



TOWN OF BOYLSTON EMPLOYEE HANDBOOK

TOWN OF BOYLSTON
Boylston, MA 01505

Acknowledgement of Receipt

This handbook has been especially prepared for you to serve as a guide for the employer/employee relationship. The topics covered in this handbook apply to all employees of the Town of Boylston.

The contents of this handbook do not constitute an express or implied contract of employment. Statements made in this handbook are not intended as promises and should not be construed as such.

The Town, acting exclusively through the Board of Selectmen and Town Administrator, reserves the right to add, change or discontinue any aspect of its personnel policies and benefit programs and to revise or modify provisions of this Handbook with proper notice provided to the Town's collective bargaining groups. Conflicting provisions contained in collective bargaining agreements, to the extent required by law, shall supersede these policies. Where collective bargaining agreements are silent, these policies and regulations may be applied. Subject to the Town Administrator's review and approval, departmental rules and regulations that establish standards of performance, conduct or action shall continue to be applicable.

Employees of the Town who are not otherwise covered by a collective bargaining agreement are at-will employees. Either party may terminate the employment relationship at any time, with or without cause, with or without notice.

These policies are intended to be in accordance with all applicable state and federal laws. In the event that these policies are inconsistent with applicable state or federal law, the applicable law shall apply.

By signing below, I acknowledge that I have received a copy of the Town of Boylston's Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Town Administrator's Office. I understand that this Handbook states policies and procedures that are in effect on the date of publication.

Please sign and print your name and date below to signify receipt of the Employee Handbook and return it to your Department Head.

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

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Town of Boylston, Massachusetts

Employee Handbook



This handbook has been prepared for you to serve as an easy reference guide to the Town of Boylston's personnel policies, procedures, and a general overview of employee benefits.

This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. It is not intended to replace or supersede collective bargaining agreements, where applicable, that may cover many of the terms and conditions of your employment. In such cases, you should read and become familiar with both the collective bargaining agreement and this employee handbook.

The procedures, practices, policies and benefits described may be modified and employees will be informed of changes as they occur.

Some of the subjects described here are covered in detail in official department policy and/or procedure documents. For the terms of written insurance policies and/or plan documents for health, life, dental and other benefits, you should refer to plan documents for specific information, since this handbook is only designed to serve as a brief guide and summary of policies and benefits.

We are pleased to have you join the Town of Boylston government and sincerely hope our association will be a beneficial one.

Welcome to Public Service in the Town of Boylston

BOYLSTON is a small, rural community in Central Massachusetts. Settled in 1722 along the Nashua River and incorporated in 1786, the town remained an agricultural community until the mid-1950s. Originally settled by English and Scots-Irish families, it has become home to diverse ethnic and racial inhabitants.

The natural beauty of Boylston is everywhere: the peaceful waters of the Wachusett Reservoir with its treasure of flora and fauna; the Town Common dominated by a typical New England church and well-kept 18th and 19th century homes. The land is crisscrossed by numerous streams, fields of wildflowers, and stands of stately trees.

The town is proud of its history. It has sent its young men and women to fight for their country and a score have given their lives for America. It is the site of the home of the greatest temperance orator of the 19th century, John B. Gough. Boylston is now a haven for commuters who leave the cities where they labor and find peace and solace in a town that has retained much of its rural atmosphere.

We invite you to experience a collage of history, nature, and peace.

As a public servant, it is important to have knowledge of the basics of Town government. The legislative branch of government is the Town Meeting which is responsible for passing bylaws and appropriating funds for municipal expenses. The Board of Selectmen consists of three members who are elected for three-year overlapping terms. The Board possesses the executive powers of the town and sets goals and policies. The Board of Selectmen also appoints the Town Administrator who, as the title indicates, serves as the chief administrative officer of the town, and coordinates all employees, activities and departments. The Administrator also implements the goals and carries out the policies of the Board of Selectmen.

I would like to take this opportunity to welcome you to the Town of Boylston and to wish you success in your job. Serving the public is one of the most challenging and rewarding careers possible. As public servants, we must work together to preserve and enhance the quality of life for our community. The accomplishment of this goal requires the recruitment and retention of qualified, enthusiastic, and informed employees.

Sincerely,

April C. Steward
Town Administrator

Board of Selectmen

Boylston's Board of Selectmen consists of three members who are elected to serve three-year overlapping terms. The Board establishes town policies and procedures unless delegated by law or vote of the Town Meeting to another officer or board. The Board of Selectmen appoints a Town Administrator who supervises the day-to-day operation of Town departments.

Other areas of authority granted to the Board of Selectmen are:

- Calling town elections and approving the town meeting warrant.
- Reviewing the municipal annual budget.
- Making appointments to a number of municipal boards and committees.
- Licensing of alcohol establishments, restaurants, car dealers, transient vendors and entertainment and amusement devices.
- Selling of town owned land and acceptance of gifts of land.
- Reviewing and approving all payables of the Town of Boylston.

The goal of the Town of Boylston's Board of Selectmen is to provide strong community leadership to ensure a high quality of life through the promotion of:

- Professional, accountable and courteous service of high quality
- Responsiveness to community issues and concerns
- Growth management
- Long-term financial stability
- An atmosphere that encourages a healthy local economy
- Environmental stewardship
- An engagement of all segments of our diverse community, facilitating town-wide consensus and unity of purpose

As an employee of the Town of Boylston, we depend on you to help us achieve these goals.

Promotion of an Open Door for Communication

It is our priority to encourage and facilitate communication throughout all levels of our organization. To that end, the doors of the Board of Selectmen, Town Administrator, Human Resources Administrator, Department Heads, and Supervisors encourage employees to share suggestions, ask questions, or seek resolutions to issues of concern. The "Open Door" begins with your Supervisor.

Equal Employment Opportunity

The Town recognizes the right of individuals to work and advance on the basis of merit, ability, and potential without regard to gender, gender identity and expression, race, color, national origin, ancestry, transgender, religion, age, disability, genetics, military status or sexual orientation. The Town has a policy of non-discrimination and equal opportunity in all of its hiring programs and activities.

The Town takes affirmative measures to ensure equal opportunity in the recruitment and hiring, rate of compensation, and all terms and conditions of employment. The Town is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, ability and ages.

All Town employees are required to take diligent, affirmative steps to ensure equal opportunity and respect for diversity. The policy of the Town is to recruit and hire without regard to gender, gender identity and expression, race, color, national origin, ancestry, transgender, religion, age as defined by law, disability, genetics, military status or sexual orientation as defined by law. Decisions about employment are made with consideration of the development of a diverse workforce.

Discrimination Grievance Procedure

Anyone who feels that he/she has been discriminated against by the Town on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, disability, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law in employment practices, is urged to report their grievance to their department head. The department head must notify the Town Administrator and/or the Human Resources Administrator of any grievance and work to resolve the grievance in an appropriate manner.

Reasonable Accommodation

It is the policy of the Town of Boylston not to discriminate against any qualified person based on disability. This policy applies to all employment practices including hiring, promotion, and discipline. The Town complies with the U.S. Americans with Disabilities Act of 1990.

Consistent with federal and state law, the Town of Boylston strives to make reasonable accommodations to a qualified employee with a disability to perform the essential functions of his/her job, with or without accommodation, unless the requested accommodations would pose an undue hardship upon the Town. An employee in need of an accommodation to perform the essential functions of their job should notify his/her supervisor of this need. The Supervisor will partner with the Town Administrator's Office in addressing accommodation requests.

