TOWN OF PELHAM

Personnel Policy Manual

Updated: March 2025

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I. GENERAL PROVISIONS

A. TITLE AND EFFECTIVE DATE

B. INTRODUCTION

Welcome to the Town of Pelham! The purpose of this manual is to clearly define the relationship between the Town and its personnel. This Procedures Manual shall apply to all personnel of the Town of Pelham except for those employed by the Regional School Committee or the Library Trustees, elected officials and voluntary boards or committees.

The Town of Pelham, working through the Personnel Board, has developed this manual to serve as a guide to the policies, practices, and procedures in effect in the Town of Pelham. The Manual provides current information on policies, practices and procedures. However, such a document has practical limitations. As such, interpretation of specific policies, practices, and procedures is the responsibility of the Personnel Board. If questions arise about topics not covered in the Manual, or about the meaning, intent, application, or interpretation of information in the Manual, these should be directed to the Personnel Board and then to the Board of Selectmen, who will serve as the final authority.

The policies set forth in this manual are subject to change by the Personnel Board, upon review by the Board of Selectmen and approved at Town Meeting, and will become effective two weeks after written notification to all personnel.

C. NON-DISCRIMINATION POLICY

The Town of Pelham is fully committed to the concept and practice of equal opportunity. Consistent with the Town's commitment to equal employment opportunity, all decisions pertaining to employment, compensation, or advancement will be based solely on sound business needs and without regard to race, color, religion, national origin, gender, age, handicapping condition, sexual orientation, or veteran status. The Town agrees to abide by all federal and state laws regarding equal employment opportunities without discrimination, and the provisions of MGL Ch. 150E, regarding discrimination and coercion.

D. DEFINITIONS

The words and phrases used in this Procedures Manual shall have the following meanings:

Administrative Authority
Three member elected Select Board

The Select Board will be responsible for all duties assigned the Personnel Board under this Policies and Procedures Manual, unless the Personnel Board delegates authority for specific duties to another entity, notwithstanding the Personnel Board's duties and responsibilities as defined by applicable state and local laws.

Anniversary Date
One year after the date of hire and thereafter

Appointment
All appointments are made by the Select Board based upon the recommendations of the department head

Placement of a person will be in a permanent or temporary position.

Board
Select Board for the Town of Pelham.

Call-out Time
Any non-salaried employee called upon to render service, not as part of his or her normal workday, shall be compensated for a minimum of three (3) hours at time-and-one-half ($1^1/_2$), or in accordance with departmental practices.

Casual Service
Service rendered by an employee in a position calling for part-time employment

This service does not constitute continuous employment, and is rendered occasionally and without regularity according to demand.

Compensation Plan
The totality of all wages, salaries, and benefits

Compensatory Time Off
An authorized period of absence from work, with regular pay, which serves as compensation for work in excess of the normal work week

This absence must be approved in writing by the department head and/or the Board of Selectmen.

Conflict of Interest
All public employees of the Town of Pelham must comply with Massachusetts General Laws, Chapter 268A, Section 17-23, Conduct of Public Employees. The law prohibits a variety of acts including bribery; receiving gifts or compensation other than official Town compensation for any matter in which the Town has a substantial interest participating in a matter involving the Town in which one's business associates or one's relatives have a financial interest is prohibited.

Continuous Employment
Uninterrupted employment except for vacation leave, sick leave, or other authorized leave of absence

Demotion
Transition of an employee from a position in one class to a position in another class having a salary range with a lower maximum rate of pay

Department
Any department, board, committee, commission, or other agency of the Town subject to this policy

Department Head
The employee responsible for the administration and operation of a Town department, who reports directly to the Select Board

Dismissal
An action involving an employee being removed from the service of the Town of Pelham for cause

Employee
A paid person who is appointed to a permanent full-time, permanent part-time, or intermittent position

Exempt Employee
A salaried employee who is employed in an executive, administrative or professional capacity and generally is not entitled to overtime pay. Reference the Fair Labor Standards Act

Family
The immediate family shall include the employee's spouse, child, step-child, parent, brother, sister, grandparents, father-in-law, mother-in-law, son-in-law, daughter-in-law, or partner residing in the employee's residence.

Full-time Employee
An employee retained in a full-time continuous employment who works a regular schedule of at least 40 hours per week and receives all benefits

Full-time Employment
Employment not less than 40 hours per week, 52 weeks per year minus legal holidays and authorized vacation leave, sick leave, and other authorized leaves of absence

Grievance
Any action focusing on a disagreement between the Town and/or its employees relating to the application or interpretation of the Personnel Policies and Procedures Manual

Holidays
A day on which any employee who receives benefits will receive the day off while receiving compensation at their regular rate of pay

Hourly Employee
Any non-salaried employee

Layoffs
Removal of an employee because of lack of work, failure of financial appropriation, or causes which do not relate to the performance of said employee

Leaves of Absence
Leave of absence from employment approved by the Select Board for a definite time period during which the employee will accrue no benefits

Minimum Qualifications
The level of qualifications an applicant must possess in order to be eligible for a position

Such qualifications shall be stated in the job description and included in advertisement of position openings.

Non-exempt Employee
An employee, whether paid a salary or an hourly wage, whose primary duty is not executive, administrative or professional in nature

A nonexempt employee is entitled to overtime pay under certain circumstances.

Overtime
Time worked in excess of the normal work week of 40 (forty) hours

Part-time Employment
Any employment under 40 hours

Part-time Benefited
An employee retained at less than full time employment, 40 (forty) hours per week, but at least 20 (twenty) hours per week

Part-time Non-Benefited
An employee retained at less than 20 hours per week

Part-time Employee
An employee retained at less than full-time employment, 40 (forty) hours per week

Part-time Employment
Any employment less than 40 hours per week

Pay Range
The dollar amount between minimum and maximum in any job classification

Performance Review
Done annually by the supervisor of the Department on all employees, with the exception of non-benefited employees, on each employee's anniversary date

Permanent Position
Any full-time or part-time position in the town which requires or is likely to require the services of an employee on a continuing basis

All classified positions will be considered permanent appointments upon the satisfactory completion of the probationary period.

Personal Leave
An authorized leave of absence without pay that has been authorized by the department head and approved by the Select Board

Personnel Records
Any record pertinent to a specific employee

Probationary Employee
A new employee working through the initial 6 (six) month probationary period

Probationary Period
Initial 6 (six) month period of employment that each new employee appointed to a permanent position will be required to successfully complete

A department head/supervisor, with the approval of the Board of Selectmen, may discharge a probationary employee with no recourse.

Promotion
A change from a position of lower pay and compensation to a position with greater responsibilities at a higher compensation level

Range
Amount between minimum and maximum in any pay scale

Rate
Sum of money designated as compensation for service to be paid neither on an hourly or salary basis

Salaried Employee
An exempt individual receiving a set amount of pay for annual compensation for the job

Seniority
Employee's length of continuous service with the town with no break in employment

Sick Leave
The provision of compensation to an employee for legitimate illness or injury

Temporary Employee
Seasonal employee or an employee hired on a short-term basis for a specific project, working less than twenty (20) hours per week

Temporary Position
Seasonal position or a specific short-term project

Termination
Secession of employment, benefit, seniority

Transfer
Movement of employee from one position or department to another position or department

Unpaid Vacation
Time off without pay, with approval of department head

Vacation
Earned time off

E. ROLE OF THE SELECT BOARD

It will be the responsibility of the Pelham Select Board to administer this Policies and Procedures Manual consistent with their duties and responsibilities as defined by the Massachusetts Constitution, Massachusetts General Laws, and the Bylaws of the Town of Pelham.

