

# BYLAWS OF THE TOWN OF GRANBY

## VOLUME II

### CHAPTER XIX PERSONNEL BYLAW

#### TABLE OF CONTENTS

<b>SECTION</b>	<b>PAGE</b>
SECTION 1 - NAME OF BYLAW AND AUTHORITY .....	1
SECTION 2 - PURPOSE AND COVERAGE .....	2
SECTION 3 - EQUAL OPPORTUNITY .....	3
SECTION 4 - DEFINITIONS .....	4
SECTION 5 - THE PERSONNEL BOARD .....	5
A.    Membership, Vacancies, and Eligibility.....	5
B.    Duties .....	5
SECTION 6 - THE CLASSIFICATION PLAN.....	9
A.    Position Titles .....	9
B.    Job Description .....	9
C.    New or Changed Positions.....	9
D.    Personnel Records .....	10
SECTION 7 - COMPENSATION PLAN.....	11
A.    Jurisdiction.....	11
B.    Pay Schedules .....	11
C.    Review of Pay Schedules.....	11
SECTION 8 - PERSONNEL RELATIONS .....	12
A.    Recruitment of New Employees .....	12
B.    Performance Appraisal .....	12
C.    Advancement in Rate.....	12
D.    Promotions to a Higher Grade .....	13

E.	Assignment to a Lower Grade .....	13
F.	Reclassification Rate .....	13
G.	Across the Board Increases.....	13
H.	Longevity Pay .....	13
SECTION 9 - ROLE OF PERSONNEL BOARD IN GRIEVANCE CASES .....		14
SECTION 10 - PERSONNEL RELATIONS REVIEW BOARD .....		15
SECTION 11 - <b><u>DISCRETIONARY/NON-STATUTORY</u></b> BENEFITS .....		16
A.	Paid Vacation Leave .....	16
B.	Holiday Leave.....	17
C.	Bereavement Leave .....	17
D.	Military Leave .....	17
E.	Maternity Leave.....	18
F.	Jury Duty Leave.....	18
G.	Sick Leave .....	18
H.	Leaves of Absence (Unpaid) .....	19
I.	Compensatory Time Off .....	19
J.	Personal Leave.....	20
K.	Insurance.....	21
L.	Retirement.....	21
M.	Witness Leave.....	21
SECTION 12 - DISCIPLINARY ACTION .....		22
APPENDIX A AUTHORITY FOR PERSONNEL RELATIONS REVIEW BOARD .....		23
APPENDIX B GRIEVANCE PROCEDURES .....		24
APPENDIX C CLASSIFICATION PLAN GRADE ASSIGNMENTS.....		26
APPENDIX D COMPENSATION PLAN PAY SCHEDULES .....		27

# **BYLAWS OF THE TOWN OF GRANBY**

## **PERSONNEL BYLAW**

### **CHAPTER XIX**

#### **SECTION 1 – NAME OF BYLAW AND AUTHORITY**

This Bylaw shall be known and cited as “The Personnel Bylaw” and is hereby adopted pursuant to the provisions of the General Laws Chapter 41 Sections 108A and 108C.

## SECTION 2 - PURPOSE AND COVERAGE

Purpose – The purpose of this Personnel By-Law is to assure the establishment and maintenance of an equitable personnel system within the Town of Granby. The policies and procedures for personnel administration set forth herein have, as their purpose, to promote, the efficiency and economy of Town government: to promote the morale and well being of non-union Town employees; to promote equal employment opportunity for all candidates for employment by the Town for all its employees.

Policy – This Personnel By-law is based on the following principles:

- a) Providing fair and equitable compensation for non-union Town employees;
- b) Classifying and identifying positions that are similar in respect to other duties and responsibilities;
- c) Providing adequate wages, salaries and supplementary benefits; and
- d) Providing appropriate rules and regulations for personnel practices.

### **SECTION 3 - EQUAL OPPORTUNITY**

The recruitment, selection, employment, training, and advancement of employees shall be without discrimination because of race, color, age, religion, national origin, gender, disability, **genetics, gender identity** or sexual orientation.