The determination to provide an accommodation is made on a case-by-case basis. This is an interactive process through which the department and the individual with a disability engage in a discussion concerning an accommodation request and the Town's ability to accommodate this request. The department will make a "reasonable effort" to determine the appropriate accommodation.

Note: Verification of the disability by a treating physician may be required. (If medical verification is required, the person requesting accommodation must sign a release.)

Massachusetts Pregnant Workers Fairness Act

Employees who are pregnant are covered by the Massachusetts Pregnant Workers Fairness Act which prohibits employment discrimination based on pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. Specifically, the Act prohibits employers from denying pregnant women and new mothers' reasonable accommodation for their pregnancies and any conditions related to their pregnancies, regardless of whether the pregnancies or related conditions constitute disabilities under existing state or federal law.

The Town of Boylston will reasonably accommodate all pregnant employees. When the Town is notified of the employee's pregnancy, this notification begins an interactive process with the employee or prospective employee to try to identify a reasonable accommodation, if needed, that enables the employee or prospective employee to perform the essential functions of the position. Also, the Act specifically references our obligation to accommodate employees with a need to express breast milk for a nursing child.

Reasonable accommodations may include:

- More frequent or longer paid or unpaid breaks
- Time off to attend to a pregnancy complication or to recover from childbirth with or without pay
- Acquisition or modification of equipment
- Temporary transfer to a less strenuous or hazardous position
- Job restructuring
- Private non-bathroom space for expressing breast milk
- Assistance with manual labor
- Modified work schedules

An employee should notify her manager of her pregnancy as soon as possible. Similarly, the employee or prospective employee should notify her manager of any pregnancy-related accommodations that are being requested as soon as practically possible. The Town of Boylston may request medical documentation to support the need for an accommodation in compliance with state law. Employees or Managers with questions about the Act and its application can contact the Human Resources Office.

Employment Eligibility

The Town's policy with respect to employment eligibility is set forth in accordance with the Immigration Reform and Control Act of 1986 that requires employers to verify the employment eligibility of prospective employees. This law sets forth the requirements for eligibility to work in the United States.

It is the policy of the Town that new employees provide proof of authorization to work in the United States prior to beginning employment with the Town as mandated by federal law. The records are maintained in the Treasurer/Tax Collector's Office.

Classification

The Town uses the following classification system:

Exempt Employees

This includes those employees who are paid at an annual salary rate and are not eligible to receive premium pay for overtime according to the Fair Labor Standards Act (FLSA). Exempt employees are paid on a salary basis and, in general, must be paid their full salary for any week in which they perform any work.

Non-Exempt Employees

This includes those employees who are paid at an hourly rate and are eligible to receive premium pay for overtime according to the FLSA. Nonexempt employees will be paid only for actual hours worked unless they receive paid leave under the Town's vacation, sickness, or other paid leave policies.

Regular Full-Time Employee

Identifies all employees who are regularly scheduled to work on a regular basis for twenty-six (26) or more hours each week.

Regular Part-Time Employee

Identifies all employees who are regularly scheduled to work on a regular basis for less than twenty-six (26) hours per week, but a minimum of twenty (20) hours per week.

Special Part-Time Employee

Identifies all employees who are regularly scheduled to work less than twenty (20) hours per week and are not eligible for various benefits as set forth in this Employee Handbook.

Temporary Employee

Identifies individuals hired on a day to day or block of time (ex. seasonal) basis. Temporary employees are not eligible for benefits as set forth in this Employee Handbook.

Note: All appointments are made through the Town of Boylston's Board of Selectmen unless otherwise designated.

Pay Administration

If you are a Regular Employee, either full-time or part-time, your job has a title that is listed on the Town of Boylston's "Schedule A" of the *Wage and Salary Plan*. Your job is described in some detail in a *Job Description* that includes duties and responsibilities required of the holder of the position. The Town Administrator's Office maintains copies of job descriptions that may be reviewed by any Town employee. The statements of the job descriptions are descriptive and not restrictive. They indicate the kinds of duties and level of responsibility assigned to the position, but do not limit the power of the department head or supervisor to direct, assign, and control the work of the employees under his/her supervision. To arrive at an appropriate grade level for each job, all Town jobs have been evaluated with weight given to a number of factors including, but not limited to, the educational level and technical skills required to perform the job, supervisory expectations, physical effort expected, hazards inherent in the position, and use and responsibility of equipment.

Each labor grade is assigned a range of wages from minimum, midpoint and maximum. Pay rates are reviewed annually as part of the annual budget process prior to the Annual Town Meeting.

Payroll

Employees are paid on a regular bi-weekly basis by direct deposit for time worked since the preceding pay period. State and federal laws require the Town of Boylston to make deductions from employees' pay for Federal income tax, Medicare tax, and State income tax. Such payments are sent by the Town to the appropriate governmental agencies. In addition, authorized deductions such as retirement contributions, health, dental, and various life and disability insurance premiums will be automatically withheld from an employee's paycheck.

Please note that it is each employee's responsibility to notify their Department Head of any changes in their name, address, telephone number, marital status, dependent status, and person(s) to be notified in the event of an emergency. The Town Administrator's Office and Treasurer/Tax Collector's Office must be notified of any changes in an employee's personal status to ensure proper insurance coverage and the completion of necessary form updates.

Outside Employment

Town employees have the right to hold additional jobs, subject to certain restrictions. The Town requires that an employee's activities away from their Town position must not compromise the Town's interests or adversely impact the employee's job performance and ability to fulfill their duties and responsibilities to the Town.

Any employee accepting outside employment under the terms of this section should carefully consider the demands that such additional employment may create. Holding

an additional job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or alternate hours. Employees who have accepted outside employment are not eligible to use their accrued sick leave to be absent from their Town position in order to work at their outside job.

Town employment must be considered one's primary employment. Any employee who is included in the Town's Emergency Preparedness Plan must arrange with their outside employer to be relieved from their outside duties if and when called to duty to perform an emergency service by the Town.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the Town's worker's compensation plan on account of the injury resulting from the outside employment. Equipment, facilities, vehicles, or property of the Town of Boylston may not be used by employees for outside employment.

In the event that a Town employee is hired to work in more than one Town department, such an arrangement will require the approval of the Town Administrator to ensure that appropriate waivers are completed, if applicable.

Unemployment Compensation

State law requires the Town to reimburse the Commonwealth of Massachusetts for unemployment benefits paid to former employees of the Town. It is the responsibility of individuals to file claims with the Massachusetts Department of Unemployment Assistance. The Town reserves the right to contest claims for unemployment compensation.

Personnel Records

The Treasurer/Tax Collector's Office maintains official personnel files for all employees who work for the Town. The files include all original documentation pertaining to each employee in accordance with applicable State and/or Federal regulations. Files include employment applications, payroll deduction documentation, performance appraisals, leave records, special commendations, disciplinary actions, education and training certificates, and Employee Payroll Change Forms. Employee medical records/documentation is kept separate from all other personnel file information. Department Heads may maintain files supporting departmental actions.

Current and/or former Town employees have the right to examine their personnel files and may, on written request, receive a copy of any records contained in their personnel file. An employee may request access to his or her personnel records up to two times in a calendar year, except where the request is made as a result of receiving notice of negative information being placed in his or her personal file, in which case the request will be granted. No personnel files may be removed from the Treasurer/Tax Collector's Office without consent.