The Select Board will be responsible for all duties assigned the Personnel Board under this Policies and Procedures Manual, unless the Personnel Board delegates authority for specific duties to another entity, notwithstanding the Personnel Board's duties and responsibilities as defined by applicable state and local laws.

F. ROLE OF THE PERSONNEL BOARD

1. Interviewing, Hiring, and Evaluation Procedures
    - The Personnel Board shall participate in the hiring of the Town's employees, including developing job descriptions and identifying salary ranges.
    - An interview committee will be established for the interviewing of candidates for benefited Town positions. The interview committee will include at a minimum, but may not be limited to, the hiring supervisor, one member from the Select Board and one member of the Personnel Board. The interview committee shall make hiring recommendations to the Select Board.
    - It is the Personnel Board's responsibility to create the format for performance reviews.

2. Compensation
    - The Personnel Board will be responsible for proposing a compensation plan for the Town employee positions.
    - The Personnel Board shall periodically review the compensation plan and present to the Town Meeting such amendments to the compensation plan as it deems appropriate.
    - It shall be the duty of the Personnel Board to make a study as deemed necessary of the work and compensation.
    - The Personnel Board shall hold a hearing upon all proposed amendments to the compensation plan and to the Personnel Manual, and shall give due notice thereof to all persons interested.

- The Personnel Board shall report to the Town Meeting its recommendations as to all articles in the warrant pertaining to the compensation plan.
- The Personnel Board will recommend salary ranges for all benefited Town employee positions.
- Upon recommendation of a board member, Select Board member, or department head, supported by evidence in writing of special reasons and exceptional circumstances, the Personnel Board may recommend an entrance salary rate greater than the minimum set forth in the established salary range for the position.
- The Personnel Board will be responsible for proposing working conditions and benefits for benefited Town employees occupying the positions to which this bylaw is applicable.

3. Personnel Manual
   - The Personnel Board will provide for the compilation of a Personnel By-law (Manual) for the Town of Pelham, which describes the conditions of employment with the Town, including job descriptions, compensation plans, and benefits, and recommend amendments, additions, deletions and other revisions thereto.

4. Keeping Records
   - Working with the Town's Department heads, the Personnel Board will provide for the description of the duties and responsibilities (job description) of all positions to which the Personnel By-law (Manual) pertains.
   - The Personnel Board will periodically review the duties and responsibilities of the Town employee job descriptions; employee job descriptions will be updated upon position vacancies and otherwise as deemed appropriate by the Personnel Board.
   - The Personnel Board may have the right to request information contained in the employee records, which are kept by the Administrative Assistant, pertinent to issues necessary to fulfill the duties of the Personnel Board.
   - The Personnel Board will have access to a safe, secure, and accessible place to store and maintain records, files, surveys, MMA materials and other materials as required for use by the Personnel Board.

5. Relations (Grievances) Review
   - An employee who disagrees with his/her supervisor's grievance decision shall speak to the Select Board at a regular Select Board meeting regarding the problem. The Select Board shall make an effort orally and within five (5) working days after the meeting to resolve the problem to the satisfaction of all parties. If, however, the employee is not satisfied, s/he shall present the grievance in writing to the Select Board. The Select Board will refer the matter to the Personnel Board for immediate study. The Personnel Board will investigate the grievance and present its recommendation in writing to the Select Board within two (2) weeks of the receipt of the complaint. The Select Board will review the grievance and present its conclusion in writing to the employee within two (2) weeks of the receipt of the Personnel Board's recommendation. An employee who disagrees with the written decision of the Select Board may request a hearing by the Select Board and had the right to present and to be represented by counsel at the hearing.
   - When sitting as a Relations Review Board, the Personnel Board shall keep separate record of its proceedings, which shall not be open to the public inspection

as may otherwise be required by state law but will become part of the employee's personnel file.

6. Procedures
   - The Personnel Board shall oversee the administration of personnel policies and shall establish procedures as it deems necessary for the proper administration thereof. It may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds thereof.
   - The Personnel Board shall file a copy of its annual report on or before the date required for inclusion in the annual report.

G. RESPONSIBILITIES HELD BY OTHER PELHAM BOARD'S

1. It is the full Select Board's responsibility to conduct annual performance evaluations in writing for department heads who report to the Select Board. Department heads will conduct salary reviews of staff they supervise.
2. It is the Finance Committee responsibility to do research associated with cost of living increases it recommends.

H. ATTENDANCE AND PUNCTUALITY

Attendance and punctuality is defined by the supervisor or department head in each department. If an employee is going to be late for work or absent, the employee must notify the department head or supervisor as soon as possible before the start of the workday.

All elected officials are exempt from this clause, but are expected to perform their duties in a timely fashion. According to Massachusetts state laws, all elected officials are responsible for informing the public of their availability.

II. HIRING AND REVIEW

A. REVIEW POSITION

1. When a vacancy occurs the Department Head will review the functions, duties, responsibilities, and minimum qualifications of the position as described in the existing job description.
2. When a new position is created, the Department Head and the Board of Selectmen, with input from the Personnel Board, will develop a job description for the position.
3. The job description will be reviewed by the Department Head, the Personnel Board, and the Select Board, or their designee(s), for proper assignment of grade and salary range.

B. HIRING PROCEDURE

1. Hiring Procedure
   - Current employees of the Town will be awarded first consideration for hire into new or open positions, pending approval by the hiring supervisor and assuming the employee meets all requisite qualifications.

- Department heads and appointing authorities may appoint temporary and seasonal employees to titles contained in the Job Description in accordance with procedures outlined herein. Temporary and seasonal employees are not entitled to benefits such as health insurance, paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week, with the exception of sick leave as outlined in Section IV(B)(2) on page 17 of this Manual.

2. Advertise
   - After notifying the Select Board, the Department Head shall post in the public media a notice of vacancy for all vacant positions except those to be filled on an emergency basis or those to be filled by promotion or transfer of a current employee.
   - Posting shall include the job title, summary statement of duties, minimum qualifications relating to education, skills, and/or experience, directions for submitting applications and deadline for receipt of applications.
   - Deadline for receipt of applications shall be no sooner than ten (10) days after posting. In emergency situations, temporary employees may be hired for a period not to exceed sixty (60) days without posting or advertisement of the vacancy.

3. Application
   - All applicants for employment will submit a preliminary written application on a form provided by the Town. Applicants may also submit a resume and supporting material in addition to the application form.

4. Interview
   - Selected, qualified applicants shall be given an interview.
   - An interview committee will be established for the interviewing of candidates for benefited Town positions.
     a. The interview committee will include at a minimum, but may not be limited to, the hiring supervisor, one member from the Select Board and one member of the Personnel Board.
     b. The interview committee shall make hiring recommendations to the Select Board.

5. References

   Prior to final appointment, candidates for full-time and part-time positions selected for further consideration will have their references checked by the Department Head (or the Select Board for a Department Head position) and will be subject to background (CORI) checks.

6. Offers of Employment

The Department Head (or Select Board in hiring a Department Head) will select the best qualified candidate for the position. The Department Head shall notify the Select Board of the decision. Offers of employment may be subject to the following.

- Medical exam. Satisfactory completion of a medical examination performed by a physician of the Town's choice at its expense. **This examination will be conducted solely to determine whether the applicant is capable of performing the essential functions of the job if the Town makes reasonable accommodations.**

  At the discretion of the Select Board, this section may not apply to temporary workers.

- Alcohol and Drug Use Test. Satisfactory completion of an alcohol and drug use test for employees operating Town-owned Highway Department motor vehicles as provided in the Town's Commercial Driver's License Alcohol and Drug Testing Policy.