## SECTION 4 - DEFINITIONS

- A. "Appointive authority": The appointive authority for positions assigned to elected boards and offices shall be the relevant board or officer. The appointive authority for all other positions shall be the Select Board.
- B. "Supervisor": The person, including of an appointive authority, who is directly responsible for the job performance of an employee.
- C. "Full-time employee": Those persons employed, not elected, by the town, who **regularly** work a minimum of twenty-seven (27) hours per week.
- D. "Day": When used in the context of benefits or leave, "day" is one fifth (1/5) of the employee's normally scheduled workweek.
- E. "Working hours": After consulting with other elected officials of the town, the Select Board shall, by administrative order, establish the working hours of all offices. Such hours shall be prominently displayed in the entrance to offices currently used as town offices, and in such other places as the Board may determine. All employees of the town are entitled to an unpaid break of thirty- (30) minutes duration after five consecutive hours of work.
- F. "He or his": The word "he" or "his" is used to denote an employee of the town and not for purpose of determining gender.
- G. "Work week": The workweek consists of forty- (40) hours per week. The workday hours may vary, but the total hours a week shall not exceed forty- (40) hours.
- H. "Overtime": Overtime shall be any hours in excess of a forty- (40) hour workweek.
- I. **"Moderator": The "Moderator" refers to the elected Granby Town Moderator**
- J. **"Personnel Director": The Town Administrator shall act as the Personnel Director of the town.**
- K. **Regular Full-Time Employee: An employee who is employed by the Town on a regular basis (year round employment) in a permanent position to work the applicable workweek for full-time employment.**
- L. **Regular Part-Time Employee: An employee who is employed by the Town on a regular basis (year-round employment for less than full-time) in a permanent position to work less than the applicable workweek for full-time employment. Part-time employees shall not be entitled to any discretionary/non-statutory benefits unless otherwise provided for in the By-Law.**

M. *Temporary and Seasonal Employee (Full-Time or Part-Time): An employee who is employed by the Town in a seasonal position or for a temporary period of time, either on a full-time or part-time basis.*

## SECTION 5 – THE PERSONNEL BOARD

### A. Membership, Vacancies, and Eligibility

The Moderator shall appoint a Personnel Board consisting of five members and two associates for three-year terms. In the event of the absence of one or more full members, the associate members, according to seniority, shall be part of a quorum and have full voting privileges.

The Personnel Director shall be an ex-officio member of the Personnel Board

In making appointments, the Moderator shall include some persons who are familiar with the principles, methods, and practices of labor relations and personnel administration.

Members shall hold office until a successor has been appointed and qualified. Such successor shall be appointed to fill the remainder of the unexpired term.

Persons appointed must be registered voters of the Town. Members shall serve without pay. Employees of the Town or elected officials shall be ineligible for membership.

### B. Duties

#### 1. The Personnel Board shall:

- (a) **Recommend** such policies, procedures, regulations and employee handbook, as it deems necessary for the administration of this bylaw.
- (b) Annually elect a Chairperson, Vice-Chairperson and Secretary.
- (c) Meet quarterly or more often as necessary to consider such business as may be presented by Town official, Town employees or other interested persons. A majority of the Board shall constitute a quorum for the transaction of business. The votes of at least three members of the Board shall be necessary on any matter upon which it is authorized to act
- (d) Meet with (a) the Select Board and (b) the Finance Committee, at least annually **and as requested**.
- (e) Annually make a report to the Town, including recommendations on any matters related to the personnel bylaw, which it feels, should be considered by the Town.
- (f) Review and recommend training for Town employees, as it deems necessary.

2. The Personnel Board may employ assistants and incur expenses, as it deems necessary subject to the appropriation of funds.
3. Personnel System

The Personnel Director shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies. The personnel system shall make use of modern concepts of personnel management and shall include but not be limited to the following elements.

(a) Method of Administration:

The Personnel Director shall be responsible for a system of administration, *or may delegate said system,* which assigns specific responsibility for all elements of the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, maintain the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure in the capacity of Personnel Director, the Town Administrator shall only report to and be administratively responsible to the Personnel Board. The Personnel Board shall participate in and contribute to any employment evaluation process of the Town Administrator as to any review of the Personnel Director.

(b) Classification Plan:

A position classification plan for all employees subject to this bylaw shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be appointed to a position not included in the classification plan.

Types of Employees

**Regular Full-Time Employee:** An employee who is employed by the Town on a regular basis (year round employment) in a permanent position to work the applicable workweek for full-time employment.

**Regular Part-Time Employee:** An employee who is employed by the Town on a regular basis (year-round employment for less than full-time) in a permanent position to work less than the applicable workweek for full-time employment. Part-time employees shall not be entitled to any

discretionary/non-statutory benefits unless otherwise provided for in the By-Law.

*For a regular part-time employee who becomes a regular full-time employee, said part-time hours will be converted to full-time creditable service.*

*The procedure to be used for conversion is the actual number of hours worked as a part-time employee divided by 2080 hours resulting in full-time creditable service, and said creditable service shall be used in determining benefit date of said employee.*

Temporary and Seasonal Employee (Full-Time or Part-Time): An employee who is employed by the Town in a seasonal position or for a temporary period of time, either on a full-time or part-time basis.

Each temporary or seasonal position held by an employee is considered separately in determining an employee's status. If an employee holds a series of consecutive temporary positions, he/she shall continue to be designated as a temporary employee.

(c) Compensation Plan:

A compensation plan for all positions subject to this bylaw shall consist of: (1) a schedule of pay grades including minimum, maximum, and intermediate rates for each grade; and (2) an official list indicating the assignment of each position to specific pay grades.