In accordance with MGL Chapter 149, section 52C as amended, the Town will notify an employee within ten (10) days of placing information in an employee's personnel record that is, has been used or may be used, to adversely impact an employee's qualification for employment, promotion, transfer, additional compensation, or to subject (the employee) to disciplinary action.

Orientation and Training

The Town will conduct orientation and training programs when it believes such programs will help familiarize employees with the organization. An orientation program will be conducted for all newly hired employees. The primary purpose of orientation is to acquaint new employees with Town benefits and policies. If applicable, additional scheduling of training programs will be determined by the Town Administrator and/or hiring department.

Performance Evaluation

The Town will utilize its established Performance Evaluation system to accomplish the following goals:

- continuously improve the effectiveness and efficiency of Town services.
- provide an opportunity for communication and planning between employees and supervisors.
- assist employee efforts to increase the effectiveness of their job performance.
- provide a mechanism for the establishment of individual and department goals.
- serve as the basis of acknowledging the employee's accomplishments and recognizing the employee's potential need for guidance, training, and/or support.
- provide documentation of employee performance to serve as the basis for salary adjustments and personnel actions.

It is the policy of the Town that all regular full-time and part-time employees will be evaluated annually.

Attendance and Timeliness

The Town must ensure proper coverage in all offices and work locations to maintain the highest level of service to the taxpayers of the Town. This is a chief mandate that defines the Town's expectations of employees and describes management's course of action in monitoring and controlling attendance, tardiness, and failure to report to work. Attendance is an essential function of every Town employee's job and unexcused absenteeism will not be tolerated. Patterns of attendance abuse, such as frequent absences prior to or immediately following a weekend or holiday, will be scrutinized and if improper use is found, employees will be subject to discipline up to and including separation of employment.

It is the policy of the Town that all employees assume their assigned duties at the start of the regularly scheduled workday. Absenteeism, tardiness, and failure to report to

work are viewed as unacceptable job performance and may be grounds for progressive disciplinary action.

An employee who anticipates that he or she will be either absent or arrive after the start of the work day or shift must notify their department and speak directly to his/her supervisor (or the supervisor in charge) to inform him/her of their absence or delay. The employee must call the department prior to his/her expected time of arrival, if possible. Employees will be required to provide a reasonable explanation of their absence or tardiness and may be required to provide documentation if appropriate.

If an employee exhibits a pattern of repeated absences or tardiness, he/she may receive a verbal reprimand. Subsequent absence or tardiness will result in a written reprimand or further disciplinary action.

In the case of tardiness, if an employee is tardy for more than two (2) consecutive hours without cause, he/she may receive a written reprimand without having received a prior verbal reprimand. Subsequent tardiness will result in further disciplinary action.

If an employee does not report for his/her scheduled work hours/shift, and fails to notify their department of the absence by the end of the regularly scheduled shift, the employee will be considered on unauthorized leave without pay for the day and may be subject to disciplinary action, unless the absence resulted from an emergency. The employee may be required to provide documentation of the emergency. Further incidents of this nature may result in subsequent disciplinary action up to and including separation of employment. Failure by an employee to report to work without permission and without notice for three (3) or more consecutive days may result in the employee being considered to have voluntarily and permanently separated him/herself from Town service.

Appearance Expectation

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. When job responsibilities place employees in direct contact with town officials, state officials, legislators, or the public, they represent the Town with their appearance as well as their actions. Employees who are improperly attired may be required to leave work to change their attire. The following attire is considered to be inappropriate attire for our workplace: shorts, tee shirts, sweat clothes, halters, tank tops, spandex, low neckline front or back, micro or miniskirts, clothing that reveals undergarments, beachwear flip flops, slippers, strapless crocs, and clothing that has words, pictures or scenes that would be disruptive to the work environment. Additionally, excessive cologne or perfume is unacceptable.

A good rule to follow is to dress for your day. Meetings with outside stakeholders may require different attire than days spent with coworkers.

Dress code violations may result in disciplinary action up to and including separation of employment. The Department Head or Town Administrator may ask an employee to

leave the workplace when violations occur. Please remember that the examples provided are not meant to be comprehensive but are only examples of dress code violations.

Parking

Parking is permitted only in designated parking areas. Vehicles parked in unauthorized or reserved spaces may be towed at the employee's expense. You must drive with caution as you enter and exit the Town Hall driveway and parking areas and adhere to the posted speed limit.

The Workday

The Town determines the level of services it provides to the public and reserves the right to schedule or assign work as part of the normal workday or to have such work performed on an overtime basis. The Town has the right to determine the number and classification of employees needed to perform such work whether as part of normal work hours or on an overtime basis.

- The schedule of hours for employees will be determined by the department or office to which he/she is assigned. Employees will be informed of their daily schedule of hours of work, including meal and rest breaks, and of any changes deemed necessary by the supervisor.
- All employees must accurately record the time they begin and end their work. Employees must also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime hours must be approved by the supervisor before it is performed.
- All employees are required to take a lunch or meal break if they will be working a shift that exceeds six (6) hours.
- Employees' time records are to be checked and signed by their supervisor on a bi-weekly basis. Time not worked for which an employee is entitled to be paid (absences, holidays, and vacation) must be entered by the supervisor on the time record. Authorized overtime must be identified by the supervisor.
- Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for certain hours of absence.
- Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including separation of employment.

Weather Events

If a snow or other weather-related event occurs before or during the morning commuting hours, employees should make a reasonable effort to arrive at work in a safe manner. Employees who prefer to use accrued vacation time in lieu of reporting to work may do so. In general, if Boylston Schools are closed or have a delayed opening as a result of weather conditions, employees may take up to one (1) extra hour beyond their normal start time (without loss of pay) to ensure a safe arrival at work.

In the event the Town Administrator or Board of Selectmen decide to close the Municipal Office Building, employees will be notified via “Code Red” text and an alert will be placed on the Town website as soon as possible prior to the beginning of the work day. Employees will be compensated for the period of time that the building is closed, unless they were previously scheduled to take vacation, sick, or other leave time for that period.

When a weather event begins during the day and is forecast to impact driving conditions, or otherwise impact operations, the Town Administrator may opt to terminate operations completely or continue to operate with a limited workforce. In the event a limited workforce is called for, employees selecting to leave work will be required to use their accrued leave time to cover their hours away from work.

The Town Administrator reserves the right to make reasonable changes to this process based on weather and/or emergency conditions or the needs of the town.

Note: This process does not apply to Public Safety, Public Works, or Custodial/Maintenance personnel.

Workplace Privacy

The workplace is intended to be a place of work. Part of work is communications and record keeping. There will be times when management needs access to communications or records maintained by employees in their individual workspaces. Employees must understand that personal items and personal communication received or stored on Town premises or Town equipment are not entitled to a guarantee of privacy. Management reserves the right to search Town property and documents, such as desks, file drawers, workplace lockers, etc.

The Town provides computers, electronic and telephonic communications to employees. Any computer files created on a Town computer belong to the Town. Employees should not use Town computers for personal business without the express written permission of the Town Administrator. The Town reserves the right to review voicemail, electronic mail, computer files and other electronic information generated by or stored in the Town’s electronic systems. Additionally, under MGL Chapter 66, section 10, various employee communications via e-mail messages and/or internet postings using Town provided systems may also be considered public records.

Solicitation

So as not to impose upon fellow employees, or interfere with their work, solicitation is not permitted on work time or in work areas. This includes the distribution of handouts of any kind. Non-employees may not solicit or distribute materials on Town property that is not a public area. Bulletin Board postings must have the approval of your department head prior to being displayed. Any violation of the solicitation policy may result in disciplinary action, up to and including separation of employment.