7. Confirmation

Accepted offers of employment will be confirmed in writing by the Department Head (or Board of Selectmen) to the applicant and copied to the Select Board, Accountant and Treasurer. Such confirmation shall include the rate of pay, start date, grade and step according to the Town's Position Job Description and any other relevant information.

8. Orientation

The Department Head, Treasurer and the Administrative Assistant shall inform new employees of their rights, responsibilities, duties, and obligations.

a. The Administrative Assistant shall provide the employee with a copy of the Personnel Policy.
b. The Department Head shall provide the employee with on-site training and orientation regarding safety policies and procedures.
c. The Treasurer shall explain all benefits and options to which the employee is entitled, and shall assist the employee with the completion of appropriate forms.

9. Probationary Period
   - The first six (6) months of employment following an appointment to a regular position shall be a probationary period.
   - For members of the police department the first twelve (12) months of employment shall be a probationary period.
   - During the probationary period, the employee will be able to determine whether the job is suitable for him/her and the Department Head will have an opportunity to evaluate the employee's conduct, performance and work habits.
   - Prior to the end of the probationary period the Department Head will forward to the Select Board a determination in writing that the employee be transferred to regular status or terminated.
   - Probationary employees do not have access to the grievance procedure.

10. Contractual Agreements
    Nothing in this Manual is intended to create, describe, or modify any contractual agreement(s) that may exist between the Town and its employees.

III. COMPENSATION

A. WAGES AND SALARY

1. Administration
   - The Select Board will have administrative authority over all town employees (excluding school and library).
   - Each classified position is placed in a pay grade with those positions which are sufficiently similar with respect to difficulty, responsibility and character of work as to require the same amount of experience and training.

2. Position Job Description
   - The Select Board is responsible for ensuring that a Position Description is available for each job. The Position Description describes the duties, authority, responsibilities and essential functions of the position.
   - The Position Description will be standard for classifying individual positions and for determining when reclassification is warranted. The statement of position descriptions is descriptive and not restrictive, and shall be reviewed regularly and immediately prior to advertising for a "new hire" by the Department Head to note any significant changes which may have taken place.

3. Reclassification
   - Reclassification of positions will occur when duties of a position merit transfer to another pay grade reflecting its duties, authority, and responsibility.
   - Reclassifications will be reviewed by the employee's Department Head and the Finance Committee, Personnel Board, and the Select Board, or their designees.

4. Compensation Plan
   - Annual Cost of Living (COLA) Increase. Each year during the budget process the Select Board, with input from the Finance Committee and based on projected Town funding, will determine a percentage increase to be given to all employees.

- Step Increase. For the first five (5) years of employment, full-time and part-time benefited employees are eligible for a 2% annual step increase on their anniversary date. This step increase is dependent upon a successful performance evaluation.

- Exceptional Merit Increase. A Department Head may nominate employees for unscheduled step increases for exceptional merit based on exceptional job performance. The recommendation, along with documentation, should be forwarded to the Select Board and the Finance Committee. Exceptional merit raises are not meant to be routine and are awarded only for outstanding performance. An Exceptional Merit Increase shall become effective in the Fiscal Year following the approval of the subsequent Annual Town Budget.

- Rate of Pay for Promotion. When a regular employee is promoted to a position classification in a higher grade, his or her pay shall be increased at the time of promotion.

- Rate of Pay for Transfer. When a regular employee is transferred with no change in grade, he/she shall continue to be paid at the same rate. When a regular employee is transferred to a lower grade level his or her salary shall be set at the rate in the lower pay level.

- Pay for Temporary Assignments Outside an Employee's Grade. When an employee is temporarily assigned to a position in a higher grade for thirty (30) or more consecutive work days, the Select Board may grant a pay increase for the position for the duration of the temporary assignment.

B. HOURS

1. The working day for full-time employees shall be 8 hours, exclusive of lunch.
2. The working week for full-time employees shall be 40.
3. The working week for part-time personnel shall be pro-rated based on a 40-hour week.

C. OVERTIME

There may be times when an employee will need to work overtime so that the Town may successfully meet the needs of the citizens of Pelham. All overtime for employees must be approved by the Department Head. Overtime work shall be defined as time worked in excess of the normal work week of forty (40) hours. Holidays are counted as time worked in the computation of overtime. Sick, vacation and other paid and unpaid leaves are counted in the computation of overtime.

1. Overtime – Non-exempt (Hourly) Employees
   Compensation for hours over 40 in a week shall be compensated by paying the employee 1.5 times his/her hourly rate for those hours or by granting him/her 1.5 times the number of hours off with pay, depending on the employee's choice.

2. Overtime – Exempt (Salaried) Employees
   Overtime for Exempt Employees shall be calculated as follows.

- Police Chief. The Police Chief will be granted compensatory time calculated at 1.5 hours for each hour of overtime worked based on a negotiated agreement with the Select Board.

- Highway Superintendent. The Highway Superintendent will be paid at 1.5 hours for each hour of overtime worked for snowplowing (no limit).

D. CALL-OUT TIME

Any non-salaried employee called upon to render service, not as part of his or her normal workday, shall be compensated for a minimum of three (3) hours of at time-and-one-half (1 $^{1}/_{2}$), except as noted above under “Overtime – Exempt (Salaried) Employees”.

E. TRAVEL REIMBURSEMENT

Employees and elected and appointed officials may be reimbursed for mileage, meals, and lodging expenses incurred while engaged in Town business, according to the following guidelines and subject to the Town budget.

1. Mileage
   Employees may submit requests for reimbursement to the Department head (Select Board) at such intervals and with such supporting documentation as the Department head may require. The Select Board shall determine the rate of reimbursement. (Approved at 7/1/2019 Select Board meeting, Vote to follow the IRS mileage rate).

2. Meals and Lodging.
   Employees shall obtain the prior approval of the Department head before incurring expenses in connection with a trip on Town business. Requests for reimbursement shall include receipts documenting the expenses.

IV. BENEFITS

Regular full-time employees are eligible for the benefits listed in this section. In addition, regular part-time employees scheduled to work 20 (twenty) or more hours per week are eligible for pro-rated holiday pay and leaves as well as to participate in the Town's group health and life insurance plans, as detailed in this section.

A. HOLIDAYS

1. The following holidays shall be observed on the day on which the Commonwealth of Massachusetts designates them. Regular full-time and part-time employees who are regularly scheduled to work shall be compensated at their regular rates (hereafter referred to as holiday pay).

New Year's Day	*Independence Day*
Martin Luther King Jr. Day	*Labor Day*
Presidents' Day	*Columbus Day*
Patriots Day	*Veterans Day*
Memorial Day	*Thanksgiving Day*
Juneteenth (June 19)	*Christmas Day*

2. Holidays that fall on a Saturday will be observed on the preceding Friday. Holidays which fall on a Sunday will be observed on the following Monday. Exceptions may be authorized by the Department head (Select Board). For Holidays that fall on Fridays and is not an employee's regular work day, the employee may take the Thursday before or the Monday after the Holiday.

3. In the event that non-exempt, regular employees are required to work on an established holiday, they will be compensated, in addition to their regular holiday pay, if entitled, at a rate of one and one-half ($1\ ^1/_2$) times their regular holiday rate for each hour worked on the holiday.

4. In the event that exempt, regular employees are required to work on an established holiday, they will receive an additional day off; the day will be determined by the employee and the Department head so as to cause the least interference with the work of the Town.

B. LEAVES

Authorized leaves shall fall into the following categories. An employee who is absent from work without permission for more than two days shall be considered to be on an unauthorized leave of absence and subject to immediate termination.

1. Vacation
   - Vacations will be based on the Town's fiscal year. Pelham's fiscal year runs from July 1 through June 30. Vacation days are calculated based on the employee's anniversary date of employment.

