

# Employment Practices, Policies and Procedures



Longmeadow, Massachusetts

[www.longmeadow.org](http://www.longmeadow.org)

Please understand that this handbook only highlights the Town's practices for your personal reference and cannot, therefore, be construed as a legal document or contract for employment. No statement of policy or practice contained in this manual, (or any other written statement by the Town) is intended as a contractual commitment, expressed or implied, or promise or obligation of the Town to any individual employee or any group of employees.

TOWN OF LONGMEADOW, MASSACHUSETTS

EMPLOYMENT PRACTICES, POLICIES AND PROCEDURES MANUAL

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**On the cover: Photo of Longmeadow Town Hall provided as a courtesy by Joseph Aberdale**

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# INTRODUCTION

## HISTORY OF THE TOWN

The Town was originally settled in 1636 as part of a large parcel of land at the meeting of the Agawam and Connecticut rivers purchased from the Agawam Indians. The site of the future City of Springfield was chosen as an ideal location to establish a trading post and a Puritan “plantation”. A portion of the land purchased was meadowlands known as “Masacksic” by the Native Americans, or “long meddowe”.

When the settlers of Springfield established the covenant for their economic enterprise, the “long meddowe” to the south of the settlement was set aside as a common pasture land, to be used equally by all residents. In 1644, residences were developed on the “long meddowe”, and there was progressively more interest amongst the inhabitants to split from Springfield. Finally, after the disastrous floods of 1695, the Springfield Town Meeting allowed in 1703 the residents to “build upon the hill eastward” around the present-day Town Green. The Town received its autonomy from Springfield in 1713.

Longmeadow later became the first community to be incorporated into the Commonwealth of Massachusetts immediately following the Revolutionary War in 1783.

The Town Seal was first adopted on June 3, 1974 by the Board of Selectman. The upper half of the shield is divided in two sections, signifying the 1894 divisions of the Township. The beaver (pelt) represents the first industry in the Town’s economy; the gilded cock on the church spire is suggestive of the role religion played in the early development of Longmeadow. The lower half of the Shield is the “Red House” (on the green) built in 1734, symbolic of the many 18<sup>th</sup> century homes still standing as part of our heritage.

The Longmeadow Select Board, comprised of five elected members, is the Chief Executive Body of the Town. They draw their authority from the General Laws of Massachusetts and the Bylaws of the Town of Longmeadow and are directly responsible to the electorate. The new town charter approved by voters in May 2004 reorganized the town and created a new full time position called “Town Manager” who is appointed by the Select Board. The Town Manager position is the chief administrative officer of the town who is responsible to the Select Board and for the proper administration of all town affairs. Longmeadow’s first Town Manager, Robin Crosbie, was appointed March 1, 2005.

Our community boasts a beautiful landscape while delivering outstanding services. Our Public Safety, Senior Services, Parks & Recreation Departments, and Library touch all residents. Our School Department’s reputation of excellence is one of the key components in making Longmeadow a community of choice among new residents. Longmeadow is a town rich in diversity. With a population of approximately 16,500 and 9.6 square miles, there are many different town groups, representing the interests, cultures, and activities of our residents.

## **WELCOME**

We are pleased that you are part of the group of employees who work for the Town of Longmeadow.

To those of you who are commencing employment with the Town, we extend our welcome. We hope that you will enjoy working with us in a spirit of cooperation that results in top service to our community.

We have prepared this personnel handbook in order to answer many of the questions employees frequently ask about Town policies. We hope it will help you adjust to the routines that make the Town run smoothly. Please understand that this handbook only highlights the Town's practices for your personal reference and cannot, therefore, be construed as a legal document or contract for employment. No statement of policy or practice contained in this manual, (or any other written statement by the Town) is intended as a contractual commitment, expressed or implied, or promise or obligation of the Town to any individual employee or any group of employees.

These personnel policies apply to all employees of the Town except employees under the control of the School Committee.

All managers should review and become familiar with the policies contained in this manual. In addition, it is important that employees be informed of these policies prior to the commencement of employment with the Town.

The handbook is not intended to substitute, replace, overrule, or modify any existing federal or state laws or terms of an applicable collective bargaining agreement nor be inclusive of every policy. In the event that the provisions of this handbook conflict with the terms of an applicable collective bargaining agreement, the terms of the collective bargaining agreement shall prevail. The Town Manager serves as the administrator of these policies, and unless otherwise noted, the Town Manager's Office should be contacted for clarification or additional interpretation or information.

## **AT-WILL POLICY STATEMENT**

**It is the policy of The Town of Longmeadow that all non-bargaining unit employees are employed on an AT-WILL basis**, except as otherwise provided by law (e.g., Civil Service employees). This means that neither the employee nor the Town has entered into a contract regarding the duration of an employee's employment. Employees are free to terminate their employment with the Town at any time, with or without reason. Likewise, the Town has the right to terminate an employee's employment for any lawful reason.

As authorized by the Town Charter, the Town Manager is the appointing authority and the Town Manager is solely authorized to modify this at-will employment policy or enter into any agreement contrary to this policy; any such modification must be in writing and signed by the employee and the Town Manager.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The Town provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religious creed, national origin, ancestry, sex (including pregnancy), age, criminal record (inquiries only), qualified handicap or disability, mental illness, sexual orientation, genetic information, gender identity, veteran or military status or any other category protected by applicable federal, state, or local law.

The Town complies with all applicable federal, state, and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Town is committed to complying fully with applicable disability discrimination laws, and ensuring that equal opportunity in employment exists at the Town for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Under both state and federal law, qualified disabled persons may be entitled to a reasonable accommodation to permit the individual to perform the essential functions of his or her job. Reasonable accommodations will be available to all qualified disabled employees and applicants, upon request, so long as the potential accommodation does not create an undue hardship for the Town. Employees or applicants who believe that they may require an accommodation should contact the Town Manager.

The Town expressly prohibits any form of unlawful employee harassment based on race, color, religious creed, national origin, ancestry, sex (including pregnancy), age, handicap or disability, mental illness, sexual orientation, genetic information, gender identity, veteran or military status or any other category protected by applicable federal, state, or local law. Improper interference with the ability of any of the Town's employees to perform their expected job duties will not be tolerated.

If you have any questions, problems, or complaints regarding a violation of this policy, or unlawful discrimination in general, you are encouraged to report your concerns using the complaint procedures specified in the Freedom From Unlawful Harassment, Discrimination and Sexual Harassment Policy (see next section).

## **FREEDOM FROM UNLAWFUL HARASSMENT, DISCRIMINATION AND SEXUAL HARASSMENT POLICY**

### ***Introduction***

It is the goal of the Town of Longmeadow to promote a workplace that is free of discriminatory harassment (“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, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, gender identity, or participation in discrimination complaint-related activities (retaliation). The Town of Longmeadow 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 or in other work-related settings is unlawful and will not be tolerated by the Town of Longmeadow. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment and retaliation, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Longmeadow takes allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals 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:

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

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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 legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace 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:

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

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

***Complaint Procedures:***

All employees, managers, and supervisors of the Town of Longmeadow share responsibility for 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 Manager 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 Longmeadow. 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 Longmeadow 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 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 either: the Town Manager at Town Hall, 20 Williams Street, Longmeadow, MA 01106, (413) 565-4110 or, in his or her absence, the Finance Director at 735 Longmeadow Street, Longmeadow, MA 01106, (413) 565-4136. Both the Town Manager and the Finance Director are available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process. In the event that the Town Manager and the Finance Director are both male or both female, if requested, the Town will make available a male or female from the management team to whom a complaint can be made.

If an employee brings the matter to the Town Manager or to the Finance Director and does not believe that the situation has been satisfactorily resolved, the employee should then bring his/her complaint to the Chair of the Select Board, Town Hall, 20 Williams Street, Longmeadow, Massachusetts 01106, (413) 565-4110.

***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 up to and including termination.

***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 such 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 of when the complainant became aware of the incident.

**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”)**

Springfield Office:  
436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

New Bedford Office:  
800 Purchase Street, Room 501  
New Bedford, MA 02740  
(508) 990-2390

Worcester Office:  
484 Main Street, Room 320  
Worcester, MA 01608  
(508) 453-9630

## **EMPLOYEE PROBATIONARY PERIOD**

Unless otherwise provided by an applicable collective bargaining agreement, all employees begin employment with a six (6) month “probationary period”. This period gives new employees a chance to learn about the Town and gives the Town a chance to learn about them. The Town uses this time to make sure new employees can handle their work satisfactorily and that their abilities are being properly applied.

Employees must continue to perform up to Town expectations after the probationary period and the nature of employment remains at-will at all times.

All new employees are hired on a probationary basis for the first six (6) months and may be discharged any time therein without hearing procedures.

# GENERAL POLICIES

## JOB PERFORMANCE AND BEHAVIOR STANDARDS

All employees are expected:

- To be competent and efficient in performing their job duties
- To perform the tasks they are assigned
- To perform reasonable amounts of work and to carry out reasonable direction
- To report to work on time
- To be properly attired for the performance of their duties
- To refrain from possessing or taking illegal drugs or alcohol while on the job
- To respect the privileges of sick leave, leave of absence, and other compensated time
- To use town property properly and only when authorized
- To maintain the confidentiality of town records

All Town employees are expected to use good judgment, adhere to high ethical standards, and conduct themselves in a positive and professional manner. Any conduct that interferes with operations or is offensive to residents will not be tolerated. If an employee fails to comply with these standards of conduct, s/he may be subject to discipline up to and including termination.

Guidelines for expected conduct include but are not limited to the following:

- Treating residents and other employees in a courteous, respectful and professional manner;
- Performing job assignments punctually, efficiently, professionally, and in cooperation with coworkers and supervisors;
- Complying with Town policies and procedures.

If an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of the Town, based on violations of the standards of conduct or any other Town policies or procedures, the employee will be subject to discipline up to and including termination.

The following chart provides examples of unacceptable behavior and conduct that may result in discipline. The list is for illustrative purposes only and is not intended to be exhaustive.

<b>Standard of Conduct</b>	<b>Examples of Violations</b>
Reporting to Work & Attention to Duty	<ul style="list-style-type: none"><li>• Tardiness or excessive absenteeism</li><li>• Failure to notify supervisor in a timely manner if unable to work as scheduled</li><li>• Reporting to work improperly prepared to perform duties</li><li>• Failure to devote full attention to duties for the entire work period</li><li>• Falsely reporting illness or injury</li><li>• Leaving the work area during work hours without authorization</li><li>• Working overtime without prior approval</li></ul>
Productivity	<ul style="list-style-type: none"><li>• Failure to perform duties satisfactorily</li><li>• Failure to conform to work standards, direction from supervisors, and Town policies/procedures</li></ul>
Courtesy & Respect	<ul style="list-style-type: none"><li>• Being discourteous or disrespectful to residents or members of the public or other employees</li><li>• Fighting or disorderly conduct that endangers the wellbeing of a</li></ul>

	<ul style="list-style-type: none"> <li>person</li> <li>• Insubordination</li> <li>• Harassment or discrimination</li> </ul>
Integrity	<ul style="list-style-type: none"> <li>• Theft or attempted theft</li> <li>• Making a false report related to employment, including during the course of an investigation</li> <li>• Coercing residents to loan or pay money/property in exchange for work performed in the course of Town duties</li> <li>• Selling property or services to residents</li> <li>• Forgery, alteration, or falsification of any document</li> <li>• Misappropriation of funds</li> <li>• Damaging the Town's reputation and the public's trust through unbecoming conduct, including criminal convictions, during work or non-work hours</li> <li>• Other dishonest conduct</li> </ul>
Alcohol & Controlled Substances	<ul style="list-style-type: none"> <li>• Being under the influence of alcohol or other controlled substances at work</li> <li>• Illegally manufacturing, distributing, dispensing, possessing, or using a controlled substance</li> <li>• Abuse of prescription drugs</li> </ul>
Town Equipment, Facilities, Supplies, Records & Funds	<ul style="list-style-type: none"> <li>• Abuse, misuse, or destruction of Town equipment, facilities, supplies, records, or funds</li> <li>• Loss of or damage to Town equipment</li> <li>• Unauthorized use of Town equipment, facilities, supplies, records, or funds</li> <li>• Failure to report defective condition of Town equipment or property</li> <li>• Incurring a liability or expense in the name of Town without prior authorization</li> <li>• Failure to secure Town equipment or facilities by abandoning or leaving them unattended</li> <li>• Unlawful or negligent handling of public funds</li> </ul>
Conflict of Interest	<ul style="list-style-type: none"> <li>• Use of Town's physical properties, information, influence, or position for private advantage or personal gain</li> </ul>
Health & Safety Regulations	<ul style="list-style-type: none"> <li>• Failure to comply with health and safety regulations</li> <li>• Failure to report injury, accident, or unsafe conditions immediately to a supervisor</li> <li>• Carrying firearms or other deadly weapons while at work on Town premises (other than authorized Police personnel)</li> </ul>
Release of Information	<ul style="list-style-type: none"> <li>• Failure to protect security of confidential Town information</li> <li>• Failure to release information as required by public records law</li> </ul>
Compliance with Federal, State, and Local Laws and Regulations	<ul style="list-style-type: none"> <li>• Failure to comply with federal, state, and local laws and regulations during working hours</li> </ul>

Personal cell phones are expected to be turned off or set to silent or vibrate mode during work hours. Employees are prohibited from using their personal cell phones during work time, except in an emergency, unless such use is approved by their Department Head. Personal cell phone usage is permitted only on break time.

The Town strives to maintain a clean and orderly work environment in order to provide a safe and pleasant workplace to our employees and superior service to our residents. To that end, employees are expected to keep their work areas clean and to be considerate when using restrooms, parking lots and break areas, to ensure that the cleanliness and order of those areas is also maintained. Employees must maintain work and general areas, including desks and cubicle walls, in a neat and orderly manner. Additionally, employees must minimize waste and use appropriate refuse containers, recycling whenever possible.

Employees who are aware of any policy violations are required to report the same to their supervisors.

Employees who do not achieve these standards or who otherwise violate town rules and regulations or are convicted of a felony are subject to disciplinary action. In general, severity of the disciplinary action should reflect the severity of the offense committed. Department heads may choose to use appropriate discipline up to and including termination.

## **DISCIPLINARY POLICY**

The Town maintains a system of progressive discipline. Generally, discipline will be utilized when employees do not perform their duties in a satisfactory manner, if they violate policies, or engage in other misconduct. The process of progressive disciplinary action may include, but is not limited to, verbal warnings, written warnings, suspension and/or termination of employment. The Town reserves the right to omit or accelerate any steps in the progressive discipline process if appropriate under the circumstances.

Some circumstances warrant that the Town terminate an employee immediately and thus not follow the progressive discipline steps noted above. The following list provides examples of unacceptable behavior and conduct that may result in immediate termination. The list is for illustrative purposes only and is not intended to be exhaustive.

