applied equally to all employees covered by the Classification Plan without discrimination as to race, sex, color, handicap, national origin, military status, religion, age (as defined by law), ancestry, sexual orientation (as defined by law) and genetic information consistent with federal and state law.

The town of Bolton is an equal opportunity employer. All employment decisions are made on a non-discriminatory basis as defined by the M.G.L. Chapter 151B, Section 4, Item 1 (Unlawful Practices) as well as without regard to political beliefs, military status, or any other factors which cannot lawfully be the basis for an employment decision.

#### 1.14.4 Sexual Harassment

Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by state and federal law. Sexual harassment of

individuals occurring in the workplace or in other settings in which individuals of the town may find themselves in connection with their employment is unlawful and will not be tolerated by the town. The town also condemns and prohibits sexual or other harassment by any applicant, client, vendor or visitor.

In accordance with the M.G.L. Chapter 151B, Section 3A, the town has established a Sexual Harassment policy which shall apply to all elected officials, department heads, and town employees, a copy of which is detailed in a separate policy. This policy shall be issued annually to all town employees and new hires, and is available upon request from the Town Administrator.

#### 1.14.5 Harassment

Harassment on the basis of race, color, religious creed, national origin, sex, ancestry, sexual orientation (as defined by law) or on the basis of age (as defined by law), disability, genetic information, or military status (hereafter referred to as “protected class harassment”) is a form of behavior that adversely affects the employment relationship.

In accordance with the M.G.L. Chapter 151B, Section 4, the town has established a Harassment Policy which shall apply to all elected officials, department heads, and town employees, a copy of which is detailed in a separate policy. This policy shall be issued to all town employees and new hires, and is available upon request from the Town Administrator.

#### 1.14.6 Alcohol and Drug Free Workplace Policy

Employees shall not manufacture, distribute, dispense, possess or use a controlled substance while in the employ of the town. The possession or use of alcohol while at work or the reporting for work under the influence of alcohol is prohibited.

The town is authorized to establish an Alcohol and Drug-Free Workplace policy, a copy of which is detailed in a separate policy.

#### 1.14.7 At-Will Employment

Employees of the town of Bolton covered by the Classification Plan shall serve “at will” and may be terminated by the town or may terminate their employment at any time, with or without notice, absent a limiting statute or contractual agreement between the town and the employee.

#### 1.14.8 Definition of Employee Categories

The following are the definitions of Employee Categories for positions covered by the Classification Plan:

- a) BENEFITS-ELIGIBLE EMPLOYEE is an employee who works 20 hours or more on a regular basis throughout the year.
- b) NON-BENEFITS-ELIGIBLE EMPLOYEE is an employee who works fewer than 20 hours per week throughout the year.
- c) TEMPORARY EMPLOYEE is an employee who works a schedule of hours on a short-term basis.
- d) SEASONAL EMPLOYEE is an employee who works temporarily during a specific season.
- e) EXEMPT EMPLOYEE is an individual who is paid on a salary basis at a rate not less than \$455 per week and is employed as a bona fide executive, administrative, or professional employee, and is not entitled to overtime compensation under the federal Fair Labor Standards Act or state law if she/he meets the following criteria:
  - 1) Executive - primary duty is to manage a department;
  - 2) Administrative - primary duty is office or non-manual work directly related to management policies, or directly assisting an executive; or
  - 3) Professional - primary duty requires advanced knowledge acquired by specialized study, work is intellectual and the result is not standardized.
- f) NON-EXEMPT EMPLOYEE is an employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions.

#### 1.14.9 Recruitment and Appointment Policy

The town is authorized to establish a Recruitment and Appointment Policy, a copy of which is detailed in a separate policy and which is available upon request from the Town Administrator.

#### 1.14.10 Overtime/Compensatory Time

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938 as amended. If an assignment requires actual work in excess of 40 hours per week, such overtime work must be authorized in advance by the Department Head. Non-exempt employees shall be paid one and one-half times their regular hourly rate for hours actually worked beyond 40 in the workweek. Compensatory time may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such agreement is made, then compensatory time should be taken within a reasonable time of being earned. Supervisory, administrative, professional, and managerial employees are exempt employees under the Fair Labor

Standards Act and are not eligible for overtime pay. An employee is eligible to be paid for any unused compensatory time upon termination or retirement.