Minimum Continuous Service from Date of Employment	Days Per Fiscal Year
	Full-time regular positions*
At the end of the first year	Vacation will be one (1) day a month not to exceed 5 working days to be used only after the beginning of the new fiscal year.
At the end of 2 years	10 working days
At the end of 5 years	15 working days
At the end of 10 years	20 working days

*Part-time hourly year-round positions: Employees working in excess of 20 hours a week on a regular yearly basis will accrue vacation time on a pro-rated basis based on a 40-hour work week.

   - Vacations must be scheduled through the Department heads. The Department head shall approve vacations. Employees should try to schedule requested vacation time as far in advance as possible. Vacations shall be scheduled so as to cause the least interference with the performance of the regular work of the Town, considering an employee's preference based on seniority. Once set, a vacation cannot be canceled unless by mutual agreement.

   - One week (5 days) of vacation time, with the approval of the supervisor, may be carried over to the next fiscal year. Further, with approval of the supervisor, the Town will buy back up to an additional week (5 days) of unused vacation time at an employee's current rate of pay. Supervisors must provide the Treasurer with the name(s) of their employees and the number of vacation days they have approved for buy back by June 1 each year. Supervisors must request the Select Board's approval for buy back of their own unused vacation time pursuant to this policy. Payment of all approved unused vacation time will be made by the end of the fiscal year.
   - Since the purpose of the vacation benefit is to provide paid time off from work for staff to pursue personal interests or needs, the priority should continue to be scheduling and using vacation time.

- Whenever the employment of any person, subject to the provisions of this Policy, is terminated during the year due to layoff, resignation, retirement, or death, the employee or his/her estate, shall be paid at the regular rate of compensation payable to the employee at the time of termination, an amount earned in lieu of such vacation, provided that no monetary or other allowance has already been made. The Department head shall enter all amounts payable under this Section on the Departmental payroll.

2. Sick

   Regular employees shall be entitled to paid sick leave for absences from work due to personal illness, disabling accidents that are not work related, and medical or dental appointments. An employee requesting sick leave must notify the Department head as early as possible prior to the regularly scheduled start time of work.

   - Regular full-time employees shall accrue sick leave at the rate of 1.25 days (10 hours) a calendar month. Unused sick leave will be cumulative to a total of 60 days (480 hours). No cash payments will be made for unused sick leave.
   - Regular (salaried) part-time employees working in excess of 20 hours a week on a regular yearly basis will accrue sick leave on a pro-rated basis based on a 40-hour work week. Unused sick leave will be cumulative to a total of 30 days (240 hours). No cash payments will be made for unused sick leave.
   - Temporary employees working less than 20 hours per week will accrue one hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours per year. Unused sick leave will be cumulative to a total of 14 days (70 hours). No cash payments will be made for unused sick leave. (Effective March 2025)
   - Two (2) unused sick day may be used as personal days with prior approval from the employee's Department head, excluding Temporary employees. (effective March 2025)
   - Absence from work on the day before or after a holiday will not be considered paid sick leave unless part of an extended illness or unless the employee's Department head or a doctor certify the illness.
   - In a case where Worker's Compensation is involved, sick leave accrued will be provided until compensation is paid. At that time the sick leave payments shall be returned to the Town of Pelham and the sick leave credit shall be returned to the employee.
   - Employees having sick leave credit who are receiving Worker's Compensation shall, upon request, be granted such sick leave allowance payment as will result in the payment to the employees of his or her normal wages. The total dollar value in work days shall be charged against to the employee's sick leave credits.

3. Personal Days

   Two (2) unused sick days may be used as a personal days with prior approval from the employee's Department head, excluding Temporary employees. (effective March 2025)

4. Bereavement

   Permanent employees who work twenty (20) hours or more per week will be entitled to three (3) days bereavement leave for a death in the immediate family. The immediate family shall include the employee's spouse/partner, child, step-child, parent, brother, sister, grandparents, father-in-law, mother-in-law, son-in-law, daughter-in-law, or other companion or relative residing in the employee's household.

5. Jury Duty

Permanent employees who are required to serve on a jury shall be paid their full pay by the Town for the first three (3) days of such jury duty. For service beyond three (3) days, the Town will make up the difference (excluding travel) between the employee's

regular compensation and the jury compensation. Proper evidence of jury duty must be submitted to the Department head.

6. Unpaid Personal Leave
   - Unpaid Personal Leave is defined as an authorized leave of absence without pay that has been authorized by the department head and approved by the Select Board.
   - A permanent employee must have a minimum of one year of continuous employment with the town in order to request a Personal Leave.
   - Request for Personal Leave must be made in writing.
   - While on an authorized unpaid Personal Leave, the employee will not be eligible for, or accrue, any employment-related benefits.
   - The Town will make reasonable efforts to return the employee to the same or similar job as held prior to the leave, subject to staffing and business requirements. Leaves shall not exceed six (6) months.

7. Military Leave
   Permanent employees who are called for temporary military duty shall receive a leave of absence pursuant to Massachusetts General Laws, Chapter 33, Section 59, or based upon provisions of all federal acts including the Gulf War Veteran Act. The employee must present his/her department head with a copy of his/her military orders regarding the leave request.

8. Paternal Leave Act -See appendix A

C. INSURANCE

Group Health, Dental, and Life

- Benefited employees who are regularly scheduled to work twenty (20) or more hours per week and paid elected officials are eligible for group health, dental and life insurance benefits through a policy held by the Town.
- The portion of the premium paid by the Town is equivalent to the amount paid for school personnel premiums as negotiated by the school system as part of the school system salary package.
- Elected officials who elect to participate pay 100% of the cost of the premium.
- Dental insurance is available through the school system plan, with the majority of the premium to be paid by the employee.
- Voluntary Waiver of Health Insurance Enrollment in Health Insurance Opt-Out Program (Effective July 1, 2019). **To be completed annually.**

In return for the agreement to waive Town health insurance coverage, the Town agrees to pay an eligible employee who is not covered by a union contract one of the following amounts:

(1)($1,500) for waiving individual health insurance plan coverage

or

(2)($3,000) for waiving family health insurance plan coverage.

The Town will make the above payment in 1/4 installments ($375) for an employee waiving individual health insurance or ($750) for an employee waiving family health insurance) on or about the last pay period in September, December, March, and June. The quarterly opt-out payments will be subject to Federal, State, and Medicare taxes.

To be eligible, a current employee must notify the Town Treasurer of his/her intent to opt-out no later than June 30th of the calendar year. New employees must opt-out at time of hire in order to be eligible. New employees who opt-out at time of hire, and who are otherwise eligible, will receive a pro-rated payment, depending upon date of hire.

To be eligible, an employee must not have an outstanding court order or agreement requiring the employee to provide health insurance coverage for the employee's spouse, ex-spouse, or dependent children, if any.

To be eligible, an employee must completely remove themselves as either a subscriber or dependent on the Town's health plan, or in the case of new employees (as stated above), must opt-out at time of hire. An employee is not eligible for the opt-out payment where the employee opts-out of their individual health plan and becomes a dependent on their spouse's plan, when their spouse is also a subscriber on the Town's plan.

To be eligible, a current employee must never have been a subscriber to the Town's health plan or was a subscriber to the Town's health plan in the fiscal year prior to agreeing to opt-out of the Town's health plan.

Retirees on the Town's health plan are not eligible for this Opt-Out Program.

If an employee is eligible and elects to opt-out of the Town's health insurance plan, the Town is not responsible for medical coverage effective for the fiscal year following the opt-

out (except for medical coverage for injuries and illnesses covered by G.L. c. 41, Sec. 111F or G.L. c. 152) and for each fiscal year thereafter that the employee voluntarily agrees to waive health insurance coverage through the Town.