- Insubordination or failure to carry out job assignment
- Job abandonment
- Careless, inefficient performance of job duties, including failure to maintain acceptable standards of work quality
- Falsifying your employment application
- Stealing Town property
- Arriving or being at work under the influence of alcohol and/or other non-prescribed drugs or abusing prescription drugs
- Use of, or possession of non-prescribed drugs or dangerous weapons while on Town property
- Willful destruction, misuse or unauthorized use of Town property
- Improper use of time sheets or falsification of pay records
- Falsification of any records
- Engaging in illegal and/or sexual activities while on the job
- Disrespectful or discourteous treatment of fellow employees, residents or visitors
- Engaging in unlawful harassment
- Threatening bodily harm to a co-worker, resident or visitor
- Excessive absenteeism or tardiness
- Violations of any Town Policies, Practices or Procedures, including but not limited to the Job Performance and Behavior Standards Policy

Obviously, there are standards of behavior which are inherent in any working relationship and these too are expected to be followed. Failure to do so will result in disciplinary action being invoked, up to and including termination.

All new employees are hired on a probationary basis for the first six months and may be discharged any time therein without hearing procedures.

## **EMPLOYEE APPEARANCE**

All employees are expected to dress in a professional manner, particularly those employees who have contact with or are seen by members of our community on a routine basis. As part of our jobs, we have regular contact with the public; members of the public frequently stop by the administration buildings and come into contact with our employees. We are all representatives of the Town. It is not unreasonable, given our level of contact with the public, to have requirements that employees dress appropriately and look professional at all times in order that we reflect this professionalism to those who come to see us.

You must arrive at work neatly groomed and dressed in attire appropriate for our business environment. We practice business casual dress during our regular office hours. Appropriate business casual dress typically includes slacks or khakis, dress shirt or blouse, tucked-in collared shirt, optional tie or seasonal sport coat, a dress or skirt, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot. Tops or dresses with sleeves that do not extend to the natural shoulder line must be covered by a sweater or jacket.

The following is a list of examples that are not considered to be business casual dress and should not be worn during working hours. This list is intended to be illustrative only and is not intended to be all-inclusive:

- |                    |                                 |                       |
|--------------------|---------------------------------|-----------------------|
| Jeans (all colors) | Shirts without collar (for men) | Sneakers              |
| Cargo pants        | T-shirts                        | Slippers              |
| Stretch pants      | Tube tops                       | Athletic shoes        |
| Mini skirts        | Tank tops                       | Casual sandals        |
| Shorts             | Halter tops                     | Hiking boots          |
| Sweatshirts        | Crop tops                       | Visible undergarments |
| Denim jackets      | Flip flops                      | Athletic clothing     |

We cannot address every conceivable question on dress and grooming in a policy of this type. Your supervisor will answer your specific questions. The Town, however, reserves the right to ask any employee improperly dressed to go home and change with loss of pay for the time spent away from the job or to simply advise the employee to refrain in the future from wearing a particular article of clothing which violates the spirit and intent of this work rule.

Violations of this policy may result in discipline, up to and including termination. The Town Manager reserves the right to make limited exceptions to this policy.

## **ATTENDANCE/PUNCTUALITY**

We expect Town employees to be reliable and punctual. You should report for work on time and as scheduled. Regular attendance during all scheduled hours of work, reporting to work on time and continuing to work to the end of your scheduled shift is expected and is a required, essential function of the job. If you cannot come to work or you will be late for any reason, you must notify your supervisor as soon as possible.

Each employee is responsible for being at their workstation at the proper scheduled start time each day, fully able and willing to work. Employees who are going to be late or absent should personally speak with their supervisor at least one (1) hour prior to their normal starting time or as soon as practicable. If the employee's supervisor is unavailable, the employee should speak with another responsible member of management. Texting or email is not an acceptable form of communication for this purpose. Employees must indicate the reason for and the probable duration of their absence. Employees who have unscheduled absences of longer than one (1) day must maintain daily contact with their supervisor. The only exceptions would be in the case of serious illness or injury, hospital confinement or approved leave of absence. When these circumstances arise, employees should stay in regular contact to update their supervisor on the situation.

Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. Absent serious illness or injury, employees are expected to use no more than six (6) days of sick leave per year generally. Poor attendance, excessive tardiness, and leaving a shift early without authorization may result in disciplinary action, up to and including termination of employment.

## **OUTSIDE EMPLOYMENT POLICY**

The Town of Longmeadow depends on you to devote your full attention and efforts to your job responsibilities, whether you are a full-time or part-time employee.

All employees must make their supervisor aware of any outside employment in which they are engaged.

Employees may hold outside jobs as long as they meet the performance standards of their job with the Town of Longmeadow. All employees will be judged by the same performance standards and will be subject to the Town's scheduling demands regardless of any existing outside work requirements.

If the Town determines that an employee's outside work interferes with their work performance or their ability to meet the requirements of their job as they are modified from time to time, the employee may be asked to terminate the outside employment if s/he wishes to remain employed with the Town.

Outside employment that constitutes a conflict of interest or creates the appearance of a conflict, under the Massachusetts Conflict of Interest Law (M.G.L. Ch. 268A), is prohibited. Employees may not receive any income or material gain from individuals outside the Town for materials produced or services rendered while performing their job with the Town of Longmeadow. Additionally, your outside employment must never involve the utilization of Town time, property or facilities or the explicit or implied sponsorship of the Town.

Certain positions may be eligible for designation as a "special municipal employee" by a vote of the Board of Selectmen, pursuant to M.G.L. Ch. 268A, § 1(n). The application of the Conflict of Interest law as it relates to outside employment may be less restrictive for positions designed for "special municipal employee" status.

## **CONFLICT OF INTEREST**

All public employees, including employees of the Town of Longmeadow, are governed by the Massachusetts Conflict of Interest Laws, Chapter 268A.

### ***Summary of the Conflict of Interest Law for Municipal Employees:***

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of M.G.L. Ch. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

### **I. Are you a municipal employee for conflict of interest law purposes?**

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

### **II. On-the-job restrictions.**

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment

of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation:* A town administrator accepts reduced rental payments from developers.

*Example of violation:* A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions.** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation:* A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation:* A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

*Example of violation:* A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation:* A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

*Example of violation:* A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

*Example of violation:* A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

*Example of violation:* A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

*Example:* A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

*Example where there is no violation :* An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a

legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

*Example where there is no violation:* A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shell fishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

*Example of violation :* A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

*Example where there is no violation:* A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### **III. After-hours restrictions.**

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

*Example:* A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

*Example of violation:* A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

*Example of violation:* A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

*Example :* A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

*Example:* A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an “inside track” to further financial opportunities.

*Example of violation:* Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation:* A selectman buys a surplus truck from the town DPW.

*Example of violation:* A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation:* A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission’s Legal Division for advice about a specific situation.

#### **IV. After you leave municipal employment. (See Section 18)**

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

*Example:* An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

*Example:* While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

*Example:* A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

*Version 6: Revised May 10, 2013*

### ***Code of Ethics:***

Professional integrity is the foundation of a respectable, well-run municipality. Ethics provide a guide for conduct by helping human beings order their values in particular situations. In the case of conflicting values, ethical reflection helps people to decide which of their choices constitutes the paramount value. Awareness of ethical principles and reflection on the application of those principles to actual situations are essential to fulfilling the very public role of a municipal employee. In all cases, employees must be aware of how their daily conduct reflects or fails to reflect the values expressed by the town as an organization or the employee as an individual.

The key principles of professional ethics are as follows:

EQUALITY – rendering a consistent quality of service to all, regardless of political affiliation and status. One achieves fairness by rendering no special favors.

EQUITY – providing equal treatment in some cases and unequal treatment in others (e.g. compensatory education for underprivileged people, special job training programs, and subsidized housing).

LOYALTY – being aware of one’s ultimate loyalties (e.g. to the Constitution, the structures of government, the law, and to fellow employees).

RESPONSIBILITY – accepting responsibility for all actions.

The Town of Longmeadow’s general Code of Ethics is based on the State Conflict of Interest Law that applies to all Town employees. The Conflict of Interest Law is intended to prevent, among other things, self-dealing. The Conflict of Interest Law generally prohibits a public employee (paid or unpaid, appointed or elected, full-time or part-time) from participating in any particular matter in which the public employee, an immediate family member, a partner, or a business organization with which the employee has affiliations, has a financial interest.

Specifically, the Law prohibits **all** state, county, and municipal public employees, **whether compensated or not**, from:

- Using any public resources or facilities, or the state seal or coat of arms, for campaign purposes.
- Engaging in any campaign activities during their normal public working hours.
- (For appointed employees) Soliciting campaign contributions or services, or anything else of substantial value, from subordinate employees, vendors they oversee, or anyone within their regulatory jurisdiction.
- Representing a campaign (or anyone else) in connection with some matter in which the employee’s own level of government (state or local) has a direct and substantial interest (unless they are special employees” as defined by [M.G.L. Ch. 268A, section 1\(o\)](#)).
- Asking for or accepting *anything* (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act
- Asking for or accepting anything worth \$50 or more from anyone with whom you have official dealings; accepting honoraria for a speech that is in any way related to your official duties, unless you are a state legislator
- Hiring, promoting, supervising, or otherwise participating in the employment of your immediate family or your spouse’s immediate family
- Taking any type of official action which will affect the financial interests of your immediate family or your spouse’s immediate family
- Taking 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
- In general, having more than one job with the same municipality or county, or more than one job with the state. Exemptions may apply so contact the State Ethics Commission for advice.
- Having a financial interest in a contract with your public employer
- Representing anyone but your public employer in any matter in which your public employer has an interest
- Disclosing confidential information, data or material which you gained or learned as a public employee
- Using 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.

Employees may seek advice concerning these activities from Town Counsel or the legal division of the State Ethics Commission at (617) 727-0060.

### ***Code of Conduct:***

The Massachusetts Conflict of Interest Law, General Laws Chapter 268A, prohibits public employees from soliciting or accepting gratuities of substantial value for or because of their official duties. The law covers all state, county, and municipal employees, as well as employees of independent state authorities, districts, and commissions. The State Ethics Commission, which enforces the conflict of interest law, is authorized to impose civil fines of up to \$2,000 for each violation of the law and to recover damages. The law also carries criminal penalties, including fines and terms of imprisonment.

The Conflict of Interest Law encourages public agencies to establish and enforce standards of conduct. This Code of Conduct is designed to supplement the conflict of interest law by setting standards of conduct for all employees with respect to relationships with individuals and entities with whom the Town conducts official business. The purpose of this Code is to preserve the integrity of these relationships and to maintain the highest level of public confidence in the impartial operation of government.

This Code prohibits certain activities that could result in a conflict of interest or create the appearance of a conflict of interest. Exceptions to the Code's prohibitions are limited to specific circumstances in which an overriding public interest is served by the exception or in which the relationship in question is primarily personal.

The Massachusetts Office of the Inspector General has developed this Code for use by public agencies throughout the Commonwealth. Five major areas are addressed by this Code: gifts and gratuities, reimbursement of travel expenses, honoraria, testimonial and retirement functions, and groundbreaking and dedication ceremonies. This Code is not all-inclusive. It does not regulate every conceivable situation in which a public employee may be offered gifts or other items of monetary value. It does not address other activities prohibited by the conflict of interest law, such as bribery, participation in official matters affecting one's financial interests or those of one's family or business, and misuse of one's official position. For information or advice on matters not covered by this Code, guidance may be sought from local counsel and from the State Ethics Commission. As used in this Code, "we" and "our" refer to the Town of Longmeadow; "you" refers to Town employees.

## **I. GIFTS AND GRATUITIES**

### **A. General Restrictions**

You may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or other item of monetary value from a person, public agency, or private entity you know or have reason to know:

- Has had, has, or is seeking to obtain contractual or other business or financial relations with us;
- Conducts or is seeking to conduct business or other activities that are regulated or monitored by us; or
- Has interests that may be or may give the reasonable impression of being substantially affected by the performance or nonperformance of your official duties.

*Example:* You may not accept a restaurant lunch from a consultant employed by a firm under contract to us.

*Example:* You may not accept a Christmas gift from a vendor seeking business with us.

*Example:* You may not accept a ticket to a sporting event from an individual whose business we regulate.

### **B. Exceptions**

- You may accept gifts in cases involving a family or personal relationship when the circumstances make clear that the relationship is the motivation for the gift.
- You may accept nonalcoholic beverages, such as coffee or tea, from public or private entities.
- You may attend and accept food and beverages at seasonal or celebratory functions, such as Christmas, birthday, or retirement parties, hosted by public entities.
- You may accept food and beverages in connection with attendance at working meetings held in the office of a public entity.
- You may accept food and beverages in connection with attendance at widely attended meetings or gatherings held by a private trade or professional association in an office or other business setting when you are attending the meeting or gathering in your official capacity for informational, educational, or other similar purposes.

*Example:* You may accept a modest meal served in a restaurant function room in conjunction with an informational, widely attended meeting hosted by a professional association.

*Example:* You may not accept food and beverages at a hospitality suite hosted by one or more private firms.

- You may accept loans from banks or other financial institutions to finance proper and usual customer activities, such as home mortgage loans and automobile loans. If the bank or financial institution is an entity with which you have or might reasonably expect to have dealings in your official capacity, you must be able to demonstrate that the loan has been granted on current customary terms; you must also provide written disclosure of the loan to your supervisor. The previous sentence does not apply if your duties or anticipated duties with respect to the bank are limited to obtaining third-party records.
- You may accept unsolicited advertising or promotional materials of nominal value.

*Example:* You may accept an unsolicited, inexpensive promotional pen or calendar.

*Example:* You may not accept a leather portfolio.

## II. REIMBURSEMENT OF TRAVEL EXPENSES

### A. General Restrictions

You may not accept reimbursement for travel expenses from a person or entity who falls within the scope of Section IA, above.

### B. Exceptions

- If you deliver a speech or participate in a conference, we may elect to accept reimbursement from the sponsor of the speech or conference for your actual and necessary travel expenses. In this case, we -- not the sponsor -- will pay or reimburse you in accordance with our travel policy, and bill the sponsor for the appropriate amount.
- If we determine that employee travel is a necessary component of a vendor evaluation process, we may elect to require competing vendors to reimburse us for actual and necessary travel expenses incurred in connection with the evaluation. In this case, we -- not the vendors -- will pay or reimburse you in accordance with our travel policy. The publicly advertised request for proposals or invitation for bids must set forth our procedures for calculating and billing all competing vendors for the appropriate amounts.

### III. HONORARIA

#### A. General Restrictions

You may not accept honoraria or other monetary compensation from an outside source in return for a public appearance, speech, lecture, publication, or discussion unless all of the following conditions are met:

- Preparation or delivery of the public appearance, speech, lecture, publication, or discussion is not part of your official duties;
- Neither the sponsor nor the source, if different, of the honorarium is a person or entity who falls within the scope of Section IA, above;
- You do not use office supplies or facilities not available to the general public in the preparation or delivery of the public appearance, speech, lecture, publication, or discussion; and
- You do not take office time for the preparation or delivery of the public appearance, speech, lecture, publication, or discussion.