(d) Recruitment and Selection Policy:

A recruitment, employment, promotion and transfer policy which ensure that reasonable effort is made to attract qualified persons and those selection criteria are job related, and which is in conformity with all current Executive Orders on Affirmative Action.

(e) Disciplinary Policy and Grievance Procedure:

A disciplinary policy is established which is reasonable and a method of addressing grievances resulting from improper application of personnel policies or disciplinary procedures.

(f) Personnel Policies:

A series of personnel policies are in place, which establishes the rights, and benefits to which personnel employed by the town are entitled and the obligations of said employees to the town.

(g) Personnel Records:

A centralized record keeping system is in place, which maintains essential personnel records

(h) Union Contracts

Copies of the latest union contracts are available.

(i) Other Elements

Other elements of a personnel system as deemed appropriate or required by law.

The Personnel Board shall maintain, in writing, the Classification Plan and Compensation Plan described in subparagraphs (b) and (c) above. Neither of said plans shall apply to employees who are covered by a collective bargaining agreement or a personal employment contract. The Personnel Board shall annually review both Plans and shall prepare for presentation to the Select Board for approval and subsequent inclusion in the warrant for the Annual Town Meeting, a compensation plan to be effective for the ensuing fiscal year and any revisions to the Classification Plan. The Compensation Plan and revisions to the Classification Plan shall be subject to approval by Town Meeting, by a majority vote.

4. Adoption and Amendment of Personnel Policies

The Personnel Board shall promulgate personnel policies defining the rights, benefits and obligations of employees and submit any changes to the Select Board for their approval. Policies shall be adopted or amended as follows:

(a) Preparation of Policies

The Personnel Director on behalf of the Personnel Board shall prepare policies or amendments to policies. Any *citizen of the Town* may propose a new policy or an amendment to existing policies to the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Director in writing. The Personnel Director shall review the proposal and make a recommendation to the Personnel Board. If the Personnel Board approves, it shall be forwarded to the Select Board for action.

## SECTION 6 – THE CLASSIFICATION PLAN

### A. Position Titles

Positions in the service of the Town, full and part-time, except those elected by the voters and those which are essentially temporary or seasonal, shall be classified by titles, and each title shall be subject of a separate job description and be assigned to as specific grade. These classifications and assignment to grade are annexed hereto as Appendix C.

### B. Job Description

The Personnel Director shall develop and maintain written job descriptions, and from time to time amend such job descriptions.

A job description shall consist of a statement describing *the required education and/or experience, required tasks and duties*, the essential nature of the work and the characteristics of that position.

Specifically, nothing contained in a job description shall in any way affect or modify the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or direct and control the work of any employee under the jurisdiction of such authority.

### C. New or Changed Positions

1. Whenever a new position is to be established or the duties of an existing position are to be substantially changed so that in effect a new position is to be created, it shall be the duty of the appointive authority to submit an application with the Personnel Director so that the Personnel Board may review the proposed change before forwarding it to the Select Board. Such application shall include a rationale for the change requested and substantiating data satisfactory to the Personnel Board.

The Personnel Board shall consider the request and act on it. The action of the Personnel Board shall be forwarded to the Select Board for their consideration, if the Board approves, the change in classification shall be temporary until approved at the next Annual Town Meeting.

2. A request by an appointed authority for a change in the classification of a person subject to this bylaw or for revisions of the compensation plan shall be filed with the Personnel Director so that the Personnel Board may review the proposed change before forwarding it to the Select Board. The Personnel Board shall review the proposed change with the requesting authority and the Personnel Director, and inform the Finance Committee prior to making a recommendation to the Town Meeting.

#### D. Personnel Records

The personnel and leave records of all employees under the classification plan shall be kept under the jurisdiction of the Personnel Director. Leave records shall be certified on department payrolls.

## **SECTION 7- COMPENSATION PLAN**

### **A. Jurisdiction**

The classification of positions and the establishment and annual review of the compensation plan are the responsibility of the Personnel Board subject to the approval of the Select Board and the Annual Town Meeting.

### **B. Pay Schedules**

The compensation plan shall consist of pay schedules of ten steps or levels, which shall provide minimum through maximum salaries or wages for the twelve pay grades in the classification plan. The pay schedule is annexed hereto as Appendix D (For advancement in rate see Section 8 Paragraph C Sub-paragraph 1.)

### **C. Review of Pay Schedules**

The Personnel Board shall annually review the salaries and an hourly compensation rate of all positions subject to the provisions of this bylaw and submit them to the Select Board for approval, who upon approval will inform the Finance Committee. The amendments or revisions shall become effective upon adoption by Annual Town Meeting.