#### 1.14.11 Interruption of Service

Any regular employee who leaves town service while in good standing may be rehired by the appointing authority and, upon successful completion of one year's service, will be given credit for prior time actually employed by the town.

#### 1.14.12 Fringe Benefits

a) Vacation Time - All benefits-eligible employees shall be entitled to paid vacation in accordance with the following schedule:

<b><u>SERVICE</u></b>	<b><u>VACATION</u></b>
Less than 5 years year (up to 59 months)	2 weeks per (10 days)
5 years to less than 10 years (60 months to 119 months)	3 weeks per year (15 days)
10 years to less than 20 years (120 months to 239 months)	4 weeks per year (20 days)
20 years plus (240 months plus)	5 weeks per year (25 days)

Based on the above schedule, an employee shall accrue 1/12 of eligible yearly vacation time per month. Vacation earned is posted on the first day of each month following the completion of the previous month's employment (e.g. a 40 hour-per-week employee eligible for two (2) weeks vacation per year would earn .83 vacation days per month or 10 days divided by 12 months). Vacation, however, may not be taken during the first 90 days of employment. The accrual of vacation benefits shall be based on actual service in the employ of the town.

An employee shall request and receive approval for vacation leave from his or her Department Head in writing.

Benefits-eligible employees (those who work an average of at least 20 hours per week) are entitled to vacation leave in the same proportion that the

employee's service relates to full-time service, excepted on a prorated basis. Temporary, seasonal, and non-benefits-eligible employees are not entitled to accrue vacation days with pay.

Employees are required to take vacation on a regular basis to allow for the proper rest from the rigors of work. With prior approval of the Department Head and Town Administrator, and after validation of available earned days by the Town Treasurer, employees may be allowed to carry over no more than five (5) days of unused vacation into the following fiscal year.

A benefits-eligible employee who has accrued vacation under this policy, and whose employment ends for any reason prior to usage of such vacation, shall be paid for any accrued vacation time remaining.

At the Department Head level, the Board of Selectmen shall have the authority to consider prior relevant employment when establishing vacation time.

#### b) Sick Leave

All benefits-eligible employees shall accumulate sick leave at the rate of one and one quarter day for each month of employment (15 days per fiscal year). Unused sick leave may be accumulated up to a maximum of 120 working days. Sick leave is intended for use in time of illness only and as such carries no "buy-back" or "cash-in" valuation.

New employees are entitled to sick leave after completing one month of service.

Benefits-eligible employees who do not work an average of 40 hours per week are entitled to sick leave and may accumulate sick leave on a pro-rated basis.

Sick leave is generally for protection of employees against loss of pay due to personal illness. However, sick leave may be used by an employee for illness of a dependent child, spouse, or other immediate relative, with the approval of his or her Department Head.

In the event that any employee exhausts his or her accumulated sick time, each benefits-eligible employee of the town of Bolton, with the permission of his or her Department Head, may donate up to six (6) days of his or her sick time accumulated to that employee in a given fiscal year. The affected employee must first exhaust all personal, vacation time, and sick leave in order for this to occur.

For an illness or injury that exceeds five (5) consecutive days, the employee shall provide the Department Head with medical certification of such illness. Department heads may verify the use of sick leave by employees.

Accrued sick leave may be used for maternity leave purposes.

c) Personal Leave

All benefits-eligible employees, on each July 1 (beginning of the fiscal year) shall receive three (3) paid personal leave days which may be taken during the following 12 months as requested by the employee and approved by the Department Head.

Benefits-eligible employees who work a minimum of 20 hours per week shall receive personal leave days in the same proportion that the employee's service relates to full-time service (i.e. on a prorated basis). Personal days may not be carried over into the next fiscal year, or paid in wages to the employee if not used.

d) Bereavement Leave

All benefits-eligible employees may be granted up to three days of Bereavement Leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family, as defined as the employee's spouse or partner, mother, father, mother-in-law, father-in-law, sister, brother, child, grandchild, grandparent, or other relative residing in the employee's household. An employee may be granted up to one day of Bereavement Leave for the purpose of attending the funeral of an aunt, uncle, niece, nephew, or other close relative. The Department Head shall have the discretion and authority to approve an employee's request for bereavement leave.