*Example:* You may accept an honorarium for a magazine article prepared outside working hours.

*Example:* You may not accept an honorarium for delivering a speech in your official capacity.

#### B. Exceptions

- You may accept awards, certificates, or other items of nominal value given for a speech, participation in a conference, or a public contribution or achievement.

*Example:* You may accept a framed certificate of appreciation.

*Example:* You may not accept an engraved pewter bowl.

### IV. TESTIMONIAL AND RETIREMENT FUNCTIONS

#### A. General Restrictions\*

\*[Note: M.G.L. Ch. 268, §9A prohibits anyone from selling, offering for sale, or accepting payment for tickets to, or soliciting or accepting contributions for, testimonial dinners or functions held on behalf of anyone employed by a law enforcement, regulatory, or investigatory agency of the Commonwealth or any political subdivision of the Commonwealth. The law carries a maximum fine of \$500.]

- You may not solicit contributions, sell tickets, or otherwise seek or accept payment for a testimonial or retirement function, or any function having a similar purpose, held for yourself or any other employee, if the contributor is a person or entity who falls within the scope of Section IA, above, and the admission price or payment exceeds the actual per-person cost of food and beverages served at the function.

*Example:* You may not offer or sell tickets to a testimonial dinner to contractors doing business with us if the ticket price includes a contribution toward a gift.

- You may not accept food, beverages, or gifts at any testimonial or retirement function, or any function having a similar purpose, if such food, beverages, or gifts are paid for or subsidized by a person or entity who falls within the scope of Section IA, above.

*Example:* You may not accept a free admission to a retirement luncheon if the cost of your admission is paid, directly or indirectly, by one or more contractors doing business with us.

*Example:* You may not accept a retirement gift if the gift was paid for with the proceeds of tickets purchased by contractors doing business with us.

B. Exceptions

- None.

V. GROUNDBREAKING AND DEDICATION CEREMONIES

A. General Restrictions

- You may not request or require any person or entity who falls within the scope of Section IA, above, to sponsor or contribute to any groundbreaking ceremony, dedication ceremony, or similar occasion involving a public works project. If we determine that a groundbreaking or dedication ceremony for a public works project serves a legitimate public purpose, we may elect to fund such a ceremony. We may plan and pay for the ceremony. Alternatively, we may include the ceremony-related services in the construction bid specifications for the public works project.
- You may not accept food, beverages, or gifts at any groundbreaking ceremony, dedication ceremony, or similar occasion involving a public works project if the food, beverages, or gifts are paid for or subsidized by a person or entity who falls within the scope of Section IA, above.

B. Exceptions

- None.

***Political Activity:***

Public employees are governed by laws regarding political activities, including the Conflict of Interest Law and the State Campaign Finance Law. The basic principles are that public employees may not engage in political activity on public time and that public resources are to be used for governmental purposes, and not for political or other personal activities. In most cases, you as an individual are free to engage in political activity on your own time, subject to the limitations outlined below. “Political activity” includes any activity that supports or opposes a federal, state or local candidate or political party or a state or local ballot question. You may not, however, solicit or receive, directly or indirectly, any contribution or anything of value for any political purpose.

Below are general guidelines for political activities by public employees.

As a public employee, you may NOT:

- Use any public resources, including those of the Town or any other municipality, for campaign or other political purposes. “Public resources” means virtually anything that is paid for by the taxpayers, including computers, email accounts, office equipment and supplies, vehicles, buildings and the paid time of public employees. For instance, you may not:
  - for campaign or other political purposes, use publicly provided utilities, computers, email accounts, cellphones, telephones, postage, postage machines, copying machines, typewriters, or fax machines;

- use Town resources to prepare or deliver campaign statements; or
- use Town resources in connection with press conferences or press availabilities for predominantly campaign purposes.<sup>1</sup>
- Engage in **any** campaign or political activity during regular work hours. If you wish to engage in political activity during your lunch break, you must schedule the time of your break with your supervisor in advance.<sup>2</sup> This means that during work hours you may not, for example:
  - go to the offices of the Republican or Democratic State Committees;
  - write, edit or proofread campaign speeches;
  - perform advance preparation work for campaign appearances; or
  - hold signs, make telephone calls, write letters or stuff envelopes for campaign purposes.

You may engage in campaign or political activities on your own time only, which would include vacation time or personal time, which has been approved in advance.

- Use the Town seal, even on privately purchased stationary or other materials in connection with campaign or political purposes.
- Use your official title in connection with any political activity that you engage in on your own time.
- Solicit or receive, directly or indirectly, any contribution or anything of value for any political purpose. “Political purpose” includes fundraising activity on behalf of any candidate or political committee, including parties, political action committees and ballot question committees on any level—local, state or federal. You may not, for example:
  - serve as treasurer of a political campaign;
  - identify or provide names to a political committee to be solicited;
  - participate in fund-raising committees or fund-raising planning meetings;
  - make or threaten to make any government benefits, business or employment contingent on contributions of funds or services to any campaign;
  - be the featured speaker at a political fund-raising event;<sup>3</sup>
  - allow your name to be used on a political committee’s stationary if the stationary is used in soliciting funds;
  - host a fund-raising event at your home;<sup>4</sup>
  - distribute or sell tickets to political fund-raising events; or
  - perform any volunteer work that is directly connected with political fund-raising.
- Represent anyone other than the Town, including a campaign committee, in connection with any matter in which the Town is a party or has a substantial interest.
- Solicit campaign assistance from anyone who has a matter pending before you or your department.
- Require other Town employees to contribute to or participate in campaign activities, or penalize employees who do not contribute to or participate in campaign activities in their spare time.

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<sup>1</sup> While you may answer spontaneously questions posed by the press, the best practice is to refrain from commenting publicly on political campaigns and candidacies at your workplace unless you obtain permission in advance from the State Ethics Commission to do otherwise.

<sup>2</sup> You may not, however, engage in political fundraising even during your lunch break, since M.G.L. Ch. 55, § 13 prohibits public employees from soliciting or receiving political contributions at any time, i.e., even during non-work hours. This restriction does not apply to elected officials.

<sup>3</sup> According to the Office of Campaign and Political Finance (“OCPF”), state law does not prohibit a public employee from attending and speaking about non-fundraising matters at a political fundraiser (provided that the public employee’s attendance and remarks are not used as a “draw” to the event or to otherwise enhance political fund-raising efforts).

<sup>4</sup> OCPF has determined that the spouse of a state employee, under particular circumstances, may host a fund-raising event in his or her home, even if the home is jointly owned by the state employee. However, the state employee must not participate in any way in soliciting or receiving contributions.

- Use confidential information gained by reason of your official position to engage in any political activity, including political fund-raising (or for any other personal interest). Confidential information may include, but is not limited to: databases, names, addresses, telephone numbers, and e-mail addresses.

Subject to the above listed restrictions, you MAY:

- Be a member of a political organization or committee;
- Make a political contribution within legal limits, as long as the contribution is given to a campaign committee, and not to another employee;
- Donate your time to a political campaign outside of working hours, including on vacation time (as long as you do not participate in fundraising activities for a political campaign at any time);
- Attend political fundraisers, although you may not be used as a “draw” for an event;
- Run for political office, provided a committee is organized to solicit and receive contributions on your behalf. Before you run for office, you must ask your supervisor whether it can be done consistent with your obligations to the Town. Your committee must ensure that it does not solicit or receive contributions from any person having an interest in any particular matter in which you have participated during the course of your employment or which is the subject of your official responsibility.

These guidelines are for illustrative purposes only and are not intended to be all-inclusive. Questions regarding political activities should be directed to Town Counsel or to the State Ethics Commission at (617) 371-9500.

***Training:***

All public employees are required to receive education and training on the Conflict of Interest Laws every two years.

Newly hired employees must receive the summary of the law with their initial paperwork and are required to complete the online training within 30 days of employment and every two years thereafter.

This mandatory online training is intended to provide education to municipal employees regarding the Conflict of Interest Laws of which we are all subjected to. The summary must be provided on an annual basis to all employees and the online training must be taken every two years.

Employees may take this test on their home computer or with the permission of their supervisor at a designated time during the work day. The test is available through the Massachusetts State Ethics website [www.mass.gov/ethics](http://www.mass.gov/ethics). Click on the link for “Online Training” and the test will begin. The first thing it will ask is for you to type in your name. The test provides a summary of the law, a hypothetical scenario and a question regarding the scenario. Once you have successfully completed the test, a certificate of completion will be created. **This form must be printed and returned to your department head or the Longmeadow Human Resource Department.**

If you have any questions about how the law applies to you, you must call the State Ethics Commission directly at 617-371-9500. I have been instructed by the Director of the Ethics Division to refer questions to the Commission. Our obligation under this law is to distribute the information to employees and collect the completed certificates and retain them for a specified period of time.

If you have any questions related to taking the test, please feel free to contact the Town Clerk directly at 413-565-4103.

## **WEATHER AND EMERGENCY EVENTS POLICY**

### ***Purpose and Scope:***

The purpose of this policy is to set forth the guidelines to be followed in the event that snow, other weather-related events, or emergency situations cause the closing or limited staffing of municipal departments.

### ***Applicability:***

This policy applies to all Town employees except public safety, custodial and maintenance staff, day care personnel, or non-administrative Department of Public Works personnel.

### ***Policy:***

It is the policy of the Town of Longmeadow to compensate employees who cannot report for work when the municipal building they work in is closed due to snow or other weather-related event. In the event employees are required to remain at work or report to work after the municipal building in which they work has been closed, in addition to their regular pay, they will be credited with compensatory time off at a rate equal to the amount of time they worked while the municipal building was closed. For example, if an employee works eight (8) hours during a day on which their building is closed, they will be paid their regular pay and credited with eight (8) hours of compensatory time off. Any time provided pursuant to this section is to be used in accordance with the Flex Time Policy.

### ***Procedures:***

#### **Snow, Other Weather-Related Event, or Emergency Which Begins **BEFORE** Working Hours**

If a snow or other weather-related event occurs before or during morning commute hours, employees should take a reasonable amount of time necessary to arrive at work safely. Employees who prefer to use accumulated vacation, personal leave, previously earned compensatory or flex time in lieu of reporting to work, generally may do so with prior approval from their supervisor. Such approval should not be unreasonably denied. In general, if Longmeadow schools are closed or delayed as a result of the weather, employees may use up to one extra hour in the morning beyond their normal start time to ensure a safe arrival at work, without loss of pay.

Unless the municipal building is closed by the Town Manager, employees who do not report to work at all must use their own accumulated leave for the day.

In the event that a decision is made by the Town Manager not to open the building, or to schedule a late opening, employees will be notified by their supervisor as soon as possible prior to the start of their work day, or appropriate notification may also be made on the Town website and local television stations. Employees will be compensated for the period that the municipal building in which they work is closed, unless they were previously scheduled to be on vacation, sick or other leave for that period.

#### **Snow, Other Weather-Related Event, or Emergency Which Begins **DURING** Working Hours – Limited Work Force**

When an event begins during the day and is forecast to impact driving conditions, or otherwise impact operation of the facility, the Town Manager may call for a limited work force. This shall mean that at least one employee in each department should remain in the office until the close of business, or until the building is closed by the Town Manager.

As a practical matter, employees who live the farthest driving distance away, who are most at risk of injury during a snow or other weather-related event, or who must arrive somewhere at a specified time, such as to a child care facility, or who are otherwise concerned about driving, should be the first employees to be released. Employees so released will be paid for the remainder of their regular work day. To the extent possible, the limited work force should rotate.

When a limited work force is designated by the Town Manager, non-exempt employees who are required to work when other employees are released will be entitled to receive banked compensatory time at a rate equal to the amount of time they worked after the designation, in addition to their regular pay for that day.

The Town Manager at his or her discretion may close certain offices during a limited work force situation. If the office is closed at the discretion of the Town Manager, no employees need remain during the limited work force.

***Changes:***

The Town Manager may make reasonable changes in this policy based on weather and/or emergency conditions or the needs of the Town.

## **SMOKING POLICY**

Both state law and Town regulation prohibit smoking in municipal buildings. Town regulation further prohibits smoking within twenty (20) feet of all municipal buildings and in vehicles owned or leased by the Town.

“Municipal buildings” include a building or leased space owned or occupied by an office or department of the Town of Longmeadow including, but not limited to the School Department Buildings, Town Hall, Public Service Building (30 Williams Street), Town Yard, Greenwood Center, Storrs Library, Public Service Buildings, Old Town Hall, Forest Glen, Emerson Road DPW and Community House. Town regulations further prohibit smoking in Town-owned vehicles.

“Smoking (or smoke)” includes inhaling, exhaling, burning, or possession of any lighted or heated cigar, cigarette, pipe or other tobacco and/or plant product intended for inhalation in any manner or any form. Smoking or smoke also includes the use of electronic cigarettes, electronic cigars, electronic pipes, or other similar products, which provides a vapor of liquid nicotine to the user or relies on vaporization or aerosolization of any liquid or solid, whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

Smoking is permitted only in designated areas. This policy is strictly enforced. Violations of this policy may result in discipline, up to and including termination, and are subject to fines pursuant to Board of Health regulations.

## **DRUG FREE WORKPLACE POLICY**

It is the policy of Town of Longmeadow to maintain a drug-free workplace in keeping with the spirit of the intent of the Drug-Free Workplace Act of 1988.

While on Town premises or while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, manufacture or be under the influence of alcohol or illegal drugs. Such conduct is also prohibited during nonworking time to the extent that, in the opinion of the Town, it impairs the employee's ability to perform the essential functions of his/her job effectively and in a safe manner. The legal use of lawfully prescribed drugs or over the counter medications is permitted on the job only if it does not impair an employee's ability to perform the essential functions of his/her job effectively and in a safe manner that does not endanger other individuals in the workplace.

Employees who are convicted under a federal or state criminal drug statute for a violation occurring in the workplace or who plead guilty, including pleas of nolo contendere, (i.e., no contest) must inform the Town Manager in writing within five (5) days of such conviction or plea.

Employees who violate any aspect of this policy may be subject to disciplinary action, up to and including termination.

## **SOLICITATION & DISTRIBUTION**

To prevent unnecessary interference with employees' work, an employee is prohibited from soliciting another employee in working areas while either the person doing the soliciting or the person being solicited is on assigned working time. Solicitation by non-employees in working areas is prohibited at all times.

Distribution by employees of advertising material, handbills, and printed or written literature of any kind is prohibited on assigned working time and at all times in working areas. Distribution of literature by non-employees in working areas is prohibited at all times.

For the purpose of this requirement, working times means those periods when an employee has duties or tasks to perform, but does not include rest periods, lunch periods or similar personal time which may be paid time. The only exceptions to this policy are special exemptions for Town-adopted or sponsored programs for solicitation or distribution which have been approved, in advance, by the Town Manager.