General Conduct and Standards

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times, having regard for their responsibilities, the interests of the Town, and the welfare of its residents.

All employees, including those who are elected and those who report to various boards, have an obligation to be present at work as required and have proper authorization to be absent from the workplace.

To be in compliance with appropriate standards of conduct, employees must:

- carry out their duties in an efficient, polite, and competent manner.
- maintain specified standards of performance.
- comply with reasonable employer instructions and policies, working as directed.
- respect the privacy of individuals and safeguard confidential information.
- neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; and,
- maintain all qualifications necessary to legally perform their duties.

Employees may be disciplined for actions not in accordance with the standards of conduct expected of a Town employee. It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions that may result in disciplinary action, up to and including separation of employment:

1. Neglect of duty
2. Incompetency or inefficiency
3. Insubordination
4. Possession or consumption of alcohol and/or drugs, intoxication on Town property
5. Chronic or excessive absenteeism or tardiness
6. Abuse or misuse of paid sick leave or a leave of absence under applicable law
7. Disorderly or immoral conduct (i.e. stealing, dishonesty)
8. Falsifying documents
9. Conviction of any criminal act or offense
10. Sexual or other unlawful harassment

11. Fighting or threatening violence in the workplace
12. Unauthorized absence from assigned workstation
13. Inappropriate use of Town E-Mail and/or other electronic equipment
14. Poor customer service and/or disrespectful service to customers or co-workers
15. Making or publishing false or malicious statements concerning another employee, the Town, or its services
16. Conflict of Interest policy violation

The Town of Boylston's enforcement of conduct standards is designed to improve and prevent a recurrence of undesirable employee behavior, performance and/or attendance issues. The Town may take disciplinary action, up to and including separation of employment, against any employee for failing, in the Town's sole discretion, to adhere to certain standards of behavior, performance and attendance. Ignorance of work rules is not an acceptable excuse for a violation of the rules of conduct as it is each employee's responsibility to learn and follow these rules. Although employment may be separated at-will by either the employee or the Town at any time, without following any formal system of discipline or warning, disciplinary action may include all or some of the following:

- Documented verbal warning;
- Written Warning;
- Final Warning; and
- Termination of employment.

The Town of Boylston reserves the right to combine or skip steps depending on the facts of each situation and the nature and severity of the offense. The level of disciplinary action may also vary depending on the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the Town. The employee's direct Supervisor will meet with an employee to impose any disciplinary action within a reasonable time of learning of the undesirable behavior, performance and/or attendance issues.

Note: All corrective action warnings are reviewed by Human Resources before being presented to the employee. Terminations require the approval of the Town Administrator. Additionally, employees covered under a specific Collective Bargaining (Union) Agreement may have different or additional procedures that apply to disciplinary actions and should therefore consult their respective agreements for provisions relative to discipline.

Cooperation in Investigations

For various reasons the Town may need to conduct investigations of workplace matters. Those investigations may be conducted by the Town alone, or in cooperation with law enforcement or other investigative agencies. It is the obligation of every employee to cooperate fully in such investigations. Such cooperation includes responding truthfully and completely to any questions asked during the investigation. Violation of this policy may result in disciplinary action, up to and including separation of employment.

The Town will not tolerate any form of retaliation against employees who cooperate in investigations. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including separation of employment.

Conflict of Interest

All employees of the Town of Boylston must comply with the requirements of Chapter 268A of the Massachusetts General Laws which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below.

Town employees may not:

- a. Ask for or accept anything (regardless of its value) if it is offered in exchange for your agreeing to perform or not perform an official act.
- b. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- c. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- d. Take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
- e. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit

organization, you may not take any official action which would impact that organization or its competitors.

- f. Have more than one job with the same municipality or county or more than one job with the state, except as authorized by Section 20 of Chapter 268A.
- g. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- h. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- i. Ever disclose confidential information, data, or material which you gained or learned as a public employee.
- j. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure including all relevant facts.
- k. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- l. Use public resources for political or private purposes. Examples of “public resources” include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- m. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

Anti-Fraud Policy

The Town has a zero-tolerance policy with regard to fraud, recognizing the importance of protecting its operations, citizens, taxpayers, employees, and assets against financial risks and unethical activities. It is the policy of the Town to enforce and clearly communicate a fraud prevention policy in an effort to prevent and deter all forms of fraud that could threaten the security of our assets and our reputation.

Definition of Fraud

Fraud is defined as a deception deliberately practiced to secure unfair or unlawful gain and includes the misuse or attempt to misuse a Town asset for personal gain or purposes unrelated to Town business. Examples of fraud include but are not limited to the following:

- Bribery
- Deception
- Embezzlement
- Extortion
- False representation
- Forgery
- Misappropriation of money or assets
- Collusion or conspiracy
- Unauthorized use or disposition of funds or property
- Falsification of timesheets or payroll records
- Falsification of expenses and invoices
- Utilization of Town funds to pay for personal expenses or for personal benefit
- Theft of money, physical or intellectual property
- Offering, giving, soliciting and/or accepting an inducement or reward that may improperly influence the action of an employee of the Town

General Policy and Responsibilities

The Town Administrator or his/her designee is responsible to investigate any suspected acts of fraud or misappropriation of property. An objective investigation will be conducted of any person, group or organization reasonably believed to have committed fraud, regardless of: position, job title, and length of service or relationship with the Town. Department heads are responsible for instituting and maintaining programs and controls to prevent, deter and detect fraud.

All Town employees, upon discovery of any violation of this policy, must notify his/her supervisor of the violation through the normal chain of command.

The Town Administrator or his/her designee has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. The Town Administrator will involve such individuals, but not limited to: the Auditor, Town Treasurer, Town Law Enforcement, Legal Counsel and others deemed appropriate.

Upon conclusion of the investigation, the results will be reported to the Town Administrator or his/her designee. If there are reasonable grounds to believe that a fraud may have occurred, the Town Administrator may report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the Town from taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover Town assets.

Securing the Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. The records will be adequately secured until the investigation is complete.

Confidentiality

All participants and all persons questioned in a fraud investigation will keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, the Town Administrator, or his/her designee, will take disciplinary action, up to and including separation of the individual's employment and appropriate legal action. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If however, the allegation was made in bad faith or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the erroneous allegation up to and including separation of their employment.

Political Activity

The Federal Hatch Act as well as the Massachusetts Office of Campaign and Political Finance (OCPF) restricts political activities of public employees. During work hours employees may not work or be assigned to work for, or on behalf of, a political candidate or activity, or participate in other political activities such as lobbying, collecting funds, making speeches, assisting at meetings, or distributing political pamphlets. Under no circumstances may an employee participate in any form of fund raising or activity for a political candidate. All employees must comply with the Hatch Act and OCPF requirements. Furthermore, employees are prohibited from using Town property or equipment for political activities.

The Town does not restrict the right of an employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

Social Networking

Policy

This Policy is intended to provide guidance with regard to the personal use of social networking sites during non-work hours and on equipment not belonging to the Town. Use of such social networking sites during work hours or on equipment owned and/or maintained by the Town is strictly prohibited.

Purpose

Because of the Town's substantial interest in maintaining a professional, collegial, confidential, and impartial workplace, it is imperative that all Town employees who engage in use of social networking sites, such as Facebook, Instagram, Twitter, and others, accept the terms of this Policy and any such additional related policies that may be issued by the Town. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Employees are encouraged to remember that information posted on the internet can be easily traced back to its author and should think before posting information to any online source.