## SECTION 8- PERSONNEL RELATIONS

### A. Recruitment of New Employees

All new employees should be recruited at the entry rate of pay within their classified grade. For compelling reasons, which shall be fully documented in writing, the Personnel Director may request an entrance rate higher than Step 1. The Select Board may authorize a higher rate if it deems such action to be necessary for the proper functioning of the services of the Town. The approval of the Select Board must be obtained prior to the hiring.

There shall be a ninety- (90) **calendar** day trial period for all new employees during which time they shall not be eligible for vacation, sick, bereavement, or holiday leave, leaves of absence or personal days. Completion of the trial period shall be evidenced by a satisfactory performance evaluation conducted by the supervisor. Upon the review and concurrence of a satisfactory performance evaluation by the Personnel Director, an employee shall be entitled to all **discretionary/non-statutory** benefits and shall receive entitlement retroactively to the date of employment for vacation leave, sick leave and longevity pay. If this performance evaluation is not satisfactory, the employee shall be discharged.

### B. Performance Appraisal

No later than January 1<sup>st</sup> of each year, the supervisor shall undertake an evaluation or "Performance Appraisal" of said employee in order to determine whether said employee had made satisfactory progress since the date of the prior evaluation, ***said written evaluation shall be submitted to the Personnel Director.*** Upon the review and concurrence of the evaluation by the Personnel Director, the supervisor shall discuss the evaluation with the employee.

***An employee will not be penalized for failure of a supervisor to perform a written evaluation.***

### C. Advancement in Rate

Advancement in rate from minimum to maximum rate shall be through step increases granted to an employee who regularly works minimum of twenty hours per week as follows:

1. Advancement in pay rate shall be made annually on July 1<sup>st</sup>, provided that the Personnel Director shall have concurred that the evaluation and "Performance Appraisal" of the employee certifies that the employee has made satisfactory progress.
2. An employee who has reached the maximum pay rate in his grade may be promoted to a position in a higher grade, if a position is available, and provided

said employee is fully qualified for such promotion and the promotion is warranted due to the performance of the employee.

3. An employee who has reached the maximum pay rate in his grade shall be eligible for longevity increases and increases in pay resulting from the periodic revision of the pay schedule.

#### D. Promotions to a Higher Grade

An employee receiving promotion to a higher pay grade shall upon assignment receive the pay rate **and step** in the new job grade **appropriate to his or her length of service and experience.**

#### E. Assignment to a Lower Grade

An employee permanently assigned to a lower pay grade shall receive the pay rate of the lower job grade appropriate to his or her length of service and experience.

#### F. Reclassification Rate

An employee receiving a reclassification of his job to a higher or lower pay grade will have his job adjusted as in D and E.

#### G. Across the Board Increases

The Personnel Director may from time to time determine that across the board raises (so called cost of living or inflation raises) are justified and appropriate. Such proposals shall be submitted the Select Board and upon approval to the Annual Town Meeting, and shall serve to modify the wage rate schedule of all steps of all grades included in the compensation plan.

#### H. Longevity Pay

After ten (10) years of full-time, continuous employment as measured from the date of employment in the Town of Granby, a full-time employee shall receive an annual longevity pay increase as follows:

After 10 years	\$700.00
After 15 years add	\$175.00
After 20 years add	\$175.00
After 25 years add	\$175.00

Such additional pay shall be paid on the anniversary of the employee's date of employment **and included in non-exempt employees base rate for overtime rate calculation purposes.**

## **SECTION 9- ROLE OF PERSONNEL BOARD IN GRIEVANCE CASES**

The Personnel Board shall not serve as a grievance committee as set forth in M.G.L. Chapter 40 Section 21B.

## SECTION 10- PERSONNEL RELATIONS REVIEW BOARD

There shall be established a Personnel Relations Review Board consisting of three (3) members appointed by the Moderator.

The term of office of the members of the Personnel Relations Review Board shall be for three (3) years, provided, however, that members originally appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years from the date of the Annual Town Meeting in the year of appointment. Each member shall continue to hold office until his or her successor has been appointed and qualified. The Moderator shall fill any vacancy in membership of the Board.

The Personnel Relations Review Board will serve as the grievance committee as set forth in M.G.L. Chapter 40 Section 21B. As such, the Board is empowered to adjust the grievances of all town employees covered by this bylaw. The word "Grievance" as used in this section shall be construed to mean any dispute between a Town employee and his or her appointing authority arising from *the terms and conditions of employment*. The Personnel Relations Review Board will have no authority in a dispute over agreement terms, or any adjustments involving the expenditure of money in excess of the appropriation authorized by Town Meeting. The Board's authority will not extend to any dispute, which would be within the jurisdiction of the Civil Service Commission or Contributory Retirement Appeal Board.

The Board will organize and elect its own Chairperson, Vice-Chairperson and Secretary. The Board shall meet as required. A majority of the Board shall constitute a quorum for the transaction of business, and shall determine the action the Board will take in matters, which it is authorized or required to act upon under this bylaw.