e) Holidays

All benefits-eligible employees whose compensation is based on a weekly rate, will receive one day at regular straight-time compensation (on a pro-rated basis for benefits-eligible employees working less than 40 hours) for the following holidays:

One-Half Floating Day  
New Year's Day  
Martin Luther King Day  
Presidents' Day  
Patriots' Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans' Day  
Thanksgiving Day

Day after Thanksgiving Day  
Christmas Day

Each holiday will be observed by the town of Bolton on the day designated by state law.

f) Jury Duty

In the event that an employee is summoned for jury duty, he or she will be excused from work after providing his or her Department Head with a copy of the jury duty notice. An employee shall report for work when not required to report to court on his or her regularly scheduled work day. An employee who is summoned for jury duty shall be paid at his or her regular straight time wages for jury duty during scheduled work, for up to the first three days of jury duty. After three days of jury duty, the employee shall be paid the difference between his or her wages and the jury fees. In order to receive jury duty pay, the employee must present a statement of jury service to his or her Department Head, who shall submit the request to the Town Treasurer with the corresponding payroll. Paid jury duty after 30 days of such service is subject to the approval of the Town Administrator. The town will comply with any applicable state and federal law or regulation regarding jury duty.

g) Military Leave

All town employees are covered under Massachusetts General Laws, Chapter 149, Section 52A. An absence for military training shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of his or her employment normally to be anticipated in his or her particular situation.

For military service, the town shall provide such leave as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

h) Leave of Absence

The town abides by all federal and state laws regarding employee leaves of absence, including, but not limited to, Family and Medical Leave Act (FMLA), Massachusetts Maternity Leave Act (MMLA), and Small Necessities Leave Act (SNLA), copies of which are detailed in separate policies. These policies shall be issued to all Town employees and new hires, and are available upon request from the Town Administrator.



If an employee is in need of a leave of absence, he or she shall consult with his or her Department Head, who shall bring such request to the Town Administrator for review of the options available.

i) Longevity Pay

All benefits-eligible employees who work an average of 40 hours per week shall receive longevity payments according to the following schedule:

Length of Service	Annual Amount
10 years	\$250
15 years	\$350
20 years	\$450
25 years	\$550

Benefits-eligible employees who do not work an average of 40 hours per week shall receive longevity payments on a pro-rated basis.

On an annual basis the selectmen should review any benefits-eligible employee who has accumulated over 20 years of service to the town and may award a meritorious award up to \$100 for this service.

This amount shall be paid in one lump sum in the first pay period following the anniversary of the employee's date of hire. The date of hire shall be considered the date when the employee began working for the town at least 20 hours per week on a continuous basis.

Temporary, seasonal, and non-benefits-eligible are not entitled to longevity pay.

Longevity pay shall be paid annually and shall be based only on actual service for the prior year.

j) Insurance Benefits

1. Health Insurance

a. Benefits-Eligible Employees

Health insurance is offered in accordance with Chapter 32B of the Massachusetts General Laws. The town contributes to the cost of the health insurance premium at a rate as set by the Board of Selectmen. Health insurance is offered at the time of employment and during the annual open enrollment period. Benefits-eligible employees, working a minimum of 20 hours per week, totaling a minimum of 1040 hours on a fiscal year basis, are

entitled to join the town's health insurance plan. The town currently offers a variety of health insurance programs.

Open enrollment is offered once a year. At that time, employees shall have the opportunity to change their current benefits plans and coverage. Employees will be notified by the Treasurer's office of the dates of the open enrollment period and when changes will become effective. Active benefits-eligible employees 65 years of age or over may remain on the current active health plan until retirement. However, at age 65, Medicare-eligible employees must apply for Medicare coverage through Social Security and defer Part B coverage until retirement.

Under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), an employee or his or her eligible dependents may be entitled to continued coverage in the town's group health insurance plan in the event the employee resigns or is terminated or an event occurs that renders the employee no longer eligible for health insurance benefits. Under such COBRA coverage, the employee will be required to pay the full cost of his or her monthly insurance premium, plus a 2% administration fee, for the employee and his or her dependents. Specific information is available from the Town Treasurer's office.