Guidelines for Usage

1. Professional Judgment - Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites. In using social networking sites, employees must be respectful to co-workers, residents, or persons seeking assistance from the Town. Employees must not disclose confidential information, engage in any unlawful activity, or share information that is disparaging or defamatory while using social networking sites, and should refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through use of social networking sites will not be tolerated.
2. Improper Practices - It is not possible to list all the circumstances that may constitute violations of this policy. Activities and/or actions which are considered offensive are messages or material that contain nudity, sexual references or implications, sharing demeaning pictures, cartoons, or jokes, racial or ethnic slurs, or other comments that inappropriately address someone's race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes.
3. Disciplinary Action - The department head will evaluate any suspected violations of this policy on a case-by-case basis. A violation of this policy may result in disciplinary action up to and including separation of employment. Violations of this policy may also

result in the referral of a case to the appropriate authorities for civil or criminal prosecution.

Violations of Policy

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment. Employees must report violations of this Policy to their supervisor, or in the case of department heads, directly to the Town Administrator. Retaliation against another user for reporting a violation or violations of this Policy is strictly prohibited by the Town.

First Amendment and Privacy Rights

This policy is subject to an employee's First Amendment and privacy rights.

Employee Benefits

Regular employees working for the Town of Boylston at least twenty (20) regularly scheduled hours per week are eligible to participate in various benefits programs offered by the Town.

In certain instances, the Town contributes a percentage of the premium cost for both individual and family coverage of various insurance benefit programs. The employee's contribution is made through a bi-weekly payroll deduction.

Further information on the benefits outlined in this section may be obtained from the Treasurer/Tax Collector's Office, or designee. To the extent that any information contained in the Summary Plan Descriptions (SPD) for these benefits differs from the information in this Employee Handbook, the SPD in effect shall prevail.

Note: The Town reserves the right to change, amend, or terminate benefits at any time without notice.

Life Insurance

The Town offers a Basic Term Life and Accidental Death and Dismemberment Insurance policy, through Boston Mutual Insurance Co., for all eligible employees at the time of initial employment.

The death benefit is \$10,000.00 for active employees who contribute \$.56 monthly per payroll deduction and \$2,000.00 for retirees who contribute \$.56 per month.
(Note: Rates are subject to change.)

Additional Optional Life Insurance is available for employees for purchase through Boston Mutual Insurance Co..

Long Term Disability Insurance

All eligible employees may elect Long Term Disability (LTD) Insurance that is made available through the *Sun Life Assurance Company* and administered by *Mosse and Mosse School and Municipal Services*. An LTD benefit provides income protection in the event of a lengthy disability where the injury or illness is not work-related. You do not have to prove evidence of insurability if you elect this coverage within your first thirty (30) days of employment. The LTD monthly benefit pays sixty percent (60%) of your gross pay to a maximum of \$10,000.00 per month for a disability once you have been out of work for ninety (90) calendar days. The cost for LTD coverage is calculated as \$0.50 per \$100.00 of your income. Since the employee pays the insurance premium, LTD benefits will be paid income tax free, both federal and state.
(Note: Rates are subject to change.)

Health Insurance

All eligible employees may elect to participate in HMO Blue New England, the health insurance plan offered by the town. Health insurance premiums are shared between the Town and the employee with the Town paying approximately 63% of the expense and the employee paying 37%. Both individual and family plans are available, and coverage begins on the first day of employment. Health insurance premiums are deducted from employee pay on a pre-tax basis. If a new employee chooses not to enroll in the health insurance plan during his/her first thirty (30) days of employment with the Town, he/she cannot enroll until the next scheduled annual open enrollment, unless a qualifying event (ex: loss of coverage, marriage, divorce, birth or adoption of a child, etc.) occurs.

Dental Insurance

All eligible employees may elect to participate in Dental Blue, the dental insurance plan offered by the Town. Dental insurance premiums are shared between the Town and the employee with the Town paying 63% of the expense and the employee paying 37%. Both individual and family plans are available, and coverage begins on the first day of employment. Dental insurance premiums are deducted from employee pay on a pre-tax basis. If a new employee chooses not to enroll in the Dental insurance plan during his/her first thirty (30) days of employment with the Town, he/she cannot enroll until the next scheduled annual open enrollment, unless a qualifying event (ex: loss of coverage, marriage, divorce, birth or adoption of a child, etc.) occurs.

Note: Health and Dental benefits are also available to eligible Town Retirees where premiums are shared between the Town and the employee with the Town paying 50% of the expense and the employee paying 50%. A surviving spouse may continue coverage by paying 100% of the premium.

Flexible Spending Account

Employees who are benefit eligible may enroll in a Flexible Spending Account (FSA), administered by HealthEquity, Inc., enabling them to withhold pretax dollars from their paycheck, setting these funds aside to pay for out-of-pocket health care related expenses. The employee decides how much to set aside (within IRS guidelines). The employee uses their HealthEquity Visa Reimbursement Account Card or Mobile device to access funds from their account to pay for covered items. Eligible out-of-pocket expenses include but are not limited to doctor visit co-pays, eyeglasses, dental visits, contact solution, allergy prevention & treatment, and cold remedies. Funds held in a flexible spending account are exempt from federal, state and payroll taxes. Eligible employees may enroll upon employment and must renew annually for a July 1st effective date.

COBRA

Eligible employees who participate in the Town's health plan have the right to retain group health insurance coverage under certain circumstances. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and provisions of Chapter 32B of the Massachusetts General Laws gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some qualifying events include:

- resignation;
- death of the employed family member, or of a retired spouse;
- termination of that family member's employment for reasons other than gross misconduct;
- divorce or legal separation;
- reduction in the employee's hours;
- the employed family member becomes entitled to Medicare;
- a dependent ceases to be a "dependent child" under the plan.

Under COBRA, the employee or beneficiary must pay the full cost of coverage at the Town's group rate plus an administrative fee. If/when the employee becomes eligible for coverage under COBRA, the Town and/or its health insurance consultant will provide them with important information about their rights and obligations. It is the employee's responsibility to notify the Town when a qualifying event occurs.

Health Insurance Portability and Accountability Act (HIPAA)

The Town will comply with the Privacy Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town will limit the use of and access to Protected Health Information that is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to an individual's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.

Retirement

Membership in the Worcester Regional Retirement System is mandatory for all employees in regular positions working twenty (20) or more hours per week and/or 1040 hours per year. New employees contribute 9% of their gross salary to the pension fund. An additional 2% is deducted for salaries over \$30,000.00 for all employees hired on or after January 1, 1979.

Employees under the age of fifty-five (55) who resign from Town service may withdraw their accumulated deductions from the retirement system or, if they have at least ten (10) years of service, may leave their funds on deposit and apply for a retirement allowance upon reaching the age of fifty-five (55) or later.

Employees hired into Town service after April 1, 1986 are subject to an additional payroll deduction of 1.45% of their weekly pay. This deduction is a requirement of the Federal Government and covers the Medicare portion of the Social Security (FICA) tax.

Note: Your earnings from your employment with the Town of Boylston are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from this job. If you do, and you are also entitled to a benefit from Social Security based on either your own work history in the private sector or the work your spouse, your pension may affect the amount of the Social Security benefit that you are entitled to receive. Your Medicare benefits, however, will not be affected. For more information regarding this provision please visit www.socialsecurity.gov.