This policy is not intended to restrain or interfere with any rights afforded to our employees by law or by an applicable collective bargaining agreement.

## **REIMBURSEMENTS**

Town employees are encouraged to identify and have the Town prepay all expenses (e.g., plane tickets, hotel accommodations, conference fees).

Employees are expected to secure approval from their department manager, prior to incurring business-related reimbursable expenses.

Procedures for requesting and receiving reimbursement are governed by the Town's "Employee Expense Reimbursement Policy and Procedures."

Employees are required to follow the procedures identified in the "Employee Expense Reimbursement Policy and Procedures" in order to be reimbursed for expenses. Generally, this includes completing an employee expense reimbursement or travel form accurately and completely, attaching all itemized receipts and records of payments made by the employee to the appropriate form, and submitting all required documentation to the employee's department head or assigned representative for approval within one month of incurring the expense. The department head will then review and approve, deny or seek clarification regarding the expenses.

The following expenses may be reimbursable:

### ***Business Mileage***

Business travel will be reimbursed to an employee at the lesser mileage from either the distance from the person's residence to the business location or from the employees normal work location to the business location. Reimbursement will be made at the amount set in the applicable collective bargaining agreement otherwise at the IRS allowable amount. Employees must log their origination point and destination point on the reimbursement form

### ***Travel Expenses***

Employees will be reimbursed for all travel related expenses only when the travel has been approved in advance by the department manager and/or Town Manager. Employees are expected to limit travel expenses (e.g., overnight accommodations, transportation costs) to the lowest available or most reasonably priced option available.

### ***Meals***

The Town will reimburse employees for approved business meals. Approval must be received by department manager for in-state travel and by the Town Manager for out-of-state travel. Reimbursement will not be made for alcoholic beverages. Employees are expected to limit meals to a reasonable expense amount and should not include "high priced specialty meals". Reimbursement will be based on actual expense incurred but not to exceed forty dollars (\$40.00) per day (\$7.50 for breakfast; \$12.50 for lunch; \$20.00 for dinner) or the amount set in any applicable collective bargaining agreement. Employees are expected to use reasonable discretion in their selection of menu items, whether via room service or in other dining facilities. Reimbursement for certain meals may be taxable income pursuant to Internal Revenue Code Section 119.

### ***Business-Related Expenses for Other Miscellaneous Items***

From time to time other business-related expenses may be incurred that are not listed, such as parking, road tolls or fees, use of rental equipment, or use of a taxi service. The employee must secure prior approval from his/her department manager before incurring such an expense. The employee will be reimbursed for actual business-related expenses. Receipts must be attached to the employee expense reimbursement form.

### ***Non Reimbursable Expenses***

The following expenditures incurred by an employee in the course and scope of their duties shall not be reimbursed:

- Massachusetts sales tax
- Alcoholic beverages including liquor, beer and wine
- Flowers and gifts for employees or others
- Charitable contributions
- Political contributions
- The personal portion of any trip
- Family expenses, including those of a partner when accompanying employee on Town business, child or pet care
- Entertainment expenses, including theatre, shows, movies, sporting events, sightseeing tours, golf, spa treatments, etc.
- Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations
- Personal losses incurred while on Town business
- Expenses paid for by any other organization
- Valet services
- Mileage while traveling as a passenger in a privately owned car
- Personal travel insurance
- Medical or hospital expenses
- Theft, loss or damage to personal property while on Town business
- Personal toilet articles, postage, reading material, personal telephone calls while on Town business

Employees will be subject to disciplinary action up to and including termination if it is determined that an employee has knowingly and purposefully falsified an employee expense reimbursement form or failed to pay their bill after the Town reimbursement.

If the employee has violated a local, state or federal law, proper authorities will be contacted.

Exceptions to this policy may be approved by the Town Manger. Exceptions should be made in writing and attached to the employee expense reimbursement form.

## **INVENTION AND INTELLECTUAL PROPERTY PROTECTION**

If the employee invents something or develops a process or program for the Town or with Town resources, the ownership rights to such inventions, ideas, or processes, where subject to copyright or patent, belong to the Town.

## **RETURN OF TOWN PROPERTY**

The Town may loan employees property, materials or written information to help them perform their jobs. Employees are responsible for protecting and controlling any loaned property.

Employees must also promptly return any property, materials or written information upon request. Employees must return property immediately at the time of separation from employment.

Employees may be held financially responsible for property returned in a damaged or broken condition or for unreturned property.

## **EXPECTATION OF PERSONAL PRIVACY AND VIDEO SURVEILLANCE POLICY**

Office space, furniture, equipment, vehicles, computers, and all other materials provided by the Town to assist you in your work are Town property. It is your responsibility to become familiar with the proper use of this property and to assure that it is maintained as needed. Town property should not be abused, misused or removed from the premises without proper authorization. The Town has the right to inspect any Town property issued to you at any time. Searches are conducted for legitimate employment-related purposes. The Town encourages employees not to store personal items in Town owned property.

The Town may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction or for other legitimate business reasons. Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring helps us to identify training needs and performance problems.

The Town may perform video surveillance of non-private workplace areas. The Town uses video monitoring to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage and prevent harassment and workplace violence.

Because we are sensitive to employees' legitimate privacy rights, The Town will make every effort to guarantee that workplace monitoring is always done ethically and with respect.

## **CONFIDENTIAL NATURE OF WORK**

All the records and information relating to the Town or its customers are confidential and employees must, therefore, treat all matters accordingly. No Town information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) may be removed from the Town's premises without permission from the Town Manager or department head. Additionally, the contents of the Town's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose. Employees must not disclose any confidential information, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside the Town. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. However, nothing contained in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours or other terms and conditions of employment. Additionally, this policy will not be applied or interpreted in such a way as to violate any applicable state or federal law (e.g., Massachusetts Open Meeting Law or Public Records Law, federal Freedom of Information Act, etc.). Employees will be subject to appropriate disciplinary action, up to and including termination, for violations of this policy.

## WHISTLEBLOWER POLICY

Pursuant to Massachusetts General Laws Chapter 149, Section 185, it is illegal for a public employer, including the Town of Longmeadow, to retaliate against an employee by taking adverse employment action against an employee because that employee:

- Discloses or threatens to disclose to a supervisor or a public body an activity, policy or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.
- Provides information to, or testifies before any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, or activity, policy, or practice by the employer or another employer with whom the employee's employer has a business relationship, which the employee reasonably believes poses a risk to public health, safety, or the environment; or
- Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

In order to qualify for the protections of the law, the employee must first report the issue in writing to a supervisor and provide the Town a reasonable opportunity to correct the matter. Reporting is not required where the employee believes the Town is aware of the issue and it is an emergency situation, the employee fears physical harm, or the employee makes the disclosure to the public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

An employee who wishes to report an activity, policy or practice of the Town, employees of the Town, or another employer with whom the Town has a business relationship, which the employee reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment may do so by reporting it to one of the following:

- Town Manager;
- The department head of the Department in which the employee is employed;
- Human Resource Manager.

## **ACCESS AND USE OF TELECOMMUNICATIONS SYSTEMS POLICY**

The purpose of this policy is to set in place the standards for the proper and allowed uses of the Town's telecommunications systems and equipment, including but not limited to its computers, telephones, handheld devices, electronic mail (e-mail), facsimile machines (faxes), emergency notification systems, radio communication systems and the internet.

The Town of Longmeadow provides staff with the ability to send messages and information through e-mail, fax and the internet. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The Town's telecommunications systems and equipment, including computer hardware and software are valuable assets; they must be used for Town business only. Employees may not use Town e-mail for personal, non-business related use nor may they access or solicit information for personal, non-business related use.

### ***No Expectation of Privacy/Public Access:***

The Massachusetts Public Records Law broadly defines the term "public record" to include all documentary materials or data, regardless of its physical form or characteristics, created or received by any official or employee of any governmental unit. As a result, all photographs, papers and electronic storage media including e-mail of which a governmental employee is the "custodian" constitute "public records." Therefore, use caution as emails, faxes, records of phone calls made and received, and Internet sites visited can be considered public information and can be reviewed not only by the Town, but also any third party who requests the information. All e-mail sent and received as principal addressee at a Town-issued address, or any address when in an official capacity, as well as faxes and internet postings should be considered a public record subject to legal discovery and record retention policies.

From time to time, management may access an employee's computer, email or stored email information files to better serve the Town's needs or to make certain that they are being used properly and in compliance with this policy. Email messages, as well as all computer data, are considered the property of the Town of Longmeadow and not the property of any individual. Employees should have no expectation of privacy with respect to information stored on their computers. The use of a password is to control access to the equipment and is not intended to create a right or expectation of privacy. All employees are required to register any computer passwords with the IT Director. All messages sent or received by e-mail or the internet are stored automatically on the Town's computer system and deleting such messages does not guarantee that they cannot be retrieved.

Notwithstanding the Town's right to retrieve and read any e-mail messages, faxes or internet postings generated from or sent to a Town-issued address, employees shall not retrieve or read any messages that are not sent to them unless express permission is given by the intended recipient.

No employees shall send e-mail under another employee's name nor shall any employee change any portion of a previously sent e-mail message without prior authorization.

### ***Appropriate Use:***

E-mail, and related on-line services, are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services. The telecommunications systems and equipment shall not be used for personal gain or to conduct personal business, political activity, fundraising activity, or charitable activity unless sponsored by the Town, with the approval of the Town Manager. The transmission of materials used for commercial promotion, product endorsement or political lobbying is strictly prohibited.

No property of the Town, including computers, may be used for any unlawful purpose or to offend, harass, abuse or otherwise communicate offensive, unlawful, or inappropriate messages or messages in violation of the

Town's Freedom From Unlawful Harassment, Discrimination and Sexual Harassment Policy. Nor may the telecommunications systems and equipment be used to access material unrelated to the performance of Town-related business.

No user shall pirate software or download and transfer software for which the use does not have the proper licensing.

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by the IT Director, or his/her designee, and have been subjected to virus detection procedures approved by the Town Manager, or his/her designee. Additional restrictions or regulations on the importing of remote files may from time to time be imposed and such restrictions or regulations shall be considered part of this policy.

Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources, e.g. mail bombing and flooding.

For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off. All electronic media should be kept away from magnets including those found in telephone receivers and paper clip holders.

Viewing or transmitting pornography from Town systems is strictly forbidden.

Installation of computer software and hardware is only to be done by the IT Department staff, or authorized vendor. IT staff can make exceptions on a case-by-case basis, but a request must first be made to the IT Department. Installation of privately owned hardware and software onto Town systems is prohibited.

Employees may not take any computer equipment or software out of the workplace without written permission from the Town Manager. Copying Town-owned software for personal use is a violation of software license agreements and is therefore forbidden.

Many computer files contain sensitive and privacy-protected data. Release of this data, whether deliberate or accidental, to unauthorized persons or agencies, may result in disciplinary action up to and including termination. The Town will report any unlawful use of its systems to the appropriate legal authority for prosecution.

Any employee who violates this policy or uses the Town's telecommunications systems for improper purposes shall be subject to discipline, up to and including discharge.

## PERSONAL SOCIAL NETWORKING POLICY

### *Introduction:*

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 of Longmeadow. Use of social networking sites during work hours or on equipment owned and/or maintained by the Town of Longmeadow is strictly prohibited, and is governed by the Access and Use of Telecommunications Systems Policy.

**Nothing contained in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours or other terms and conditions of employment.**

### *Purpose:*

Because of the Town's substantial interest in maintaining a professional, collegial, confidential, and impartial workplace, it is imperative that all Town of Longmeadow employees who engage in use of social networking sites, such as Facebook, MySpace, Twitter, LinkedIn, or Bebo, abide by the terms of this Policy and any such additional related policies that may be issued by the Town of Longmeadow. 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. The list of social networking sites is not intended to be exhaustive, and shall be deemed to include any social networking sites in existence at the time this policy is reviewed by the employee, or created thereafter.

### *Guidelines for Personal Usage:*

The same principles and guidelines found in the Town's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of coworkers or otherwise adversely affects Town residents, customers, suppliers, people seeking assistance from the Town or the Town's legitimate business interests may result in disciplinary action up to and including termination.

Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging, defamatory, malicious, obscene, threatening or intimidating while using social networking sites. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Town policy. Such statements or comments occurring online and/or through use of social networking sites will not be tolerated.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town of Longmeadow fellow employees, residents, or persons seeking assistance from the Town of Longmeadow.

Express only your personal opinions. Never represent that you are a spokesperson for the Town of Longmeadow. If the Town or one of its residents is a subject of the content you are creating, be clear and open about the fact that your views do not represent those of the Town, coworkers or residents. If you do publish a blog or post online related to the work you do or subjects associated with the Town of Longmeadow, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town of Longmeadow."

***Guidelines for Business Usage:***

Only authorized employees (as identified by the Town Manager), may participate in social media as an official representative of the Town. Only authorized users can create social media accounts using a Town email address. Accounts registered to a Town email address belong to the Town.

All communications on behalf of the Town should be written or displayed (video/photographic) in a professional and respectful manner, ensuring the communications do not violate a law or result in any harm, embarrassment, adverse publicity or potential liability for the Town, its residents, volunteers or employees. If authorized to comment for the Town, do not post or link to any defamatory or obscene language or material, harass or disparage another person or entity. You must comply with all Town policies when posting on behalf of the Town.

***Violations of Policy:***

Violation(s) of this Policy may result in disciplinary action, up to and including termination from employment. Violations may also result in referral to the appropriate authorities for civil or criminal prosecution. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Town Manager. Retaliation against another user for reporting a violation or violations of this Policy is strictly prohibited by the Town of Longmeadow.

The Town Manager reserves the right to make limited exceptions to this policy.

# SAFETY POLICIES AND PROCEDURES

## EMPLOYEE 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 any applicable safety laws or regulations. If an employee becomes aware of a situation that may endanger his or her own health or safety or someone else's health or safety, the employee should notify a supervisor immediately.

Many departments have their own safety policy manual. It is the responsibility of employees to identify and become familiar with the emergency plan for their respective departments.

All employees who operate a Town-owned 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 the Department Head of any changes in 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.

Attention to personal safety cannot be overemphasized. Safety is stressed in all jobs and at all levels. Failure to comply with the safety standards established by a department can result in the town's denial of responsibility for any worker's compensation claims. If any employees have suggestions regarding additional safety measures, they are encouraged to put them in writing and submit them to the Town Manager. The Town also has a Safety Committee which meets quarterly to look at losses and minimize their future occurrences.