## SECTION 11 – DISCRETIONARY/NON-STATUTORY BENEFITS

### A. Paid Vacation Leave

1. On July 1<sup>st</sup> of each year, employees shall be credited with vacation leave as determined below. This leave shall be taken during the ensuing twelve-month period and any unused portion shall be forfeited unless the appointive authority shall permit, in writing, the unused portion to be carried forward into the following fiscal year. In no event shall the amount carried forward be in excess of two weeks. If an employee becomes entitled to an additional week of vacation during the fiscal year, he shall be credited with the leave immediately and shall use the leave prior to the end of the fiscal year.
2. Full-time employees, who have been continuously employed by the Town during the preceding twelve months, shall be entitled to paid vacation leave, based upon the number of years of full-time service on the most recent anniversary of their date of employment, as follows:

Employed by the Town for one (1) year but less than five (5) years: two (2) weeks (ten working days) of vacation leave per year.

Employed by the Town for five (5) years but less than ten (10) years: three (3) weeks (fifteen working days) of vacation leave per year.

Employed by the Town for ten (10) years or more: four (4) weeks (twenty working days) of vacation leave per year.

***Employed by the Town for twenty (20) years or more and with a hire date prior to July 1, 1998: five (5) weeks (twenty-five working days) of vacation leave per year.***

Employed by the Town for less than one (1) year: one (1) day of vacation for each month of employment not to exceed ten (10) working days

3. A full-time employee who terminates for any reason shall, at the time of termination, be compensated for accrued and unused vacation time. For purposes of this subsection, vacation leave for employees, employed on the preceding July 1<sup>st</sup>, shall accrue at one-twelfth (1/12) of the employee's entitlement on the preceding July 1<sup>st</sup>, but, in no event shall the amount of this calculation exceed the annual entitlement outlined above. The amount of this accrual shall be added to the amount of any credited but unused vacation leave from the prior fiscal year to determine the amount of compensation payable at termination. Full-time employees, not employed on the preceding July 1<sup>st</sup>, shall be compensated for one (1) day of vacation leave for each month of employment not to exceed ten (10) days.

4. For the purpose of determining eligibility for vacation leave, part-time employees who later become full-time employees shall be given longevity credit for hours worked proportionate to a regular forty- (40) hours workweek.

#### B. Holiday Leave

Full-time employees shall be granted the following holidays with pay:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Patriots' Day	Third Monday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

Holidays, which occur on Saturday, shall be taken on the Friday preceding; holidays, which occur on Sunday, shall be taken on Monday immediately thereafter.

#### C. Bereavement Leave

Full-time Town employees shall be granted up to three days of paid bereavement leave at the discretion of the supervisor for a death in the employee's immediate family, which shall include mother, father, husband, wife, brother, sister, children, grandparents, grandchildren, step-parents, father-in-law, mother-in-law, son/daughter-in-law or domestic partners.

Employees will, in the event of death in their immediate family, which shall include brother-in-law, sister-in-law, aunt or uncle, be granted one (1) day with pay, due to absence from their regular scheduled day of work and is taken to attend the funeral of such relative.

Employees working less than twenty-seven (27) hours a week shall be granted bereavement leave without pay.

#### D. Military Leave

Full-time employees serving in the National Guard or military reserve shall be granted military leave of up to seventeen (17) days per year, per MGL Ch.33 Section 59.

If the military pay received by the employee for such duty shall be less than the regular rate of compensation received by the employee from the Town, the Town shall pay the difference between the military pay and the regular rate of compensation. The employee shall submit evidence of the amount of military pay received.

E. Maternity/*Paternity* Leave

Full-time employees, who have completed their trial period, shall be granted, without pay, a maternity/*paternity* leave of three (3) calendar months upon application to the Personnel Director. An extension may be granted at the discretion of the Personnel Director. The employee shall request the leave at least ninety- (90) days in advance of the date the leave is expected to begin.

F. Jury Duty Leave

Full-time and part-time employees shall be granted leave when called to serve on a jury. When any such employee is required to perform jury duty, he or she will be excused from his or her normal employment in the Town, but only for that period of time wherein he or she is actively participating under the jurisdiction of the court system.

If the jury fee received by said employee is less than the regular rate of compensation received from the Town, the difference between said fee and said regular rate of compensation shall be paid to such employee of the Town. The employee shall submit evidence of the amount earned while on jury duty.

G. Sick Leave

Full-time employees of the Town shall accrue sick leave as provided below.

1. Upon completion of thirty (30) calendar days permanent full-time employment, an employee shall be allowed one and one-quarter (1¼) days of sick leave with pay for each month of employment completed in any give calendar year, provided such leave is caused by sickness or injury or by exposure to a contagious disease.
2. An employee in continuous employment shall be permitted to accrue the unused portion of sick leave granted under subsection 1 (above) up to a maximum of one hundred and thirty five (135) working days. Upon termination of employment *for cause*, the employee will not be monetarily compensated for the unused portion of accrued sick leave.
3. If a paid holiday occurs during sick leave, the employee shall receive holiday pay in place of sick pay for that day.