For further information concerning retirement benefits, you may contact the Worcester Regional Retirement System at (508) 832-6314.

OBRA

If you are classified as a Special Part-Time Employee who is working less than twenty (20) hours per week, you must contribute a portion of your gross compensation to the Massachusetts Deferred Compensation retirement plan (MA Smart Plan) as required by federal law. This requirement is mandated by the provisions of the federal Omnibus Budget Reconciliation Act (OBRA) as an alternative to Social Security coverage. If you were hired on or after April 1, 1986, you must also contribute a portion of your gross pay (1.45%) to FICA/Medicare. When you leave employment with the Town, you may withdraw your Massachusetts Deferred Compensation OBRA contribution, but not your FICA/Medicare contribution.

Retirement Savings (457 Plan)

Benefit eligible employees may participate in a Section 457 Deferred Compensation Plan (MA Smart Plan). Participation is voluntary and the advantages of the program include building savings for retirement while reducing your current Federal and State tax obligation. Additionally, participation in the plan is made possible through automatic payroll deduction. For more information employees may contact a Great West retirement specialist at 1-877-457-1900.

Eligible employees may choose the percentage of salary they elect to have deducted each payroll period and can select which risk group(s) they choose to have their money invested. Federal laws stipulate an annual maximum dollar amount that employees may contribute to the plan.

Longevity Pay

Regular, benefit-eligible (non-contractual and non-union) employees in continuous employment will be awarded longevity pay based on length of service as stated below, and subject to a satisfactory performance evaluation during the preceding twelve (12) month period:

- After five (5) years of service: two hundred fifty dollars (\$250.00) per year over regular salary.
- After ten (10) years of service: five hundred dollars (\$500.00) per year over regular salary.
- After fifteen (15) years of service: seven hundred fifty (\$750.00) per year over regular salary.
- After twenty (20) years of service: one thousand dollars (\$1,000.00) per year over regular salary.

Longevity payments will be made once a year with the first regularly scheduled payroll in the month of December for those who qualify as of December 1st.

Employee Assistance Plan (EAP)

The Town of Boylston offers an Employee Assistance Program (EAP) to all Town employees, their families and household members at no charge to the employee. EAP is a confidential counseling service that is administered by an outside vendor (the Massachusetts Interlocal Insurance Association) and designed to assist employees and their families with various personal issues. EAP services include initial assessment, short-term counseling, referral and follow-up. The EAP is staffed by licensed professional counselors who are experienced, working with a wide range of issues.

EAP counselors can provide assistance for issues involving the following:

- Family and/or child rearing
- Couples conflicts
- Financial and/or legal concerns
- Managing job stress
- Personal health
- Drug and/or alcohol issues

These services are strictly confidential and participation is voluntary. EAP also provides services to assist employees and supervisors with workplace behavior and conflict. Appointments are available day, evening, and on an emergency basis, 24 hours per day. To speak with a counselor, call 1-800-451-1834, or download the mobile app from your app store by searching for "MIIA EAP".

Holidays

The Town of Boylston recognizes the following eleven (11) paid holidays for eligible employees:

New Year's Day
Martin Luther King Day
Presidents Day
Patriots Day
Memorial Day
Independence Day (4th of July)
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day

- In order to receive holiday pay, non-exempt employees must work their scheduled day before and their scheduled day after the holiday unless the employee is on an approved vacation or sick day.
- Holidays falling on Saturday will be observed on Friday (or Thursday for Town Hall employees), while those falling on Sunday will be observed on Monday.
- If a designated holiday occurs while an employee is on vacation leave, no charge for the holiday will be made against accrued vacation leave.
- The Town respects the right of each employee to worship as his or her faith dictates. Generally, employees may use accrued vacation days or time off without compensation on religious holidays that they wish to observe.

Note: The Town will provide reasonable accommodations for employees sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the Town. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his/her religion. To make a reasonable religious accommodation request, please contact your department head, who will consult with the Town Administrator and/or Human Resources Administrator.

Vacation Leave Accrual

Eligible employees earn vacation pay based on the length of their continuous service with the Town of Boylston. The vacation year is based on the calendar year, January 1st through December 31st, and is credited as such. No earned/accrued vacation time can be carried over into the next calendar year of employment unless approved by the Town Administrator.

Vacation Pay for employees with less than one (1) year of service

If employment begins between January 1st and June 30th, vacation time is accrued at the rate of one (1) day per full month worked from date of hire through June 30th. Such vacation time earned during the first half of the year must be taken during the second half of the year between July 1st and December 31st.

If employment begins after June 30th, no vacation is earned or available to use during the remainder of that calendar year.

Vacation Pay for employees entering their first full calendar year

January 1st of the calendar year in which the employee reaches his/her first (1st) service anniversary is used to determine the vacation allotment/accrual as follows:

- *One (1) to four (4) years completed, two (2) weeks of vacation
- Five (5) to nine (9) years completed, three (3) weeks of vacation
- Ten (10) to fourteen (14) years completed, four (4) weeks of vacation
- Fifteen (15) or more years completed, five (5) weeks of vacation

*Accrued vacation time is not available to a new employee until he/she has completed three (3) consecutive months of employment.

Vacation eligible employees whose services are terminated voluntarily or involuntarily will be paid for any unused accrued vacation time.

Vacation Approval

Vacation scheduling must be approved by the employee's department head who will ensure the efficient coverage and operation of the department in the employee's absence.

Sick Leave Accrual

Eligible employees who have completed three (3) months of continuous service are eligible for sick pay leave.

Employees accrue sick leave at the rate of one and one quarter (1.25) days per month which equates to fifteen (15) days in a calendar year. Sick time will continue to accrue and can be carried forward from year to year until a maximum holding of sixty (60) days is reached. Actual hours accrued are pro-rated, based on the employee's total hours worked.

Sick leave pay will be granted in cases of an employee's illness, a non-work related accident, or an illness in the immediate family. After five (5) consecutive days of absence*, a physician's note/certificate will be required and must be submitted to an employee's department head before he/she can return to work. A medical examination at Town expense may be requested by your department head to protect both your interest and the Town's interest.

**Note: If a department head has concern that an employee may be engaged in abuse or a pattern use of sick leave, in consultation with the Town Administrator's Office, the department head may require a physician's medical note/certificate at such time to substantiate the absence.*

Bereavement Leave

Eligible employees will be granted up to four (4) days of paid leave in the event of the death of an immediate family member. "Immediate family" is defined as an employee's spouse, child, grandchild, parent, sibling, grandparent, parent-in-law, grandparent-in-law, spouse of a sibling, or equivalent step-relations. In the event of the death of the employee's aunt or uncle, one (1) paid bereavement day may be taken. Based on circumstances, an additional paid bereavement day may be granted with the approval of the Town Administrator.

Jury Duty Leave

In accordance with Chapter 234A of the Massachusetts General Laws, if an employee is required to serve on a jury when scheduled to work, he/she will be paid their base rate of pay by the Town for the first three (3) calendar days of jury service. For the fourth and subsequent days of juror service while scheduled to work, the Town will pay the difference between the amount received as juror compensation and the employee's base rate of pay. Employees must provide documentation from the court showing the day(s) served and the amount of any compensation received in order to receive Jury Duty Pay.