#### b. Benefits-Eligible Retired Employees

Retired employees under the age of 65 on the town's health insurance plans will be covered on active health plans until age 65. Retirees must enroll in Medicare if eligible to do so, and then will be required to enroll in one of the senior plans offered if they choose to remain covered by the town. It is the town's intention to cover the cost of Medicare Part B for any retiree or employee who was hired prior to May 7, 2007. Retired employees not eligible for Medicare will remain on their current active plan upon providing proof they are ineligible for Medicare.

### 2. Basic Life Insurance

The town of Bolton offers basic life insurance coverage to employees upon hire, with the town sharing equally the cost of the premium with employees. Retirees may continue their coverage at reduced coverage and cost.

#### k) Workers' Compensation/Injured on Duty

Police and Fire uniformed employees are covered under the provisions of M.G.L Chapter 41, Sections 100 and 111F, and are entitled to the rights and benefits of these laws. All other employees are covered under the

Massachusetts Worker's Compensation Law, M.G.L., Chapter 152, and are entitled to the benefits and provisions of the law.

l) Pension

All benefits-eligible employees are required to join the Worcester Regional Retirement System, with payroll deductions made in accordance with state law and date of hire.

m) Educational Assistance

All benefits-eligible employees who have worked with the town at least one year are eligible for reimbursement for tuition and registration fees for work-related courses which serve to improve their knowledge and skills and enhance their job performance with the town.

Approval for a particular course must be requested by the employee to his or her Department Head prior to enrollment in the course. The Department Head shall submit the request to the Town Treasurer who shall approve the request contingent upon available funds in the current year's Educational Assistance budget.

Reimbursement shall be made upon successful completion of the course or program, with a minimum grade of "B" or equivalent. The employee must provide the Department Head with proof of successful course completion, including grade received, and proof of course payment, which shall be submitted to the Town Treasurer for processing.

The town may require the employee to sign an agreement to remain in employment with the town for a period of up to two years after the completion of the course, or else be required to reimburse the town for such reimbursement.

n) Mileage Reimbursement

When employees have prior approval from their Department Head to use their personal vehicle for town business, they may be reimbursed for that business travel at the approved per-mile rate set by the Treasurer based on the U.S. General Services Administration's Privately Owned Vehicles Reimbursement Rates. The Treasurer will notify all departments of any changes in this rate. Reimbursement will be paid to and from the work site location, not from the employee's home.

### 1.14.13 Personnel Records

The Town Administrator shall be responsible for maintaining and administering personnel records as may be required by law, and as necessary for effective personnel management.

a) Contents of records

The Town Administrator shall maintain or cause to be maintained a personnel record for each employee in compliance with Massachusetts General Laws, Chapter 149, Section 52C. A personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy.

Without limiting the applicability or generality of the foregoing, all of the following written information or documents regarding an employee shall be included in the personnel record for that employee: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the town in response to the town's advertisement by the employee; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods (if any); waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee. A personnel record shall be maintained in typewritten or printed form, or may be handwritten in indelible ink.

b) Confidentiality and Access to Records

Personnel records shall be confidential and access to an employee's records shall be limited to the Appointing Authority, the Town Administrator, who shall be charged with administering the personnel system, and the Town Treasurer on a need-to-know basis. Appointing authorities and/or the employee's Department Head may directly access a report contained in an employee's personnel file upon request to the Town Administrator. Any employee may upon written request to the Town Administrator review his or her personnel file. Such review shall be in the presence of the Town Administrator. An employee may also obtain a copy of his/her personnel file upon five (5) days written notice.

c) Location of Records

A central file for all employees covered under the Personnel Bylaw shall be located at Town Hall. On behalf of the town, the Town Administrator shall maintain custody of all personnel records.

d) Release of Information

Unless written authorization is received from an employee, except to verify employment dates, job title, and/or gross salary, no other information concerning an employee shall be released.

1.14.14 Performance Reviews

Appointing authorities and/or Department Heads shall from time to time conduct performance reviews of their employees.

1.14.15 Grievance Procedure

A grievance is a dispute between an employee and the appointing or supervisory authority arising out of an application for the benefits under this bylaw. The town has established a Grievance Procedure, a copy of which is detailed in a separate document. This procedure shall be issued to all town employees and new hires, and is available upon request from the Town Administrator.

1.14.16 Rules and Regulations

Subject to the approval of the Board of Selectmen, the Town Administrator may, from time to time, issue rules and regulations concerning the administration of this Personnel Bylaw.

1.14.17 Severability Clause

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