4. The supervisor, appointive authority or Personnel Director may request a physician's certificate of illness, injury or disability after three (3) consecutive days of absence or after a series of repeated absences during the year. This certificate, if requested by the supervisor or appointive authority, shall be forwarded to the Personnel Director. When an employee wishes to return to work after an illness, injury or disability, the supervisor, appointive authority or Personnel Director may require the employee to furnish a physician's **note certifying** that the employee is able to return to work.
5. Notification of absence due to illness must be made as early as possible on each day of absence, to the employee's supervisor.
6. Should any supervisor, appointive authority or the Personnel Director feel that this may be necessary, they, at the Town's expense, may require an examination by a physician of their choice, and the results of this examination may determine the continuation of paid sick leave.
7. The Personnel Director shall maintain sick leave records. All sick leaves shall be certified on department payrolls, and shall be forwarded to the Personnel Director for safekeeping with other leave records.
8. In cases of disagreement as to the total amount of sick leave accrued by an employee, the final determination shall be made by the Personnel Director.
9. Any employee who is entitled to sick leave whose employment is terminated either by death or in the case of an employee who has completed a minimum of fifteen (15) years service with the Town, retires under the Massachusetts public employee retirement law, will be compensated for twenty percent (20%) of pay for unused sick time, up to a maximum gross payout of five thousand dollars (\$5,000.00).

#### H. Leaves of Absence (Unpaid)

Full-time employees may, in special circumstances, be granted uncompensated leaves of absence for a period not to exceed sixty- (60) working days. Such leaves may be granted at the discretion of the appointive authority **and approved by the Personnel Director** after due consideration has been given to the convenience of the Town and the purpose for which the leave is requested.

**Discretionary/non-statutory** Benefits will not be continued during such leave of absence. Medical insurance may be continued during an unpaid leave of absence at the employee's expense, provided he or she makes the appropriate arrangements with the Town Administrator prior to beginning the leave of absence.

## I. Compensatory Time Off

A full-time employee who is entitled to receive overtime pay or holiday pay may request to have compensatory time off in lieu of receiving overtime pay or holiday pay. ***Overtime hours shall be converted to compensatory hours by a factor of one and one-half (1.5). Holiday hours shall be converted to compensatory hours by a factor of one (1.0).*** Compensatory time off may not be taken unless the request receives the approval of the Personnel Director. The Personnel Director may grant or deny such requests according to the needs of the Town.

Full-time employees will be allowed to accumulate up to forty- (40) hours of compensatory time off. Compensatory time off must be used within six (6) months of being credited with such time.

## J. Personal Leave

All town full-time employees shall be entitled to three (3) days of personal leave with pay per year.

### 1. Personal leave assigned to new employees

- a) All new benefited full-time employees shall be granted personal days for the year as set forth below:

Date Hired	Personal Leave Days
July 1 through September 30	3
October 1 through December 31	2
January 1 through March 31	1
April 1 through June 30	0

- b) Part-time employees who become benefited employees and former employees who are reinstated shall be treated as new employees for the purpose of personal day eligibility.

### 2. Benefited employees and personal days

- a) On each July 1st following the first partial year of employment as described above, benefited full-time employees will be credited annually with three (3) paid personal leave days.
- b) Personal days ***must*** be taken during the following twelve months at a time or times requested by employees and approved by the department head.
- c) Personal leave must be used in the year granted and may not be rolled over.

### 3. Procedures for being granted personal leave

- a) All requests for personal days must be submitted to the department head for approval within a minimum of three working days prior to the suggested leave day or days, except in an emergency.
- b) In an emergency, department heads, at their discretion, may grant an exception to the three-day minimum notice.

### K. Insurance

Full-time employees shall be given the opportunity to enroll in the hospital-medical and life insurance plans. Elected officials and part-time employees as defined under Massachusetts General Laws, Ch 32B, section 2D, shall be given the opportunity to enroll in the plans. This chapter provides that an employee who is compensated and regularly works 20 or more hours per week is eligible. Persons elected by popular vote who receive compensation are eligible, regardless of the number of hours they work.

### L. Retirement

- a) Employees, who qualify under MGL Chapter 32 and the Hampshire County Retirement System Supplemental Rules and Regulations, as approved by the Commissioner of Public Employee Retirement Administration, must become members of the Hampshire County Retirement System. By state and federal law, such employees do not contribute to Federal Social Security. The guidebook "Retirement for Public Employees in Massachusetts" is available at the County Retirement Offices and should be reviewed for a more complete description of benefits.