## **POLICY ON WORKPLACE VIOLENCE**

### ***Definitions:***

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

- Use of vulgar or profane language towards others.
- Disparaging or derogatory comments or slurs or name calling.
- Any behavior prohibited by the Town's Freedom From Unlawful Harassment, Discrimination and Sexual Harassment Policy.
- Any form of oral or written threat that suggests or infers physical harm or an act of violence.
- The use of Town property, services or equipment such as phones, faxes, copiers, computers, vehicles, etc., for the purpose of threatening any individual with physical harm or an act of violence.
- Any physical assault, or threat of physical assault, such as hitting, pushing, punching, kicking or holding.
- Impeding or intentional blocking of the movement of another person with the intent to cause harm or intimidation.

### ***Weapons and Explosives:***

Non-Employees: A person, who is not a law enforcement officer, may not carry on his or her person, a firearm, whether loaded or unloaded, or any other dangerous weapon as outlined, in any building, or on the grounds of any property of the Town of Longmeadow, without the written authorization of the Town Manager.

Any violation of the provisions of this policy by non-employees, visitors or vendors, may result in the removal from the premises of the violator, a criminal trespass order issued, and/or a possible criminal complaint being sought.

Employees: Employees and officials of the Town of Longmeadow are prohibited from bringing to the workplace, or possessing on any Town property, building or parking area: firearms, ammunition, knives, starter pistol, flare gun, explosives and or blasting caps, or any other dangerous weapon. Having been issued a valid Class A or B License to Carry (LTC) or Firearms Identification Card (FID) by the Department of Public Safety does not supersede this prohibition. Law enforcement employees (Officers) are exempt from this provision as it applies to weapons issued by the Town of Longmeadow Police Department.

Any violation of the provisions of this policy by an employee or Town official shall subject the employee or official to appropriate disciplinary action, up to and including termination, and possible criminal action being sought.

### ***Prevention of Workplace Violence:***

The Town subscribes to the concept of a safe workplace environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing workers of the dangers of workplace violence, communicating sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

### ***Procedure for Reporting Violence:***

Each incident of workplace violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the Town Manager. In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified by the immediate Supervisor who must then report the incident immediately to the Town Manager.

***Exceptions Pursuant to M.G.L. Ch. 258, Section 10:***

This policy is not intended to be construed to provide explicit and specific assurances of safety or assistance, nor be cause for intervention by a municipal employee which causes injury or places a victim in a worse position.

## WORKERS COMPENSATION

Despite the careful efforts of supervisors and employees to maintain safe working conditions and practices, accidents do happen. The Town of Longmeadow provides protection against loss of income and medical expenses incurred for job-related injuries or illness, through Workers Compensation insurance.

The Town's Workers Compensation Plan provides coverage of medical and related expenses, as well as salary protection for employees (except for Police Officers and Firefighters injured in the line of duty), for qualifying work-related injuries or illnesses, subject to the terms of the plan and applicable law. Police and fire personnel are provided similar protection pursuant to Massachusetts law. For Police Officers and Firefighters, please refer to the "Injuries to Police Officers and Firefighters" policy.

For purposes of Workers' Compensation injuries, the Town selects a Preferred Provider for medical care and evaluation. The Preferred Provider will have direct access to physical and occupational therapy, diagnostic imaging, and a wide variety of specialists, all of which are on-site to offer one-stop shopping. The Preferred Provider is made aware of the information necessary to understand the workplace, the nature of the work, and can effectively prepare the employee to return to work safely. They also offer well-coordinated programs of follow-up care and accident prevention. Please contact Human Resources for contact information for the Town's Preferred Provider.

**It is very important the all Worker's Compensation claims be filed immediately upon their occurrence, even if you feel alright at the time the event happens.** All injuries and illnesses, regardless of how minor, should be immediately reported to your direct supervisor, or in his/her absence, their direct supervisor. Failure to properly report an incident covered by Workers' Compensation may result in denial of coverage. Pursuant to the Town's Workers Compensation Procedures, the supervisor will provide you with the required paperwork and the supervisor will be responsible for reporting the incident to the Town's insurance carrier. All original forms should be forwarded to the Human Resources Department within 24 hours of the injury occurring and will be kept in a file separate from your Personnel File.

## **LIGHT DUTY**

Employees who are able to perform light duty within reasonable medical restrictions, as certified by a health care provider, may be required to do so at the discretion of the Town Manager in consultation with the department head. This policy does not supersede the provisions of any applicable collective bargaining agreement.

## **INJURIES TO POLICE OFFICERS AND FIREFIGHTERS**

Injuries incurred by Police Officers and Firefighters in the performance of their duties are governed by Massachusetts General Laws Chapter 41, Section 111F (“111F”), rather than the workers’ compensation laws. It shall be the responsibility of the Police Chief or Fire Chief to make the determination that an injury to a Police Officer or Firefighter was incurred during in performance of his or her duties. Medical/treatment and prescription expenses resulting from the injury shall only be eligible for reimbursement by the Town once a determination has been made by the Chief that the injury occurred in the performance of their duties, and such injury is covered under 111F. If the determination by the Chief is delayed for any reason, medical expenses shall be paid retroactively to the date of the injury. Only medical expenses actually incurred by an employee as the result of an injury covered under 111F will be eligible for reimbursement. Once an employee is returned to full duty or retired as a result of such injury, medical expenses will not be eligible for reimbursement.

Any time lost by the employee as a result of such injury covered under 111F shall not be charged against the employee’s sick leave. Eligible employees shall receive pay in accordance with 111F and any applicable collective bargaining agreement.

## **VEHICLE USAGE POLICY**

### ***Policy:***

It is the policy of the Town of Longmeadow to provide vehicles for use by certain employees where required for the business of the Town, to allow employees to drive Town vehicles on such business of the Town, and to reimburse employees for the use of a personal vehicle for such business of the Town, all according to the guidelines set forth below.

### ***Applicability:***

This policy shall apply to all departments of the Town under the jurisdiction of the Town Manager with the exception of the Police and Fire Departments, where similar departmental operating procedures govern.

### ***Guidelines:***

Employees may drive Town vehicles only with the prior approval of their supervisors. No unauthorized passengers shall be transported in Town vehicles.

A supervisor may assign a driver only after determining that the driver meets the standards set forth in the Town's insurance policies and such other requirements as the Town may adopt. The supervisor shall also determine that the driver has a valid driver's license in the appropriate vehicle category and verify that the driver has a safe driving record. Employees must inform their supervisors of any changes that may affect their ability to meet the requirements of this policy, including but not limited to loss or suspension of license.

In accordance with Town regulations, employees and passengers are prohibited from smoking while in municipal vehicles.

Employees who regularly require transportation during the normal course of their work assignment may be assigned a Town vehicle to be used only for business purposes.

Only employees who are approved by the Town Manager as being required to respond to emergencies on a 24 hour basis as needed, may use a Town vehicle assigned to them for commuting purposes. No employee may use a Town vehicle for non-business purposes except those employees assigned a vehicle for commuting purposes and then only for de minimis purposes. De minimis purposes can be defined as stopping to get milk on the way home from work or some other such stop that is on the way to and from work or within the sphere of the individual's work related travels. Such use will be in accordance with the regulations of the Internal Revenue Services. Such use will be treated as taxable compensation in accordance with Internal Revenue Service regulations. Unless specifically granted by contract or other agreement, no employees in this category may use Town vehicles for personal use.

All Town vehicles shall be marked with distinctive markings approved by the Town Manager, identifying the vehicle as belonging to the Town of Longmeadow. Vehicles may be unmarked if specifically approved by the Town Manager.

Employees who are regularly assigned the use of a particular Town vehicle shall be responsible for the ongoing regular maintenance and safety of the vehicle within their department budgets.

Employees who drive a Town vehicle shall, in addition to meeting the approval requirements above, drive safely and maintain the security of the vehicle and its contents. Employees are also responsible for any driving or parking infractions or fines as a result of their use of a Town vehicle; however parking fines may be reimbursed with approval by the Town Manager if those fines occur on official business and under extenuating circumstances.

Employees driving on Town business may claim reimbursement for parking fees and tolls actually incurred upon evidence of proper receipts. Fuel for Town vehicles shall be supplied by the Town's fuel tanks located at the Highway garage.

Employees may use their own vehicles for Town business but only with the prior approval of their supervisor. Employees who use their personal vehicles for approved business purposes may receive a mileage allowance based on the IRS mileage rate, the rate specified in an applicable collective bargaining agreement or an annually budgeted automobile allowance. This allowance is to compensate for the cost of fuel, oil, depreciation, insurance and all other costs associated with operating the vehicle within Town limits.

Employees must report any accident, theft, or damage involving a Town vehicle or a personal vehicle used on Town business to their supervisor, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than one business day after the incident. Employees are expected to cooperate fully with authorities in the event of an accident.

Employees driving Town vehicles are subject to all applicable state and federal statutes and regulations.

Unless previously authorized by the Town Manager, employees may not take Town vehicles home.

Town Manager reserves the right to make limited exceptions to this policy.

# COMPENSATION, CLASSIFICATION & SENIORITY

## DEFINITION OF EMPLOYEE CATEGORIES

### *Categories of Employees:*

FULL TIME EMPLOYEE is a regular employee who routinely works at least 37.5 hours per week.

PART TIME EMPLOYEE is a regular employee who routinely works less than 37.5 hours per week.

TEMPORARY EMPLOYEE is an employee in a full or part time position which is not likely to require the services of an incumbent regularly or on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees.

REGULAR EMPLOYEE is a non-temporary employee who has completed his/her orientation period.

EXEMPT EMPLOYEE is an employee who is exempt from the minimum wage and overtime regulations of the Fair Labor Standards Act (FLSA) is paid a flat amount of money per pay period (salary), regardless of the number of hours worked.

NON-EXEMPT EMPLOYEE is an employee who is typically paid on an hourly basis and is entitled to overtime pay for hours actually worked in excess of 40 in one workweek at time and one-half the regular rate of pay.

### *Job Classifications:*

All employee positions are classified according to required skill level and qualifications necessary to successfully perform in a position. Each classification category carries a different rate of pay with it. In most instances, step increases occur between twelve months and four years of employment.

The Town of Longmeadow maintains a position classification plan that forms the foundation of its personnel administration program. It is the basis of establishing equitable pay scales, recruiting qualified employees, and performing necessary administrative tasks.

Job evaluation and classification aims to classify employees equitably on the basis of the type and level of work performed. The Town aims to make a serious systematic effort to identify specific elements or characteristics of a job position that actually distinguishes the work of one level from the work of higher or lower levels. The categories used to assess job type and level include the following fourteen (14) factors, education and basic knowledge, experience, accountability, judgment, complexity, supervision required, nature and purpose of personal contacts, work environment, physical demands, motor skills, occupational risks, confidentiality, supervisory responsibility and supervision exercised. The Town is committed to the maintenance of the classification plan to assure recognition, through reclassification of positions that expand or diminish in levels of responsibility and duties. All positions will be periodically reviewed to maintain the proper classification for each position.

The Town Manager will endeavor to administer a position classification schedule with the goal of re-evaluating all positions at intervals not to exceed every six (6) years except by waiver. If there is a significant problem before the re-evaluation is scheduled, employees and supervisors should utilize the procedure below.

Employees, supervisors or department heads who feel any position in their department is improperly classified may request a classification review. Requests should be submitted to the Town Manager. The employee, supervisor or department head must establish a significant basis for requesting a classification review.

The department head will initially review the request and then make a determination as to whether the request will be forwarded to the Town Manager for its review and recommendation. The Town Manager and department head are responsible for researching and investigating the classification request utilizing the classification scoring system in place. After its review, the Town Manager will issue a written decision.

If a request for reclassification has been denied, a period of twelve months must elapse before a request may again be initiated unless there are justified extenuating circumstances.

For the purposes of any associated step increases, the anniversary date of employees whose positions have been reclassified shall be the date of the approved reclassification and not the original date of hire. Step increases may be denied for employees who have been subject to disciplinary action within the past 12 months.

***Seniority:***

Seniority in job classification is based on length of unbroken service with the Town. When promotions, transfers layout, or recalls occur, seniority, as well as job performance and job qualifications will generally be considered.

## **HOURS OF WORK & PAY PERIOD**

Employees are required to work the scheduled hours of 8:00 AM to 4:30 PM unless otherwise indicated by the Town. The normal workweek is thirty-seven and one half (37.5) hours, or as outlined below. Unless otherwise provided by a collective bargaining agreement, lunch periods are unpaid.

Pursuant to Massachusetts law, employees who work a period of **more** than six (6) consecutive hours are entitled to a thirty (30)-minute unpaid meal break, during which they will be relieved of all work duties. Employees who desire to work through a lunch break may voluntarily agree to waive their meal break and will be paid for time worked. Employees must receive advance permission from their supervisor to work through their meal break and must complete a Voluntary Meal Break Waiver form prior to working through a meal break.

Current Departmental Workweeks are:

Managerial Employees:	As Required
Police Officers:	38 hours per week
Police Supervisors:	38.33 hours per week
Library:	40 hours per week
Public Work Employees:	40 hours per week
Parks and Recreation:	40 hours per week
Fire Department:	42 hours per week
Council on Aging:	35 hours per week

Departmental hours are subject to appropriation.

All employees are paid on a bi-weekly basis. The regular workweek begins at 12:00 A.M. on Sunday and ends the following Saturday. Employees are generally paid on Wednesday for the two-week work period ending the previous Saturday. The Town reserves the right to change the payroll period.

Temporary modifications to normal work schedule may be allowed with prior approval of the appropriate department head for the purpose of participating in Town wellness programs.

## **OVERTIME**

Payment for overtime of hourly non-exempt employees shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. If an assignment requires work in excess of 40 hours in a single workweek, such overtime work must be authorized in advance by the department head. Department heads and supervisors shall not authorize employees to work during unpaid lunch periods or to “volunteer” to work extra. Non-exempt employees shall be paid one and one-half times their regular hourly rate for hours actually worked beyond 40 in a workweek.

Compensatory time off may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual written agreement of both employee and supervisor prior to overtime hours being worked. For example, an employee who works ten (10) hours of overtime will be eligible for fifteen (15) hours of compensatory time off. Generally, employees may not accrue more than forty (40) hours of compensatory time. If an employee reaches this cap, he or she will not be permitted to accrue additional time and will instead be paid overtime wages at time and one-half their regular hourly rate. Additionally, the Town generally expects that employees will use compensatory time within one (1) month of accruing it. Compensatory not used within one (1) month will be paid out to the employee at his or her regular rate.

No overtime work should be engaged in without the express prior approval of the department head.

Occasionally, conditions will develop that will necessitate the scheduling of mandatory overtime. Employees are required to work overtime unless excused for good cause. If you are scheduled for weekend overtime, all policies governing attendance and punctuality apply the same as on a regular workday.

Employees who are salaried exempt are not eligible for overtime pay or compensatory time-off.

## **FLEX TIME**

Employees may be permitted to arrange their usual business schedules to accommodate unusual demand for evening or weekend work, subject to the advance approval of the Town Manager or department head. For example, an employee obliged to attend extra evening meetings may wish to come into work late the next day after such meeting. This is flex-time. Managerial personnel are expected to keep the normal business hours worked by others in their department, but flexible scheduling for unusual time demand periods may be appropriate. To obtain approval of a proposed flex time schedule, an employee must submit a memo to the department head or Town Manager at least two (2) business days in advance of the proposed change.