An employee is only eligible to re-enroll in the Town's health insurance plan during the Annual Open Enrollment Period or due to a loss of coverage from a source other than the Town, i.e. a qualifying event under COBRA –

> (1) the death of a covered employee; (2) the termination (other than by reason of the employee's gross misconduct), or a reduction of hours, of a covered employee's employment; (3) the divorce or legal separation of a covered employee from the employee's spouse; (4) a covered employee becoming entitled to Medicare benefits under Title XVIII of the Social Security Act; or (5) a dependent child ceasing to be a dependent child of the covered employee under the generally applicable requirements of the plan and a loss of coverage occurs.

To re-enroll, the employee must complete the required paperwork during the Open Enrollment Period or, for a loss of coverage, notify the Town Treasurer's Office and complete the re-enrollment process within thirty (30) days of the date of loss of coverage.

If an employee does re-enroll in the Town's group health insurance or the employee's employment with the Town ends (termination, resignation, retirement, reduction of hours, layoff, or death) during the fiscal year, the employee will only be eligible for a pro-rated payment.

Each employee agreeing to opt-out of the Town's health insurance plan must acknowledge that they have read and agree to comply with the terms and conditions of the Town's Opt-Out Program on the attached Acknowledgement Form, a copy of which will be placed in the employee's personnel file.

For purposes of this policy, "employee" shall be deemed to include elected officials who are eligible to participate in the Town's health insurance program, pursuant to G.L.c.32B, §2.

D. RETIREMENT

Subject to the rules and regulations promulgated by the Hampshire County Retirement System and Massachusetts General Laws, all employees working at least twenty (20) hours per week are required to participate in the Hampshire County Retirement System. Elected officials who receive compensation for their office may elect to participate in the System.

E. WORKER'S COMPENSATION

1. In compliance with M.G.L. Chapter 162, Section 69, employees who sustain an injury or illness in the performance of their duties will be covered for medical benefits and/or disability payments.

2. An injured employee must report the injury to his or her Department head immediately. The Department head will see that medical services are obtained, as necessary, and report the injury to the Administrative Assistant, who will provide the employee with the appropriate medical provider claim forms and report forms.

3. Statutory rights other than Workers' Compensation cover employees of the Police and Fire Departments.

F. PROFESSIONAL DEVELOPMENT

Employees should make every effort to participate in available training programs within their department's budget.

V. MISCELLANEOUS EMPLOYMENT PRACTICES

A. SAFETY POLICY

It is the policy of the Town of Pelham that all employees work under the safest possible conditions in each department. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work environment, safe equipment, proper materials, and to establish and require safe work practices at all times.

Each Department head is responsible for the loss control activities within his or her department. It is the responsibility of every employee to make job safety a part of their daily concern. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task. Employees must observe rules of conduct and safety, and properly use any and all safety equipment provided.

It is the employee's responsibility to participate in any safety training that is made available by the Town.

B. DISCIPLINARY ACTIONS

1. Verbal reprimand
   In the event that an employee is not meeting job expectations or is behaving in a disruptive manner, the supervisor shall orally review the job expectations with the employee and indicate those areas in which the employee is failing to fulfill his/her responsibilities. The supervisor shall keep a written summary of the discussion. A copy of this summary will be kept in the employee's personnel file.

2. Written reprimand
   If job performance of the employee has not improved within a time period specified by the supervisor, then the supervisor will issue a written warning to the employee indicating that failure to remedy the listed problem(s) will result in dismissal. A satisfactory response to a written reprimand will be recorded in the personnel file and the disciplinary action will cease.

3. Disciplinary probation
   If verbal and written reprimands fail to correct unsatisfactory job performance, an employee shall be placed on disciplinary probation. The supervisor shall determine the length of the probation, not to exceed three (3) months. When the employee's disciplinary probation expires, the department head will determine whether the

employee's performance and behavior were satisfactory and whether s/he will be retained in her/his position. If the employee's performance and/or behavior remain unsatisfactory, the department head will recommend either suspension or termination of the employee.

4. Suspension
   A department head may, with sufficient cause, suspend an employee without pay for a period or periods not to exceed twenty (20) days in a twelve (12) month period. Suspension may be in lieu of verbal or written reprimands and may be effective immediately. Within two (2) working days of the effective date of suspension the employee shall be provided with a written explanation of the reasons for suspension. If the suspension is for fewer than five (5) days and the employee disagrees with the decision, he/she has the right to exercise the grievance procedures as provided in this manual. An employee suspended for more than five (5) days has the right to a hearing before the hiring authority and has the right to be represented by counsel at the hearing.

5. Termination
   An employee of the Town shall be terminated only for just cause. The department head shall give the employee written notice. This notice will include reasons for termination. The employee has the right to review by the hiring authority prior to the effective date of termination. The employee must request the hearing within two (2) working days of receipt of the notice of termination. The employee has the right to be present at the hearing and to be represented by counsel. The employee may request that the hiring authority overturn or modify the termination.

PATERNAL LEAVE (REPLACES MATERNITY LEAVE LAW)
See Appendix A

GRIEVANCE PROCEDURE
See Appendix B

SEXUAL HARASSMENT POLICY
See Appendix C

DRUG FREE WORKPLACE
See Appendix D

Appendix A
Massachusetts Parental Leave Act
TOWN OF PELHAM, MA
Version: April 15, 2015
Guidelines M.G.L c.149 §105D: Maternity Leave in the Workplace

Massachusetts Commission Against Discrimination

PARENTAL LEAVE

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity 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. The new law goes into effect on April 7, 2015 and expands the current leave law in the following ways:

The parental leave law is now gender neutral. Both men and women are entitled to parental leave.

If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months.

The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

The law clarifies that an employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee to provide notice as soon as practicable if the delay is for reasons beyond the employee's control.

The law clarifies that an employee on parental leave for the adoption of a child shall be entitled to the same benefits offered to an employee on leave for the birth of a child.

The law expands the notice requirements, mandating that employers keep a posting in a conspicuous place describing the law's requirements and the employer's policies as to parental leave.

Boston: One Ashburton Place, Room 601, Boston, MA 02108; 617-994-6000
Springfield: 436 Dwight Street, Room 220, Springfield, MA 01103; 413-739-2145
Worcester: 484 Main Street, Room 320, Worcester, MA 01608; 508-453-9630
New Bedford: 800 Purchase, Room 501, New Bedford, MA 02740; 508-990-2390
Visit our website for more resources and instructions on filing a complaint: www.mass.gov/mcad

Formatted by HH 3/10/15

More information available: Select Board office & online:
https://www.mass.gov/service-details/parental-leave-in-massachusetts

APPENDIX B
GRIEVANCE PROCEDURE
TOWN OF PELHAM, MA
ADOPTED APRIL 1, 1997

A grievance procedure is established as a means for employees to bring problems and concerns for their wellbeing at work to the attention of their department heads. The steps of the grievance procedure shall be followed with freedom from reprisal, but the procedure does not give anyone the right to make slanderous or libelous statements, or take any actions prohibited by the law.