### M. Witness Leave

Any employee shall be reimbursed for the expense of appearing in court as a subpoenaed witness when the appearance and the subpoena are a direct result of action taken by him or her while performing duties assigned by the Town. "Direct result" shall mean testimony relating to the performance of their duties and shall not relate to observations or activities incidental to such employment.

Reimbursement shall be for expenses up to a maximum of \$100 per day. Reimbursable expenses include the cost of parking and lost wages from their regular employment, provided however, that the individual would have otherwise worked during such a court appearance and was not paid in whole or in part by an employer or the party calling them as a witness for the court. An itemized list of expenses and any offsetting payments shall be submitted for review and approval.

## SECTION 12 - DISCIPLINARY ACTION

Employees of the Town are expected to comport themselves at all times in a professional manner.

The following infractions may result in **disciplinary action, up to and including termination:**

- A. Excessive absenteeism or lateness.
- B. Insubordination - including but not limited to:
  - 1. Deliberate disobedience to instruction of supervisor.
  - 2. Refusal or failure to do work within job classification.
- C. On the job use of non-medically prescribed intoxicating beverages or narcotics.
- D. Loss of license or failure to renew license essential to employee's work.
- E. Falsifying time sheets.
- F. Assaulting or threatening to assault or harass a fellow employee, employer, or supervisor.
- G. Willful neglect or damage to employer's **or citizen's** property or interest.
- H. **Willful violation of the Town's policies and procedures.**
- I. **Poor performance, dishonest conduct, unacceptable off-duty conduct, etc.**

**The above list is illustrative and not intended to be an exhaustive list. Employee may be disciplined for reasons not specifically listed.**

Any violation of the above rules shall be fully investigated.

A supervisor, ***including elected officials or boards***, may recommend a dismissal of an employee for violation of the above. No employee shall be discharged without a summary hearing consisting of the supervisor and ***Personnel Director***.

An employee who has been discharged for violation of the above rules shall have recourse through the Grievance Procedure ***as outlined in Appendix B starting at Level II.***

---

Revised June 10, 1991  
Revised June 21, 1993  
Revised March 29, 1999

Revised 2013

## **APPENDIX A**

### **AUTHORITY FOR PERSONNEL RELATIONS REVIEW BOARD**

Chapter 40, Section 21b of the General Laws of Massachusetts

Personnel Relations Review Board; establishment; purpose, "grievance", defined. Any town bylaw adopted at an annual town meeting, any city have a Plan D or Plan E charter by ordinance adopted in accordance with the provisions of its charter, and any other city by ordinance approved by its mayor may establish a Personnel Relations Review Board and may empower such board to adjust the grievances of all employees of such town or city other than those appointed by the School Committee; provided, that such a board, by such an adjustment, shall not involve the city or town in an expenditure of money in excess of the appropriation made for the use of such board. As used in this section, the word "grievance" shall be construed to mean any dispute between an employee of a city or town and his appointing authority arising out of an exercise of administrative discretion by such authority under the contract of employment between the employee and the city or town, except a dispute concerning a change in one or more of the terms of such contract and except also a dispute which is, or upon proper appeal would be, within the jurisdiction of the Civil Service Commission or the contributory Retirement Appeal Board. No ordinance establishing in any city a Personnel Relations Review Board required by this section to be approved by the mayor of such city shall be amended except by ordinance likewise approved.

Added St. 1955, c. 294.

Library references:   Municipal Corporations key 215; C.J.S.  
                                  Municipal Corporations paragraph 700.

## APPENDIX B

### GRIEVANCE PROCEDURES

The purpose of a grievance procedure is to provide an orderly method for the settlement of a dispute between the parties over the interpretation, application or claimed violation of any provisions of the personnel bylaws.

An employee having a grievance as defined and limited by General Laws, Chapter 40, Section 21B, shall discuss it verbally with his/her immediate superior in an attempt to resolve the issue informally. The grievance should be presented within five (5) working days from the day when the employee first becomes aware of its circumstances. Failure to bring the complaint forward at that time will constitute a full and complete waiver of the grievance.

If the employee and his immediate supervisor do not resolve the grievance to their mutual satisfaction within ten (10) working days after the day the employee first brings up his complaint, or if the nature of the complaint is beyond the legal authority of the immediate supervisor to adjust, then the employee must reduce his grievance to writing and present it in written form to his immediate supervisor within five (5) working days after he is told the matter will not be adjusted by the immediate supervisor. The immediate supervisor will note on the written grievance the date it is received and a notation to the effect that the matter has not been resolved.

Grievances must be presented promptly and shall be processed through normal channels as described below.

Level One: The employee will first take up a grievance with the Personnel Director by giving written notice of a grievance, including a brief summary of the grievance, and sending a copy to the Personnel Board. The employee, Personnel Board and Personnel Director shall meet at a time fixed by the Personnel Director.