There may be rare occasions when a professional or managerial employee is asked to take on an added responsibility that will clearly and substantially stretch the average workweek for an extended period of time. When it is not possible for the individual to delegate other responsibilities or otherwise accommodate these new responsibilities to his/her normal work week, employees may be permitted, with prior approval of the department head or, if appropriate, the Town Manager, time off in lieu of compensation for the “beyond the line of duty” demands within a reasonable period. Time off granted pursuant to this policy does not accrue.

## TRAINING OPPORTUNITIES AND PROCEDURES

The Town of Longmeadow endeavors to promote both individual and institutional training programs and opportunities. All employees are encouraged to plan their careers and gain new skills for personal advancement and greater contribution to the Town of Longmeadow. The training, experience, and performance skills needed for town positions are compiled in the Job Description Book in the Human Resources Department and the rules and regulations of various departments.

Full time, regular, non-bargaining unit employees, who have worked for the Town at least two years, may be eligible for up to 50% reimbursement for tuition, and fees for work-related courses which serve to improve their knowledge and skills and increase their performance with the town. Approval for the particular course must be requested prior to enrollment. In order to be eligible for the reimbursement, employees must have the approval of the Town Manager. Approval is subject to the successful completion of the course or program. The Town may require the employee to sign an agreement to remain with the Town for a period of up to two years after completion of the course, or else be willing to reimburse the Town for the funds.

“Successful completion” of a course shall mean a minimum grade of B (or equivalent) for a graduate/professional degree course and a minimum grade of C (or equivalent) for a high school, undergraduate, or continuing education course.

All written requests for courses or workshops should be made in advance to the department head. The department head is responsible for analyzing the suitability of the request, including how the requested course will improve skills or service to the Town/Department and forwarding a recommendation to the Town Manager for final approval.

Requests will be reviewed as received and the number of courses reimbursed per individual will be strictly limited, and subject to the availability of funds in the Educational Reimbursement Account.

Generally, fifty percent (50%) of tuition costs and fees, (not including books) will be reimbursed to regular full-time, non-unit employees for successful completing of preapproved job related courses. Reimbursement will be made as follows: 25% reimbursement after employee submits proof of payment, in the form of a receipt or cancelled check, and 25% after a copy of the grades have been submitted. Tuition reimbursement will not apply in cases where the employee is reimbursed from other sources (e.g. Veterans’ educational benefits), unless other reimbursements are less than the cost of the course.

Where a full-time employee is required to attend a course or to receive instruction in order to maintain a license or registration which is an integral part of his/her job description and which is a requirement for the continuation of employment in that position, the Town shall fully reimburse the employee for such courses or instructions, subject to prior approval from the Town Manager.

Requests for training requiring out-of-state travel must be submitted to the Town Manager at the beginning of each fiscal year. The Town Manager will approve requests that are relevant to job duties and subject to available funds by September 1 of each year.

## **PROMOTION**

The Town of Longmeadow endeavors to promote within. Desire for advancement, length of service, previous training, and previous performance will be factors in determining promotions.

If an employee is assigned new duties so that in effect a new position is created, the employee may request a reclassification of his/her position pursuant to the Job Classification policy.

An employee whose position is reclassified or upgraded or who receives a promotion shall receive the rate in the new compensation grade next above his existing rate. However, in special cases where either (1) a pay loss would result due to the timing of a step increase being preempted by the change of status or (2) an employee would receive an increase of less than 4% as a result of the change of status, he/she may, upon recommendation of the department head and with the prior approval of the Town Manager, receive a rate higher than that in the step next above his/her existing rate.

# LEAVE

## **BENEFITS FOR PART TIME EMPLOYEES**

For part-time employees who regularly work at least 20 hours per week, all benefits shall be prorated, based on the amount of hours per week the employee regularly works as compared to the regular workweek of 37.5 hours, except as otherwise noted in the Hours of Work & Pay Period section.

## **PERSONAL LEAVE**

Each full-time employee (37.5 hours per week) with at least six months of service is allowed to take up to three personal days with pay each anniversary year. Personal days are made available to employees at a rate of one day for every four months worked.

Employees must obtain approval to use personal leave from the appropriate department head. Except in an emergency, employees should obtain approval from their supervisors within a reasonable period of time before taking a personal day. Personal leave is not to be used as vacation, and may not be combined with vacation leave. Personal leave may not be carried over from year to year. Employees who leave the employ of the Town are eligible for payment for unused personal leave. Personal leave is to be taken in increments of at least four hours.

Department heads are to notify the Town Manager in writing when use of personal time is planned.

Part-time employees who regularly work a minimum of 20 hours per week are eligible for paid personal leave on a pro-rated basis. Employees who regularly work fewer than 20 hours per week are not eligible for paid personal leave. Temporary employees are not eligible for paid personal leave.

Requests for personal leave must be submitted for approval in advance on designated Request for Time Off Forms. Employees who take personal time without following this approval procedure will be subject to discipline up to and including termination.

## **SICK LEAVE**

Sick leave is a time off benefit and is generally for protection of employees against loss of pay due to personal illness. Each full time employee shall accrue sick leave at the rate of one day for each month of service (12 days /year). Unused sick leave may be accumulated up to a maximum of 120 days. New employees are entitled to use such leave after completing at least one month of service.

Part-time employees who regularly work a minimum of 20 hours per week are eligible to accrue sick leave on a pro-rated basis. Employees who regularly work fewer than 20 hours per week are not eligible to accrue sick leave. Temporary employees are not eligible to accrue sick leave.

Unused sick leave will not be paid out upon an employee's separation from employment, unless specifically required pursuant to a written contract.

### ***Use of Sick Leave:***

Sick leave may be used for the following purposes:

- Personal illness or physical incapacity
- Enforced quarantine in accordance with health regulations
- For illness or physical incapacity in the employee's immediate family within reasonable limits

Sick leave may not be used for weather-related closures.

Absent serious illness or injury, employees are expected to use no more than six (6) days of sick leave per year generally.

In order to be compensated for use of sick leave, employees must submit a completed Request for Time Off Form upon their return to work. In the event of a planned incapacity, such as a medical procedure, employees should submit the Request for Time Off with as much advance notice of the absence as possible.

### ***Proof of Illness:***

In the event of three or more consecutive days of absence on authorized sick leave, a doctor's certificate or other proof of illness may be required upon request. The Town may investigate any extended absence of which sick leave is requested. Proof of illness will also be required in any circumstances where abuse of sick leave is suspected. The Town reserves the right to verify the authenticity of proof of illness documentation.

### ***Report of Illness:***

On the first day of absence from work due to illness, the employee shall report his or her illness to the department head or supervisor, not later than 30 minutes after the beginning of his or her scheduled work assignment, or as may otherwise be specified by the supervisor or department head. Employees are expected to maintain regular contact with their supervisor for the duration of their absence from work.

### ***Return to Work:***

The Town reserves the right to require reasonable medical certification related to an employee's own illness or injury.

## VACATION

Full time employees, other than department heads, shall be entitled to paid vacation in accordance with the following schedule:

From one year through four years of service: 2 weeks / year

From five years through nine years of service: 3 weeks / year

Upon completion of ten years of service: 4 weeks / year

Department heads shall be entitled to paid vacation in accordance with the following schedule:

From one year through seven years of service: 3 weeks / year

Upon completion of seven years of service: 4 weeks / year

An employee, including managerial employees, shall request vacation leave from his/her supervisor, giving as much notice as possible.

If a holiday falls during a vacation period, an additional day off will be scheduled, by agreement with the department head.

Vacation leave is accrued monthly, after the first month of employment, at the rate of 1/12<sup>th</sup> of the employee's annual entitlement. The employee's anniversary date (rather than the fiscal year) is used to determine vacation accruals. Vacation leave may not be taken until it is earned. Employees are permitted to use vacation time only after they have completed six months of service unless they have received prior approval from the Town Manager.

Vacation entitlement for the first and last months of an individual's employment shall be pro-rated on a calendar basis to the date of hire or termination, as appropriate.

Employees who become ill while out on approved vacation or personal leave may not substitute sick leave for the previously approved leave. The Town manager reserves the right to grant exceptions to this policy, due to hospitalization or other illness or injury.

Part-time employees who regularly work an average of at least 20 hours per week are entitled to accrue vacation on a prorated basis in accordance with the above schedule. Employees working fewer than 20 hours per week are not entitled to paid vacation leave. Temporary employees are not entitled to paid vacation leave.

### ***Scheduling of Vacations:***

Vacations in departments will be scheduled only with prior approval of the department head or appointing authority. If vacation requests in departments conflict, seniority will prevail only to the extent that job tasks performed are similar in nature. The Town reserves the right to deny any application for vacation.

Employees are encouraged to take vacation on a regular basis to allow for the proper rest from the rigors of work. Employees with three or four weeks of vacation eligibility must take at least two weeks in weeklong blocks.

Department heads are required to notify the Town Manager or appropriate appointing authority/ies in writing when use of vacation time is planned.

Requests for vacation leave must be submitted for approval in advance on designated Request for Time Off Forms. Employees who take vacation leave without following this approval procedure will be subject to discipline up to and including termination.

***Vacation Carryover:***

Normally unused vacation time may not be carried over from year to year. Upon request, employees may be permitted to carry over one week of vacation time into the next anniversary year. However, employees may not accrue vacation time in excess of their annual accrual rate.

## **HOLIDAYS**

The following holidays are observed by the Town of Longmeadow:

<b>New Year's Day</b>	<b>Memorial Day</b>	<b>Veterans Day</b>
<b>Martin Luther King Day</b>	<b>Independence Day</b>	<b>Thanksgiving Day</b>
<b>Presidents' Day</b>	<b>Labor Day</b>	<b>Day after Thanksgiving</b>
<b>Patriots' Day</b>	<b>Columbus Day</b>	<b>Christmas Day</b>

In Massachusetts, holidays falling on Sunday are celebrated on Monday. Holidays falling on Saturday are celebrated on Friday. Full time employees and part time employees who regularly work at least 20 hours per week, who are normally scheduled to work on the holiday, shall be entitled to holiday pay at the rate of one-fifth of their normal workweek. Part time employees who regularly work less than 20 hours and temporary employees are not eligible for holiday pay.

An employee will be required to work all of his/her scheduled hours on the workday immediately preceding and the workday immediately following the scheduled holiday in order to receive holiday pay, unless the employee has been preapproved for the use of vacation or personal time.

## **RELIGIOUS OBSERVANCE**

The Town respects the right of each employee to worship as his or her faith dictates. Generally, employees may use vacation days for religious holidays they wish to observe. In addition, 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 you to practice your religion. To make a reasonable religious accommodation request, please contact your department head, who will consult with the Town Manager.

## **JURY DUTY**

If you are called to serve for jury duty, the Town will allow you time off to fulfill this civic requirement. You must notify your supervisor as soon as you are summoned in order that appropriate schedule and duty changes may be made. For State Court jury duty, the Town will pay for the first three (3) days of service at the employee's regular rate of pay. However, any time served after this three-day period will not be compensated. If you are dismissed from jury service within two (2) hours before the end of your regularly scheduled shift, you will be required to report for work unless instructed otherwise by your supervisor. The Town does not pay for service as a federal juror; that pay is provided by the government.

## **MILITARY LEAVE (USERRA LEAVE)**

The Town of Longmeadow fully recognizes, honors and enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA). We appreciate the values, leadership and unique skills 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.

Military orders must be submitted to their department head within two business days of receiving the orders.

Regular employees who are called for temporary military duty shall receive the difference between their military pay (excluding travel allowance) and their regular pay for such duty for time missed from work. This differential compensation will be paid for up to two weeks per calendar year, and is intended to be paid during the employees' consecutive two-week training period annually. To receive military differential compensation from the Town, itemized military compensation should be submitted to your department head for approval and subsequent inclusion on the next regularly scheduled payroll. Employees' vacation allowance shall not be affected by their military leave.

## **BEREAVEMENT LEAVE**

Any employee may be granted up to three days of paid bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family. The three days of paid bereavement leave must be used on consecutively scheduled workdays. One of the consecutive workdays must be the day of the funeral. "Immediate Family" shall include spouse, child, parent, brother, sister, parent-in-law, children-in-law, or other relative residing in the employee's household. An employee may be granted up to one day of bereavement leave for the purpose of attending the funeral of a grandparent, aunt, uncle, or other close relative. There is not a waiting period before becoming eligible for bereavement leave under this handbook.

Requests for bereavement leave over and above the time allotted must be approved by the Town Manager in consultation with the department head.

The Town reserves the right to request documentation substantiating the use of bereavement leave.

## **FAMILY MEDICAL LEAVE ACT (“FMLA”) LEAVE**

This Policy is to provide employees with a general description of entitlement to Family Medical Leave Act (“FMLA”) leave. In the event of any conflict between this Policy and the applicable law, employees will be afforded all rights required by law. If you have any questions or concerns about this Policy, you may contact the Human Resources Department.

### ***Basic Leave Entitlement***

The FMLA provides up to twelve (12) weeks of unpaid family medical leave (or up to twenty-six (26) weeks of military caregiver leave) to eligible employees.

### ***Eligibility Requirements***

Employees are eligible for FMLA leave if they have worked for the Town for at least twelve (12) months, which need not be consecutive, but which must be within the last seven (7) years. Eligible employees must have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months prior to the start of the requested leave.

### ***Types of Leave Available***

Eligible employees may request FMLA leave for any of the following reasons:

- the birth and care of a newborn child of the employee;
- the placement with the employee of a son or daughter for adoption or foster care;
- to care for the employee’s spouse, son, daughter or parent who has a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition that the employee has;
- for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation; or
- to care for a military service member whose illness or injury arises out of his or her military service.

### ***Definition of Serious Health Condition***

A serious health condition is defined as a condition which requires in-patient care at a hospital, hospice or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such in-patient care, or a condition which requires continuing care by a licensed health care provider (a doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse midwife and Christian Science practitioner).

This Policy covers illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that results in a period of three (3) consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

### ***Military Family Leave Entitlements***

#### **Qualifying Exigency Leave**

Eligible employees with a spouse, son, daughter or parent on active duty or call to covered active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

### Military Caregiver Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a son, daughter, parent or next-of-kin who is a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties, for which the service member is undergoing medical treatment, recuperation or therapy; or is in out-patient status; or is on the temporary disability retired list.

The term “serious injury or illness” means:

- in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and
- in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that manifested before or after the member becomes a veteran.

### ***Benefits and Protections***

During FMLA leave, we 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 Human Resources Department. 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 available prior to the start of FMLA leave.