Military Leave

The Town of Boylston fully recognizes, honors, and enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA). We appreciate the values, leadership, and unique skills that service members bring to the workforce and will continually recognize and support our employed service members and their families in peace, in crisis, and in war. If an employee leaves Town employment to enter military service, or if as a reservist an employee is placed on active duty, he/she may be granted a military leave of absence. This leave entitles the employee to be away from Town for active service and to return without a break in seniority or other benefits in accordance with Massachusetts law and the federal USERRA.

Employees who learn that they are required to attend reserve military training must notify their supervisor in writing, in advance of their scheduled training, informing their supervisor of the expected duration of the training and their anticipated date of return to Town employment.

If an employee participates in annual military training, he/she will receive the difference between the compensation they would have received from the Town and their military pay and allowances, for up to 17 days in a calendar year. It is the responsibility of the employee to submit documented proof of military training along with a statement from the applicable branch of service indicating the rate and total amount of wages paid for the training period.

Employees called to active duty must notify their supervisor in writing, before such duty commences, of their expected dates of leave from and return to Town employment. In accordance with state and federal law, an employee may be eligible for reemployment to the position that the employee held prior to being called to active duty or to a position of similar seniority, status, and pay.

Small Necessities Leave

All eligible employees are entitled to take up to a total of twenty-four (24) hours of leave during a twelve (12) month period for the following reasons:

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

The hours may be taken on an intermittent (i.e. two hours to attend a parent-teacher conference) or reduced-time schedule.

The law provides for an unpaid leave; however, an employee may elect to use any paid leave that he or she has accrued.

Federal Family and Medical Leave Act (FMLA)

Eligibility Requirements

Employees are eligible for FMLA if they have worked for the Town for at least one year and have worked at least 1,250 hours during the 12 months prior to the start of the requested leave.

Leave Entitlement

The Town will grant an eligible employee up to a total of twelve work weeks of unpaid leave during a fiscal year for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition;
- For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;"
or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently.

The Town may choose to require the use of accrued leave during some or all of the FMLA leave. In no case, however, can use of paid leave be credited as FMLA leave after the leave has ended.

Employees eligible for FMLA leave must use accumulated paid leave concurrently with their FMLA leave until all such paid leave is exhausted.

The Leave Year

The Town has designated a rolling leave year, which determines FMLA leave eligibility by reference to the amount of FMLA leave taken during the twelve months immediately preceding the request for FMLA leave. This rolling leave year does not apply to Military Caregiver Leave. The leave year for Military Caregiver Leave is a single 12-month period that begins on the first day of the employee's leave.

Maintenance of Health Benefits

During FMLA leave, the Town will maintain your health insurance coverage on the same terms as if you continued to work, if you have indicated your intent to return to work at the end of your FMLA leave. Arrangements to pay the employee share of such benefits must be made by contacting the Treasurer/Tax Collector, or designee. If you do not return to work upon the completion of your FMLA leave, the Town may recover the cost of any payments made to maintain your health insurance coverage, unless the failure to return to work was for reasons beyond your control. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of FMLA leave.

Job Restoration

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

Notice and Certification

Employees seeking to use FMLA leave are required to provide their department head:

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the FMLA form (available in the Town Administrator/HR Administrator's Office);
- Second or third medical opinions and periodic recertification (at the Town's expense) if requested by the Town; and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the employee's department head.

When leave is needed under the category of care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.

Other Provisions

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, where applicable.

Parental Leave

Eligible employees who have been employed for three (3) months are entitled to (8) eight weeks of unpaid leave:

- to give birth,
- for the placement of a child under the age of eighteen (18) that the employee is adopting or intends to adopt, or
- for the placement of a child under the age of twenty-three (23) if that child is mentally or physically disabled, that the employee is adopting or intends to adopt.

To be eligible for this leave, the employee must give the Town at least two weeks' notice of the anticipated date of departure and the employee's intention to return to work at the end of their leave or, if delayed notice is beyond the employee's control, as much notice as possible.

Parental leave is unpaid, but employees may use their accrued sick or vacation time in order to receive pay during this leave, if they wish to do so. At the conclusion of parental leave, employees will be restored to their previous or similar position unless business conditions have eliminated the position or restructured their job during the employee's absence. Parental leave will run concurrently with leave under the Family and Medical Leave Act, if the employee is eligible for such leave.

If both parents are employed by the Town, they, together, will be eligible for a total of eight weeks of leave. Employees who take more than eight weeks of leave will not be guaranteed reinstatement unless otherwise required by state or federal law. Questions about parental leave may be addressed to the Town Administrator and/or the Human Resources Administrator.

Note: Employees must inform their immediate supervisor/ department head as soon as possible should the need to take a Leave of Absence arise. The Town Administrator's Office will assist by answering questions, determining leave-appropriate eligibility, and supplying any necessary forms/ paperwork for completion.

Drug & Alcohol-Free Workplace

It is the intent the Town of Boylston to provide a working environment that is free from the use of non-prescribed drugs, alcohol, and marijuana. Drug, alcohol, and marijuana use while on duty is detrimental to the safety and productivity of our employees and the citizens of the Town. No employee may be under the influence of any illicit drug, alcohol, or marijuana while on duty or while representing the Town in business dealings.

The unlawful manufacture, use, possession, distribution, transfer, purchase, sale, or being under the influence of illegal drugs, alcohol or marijuana while engaged in activities related to the employee's work for the Town or while on duty is strictly prohibited and may lead to disciplinary action, up to and including termination of employment. When appropriate, the employee may be referred to approved counseling or rehabilitation programs. All employees must comply with this policy as a condition of employment.

Employees may use physician prescribed or over the counter medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace. Employees who are taking prescription drugs or other medication that may affect their ability to work safely must report this information to their supervisor and may be required to submit a physician's statement that the use of the drug will not impair their ability to work safely.

Searches

If there is a reason to suspect that an individual has engaged in suspicious activity or wrongdoing, the Town reserves the right (in consultation with the Town Administrator's Office) to inspect any person, place or thing on Town property including, but not limited to, clothing, personal and Town vehicles, lunch boxes, purses, briefcases or other containers that have been brought onto Town property. An employee's consent to such searches is required as a condition of employment. Any employee who refuses to permit a search or who otherwise violates this policy will be subject to disciplinary action up to and including termination of employment.

In the event that any illegal substance is found at any site, the Town will conduct an investigation and act accordingly.

Reasonable Suspicion Testing

Drug or alcohol testing may be required of any employee whenever, in the sole judgment of management, "reasonable suspicion" exists that the employee is under the influence of a controlled or prohibited substance. Employees who test positive for the presence of alcohol, marijuana, or illegal drugs or who refuse to be tested will be terminated.

Post-Accident Testing

Work-related accidents or injuries, whether on or off Town property, may result in drug or alcohol testing for any employees where the circumstances of the accident or injury suggest that substance abuse could have had an effect on the employee's behavior and/or were the cause of the accident or injury. Employees who test positive for the presence of alcohol, marijuana, or illegal drugs or who refuse to be tested will be terminated.

Smoking in the Workplace

The Town strives to create and maintain a safe and healthy working environment for all its employees. Therefore, in accordance with state law and town bylaw, smoking, including the use of vaping products, is strictly prohibited in all Town buildings (except in designated areas and during scheduled breaks). Furthermore, smoking is not allowed in any Town owned or leased building or vehicle. This policy is also intended to reduce health risks associated with exposure to tobacco smoke.