The Personnel Director will give his/her written answer within five (5) working days after the close of the session.

Level Two: If the grievance is not settled at Level One, the employee may appeal it by giving a written notice of the appeal within seven (7) working days after receipt of the answer of the Personnel Director, to the Select Board. If the Select Board deems it necessary, the employee and Select Board shall meet at a time fixed by the Select Board.

The Select Board will give its written answer to the grievance within fourteen (14) working days after the close of the discussion.

Level Three: If the grievance is not settled at Level Two, the employee may appeal it by giving a written notice of such appeal, within seven (7) working days after receipt of the Select Board's answer to the Personnel Relations Review Board.

Level Four: The Personnel Relations Review Board shall meet with the employee within fourteen (14) days to hear the appeal and render a decision. **The decision of the Personnel Relations Review Board is final with no further review.**

General Grievance Conditions:

All time limits established hereunder are considered as maximum. Such time limits may not be extended except by mutual written agreement of the employee and the Town representative with whom he is dealing at the appropriate step of the procedure. Failure of an employee to process his grievance within the time limits set forth (unless mutually extended) shall constitute a full and final waiver of the grievance and all circumstances relating to it.

The employee may be represented by his attorney at any stage of the grievance procedure. Except for the informal verbal discussion, all processing of grievances shall be after the employee's working hours and at his own expense without recourse to the Town. No witness or other person produced by the employee on his behalf shall be entitled to any pay or expense reimbursement from the Town.

The Personnel Relations Review Board shall keep a separate file on all grievances which shall come before it, and no derogatory record or notation shall be made in any employee's work file based solely upon his utilization of the grievance procedure, all employees being free to utilize the procedure without fear of retribution.

To the extent permitted by law, any meetings of public bodies required hereunder may be held in Executive Session unless the employee requests the issue be discussed in Open Meeting.

All references to employees shall include male and female.

## APPENDIX C

### CLASSIFICATION PLAN GRADE ASSIGNMENTS JULY 1, 2012

<b><u>TITLE OF POSITION</u></b>	<b><u>GRADE</u></b>
Council On Aging Van Driver	1
Lawn Service and Maintenance	1
Custodian/Craftsman	2
Transportation Dispatcher	2
Library Assistant	2
Assistant Librarian	3
Treasurer's Clerk	3
Cataloging Services Assistant	3
Children's Librarian	3
Grave Development, Excavation and Interment	3
Light Equipment Operator/Laborer	3
Assessors' Clerk	3
Firefighter/EMT/Basic	3
Landfill Monitor	3
Accounting Clerk/Assistant Town Accountant	4
Community Development/Selectmen's Secretary	4
Police Secretary/Dispatcher	4
Firefighter/EMT/Intermediate	4
Heavy Equipment Operator/Laborer	4
Town Administrator Secretary	4
Mechanic/Light Equipment Operator/Laborer	5
Director of Assessments	6
Director of Senior Services	6
Firefighter/EMT/Paramedic	6
Heavy Equipment Operator/Laborer/Assistant Foreman	6
Health Agent	7
Director of Recreation	7
Library Director	8
Inspector of Buildings/Zoning Enforcement Officer	8
Highway Foreman	8
Town Accountant	9
Police Lieutenant	9
Highway Superintendent	10
Executive Assistant to the Board of Selectmen	11
Fire Chief	11
Chief of Police	12

## APPENDIX D COMPENSATION PLAN PAY SCHEDULE

July 1, 2012

GRADE	STEP										
	1	2	3	4	5	6	7	8	9	10	
	1	11.80	12.15	12.51	12.89	13.28	13.68	14.09	14.51	14.95	15.40
	2	12.74	13.12	13.51	13.92	14.34	14.77	15.21	15.67	16.14	16.62
	3	13.76	14.17	14.60	15.04	15.49	15.95	16.43	16.92	17.43	17.95
	4	14.86	15.31	15.77	16.24	16.73	17.23	17.75	18.28	18.83	19.39
	5	16.05	16.53	17.03	17.54	18.07	18.61	19.17	19.75	20.34	20.95
	6	17.33	17.85	18.39	18.94	19.51	20.10	20.70	21.32	21.96	22.62
	7	18.72	19.28	19.86	20.46	21.07	21.70	22.35	23.02	23.71	24.42
	8	20.22	20.83	21.45	22.09	22.75	23.43	24.13	24.85	25.60	26.37
	9	21.84	22.50	23.18	23.88	24.60	25.34	26.10	26.88	27.69	28.52
	10	23.59	24.30	25.03	25.78	26.55	27.35	28.17	29.02	29.89	30.79
	11	25.48	26.24	27.03	27.84	28.68	29.54	30.43	31.34	32.28	33.25
12	27.52	28.35	29.20	30.08	30.98	31.91	32.87	33.86	34.88	35.93	