GRIEVABLE COMPLAINTS
Complaints by an employee relating to his/her employment which include, but are not limited to the following:

- Disciplinary actions of any kind
- Actions resulting from the Employee Evaluation
- Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules and regulations
- Acts of reprisal as the result of utilization of the grievance procedure
- Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, disability, or political affiliation (sexual harassment complaints should be filed under that policy)
- Complaints of personal harassment by supervisory personnel

NONGRIEVABLE COMPLAINTS
- The creation, establishment or revision of wage and salary tables, position classifications and general benefits accorded to employees
- Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be part of the job content
- The contents of statues or established personnel policies, procedures, rules and regulations
- Failure to promote, allowing an employee to bump, or to fill a vacancy through recall, except where the employee can show established promotional policies or procedures were not followed, or applied fairly
- The methods, means, scheduling, and staffing by which work activities are to be carried out
- Discharge, demotion, layoff or suspension from duties because of lack of work, reduction in the work force or abolition of the job
- Resignation, employee requested demotion or transfer

DETERMINATION OF MATTER
In the event that the department head raises a question as to whether the grievance deals with matter within the scope of the procedure, the complaint shall be referred to the Select Board Liaison who shall render an opinion within five (5) working days. Should the determination of the grievance ruling continue to be disputed by the parties, the matter shall be referred to the full Select Board for a decision. The decision of the Board shall be binding on all parties.

TIME LIMITATIONS

If a grievance is not presented within the time limits, it shall be considered waived. If a grievance is not appealed to the next step within the time limits or within a mutually agreed upon extension, it shall be considered settles on the basis of the Town's last response. Agreed upon extensions of time limits shall be in writing.

GRIEVANCE STEPS

STEP 1. The Town encourages the use Step 1 to resolve conflicts or disputes in an amicable manner.

The employee shall present the grievance verbally or in writing to his/her department head within ten (10) working days after the grievable occurrence. It is the responsibility of the employee to indicate to the department head that he/she considers the verbal report a grievance in order for the complaint to proceed as a grievance and be governed by the following time limitations.

The department head shall give serious attention to the grievance, and must give the employee an answer within five (5) working days. If the reply does not resolve the grievance, or if there is no reply within five (5) working days, the employee may follow Step 2.

When the grievance is the result of action taken by the department head, as the employee's immediate supervisor, the grievance may begin at Step 2 without having completed Step 1.

STEP 2. The grievant shall send a written statement of the grievance to the Department Liaison to the Selectmen within five (5) working days after the completion of Step 1. Such statement shall be submitted on the Grievance Form which is available from the Selectmen's Office. This statement must include the condition or practice which is grieved, what attempts have been made to resolve the issue, and what solution is asked. Any or all parties who were involved in Step1 may be invited by the Liaison to discuss the facts. The grievant may invite an individual or his/her choice to participate as an advisor or representative. A written reply by the Liaison shall be given to the grievant within five (5) working days.

STEP 3. If the response by the Department Liaison to the Selectmen does not resolve the grievance, the grievant may request, in writing to the Select Board within five (5) working days after completion of Step 2, a review of the situation and resolution if the grievance. The Liaison shall provide the Board of Selectmen a copy of the grievance statement and the written reply. The Select Board shall schedule a hearing, at a mutually agreeable time, of the grievance within then (10) working days and shall provide the grievant with a response within five (5) working days of the hearing. The decision of the Select Board shall be made in writing and issued to the grievant or his/her representative, the department head, and the Department Liaison. The decision of the Select Board shall be final and binding.

STEP 4. All documents relating to the grievance and its disposition shall be placed in the employee's permanent life.

EXCLUSIONS
Nothing in this procedure is intended to circumscribe or modify the existing rights of the Town to do the following, provided that none of these rights may be exercised in an arbitrary or capricious manner:

- Direct the work of its employees
- Hire, promote, transfer no punitively, assign and retain employees in positions within the department
- Demote or dismiss employees for proper cause
- Maintain the efficiency of government operations

- Relieve employees from duties because of lack of work or for other legitimate reasons
- Take actions as may be necessary to carry out the duties of an agency in emergencies
- Determine the methods, means and staffing by which operations are to be carried on and assign job classifications to pay ranges.

Employees with probationary, temporary and part time without benefits appointments are not deemed to have vested employment rights, and may not use the grievance procedure to appeal suspension, demotions, dismissals or other disciplinary actions or decisions regarding the continuation of their employment status unless the employee can substantiate such actions were discriminatory on the basis of race, color, creed, national origin, sex, age, disability, or political affiliation.

The procedure for processing a grievance concerning the suspension or dismissal of an employee shall commence with Step 3 with the employee grieving the suspension or dismissal to the Select Board within five (5) working days if the receipt of notice of suspension of dismissal.

TOWN OF PELHAM GRIEVANCE FORM

Please print all information:

Complainant Name _____

Department _____ Job Title _____

Name of Department Head _____ Liaison _____

Date and time of condition which is grieved _____

Description of issue. Describe actions of all person (s) involved, including yourself. Attach additional sheets if necessary

_____

_____

_____

_____

Attempts made to resolve
issue _____

_____

_____

_____

_____

_____

Solution requested _____

_____

_____

_____

_____

Grievant signature _____ Date _____

Complaint submitted to _____ Title _____

Office Use _____

Date received _____ By: Signature _____

Immediate course of action _____

_____

_____

_____

HANDICAPPED GRIEVANCE PROCEDURE

TOWN OF PELHAM, MA

(January 21, 1985)

1. A formal complaint of non-compliance with the 504 law must be filed with the 504 coordinator.

2. Within 15 calendar days of receiving a complaint, the 504 coordinator will arrange a meeting between the complainant and the Board of Commission in alleged non-compliance.

3. The coordinator of the 504 law will file their decision with the complainant and the Board or Commission within 15 days.

4. The complainant may appeal within 15 days in writing the decision of the 504 coordinator to the Board of Selectmen. Upon receiving the appeal, the Board of Selectmen shall meet with the complainant at the next regularly scheduled board meeting. The decision of the Selectmen, as the legislative body, is final.

5. Within 15 calendar days of that meeting, the Board of Selectmen shall make their decision and formally notify the complainant, the Board of Commission against whom the grievance was filed, and the 504 coordinator.

APPENDIX C

SEXUAL HARASSMENT POLICY

TOWN OF PELHAM, MA

(October 28, 1996)

I. POLICY STATEMENT

It is the policy of the Town of Pelham to maintain a working environment free from sexual harassment, inappropriate or disrespectful conduct, and unwanted communication of a sexual nature. The Town will not tolerate conduct which creates an intimidating, hostile, humiliating, or sexually offensive work place or work environment. Sexual harassment in the workplace, in any form for any reason, is unlawful and absolutely forbidden; this included harassment of any Town employee by another employee, a supervisor, an officer of the Town, citizen, visitor, or others. The Town recognizes the importance of an employee's right to work in a non-hostile environment regarding sexual harassment, and to that end, the Town will take all reasonable actions to ensure that no employee be subjected to sexual harassment by any member of the public.

II. DEFINITIONS

A. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, explicit or offensive pictures, jokes, and other verbal or physical conduct of a sexual nature when: (a) submission to, or rejection of, such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; (b) where sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature creates a hostile, humiliating or offensive work environment, which materially interferes with the employee's ability to perform the job; (c) examples of sexual harassment include but are not limited to the previous. Sexual harassment, for the purposes of this policy shall include the definitions as stated in the guidelines issued by the United State Equal Employment Opportunity Commission in connection with Title VII of the Civil Rights Act of 1964 and MGL Chapter 151B Section 1, and Title 1 of the Civil Rights Act of 1991.

B. Employee: A person hired, appointed, elected or authorized to perform work, or carry out tasks, duties, or responsibilities on behalf of the Town of Pelham, whether or not the person receives compensation for these activities. A supervisor, department head, or officer of the Town is an employee of the Town for purposes of this policy. An independent contractor or any employee of any independent contractor shall not be considered an employee of the Town of Pelham for the purposes of this policy unless the independent contractor performs his/her work for the Town in a work place controlled by the Town of Pelham and under the supervisor of a Town employee, officer, board, commission or committee.