Workplace Safety

The Town strives to provide a healthy and safe work environment for its employees. Maintaining safe working conditions requires the cooperation of Town management and employees. It is each employee's responsibility to perform and complete his or her work assignments in a safe manner in compliance with all Town policies and subject to Occupational Safety and Health Administration (OSHA) standards, safety laws and regulations. If an employee becomes aware of a situation that may endanger his or her own or other's health or safety, the employee must notify a supervisor immediately. It is the responsibility of employees to identify and become familiar with the emergency plan for their respective departments. Attention to personal safety cannot be overemphasized. If any employees have suggestions regarding additional safety measures, they are encouraged to put them in writing and submit them to the Town Administrator.

Vehicle Operation

All employees who operate a Town-owned or leased vehicle must have a valid driver's license appropriate to the type of vehicle(s) being operated. In addition, all employees who drive or are passengers in any vehicle used to conduct Town business are required to wear seat belts, refrain from smoking, stay within the posted speed limits, and adhere to all motor vehicle regulations. Employees must immediately notify their department head of any change in the status of any license, certification or other documentation that governs the fulfillment of their duties or for which the employee receives a stipend or other compensation.

Cell Phone Use & Texting

Employees must comply with all federal and state laws regarding the usage of cell phones and other electronic and/or telecommunicating equipment while operating a vehicle. Texting while operating a vehicle is strictly prohibited as is the handling of a cell phone.

Responsibilities of Department Heads and Employees

Department heads and supervisors are responsible for:

- ensuring that work areas are safe;
- recommending correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or conduct;
- Ensuring the availability and utilization of appropriate protective clothing and equipment;
- observing working conditions and procedures to prevent possible safety hazards; and
- promptly reporting and investigating all accidents.

Employees are responsible for:

- observing all safety rules, operating procedures, and safety practices;
- using personal protective equipment;
- reporting unsafe areas, conditions, or other safety problems; and
- promptly reporting all accidents to the appropriate supervisor.

Note: Employees violating safety rules, practices, and policies may be subject to disciplinary action, up to and including separation from employment.

Workers' Compensation

The Town of Boylston follows the provision of Massachusetts General Law Chapter 152 for those eligible employees who are injured during the course of their Town duties.

The following steps must be followed:

1. The injured employee must report to his/her supervisor any injury or illness incurred during the course of performing duties for the Town.
2. The supervisor is responsible for ensuring the completion of forms required by the Town Administrator's Office. Forms must be submitted to the Town Administrator's Office, c/o Human Resources, within five (5) days of an injury where time from work was lost.
3. The Town Administrator's Office must review forms and submit all materials to the insurance provider in a timely manner.
4. The injured employee must be incapacitated for five (5) days before he/she is eligible for wage reimbursement. If an employee is incapacitated from work for less than 20 days, he/she will not receive benefits for the initial five (5) days of

the incapacity. If the incapacity extends beyond 21 days, compensation is retroactive to the first day of incapacity. Upon eligibility, the reimbursement rate is 60% of the employee's average weekly earnings for a maximum of 160 weeks. The employee is allowed to use 40% of his accrued sick leave and/or vacation time (accrued prior to the injury/illness) to make up 100% of his/her weekly earnings while on Workers' Compensation.

5. The Town is responsible for payment of medical expenses for injuries that do not involve lost time. Payments to medical providers are made at the "usual and customary rate" as set by the State Rate Setting Commission.
6. If the employee's physician releases the employee to a suitable job "consistent with the employee's physical and mental condition", the employee is obliged by law to accept the light duty job (where available) or benefits will be suspended. Therefore, the Town will institute "light duty" whenever feasible.
7. The Town or its agent may request employees collecting these benefits to undergo periodic medical examinations with a provider of its choice and at Town expense.

Workplace Violence

The Town of Boylston maintains a zero-tolerance policy toward workplace violence, or the threat of violence by any of its employees, customers, the public, or anyone who conducts business with the Town. It is the intent of the Town to provide a workplace that is safe and free from intimidation, threats, or violent acts. The Town will encourage and foster a work environment that is characterized by respect and healthy conflict resolution.

Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Employees may also be subject to disciplinary action, up to and including termination of employment.

The Town needs the cooperation of all employees to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is a Town employee. Supervisors and department heads who receive such reports must contact the Town Administrator's Office immediately and assist in the investigation process. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

For the purposes of this policy, the word violence shall mean an act or behavior that:

- is physically injurious or abusive;
- a reasonable person would perceive as obsessively directed (e.g. an intensely focused grudge, grievance or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;
- is a behavior or action that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

Note: Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.

Discriminatory Harassment Prevention Policy

It is the policy of the Town of Boylston to promote a workplace that is free of discriminatory harassment of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, gender identity and expression, race, color, national origin, ancestry, transgender, religion, age, disability, genetics, military status or sexual orientation, or participation in discrimination complaint-related activities (retaliation).

The Town of Boylston will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace, in connection with related travel, and/or work-sponsored events will not be tolerated. Furthermore, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperation with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because the Town of Boylston takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that

inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

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

Definitions

“Harassment” means unwelcome conduct whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

“Quid pro quo” means a favor or advantage granted or expected in return for something. Quid pro quo harassment is the most commonly recognized form of sexual harassment. It occurs when:

1. Job benefits, including employment, promotion, salary increases, shift or work assignments, performance expectations and other conditions of employment, are made contingent on the provision of sexual favors, usually to an employer, supervisor or agent of the employer who has authority to make decisions about employment actions, or
2. The rejection of a sexual advance or request for sexual favors results in a tangible employment detriment, a loss of a job benefit of the kind described above.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working 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 definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either 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:

1. Unwelcome sexual advances – whether they involve physical touching or not;
2. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
3. Displaying sexually suggestive objects, pictures, cartoons;
4. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
5. Inquiries into one's sexual experiences; and,
6. 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 a sexual harassment complaint is unlawful and will not be tolerated by the Town of Boylston.

Complaint Procedures

All employees, managers, and supervisors of the Town of Boylston share responsibility of avoiding, discouraging, and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Administrator or his/her designee, who will administer the policy and procedures described herein.

If any of our employees believe that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the Town of Boylston. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with the Town of Boylston using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of the Town of Boylston and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be

filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting the Town Administrator's Office at (508) 869-0143. The Town Administrator and/or Human Resources Administrator is/are available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

Complaint Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation.

When we have completed our investigation we 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. Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include other forms of disciplinary action as we deem appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including 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 requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incidents.

The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The Massachusetts Commission Against Discrimination (MCAD)

Boston Office:

1 Ashburton Place
6th Floor, Room 601
Boston, MA 02108
(617) 994-6000

New Bedford Office:

128 Union Street, Suite 206
New Bedford, MA 02740
(774) 510-5801

Springfield Office:

436 Dwight Street
2nd Floor, Room 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:

Worcester City Hall
484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

Complaints of harassment may be made to your department head, or if the complaint involves that individual, to the Town Administrator at 221 Main Street, Boylston, MA 01505. The telephone number is (508) 869-0143.

Whistleblower Policy

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the Town:

- a. To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
- b. To protect Town employees who have reported improper government action in accordance with this policy.

The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, department head, the Town Administrator and/or the Human Resources Administrator, or the appropriate

governmental agency responsible for investigating such improper action. The employee may be asked to submit a written report to the Town stating in detail the basis of the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person's supervisor, the Town Administrator or the Human Resources Administrator/designee, or other government agency. In all other cases, the employee must first follow the reporting procedure outlined above.

Note: Further information regarding the Whistleblower Policy can be obtained from the Town Administrator's Office.