Employees who return to work on or before the expiration of their FMLA leave will be restored to their original or an equivalent position with equivalent pay, benefits and other employment terms. Employees on FMLA leave are, however, not entitled to any greater rights than they would otherwise have been entitled, had they continued as active employees. Some key employees may not be entitled to reinstatement at the conclusion of their FMLA leave. Key employees will be notified of their status as such at the time of their leave request.

### ***Use of Leave***

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations (intermittent leave is not, however, available to care for a child during the first twelve (12) months after the birth, adoption or placement in foster care). Leave due to qualifying exigencies may also be taken on an intermittent basis.

If you use intermittent leave, you must comply with our regular call-out procedure for each day on which you are absent, including specifically referring to the FMLA-qualifying reason for the leave.

### ***Substitution of Paid Leave for Unpaid Leave***

Employees eligible for FMLA leave must use any available paid leave concurrently with their FMLA leave until all such paid leave is exhausted. Employees must comply with the Town’s normal paid leave policies.

### ***The Leave Year***

The Town measures its leave year using a “rolling” twelve (12) month period measured backward from the most recent date an employee uses any FMLA leave.

Any family or medical leave which qualifies under both state and federal laws will be used concurrently to the extent permitted by those laws (i.e., Massachusetts Parental Leave, Workers’ Compensation Law, etc.).

### ***Employee Responsibilities***

Employees must provide thirty (30) days’ advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days’ notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures. Notice may be verbal and need not even mention FMLA, but must state the reason for the needed leave.

Within five (5) business days after the employee has submitted the appropriate certification form, the Human Resources Department will complete and provide the employee with a written response to the employee’s request for FMLA leave using the DOL Designation Notice.

While on leave, employees are required to report periodically, at least once every four (4) weeks, the status of their medical condition and their intent to return to work. All information is to be submitted directly to the Human Resources Department.

Employees may be required to provide a fitness-for-duty statement before they return to work after an FMLA leave for their own serious health condition to determine the employee’s ability to perform the essential duties and responsibilities of the employee’s position. If you are required to provide this statement, you will be notified at the time that your leave is approved.

### ***Certification of the Serious Health Condition***

The Town will ask for certification of the serious health condition of the employee or employee’s family member for which the FMLA leave is requested. The employee must respond to such a request within fifteen (15) days of the request or provide the Town a reasonable explanation for the delay. Failure to provide medical certification may result in denial of leave or denial of continuation of leave. Medical certification may be provided by submitting the DOL Certification of Health Care Provider for Employee’s Serious Health Condition, which can be obtained from the Human Resources Department.

### ***Certification for Qualifying Exigency for Military Leave***

The Town will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family, which can be obtained from the Human Resources Department.

### ***Certification for Serious Injury or Illness of Covered Service Member for Military Leave***

The Town will require certification for the serious injury or illness of a covered service member. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service Member, which can be obtained from the Human Resources Department.

***FMLA Questions and Concerns***

If you have any questions about your FMLA rights or responsibilities or if you disagree with a decision we make regarding FMLA leave entitlement, please contact the Human Resources Department to resolve your concerns as soon as possible.

## **PARENTAL LEAVE**

A full-time employee with at least three (3) months of service with the Town may receive up to eight weeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 (if the child is mentally or physically disabled), for adoption with the employee. The employee shall give at least two weeks notice to his or her department head of the anticipated date of departure and intention to return, or provide notice as soon as practicable if the delay is for reasons beyond the employee's control. An employee may use available sick, vacation, or personal leave, during the period of the leave. An employee does not accrue sick leave or vacation leave, and is not eligible for holiday pay during a parental leave. The employee is responsible for payment of 102% of health and life insurance premiums if the leave of absence extends beyond 60 calendar days and no accrued leave time remains. Any two Town employees shall only be entitled to eight weeks of parental leave in aggregate for the birth or adoption of the same child. Any leave beyond eight weeks must be approved by the Town Manager in consultation with the department head. Any parental leave which qualifies under both state and federal laws will be used concurrently to the extent permitted by those laws (e.g. Family and Medical Leave Act leave, etc.).

## **BREAK TIME FOR NURSING MOTHERS (FLSA)**

A non-exempt nursing mother is entitled to reasonable unpaid break time to express breast milk for her nursing child, for one (1) year after the child's birth, each time that the employee has a need to express the milk.

## SMALL NECESSITIES LEAVE ACT

Under Massachusetts law, employees who are eligible for FMLA leave are also entitled to an additional 24 hours of unpaid leave under the Small Necessities Leave Act (“SNLA”) leave. SNLA leave may be taken within a calendar year, 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 parent-teacher conferences or interviewing for a new school;
- To accompany the 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 and for other professional services related to the elder’s care, such as interviewing at nursing or group homes. An elderly relative is defined as one who is 60 years of age, or older, and related by blood or marriage (“marriage” refers only to legal marriages, and divorce nullifies the relative- by- marriage status).

Employees are required to use any available paid time off (i.e., personal, sick, vacation) while out on SNLA leave. If you have no paid time off available, the SNLA leave time will be unpaid.

Employees requesting to take SNLA leave are required to submit a request in writing to their department head for approval. If the leave is foreseeable, the request must be submitted not less than seven (7) days prior to the beginning of the leave. If the leave is not foreseeable, employees must provide such notice as practicable.

Requests for leave must be supported by documentation verifying the need to take the leave. Such documentation could include, but is not limited to, a doctor’s note, an appointment card, a teacher’s note, or a receipt for services rendered. Supporting documentation must be submitted to their department head, either prior to, or immediately upon return from SNLA leave. Failure to provide such documentation will result in the time off being counted as an unexcused absence, subject to disciplinary action.

If you have any questions concerning eligibility or requirements under the SNLA, please contact the Human Resources Department.

## **DOMESTIC VIOLENCE LEAVE POLICY**

Town employees, who are eligible, may receive up to fifteen (15) days of unpaid leave per twelve (12) month period if the employee or a qualifying family member of the employee is a victim of “abusive behavior,” as defined by the applicable law, and the employee is using the leave from work to:

- Seek or obtain medical attention, counseling, victim services or legal services;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings; or
- Address other issues directly related to the abusive behavior against the employee or family member of the employee.

This leave will not apply to an employee, who is the perpetrator of the abusive behavior against such employee’s family member.

### ***Process for Taking Leave***

An eligible employee must provide appropriate advanced notice of at least seven (7) days, except in cases of imminent danger or in the event of an emergency. In cases of imminent danger, an eligible employee is required to provide notice of his/her absence within three (3) work days that the leave was taken or is being taken under the policy. Notice must be given in writing to the Human Resources Manager.

An eligible employee includes all full-time and part-time employees of Town.

A qualifying family member of an employee is a:

- Person who is married to the employee;
- Person in a substantive dating or engagement relationship and who resides with the employee;
- Person having a child with the employee; or,
- Parent, step-parent, child, step-child, sibling, grandparent, grandchild of the employee and person in guardian relationship with the employee.

An eligible employee who provides written notice for such leave under the policy must provide at least one of the following documents to substantiate the need for such leave:

- Protective order, order of equitable relief or other documentation issued by a court as a result of abusive behavior against the employee or employee’s family member;
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee’s family member;
- A police report or statement of a victim or witness provided to the police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee’s family member;
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty of abusive behavior, or been convicted or adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this policy;
- Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee’s family member;

- A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other similar professional who has assisted the employee or employee's family member in addressing the effects of the abusive behavior; or,
- A sworn statement, signed under the pains and penalties of perjury, by the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Provided that an employee gives the notice required under this policy for the need for leave, the employee will not be disciplined for the unauthorized absence if the employee then gives, within thirty (30) days of the unauthorized absence, sufficient documentary evidence of the need for the leave by providing at least one of the documents listed above.

Upon receipt of such documentation, Town shall maintain the same in the employee's employment record, but only for as long as required for Town to make a determination as to whether the employee is eligible for leave under this policy. All information of the employee's leave will be kept confidential by Town. The information shall not be disclosed by Town unless the disclosure is: requested or consented to, in writing, by the employee; ordered to be released by a court; otherwise required by applicable federal or state law; required in the course of an investigation authorized by law enforcement; or necessary to protect the safety of anyone employed at the workplace.

Eligible employees are required to exhaust all available annual or vacation leave, personal leave and sick leave prior to requesting or taking leave under this policy, unless Town waives this requirement. All leave time under this policy will be unpaid. This leave may run concurrently with leave under the Family Medical Leave Act (FMLA) for eligible employees. Town shall notify the employee when such a determination is made.

Town does not condone or permit any retaliation against an employee for exercising his or her rights under this policy and the applicable law. Employees taking leave under this policy will not lose any benefit accrued prior to the taking of said leave and will be restored to the same or equivalent position upon return from such leave.

## **LEAVE OF ABSENCE**

The Town Manager may approve an employee's request for a leave of absence on an individual basis without compensation, for up to six (6) months. An employee does not accrue sick leave or vacation leave, and is not eligible for holiday pay during a leave of absence. The date of a step rate increase is extended by the duration of the leave, if the leave is longer than 60 days.

To be eligible for a leave of absence, an employee must have been in continuous service with the town for at least one year. Full time regular and part time regular employees who regularly work at least 20 hours per week are eligible for a leave of absence. The employee is responsible for a payment of 102% of health and life insurance premiums while on an approved leave of absence unless otherwise specified by law.

Additionally, non-benefit part-time employees who regularly work less than 20 hours per week are eligible for an unpaid leave of absence with prior approval of the Town Manager. However, non-benefit part-time employees are only eligible for leaves of up to two (2) weeks in duration at a time and may only take up to four (4) weeks of leave in any rolling 12-month period, measured backward from the most recent leave of absence.

Employees may be entitled to return to their former positions, or the equivalent, upon completion of the leave. Employees are expected to return to work, assuming no job elimination or reduction of force during the course of the leave.

## **INTERRUPTION OF SERVICE**

Any regular employee who leaves Town service while in good standing may be rehired within sixty (60) days of the employee's separation, at the discretion of the Town Manager, subject to wages and benefits offered by the Town Manager at the time of rehire. Such provisions will be minimally consistent with collective bargaining agreements or salary and benefits for new employees in similar positions.

# BENEFITS

## GROUP HEALTH, DENTAL AND LIFE BENEFITS

Currently, the Town offers the benefit of health, dental and life insurance plans to its eligible employees. Information relative to the plans offered and the cost to the employee will be provided to all new employees upon hire and to current employees during the Annual Open Enrollment period. Annual Open Enrollment is during the month of May for July 1<sup>st</sup> effective date of coverage. The Annual Benefits Fair is held on the last Wednesday of April each year to kick of the Open Enrollment Period.

For the benefit of our employees, The Town has instituted a Section 125 Plan. Enrollment in this plan is automatic, unless the employee chooses to opt out of the plan. This plan allows employees who contribute toward the cost of their health insurance to pay on a pre-tax basis. Participants in the plan are able to reduce their actual out-of-pocket costs; your savings will vary depending on your particular tax bracket. In accordance with federal regulations, election forms for the 125 Plan are available every year during the 125 plan open enrollment period. When you elect to participate in the 125 Plan you must maintain your election for the full year. There are, however, certain changes in family circumstances that the IRS will consider as valid reasons to make mid-year changes. Please refer to the Section 125 Summary Plan Description for more specific information and a listing of those benefits for which are eligible for pre-tax contributions.

In accordance with M.G.L. Ch. 32B, the Town shall contribute at least 50% toward the cost of health insurance benefits. The employee's share of the premium payment is deducted from his/her paycheck. Employees working a minimum of 20 hours per week on a year-round basis, or as required by state or federal law, are entitled to join the Town's group insurance program.

In accordance with M.G.L. Ch. 32B. the Town shall also contribute at least 50% toward the cost of an optional \$2,000 life insurance policy for employees working a minimum of 20 hours per week on a year round basis.

With written consent from the Town Manager, retirees wishing to gain/re-gain access to the Town's group health insurance plan will have a one-time opportunity to enroll/re-enroll in the Town's group health insurance plan, within 30 days of a valid qualifying event, or during the annual enrollment period in May, with coverage to be effective July 1, or if Medicare eligible during the Medicare annual open enrollment period in November, with coverage to be effective January 1. Retiree's spouses and/or dependents would be required to pay 100% of the cost of premiums associated with their spousal/dependent coverage under the Town's group plan.

Surviving Spouses and/or Dependents have the opportunity to maintain their coverage under the Town's group health insurance plan at a 100% premium upon the death of the Town's retiree for as long as their premiums are paid and their account is in good standing. Under this policy, if you choose to voluntarily dis-enroll in the town group health insurance plan, you will not be able to re-enter the plan in the future.

All employees hired (or re-hired) after March 31, 1986 will pay the Part A portion of FICA tax and will earn Quarters of Coverage that can be applied towards their eligibility for Medicare Part A coverage.

## **CONTINUATION OF BENEFITS UPON TERMINATION (COBRA)**

In the event that an employee, who is a member of the Town's group health and dental plan, terminates employment, the employee and his or her dependents may be eligible to continue the group coverage under the Consolidated Omnibus Budget Reconciliation Act ("COBRA") for an extended period of time in accordance with the law. Contact the Human Resources Department if you have any questions concerning COBRA. Employees who elect COBRA coverage will be responsible for paying 102% of the premium costs for continued coverage.

## **PENSION**

The Hampden County Regional Retirement Board (HCRRB) requires certain employees to become members of its contributory retirement system on the date of hire. Full Time permanent non-teacher employees are required to become members of the HCRRB system. Part Time permanent non-teacher employees who work more than 20 hours per week are required to become members of the HCRRB system. Part Time employees working less than 20 hours per week, Temporary and Seasonal employees are not eligible for membership with the HCRRB system. The HCRRB is responsible for determining eligibility for their system. Employee participation, contributions and benefit eligibility are defined by the terms of the pension plan. Specific details regarding this policy should be obtained from the Human Resources Department.

The Windfall Elimination Provision is a provision of federal law which affects benefits paid by the Social Security Administration under Title II of the Social Security Act. Under the Windfall Elimination Provision, your Social Security retirement or disability benefit is figured using a modified formula when you are also entitled to a pension from a job where you did not pay Social Security tax. For additional information, please visit: <http://www.ssa.gov/planners/retire/wep.html>.

## **OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (OBRA) PLAN**

Those employee who are not eligible to participate in the Hampden County Regional Retirement Board or the Massachusetts Teachers Retirement System are required to participate in the Town of Longmeadow Deferred Compensation Plan (the "Plan"), as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA). Under the Plan, you are required to contribute 7.5% of your gross wages to the Plan. The Plan is an alternative to Social Security coverage and therefore the 7.5% deduction is in lieu of the Old Age, Survivors and Disability Income portion of FICA (Federal Insurance Contributions Act). You will be subject to the Medical Insurance portion of FICA.

Federal and State taxes are not paid on deferred income or interest accrued, until monies are withdrawn from the Plan. Amounts deferred are before tax dollars, and therefore reduce your taxable income. Gross wages, as provided on your W-2 statement, is reduced by the amount you have deferred.