C. Workplace: Any office, building, facility, vehicle, indoor area, or outdoor area under the control of the Town of Pelham in which any employee is expected or required to carry out the functions of his/her position.

D. Supervisor: The person, board, committee, or commission of whom an employee reports, or is responsible for the performance of the employee's assigned duties on a daily basis.

E. Respondent(s): The persons accused of sexual harassment.

F. Selectmen Liaison: The intermediary between the Board of Selectmen and the department head or department.

III. POLICY. PROHIBITATED CONDUCT, RESPONSIBILTY OF SUPERVISOR

A. No employee, supervisor, other official, or member of the public shall engage in any action toward any Town employee which shall constitute sexual harassment under this policy. Specifically, no one shall threaten or insinuate either explicitly or implicitly, that an employee's refusal to submit to sexual advances will in any way adversely affect the employee's employment, evaluation, salary, advancement, assignment, scheduling, or any other condition of employment or career progress; no one shall engage in such behavior that may create an offensive or hostile work environment.

B. Any sexual offensive conduct by either supervisory or non-supervisory personnel shall constitute sexual harassment as is explicitly prohibited. Such conduct may include, but is not limited to the following:

1. Unwanted sexual flirtation, advances, or propositions;
2. Verbal abuse of a sexual nature;
3. Unwanted verbal or written comments about an individual's body;
4. Sexually degrading descriptions of an individual;
5. Overt display in the workplace of sexually suggestive objects, materials, or pictures.

C. Responsibility of Supervisor:

1. Every department dead and supervisor shall communicate the Town's sexual harassment policy to his/her staff and shall provide positive assurance that no employee is required to endure any form of sexual harassment.
2. Any supervisor, department head or other Town official in charge of a workplace who knows of any sexual harassment shall take appropriate remedial action to stop, correct or terminate the behavior. This action shall be taken even if no complaint is filed by an employee in connection with such harassment.
3. No supervisor or department head in charge of a workplace shall permit any form of sexual harassment to be directed at any employee in the workplace by any vendor, customer, members if the public or any other person in the workplace.

IV. PROCEDURE

A. Reporting a Charge of Sexual Harassment: Any employee who feels he/she has been or is being subjected to sexual harassment should document in detail the incident or conduct and report it immediately. An employee making a claim should be willing to cooperate in the investigation of the claim (see Procedure, Section C).

B. Retaliation: In all instances in which a complaint is made, the employee making the complaint, or any witness involved in an investigation, will be afforded protection from retaliation. Any form of retaliation against a complainant or witness is unlawful, prohibited, and will result in appropriate disciplinary action.

C. As with all other job-related concerns, it is preferable that an employee report a charge of sexual harassment to his/her immediate supervisor or department head. However, it is most important that the matter be reported and dealt with properly. Therefore, if an employee does not wish to report a charge of sexual harassment within his/her department, the employee may report to a member of the Board of Selectmen:

A supervisor who receives a complaint shall report the charge to the department head, unless the charge involves the department head. In such case, the supervisor is directed to report the charge to the Board of Selectmen. The department head receiving a complaint shall inform his/her Selectmen liaison to the Board of Selectmen. In every case of an allegation of sexual harassment the attached Sexual Harassment Complaint Form will be completed.

The department head and the Selectmen liaison to the Board of Selectmen may discuss the complaint with the person bringing the charge if it is necessary to determine if the allegation falls within the scope of this Sexual Harassment Policy. If the department head or Selectmen liaison determine that the complaint does not fail within the scope of the Sexual Harassment Policy, the complaint should be dealt with according to appropriate supervisory and disciplinary procedures. If the complainant does not agree with a finding of no sexual harassment, see Section VIII. If a positive determination is made, the Board of Selectmen shall conduct a thorough and impartial investigation.

V. CONFIDENTIALITY

A. Confidentiality in the investigation is of the utmost importance to protect the complainant, respondent, and the employer. Lack of confidentiality may lead to damaged careers/ reputations and may under the confidence and trust in the employer.
B. All communications regarding the complaint, both written and oral, should be confidential. Information should be disclosed only on a need to know basis and with the understanding that the recipient has a duty to preserve confidentiality.

VI. INVESTIGATION

A. All complaint investigations shall be thorough and impartial and shall be pursued with all practical discretion and confidentially in a timely manner. However, the rights of the respondent(s) shall not be compromised by such confidentiality. If the conduct of any Town employee(s) forms the basis of the complaint, the investigator(s) of the complaint shall give the person allegedly behaving in an offensive way an opportunity to discuss and respond to the complaint; however, this procedure is not a criminal procedure, and the respondent does not have the right to question the complainant directly. All matters of conduct should be specifically detailed by the investigator(s). All records of the investigation procedure and the resolution shall be retained by the Board of Selectmen.
B. At the conclusion of the investigation, the person(s) investigating the complaint shall recommend a finding with regard to the complaint and the behavior if the respondent. The basis for a finding in this administrative procedure is the "preponderance of evidence", and not the "innocent until proven guilty beyond a reasonable doubt" that applied to criminal procedures. The department head or Selectmen liaison shall inform the complainant and respondent of the results of the investigation.

VII. SANCTIONS

Sanctions include but are <u>not</u> limited to the following:

1. Removal of any offending materials, graffiti, or other objects with notice to all personnel of the reason for the removal and a prohibition against such items in the workplace in the future;
2. Informal counseling of an offending party with a verbal warning as to the consequences of a repeat offense;
3. Referral of the parties to a mediation program if both parties are willing to pursue mediation;
4. Enrollment of an offending party in an appropriation training program;
5. A formal letter of reprimand to the offending party with a copy of the letter of reprimand placed in the offending parties personnel file to be removed in two (2) years if no further incidents occur;
6. Up to a maximum thirty (30) day suspension without pay;
7. Demotion;

0. Involuntary termination of the employment of the offending party;
1. Any combination of the above.

In any complaint which is found to involve sexual harassment, the sanction(s) shall be determined by the Board of Selectmen.

VIII. APPEAL

If the complainant or respondent disagrees with the recommendation of the department head as to a course of action, the complainant or respondent may take the complaint to the Selectmen liaison to the department. The liaison shall review the complaint and the investigation and may, if it appears warranted, conduct a separate investigation into the complaint. If merit is found in the complaint, the liaison shall initiate any of the courses of action of this policy or any other course of action as may be appropriate.

If an employee is not satisfied with the outcome of an investigation they may file complaints with any of the following:

Local Agency:	State Agency:	Federal Agency:
Board of Selectmen	Mass. Commission Against	Equal Opportunity Comm.
351 Amherst Road	Discrimination (MCAD)	One Congress Street
Pelham, MA	One Ashburton Place	Boston, MA
413-253-7129	616-739-2145	617-565-3200

IX. RECORDS

Every Sexual Harassment Complaint Form (attached) shall be forwarded to the Selectmen liaison to the department. All reports of investigation recommendations, and dispositions will be forwarded to the Liaison when complete. Sanctions also will be filed in individual personnel files.

SEXUAL HARASSMENT COMPLAINT FORM

Please print all information:

Complainant _____

Department _____

Name of Immediate Supervisor _____

Date and Time of Incidents _____

Name(s) of
Respondent(s)_____
_____

Description of incident. Describe actions of all person(s) involved, including yourself.
Attach additional sheets if necessary

_____
_____
_____
_____
_____

Adjustment
requested _____
_____
_____

Complainant Signature_____ Date_____

Office Use .....

Complaint submitted to _____ Date _____

Date received _____ Signature _____

Immediate course of
action_____
_____
_____
_____
_____
_____

APPENDIX D

ALCOHOL & DRUG POLICY
TOWN OF PELHAM, MA

Adopted: DECEMBER 13, 1999

I. GENERAL

PART I. Applies to all employees of the Town of Pelham, including those employees also subject to the requirements of the Omnibus Transportation Employee Testing Act of 1991 (see Part II, below)

The Town of Pelham has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of the commitment, the Town of Pelham has established this policy regarding drug and alcohol use or abuse. The goal is to establish and maintain a work environment that is free from alcohol and drug use.

Employees of Town of Pelham are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion.

While the Town of Pelham has no intention of intruding into the private lives of the employees, the Town does expect employees to report for work in condition to perform their duties. The Town recognizes that employee involvement with drugs and alcohol can have an impact on the work place and in the Town's ability to provide an alcohol and drug-free environment.

Therefore, the following conduct is prohibited:

1. The illegal manufacture, distribution, use or sale or possession of a narcotic or a controlled substance while on the job or on property leased or owned by the Town, or reporting to work under the influence of a narcotic or controlled substance. Such conduct may be proper cause for disciplinary action up to and including termination of employment. Any illegal substances confiscated will be turned over to the appropriate law enforcement agency.
2. The possession or consumption of alcohol or narcotics, drugs, or controlled substances, while on the job or on property leased of owned by the Town, or reporting for work under the influence of alcohol. Such conduct may be proper cause for disciplinary action up to and including termination of employment.

These prohibitions also apply to all breaks and meal periods, without limitation.

Some of the drugs which are illegal under federal, state or local law include, among others, marijuana, heroin, hashish, cocaine, hallucinogens and/or depressants not prescribed for current personal treatment by a licensed physician. Other drugs may also be illegal, depending on current laws in effect at the time.

Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately modify their supervisor if any prescription drug is likely to have an impact on job performance.

All employees will be provided information regarding available drug counseling, rehabilitation

and/or employee assistance programs for substance abuse. In addition, employees found in violation of this policy may also be required to participate in drug or alcohol assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

Questions about Part 1 of the Town's Alcohol and Drug Policy should be referred to the Chairman on the Board of Selectmen.

II. OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

Pursuant to federal regulations promulgated by the Department of Transportation (DOT) under the 1991 Omnibus Transportation Employee Testing Act, certain Town employees are subject to additional drug and alcohol testing requirements. It is the Town's policy to comply fully with these regulations.

1. Covered Employees

The DOT Regulations, found at 49 C.F.R Section 382.101 et seq., apply to all Town employees with commercial driver's licenses (CDL) who also operate commercial motor vehicles, such as road repair and maintenance crews, sanitation operators, and also drivers with restricted-use CDL's. This includes, but is not limited to: those drivers who are casual, intermittent or occasional drivers; and independent, owner-operator contractors who are either directly employed by or under lease to the Town, or who operate a commercial motor vehicle at the direction of or with the consent of the Town. With regard to drivers used by the Town more than once a year, but not "employed" by the Town, such as snow plow drivers, these drivers must participate in an alcohol and controlled substances testing program that meets the testing requirements of the Regulations every six months.

2. Prohibited Conduct

A. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions with a breath/blood alcohol content of 0.04 percent (or higher).
B. Use of alcohol within the four (4) hours prior to performing a safety-sensitive function like driving.
C. Use of alcohol on the job.
D. Use of alcohol during the right (8) hours following an accident.
E. Possession of any medication or food containing alcohol while drive a vehicle.
F. Refusal to take a required controlled substance and/or alcohol test.
G. Use of controlled substances on or off duty unless a doctor has prescribed the controlled substance and the doctor has informed the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle safely.

A. TYPES OF TESTING REQUIRED

The following tests are required under the regulations:

1. Pre-employment Testing for Controlled Substances

All applicants for employment in covered positions, or candidates for transfer or promotion to such positions, as well as those covered employees returning from layoff, are subject to screening for use of

controlled substances.

All applicants who test positive for drugs will not be offered employment with the Town of Pelham.

2. Post-Accident

All covered employees shall be tested after accidents involving safety-sensitive vehicles where there has been a citation for a moving traffic violation, or there is a fatality even if the driver is not cited for a moving traffic violation. Tests for alcohol use shall be conducted within 2 hours, but in no case more than 8 hours of the accident, while tests for controlled substances shall be conducted within 32 hours of the accident. Employees must refrain from all alcohol and controlled substance use until the test is complete. Employees are obligated to cooperate in such testing or will be deemed to have refused. It is the employee's responsibility to make him/herself available for testing. Generally, the employee will be accompanied to/from the testing site by a Town of Pelham employee/ supervisor.

3. Reasonable Suspicion

An employee shall be tested when a trained supervisor or manager observes behavior, speech, appearance or odor that leads to a reasonable suspicion that the employee has engaged in prohibited conduct, or has been or is using controlled substances without a doctor's prescription. In the case of alcohol use, the observation shall be made during preceding or after the workday. No such limitations are placed on observations for impermissible use of controlled substances. Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours, after the observation is made.

4. Random

Employees shall be tested for the use of alcohol and controlled substances on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for controlled substances. Each year, the number of random alcohol tests conducted by the Town must equal at least 25% of all the covered employees. Random drug tests conducted by the Town must equal at least 50% of all covered employees. These percentages are subject to modification based upon future amendments to the application federal regulations (e.g., 49 C.F.R. Section382.805).

5. Return to Duty and Follow Up

An employee who has violated the prohibited alcohol or drug standards shall be tested for alcohol and/or drug use prior to his/her return to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

B. CONDUCTING TESTS

1. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices, conducted by a trained breath alcohol technician (BAT). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative test". A test result of 0.04 or greater is considered a "positive" test. If the alcohol concentration is 0.02 or greater is considered a "positive" test. If the alcohol

concentration is 0.02 or greater, a confirmation test must be conducted. Refusal of an employee to complete and sign the breath alcohol testing form shall be deemed to be a refusal to test.

2. Drugs

Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised. The specimen must be tested for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Initially, only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medial Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen, for all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.

3. Refusal to Participate/Tampering

Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result.

If there is any evidence that an employee engaged in sample tampering, such conduct shall be treated as a refusal to participate in testing for purposes of imposing discipline.

C. CONSEQUENCES OF ALCOHOL/DRUG MISUSE

1. Random, Return to Duty and Follow Up
First positive random:
5-day suspension. Return to duty after the first successful completion program as identified by the MRO (Medical Review Officer)
Probationary employees will be discharged.
Second positive within 24 months:
20-day suspension. Employee assumes the cost of the test. Return to duty after successful completion of program as identified by the MRO.
Third positive within 24 months of the second positive, results in discharge.

2. Post-Accident, as defined by the DOT regulations Positive, results in discharge

3. Reasonable Suspicion
   A. First positive:
      5-day suspension. Return to duty after successful completion of program as identified by MRO. Probationary employees will be charged.
   B. Second positive within a 36-month period: Discharge

4. Pre-employment (Include promotion to safety sensitive position)
First positive:
   Action canceled, no appointment to position.

Payment of recommended programs will be covered by the employee's health insurance according to the terms of the medical health agreement.

D. INFORMATION/ TRAINING

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the CONFIRMATION OF RECEIPT (Attachment 1).
2. All supervisory and management personnel in the Road Department must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determination for reasonable suspicion testing.

E. RECORD KEEPING

1. The Town is required to keep detailed records of its alcohol and drug misuse prevention program.
2. Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information, such as to a subsequent employee, may only be made with the driver's consent.

F. PRE-EMPLOYMENT REFERENCES

1. The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety sensitive position, during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she may not be hired.
3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has consulted with a substance abuse professional, received recommended treatment, and tested negative in a return-to-duty test.
4. The Town of Pelham must provide the same information to subsequent employers of current Town Employees when provided with a written release.