This plan does not restrict or eliminate your opportunity to enroll in full deferral privileges in an IRA, or to participate in other Town sponsored 457(b) Deferred Compensation or 403(b) Tax Sheltered Annuity (TSA) plans.

Employee responsibilities, rights or entitlement to benefits under the plan are governed by the plan's terms. Employees with questions should contact the Human Resources Department.

## LONGEVITY

All regular full time employees are eligible to receive longevity payments according to the following schedule:

Length of Service Completed	Annual Amount
5 years	\$250
10 years	\$500
15 years	\$750
20 years	\$1000
25 years	\$1250
30 or more years	\$1500

This amount shall be paid in two installments during the fiscal year, to employees on the payroll during the second payroll period in December and those on the payroll during the last payroll period in June. The date of hire shall be considered the date when the employee began working for the Town at least 20 hours per week on a continuous basis. The years of service shall be calculated from this date of hire. Employees will not be paid a prorated longevity benefit for mid-term separation from employment.

All regular part-time employees working at least 20 hours per week are entitled to longevity pay according to the above schedule, with the amount on the payment pro-rated. Temporary employees, or employees working fewer than 20 hours per week are not entitled to longevity pay.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Town provides confidential and voluntary assistance to employees and their family members who may be faced with financial concerns, legal issues, substance abuse problems, relationship difficulties, illness of a family member, emotional, or child care problems, etc.

Employees and family members can contact the Town's Employee Assistance Program (EAP) on their own without a referral, which may be reached 24 hours a day seven days a week.

The Town Manager reserves the right, under certain circumstances, to require employees to utilize the EAP services as a condition of continued employment.

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, attorney, treatment center, or other professional that would be appropriate to assist in resolving the problem. Where an employee may only need information, the solution may be offered over the telephone.

Employees, who need to visit the EAP during regular work hours, must use available vacation or personal time. For reasons of illness, sick time may be used for treatment or rehabilitation on the same basis that it is granted for other health problems.

The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage as well as his/her ability to pay.

**NOTE: All contact between an employee and the EAP is held strictly confidential, and the service is free to the employee and their immediately family.**

Please contact the Human Resources Department or view the Town's website at [www.longmeadow.org](http://www.longmeadow.org) for details related to this plan, including the Town's current EAP provider contact information.

## **OTHER BENEFITS**

Periodically, the Town offers additional benefits to employees. The benefits offered at the time of publication of this Manual are outlined below. For additional information or to view the most recent information, please contact the Human Resource Department or visit the Town's website at [www.longmeadow.org](http://www.longmeadow.org).

### ***Flexible Spending Account***

A Flexible Spending Account (FSA) is a tax-favored program offered by employers that allows their employees to pay for eligible out-of-pocket health care and dependent care expenses with pre-tax dollars.

By using pre-tax dollars to pay for eligible health care and dependent care expenses, an FSA gives you an immediate discount on these expenses that equals the taxes you would otherwise pay on that money. In other words, with an FSA, you can both reduce your taxes and get more for your money by saving from 20% to more than 40% you would normally pay for out-of-pocket health care and dependent care expenses with after-tax (as opposed to taxed) dollars.

Currently, the Town offers two types of FSA's.

- The Health Care Flexible Spending Account which can be used to pay for qualified medical costs and health care expenses that are not paid by your health insurance plan or any other insurance.
- The Dependent Care Flexible Spending Account used to pay for eligible dependent care expenses such as child care for children under age 13 or day care for anyone who you claim as a dependent on your Federal tax return who is physically or mentally incapable of self-care so that you (and your spouse, if you are married) can work, look for work, or attend school full-time.

Please review your Summary Plan Description (SPD) for further information.

### ***Short-Term Disability***

A Short-term Disability benefit provides income protection in the event of a short-term, or temporary, disability where the injury or illness is not work-related. The policy is customized to fit your income needs, paying directly to you in addition to sick time or vacation time for a period of up to two (2) years.

Regular full-time and part-time employees are eligible to enroll in a short-term disability policy.

### ***Long-Term Disability***

A Long-term Disability benefit provides income protection in the event of a long-term disability where the injury or illness is not work-related. The policy is customized to fit your income needs, paying directly to you in addition to sick time or vacation time for a period of up to two (2) years.

Regular full-time and part-time employees are eligible to enroll in a long-term disability policy.

### ***Accident Benefit***

An Accident benefit provides additional coverage above and beyond your health insurance and covers items such as co-payment and deductibles, surgical care, hospital admissions, and follow-up care. It includes an accidental death benefit as well as a catastrophic accident benefit.

Regular full-time and part-time employees are eligible to enroll in an accident policy.

### ***Cancer Benefit***

A Cancer benefit pays premiums directly to you for your cancer expenses including treatment and related items and has a separate premium distribution upon diagnosis of the disease.

Regular full-time and part-time employees are eligible to enroll in a cancer policy.

Please contact the Human Resources Department for provider contact information.

***Deferred Compensation***

Tax Deferred Compensation – The Town offers a tax deferred compensation plan for those employees interested in deferring part of their income. Currently the Town offers a 403(b) plan for employees of the School Committee and a 457 plan for employees of the Town. All paid employees of the Town are eligible to participate in the deferred compensation plans, including seasonal and temporary employees.

***Employee Discount Programs***

Periodically, business will offer discounts to Town employees on items such as cell phone service, gym memberships, or insurance rates. These discount programs are not administered by the Town and employees should contact the business directly for details on available discounts. If discount programs are communicated with the Human Resources Department, every effort will be made to post these discounts on the website at [www.longmeadow.org/HR](http://www.longmeadow.org/HR).

# SELECTION AND EVALUATION

## RECRUITMENT AND SELECTION OF EMPLOYEES

It is the policy of the Town to hire and retain the most qualified employees. All vacancies should be posted on the Human Resource Department bulletin board and on the Town website at [www.longmeadow.org](http://www.longmeadow.org). Current employees will be interviewed if equally qualified with other applicants.

Selection of applicants will be made by the appropriate appointing authority.

Whenever a vacancy occurs and is to be filled in any town office or town employment or in any multiple-member body, except for positions covered under the civil service law of the Commonwealth, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the select board or other appointing authority shall cause public notice of the vacancy to be posted on the town bulletin boards for fifteen days.

**Per Section 8-8 of the Town Charter, all vacancies shall be posted on the town bulletin boards for fifteen (15) days.**

## **CRIMINAL OFFENDER RECORD INFORMATION (“CORI”) POLICY**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants (hereinafter called “subject” or “subjects”) for the Town of Longmeadow (“Town”).

The Town generally performs Criminal Offender Record Information (“CORI”) checks for positions as required by state or federal law and for positions that include responsibility for handling financial transactions regularly. The Town will generally perform CORI checks upon hire or rehire (following separation from employment) and again after every three (3) years of consecutive employment.

Where Criminal Offender Record Information (“CORI”) checks are part of a general background check for employment, volunteer or internship work or licensing purposes, the following practices and procedures will generally be followed.

- CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (“DCJIS”) and only after a CORI Acknowledgement Form has been completed. If a new CORI check is to be made on a subject within a year of his/her signing of a CORI Acknowledgement Form, the subject shall be given notice of seventy-two (72) hours before a new CORI check will be conducted.
- All CORI obtained from the DCJIS is confidential, and access to the information is limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications.
- An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI for the Town will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.
- CORI used for employment purposes shall only be accessed for subjects who are otherwise qualified for the position for which they have applied within the Town. Unless otherwise provided by law, a criminal record will not automatically disqualify a subject. Rather, determinations of suitability based on background checks will be made consistent with any applicable law or regulations.
- If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the subject to ensure the record belongs to the subject. If the information in the CORI record provided does not exactly match the identification information provided by the subject, a determination is to be made by an individual authorized by the Town to make such determinations based on a comparison of the CORI record and documents provided by the subject.
- In connection with any decision regarding employment, volunteer or internship opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.
- If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record’s accuracy, then the

determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- Relevance of the record to the position sought;
  - The nature of the work to be performed;
  - Time since the conviction;
  - Age of the candidate at the time of the offense;
  - Seriousness and specific circumstances of the offense;
  - The number of offenses;
  - Whether the subject has pending charges;
  - Any relevant evidence of rehabilitation or lack thereof; and
  - Any other relevant information, including information submitted by the subject or requested by the Town of Longmeadow.
- If the authorized official of the Town makes an adverse decision based on the results of a criminal history background check, the subject will be notified in a timely manner. The subject shall be provided with a copy of this CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.
  - All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside the organization, including dissemination at the request of the subject.

## NEPOTISM

The Town is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives. However, close relatives will generally not be hired or transferred if:

- One close relative would supervise or evaluate the other; or
- One close relative would supervise or evaluate the immediate supervisor of the other.

Close relative is defined as spouse, civil union partner, in-law relation, child (including biological, step-children, children of the employee's civil union partner, adopted children and individuals for whom the employee serves as a guardian or in loco parentis capacity), parents (including step-parents, parents of the employee's civil union partner, adopted parents, former guardians or an individual who cared for the employee in an in loco parentis capacity), parent of the employee's spouse or civil union partner, grandparents, sibling or sibling of the employee's spouse or civil union partner. Domestic partner is defined as an individual who lives with the employee for more than six months in an intimate, financially interdependent relationship equivalent to that of spouses.

If a relationship occurs that results in two employees of the Town becoming close relatives when they are currently in a position reflecting the aforementioned conditions, the employee must notify his or her department head. The department head, in consultation with Town Manager and the affected employees, will attempt to derive an alternate employment arrangement within the Town. If such an arrangement cannot be achieved within six months, the continued employment of one or both employees in the relationship will be decided by the Town Manager.

Any exceptions to this policy must be approved by the Town Manager. Written justification for the exception must be submitted to the Town Manager prior to any employment decisions.

## **PERSONNEL RECORDS**

The Town of Longmeadow maintains personnel files for all of our employees in accordance with Massachusetts law (M.G.L. Ch. 149, § 52C). Personnel records should be maintained by the Human Resource Department in a secure place for each employee of the Town. These records shall be considered confidential.

If negative information is placed in an employee's personnel file, the Town will provide a copy of the information to the employee within ten (10) days.

Upon written request, the Town shall provide an employee with an opportunity to review his/her personnel record within five (5) business days of such request. The review shall take place at the Human Resource Department during normal business hours. Also, upon written request, the Town shall provide an employee with a copy of his/her personnel record within five (5) business days of such request.

If the employee disputes any information contained in his/her personnel record, removal or correction of such information may be mutually agreed upon by the Town Manager and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position which shall become a part of his/her personnel record.

Each employee also has a benefits and workers' compensation file in the Human Resource Department, which includes records related to benefit information forms (payroll deductions, health insurance) and accident reports.

## **GRIEVANCE PROCEDURE**

A grievance is a dispute between an employee and the appointing or supervisory authority arising out of an exercise of management rights or administrative discretion, or interpretation of these policies.

This grievance procedure applies to employees not covered by a collective bargaining agreement that contains a grievance procedure.

All employees have a right to have grievances and concerns regarding employment heard in a fair, equitable, and timely manner. The decision to air a grievance will not result in any penalty to the employee, regardless of the final decision. The grievance procedure steps are as follows:

The employee should raise any questions, concerns, or grievances with their immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level.

If the employee is not satisfied with the response during informal discussions, that employee may present the grievance to the department head. The department head will meet with the employee to discuss the case and provide the employee with a response on a timely basis.

If the employee is still not satisfied, the employee may submit a written grievance to the Town Manager within a timely basis.

Based on the written grievance and any other information, the Town Manager will make a final determination concerning the case. The determination by the Town Manager will be final and binding.

Employees may request to bring a fellow employee to meetings during the grievance review and may, with the agreement of the other party, extend the time limits.

# RESIGNATION AND RETIREMENT

## RESIGNATION

Unless covered by another contract or agreement, the Town requires that all employees present a statement of resignation to their department head or supervisor in writing as soon as possible, but at least thirty (30) days prior to the date of resignation. Earlier notification is always appreciated.

Failure to provide at least thirty (30) days' notice will result in the employee being ineligible for future employment with the Town. Additionally, failure to complete the final thirty (30) day period in accordance with the notice will result in the employee being ineligible for future employment with the Town.

Town employees may be required to participate in an "exit interview" which is designed to elicit information about the reason(s) for termination of employment. The Town Manager will use the information gathered through the interviews to pinpoint potential problem areas within the organization.

Unless there is a written agreement in place between the employee and the Town, part-time, temporary, seasonal and substitute employees who reject work and, as a result, do not perform any work for the Town for a period of 30 days or more will be considered to have voluntarily resigned their position. It is the employees' responsibility to notify their department head *in writing* of any availability (or unavailability) changes.

## **UNEMPLOYMENT**

In the event of separation from the Town, employees will be provided with information related to unemployment benefits. Former employees may or may not be eligible to receive unemployment compensation benefits. The state agency will determine whether or not a claimant is entitled to receive benefits according to current law and the individual merits of the separation involved. The Town will provide separation information to the State as required.

## **RETIREMENT PROCEDURES**

It is strongly recommend that Town and School employees visit the Human Resources Department **at least** one year in advance of their retirement date to understand their benefit options.

Employees who participate in the pension plan who are contemplating retirement should contact the Hampden County Regional Retirement Board (“HCRRB”) in advance of their contemplated retirement date to get information concerning Board timetables, the retirement process and purchase of creditable service. A personal interview with a designated representative of the HCRRB is highly recommended to help each applicant determine a retirement option, appropriate retirement benefits, and dates on which the employee becomes eligible.

# EMPLOYEE ACKNOWLEDGEMENT

I have received a copy of the Employment Practices, Policies and Procedures of the Town of Longmeadow and have read it or had it read to me. If I have any questions regarding the handbook, I understand that it is my responsibility to ask my supervisor about them. I recognize that it is my responsibility to read the policies, practices, standards, and rules it contains, and I agree to comply with them during my employment with the Town.

I understand the information in this handbook is intended to acquaint employees with general principles, standards, and procedures, and does not represent a contractual commitment by the Town concerning terms of employment or other matters. The Town remains free to act according to the best business judgment of its management and to change, interpret, withdraw, or add to the policies, principles, standards, and procedures described in the handbook at any time without prior notice, consideration, or approval. I further understand that the handbook is not a guarantee of any specific policies, procedures, standards, rules, or length of employment. I further understand that I will be responsible for complying with future changes in such policies, practices, standards, and rules communicated to employees from time-to-time.

I understand that this handbook is not a contract of employment. I may voluntarily leave employment, and I may be terminated at any time and for any reason. I understand that all statements to the contrary are hereby expressly disavowed and not to be relied on, unless in writing and signed by the Town Manager. I understand and agree that, if hired, my employment is for no definite period and, regardless of the date of payment of my wages and salary, may be terminated at any time without prior notice.

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Employee Printed Name

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Employee Signature

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Date