



# TOWN OF DOVER

# PERSONNEL RULES AND REGULATIONS

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# SECTION 1 - INTRODUCTION

## 1.1 Mission Statement

### **1.1-1 General Purpose and Intent of the Personnel Board**

- (a) The Personnel Bylaw established a Personnel Board composed of five (5) members. The Board of Selectmen appoint three members of the Personnel Board, the Town Moderator appoints one member, and the Warrant Committee appoints one member. The Town Administrator serves as an *ex officio* member of the Personnel Board.
- (b) It is the general purpose and intent of the Personnel Board to establish, maintain and administer a system of personnel administration based on merit principles that promote a uniform, fair and efficient application of personnel policies. The intent is to provide a method of recruitment, selection and development of a workforce that is skilled and effective in accomplishing the service delivery missions of the Town. To this end, it is the goal of the Personnel Board, with the support and assistance of the Town Administrator, to:
  - Adopt, maintain and administer personnel rules and regulations.
  - Adopt and maintain a centralized personnel recordkeeping system.
  - Oversee actions and policies concerning recruitment and appointment.
  - Develop and maintain a classification and compensation plan, and a performance appraisal system.
  - Adopt wage and salary administration regulations.
  - Develop administrative procedures and forms to implement the personnel systems, rules and regulations.
  - Enforce the provisions of the personnel systems, rules and regulations.
  - Make final recommendations to the Board of Selectmen for all personnel issues concerning all employees not covered by a collective bargaining agreement.
  - Conduct other duties and responsibilities appropriate to the proper functioning of these personnel rules and regulations.

# SECTION 2 - ADMINISTRATION

## 2.1 General Provisions

### **2.1-1 Purpose and Authorization**

- (a) The Dover Town Meeting is the legislative branch of the Town's government. In this capacity, the Town Meeting on May 7, 1990 adopted a Personnel Bylaw pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, Chapter 41 Sections, 108A and 108C, "to establish a system of personnel administration based on merit

principles that ensure a uniform, fair and efficient application of personnel policies. The intent of this bylaw is to provide a method of recruitment, selection, and development of a workforce that is skilled and effective in accomplishing the service delivery missions of the Town.”

- (b) The personnel rules and regulations are intended to establish a system of personnel administration governing employment within the Town of Dover based on the Town’s Personnel Bylaw and on sound concepts of personnel management and merit principles which ensure that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition. The personnel system shall be administered without regard to race, color, sex, national origin, religious creed, age, ancestry, physical or mental disability, sexual orientation, or veteran status, or other protected status.
- (c) The information contained in this Town of Dover Personnel Rules and Regulations manual is intended to provide information about the Town’s current policies, standards, practices, regulations and rules of conduct. These policies are established and administered by the Personnel Board, and will be reviewed periodically and are subject to change. A copy of the most current version of this may be obtained from Human Resources. This manual should not be considered to be the only or final source of information, and you should consult with the Personnel Board regarding any questions that you may have about the interpretation of policies in this manual.

## **2.1-2 Application**

- (a) All Town departments and positions shall be subject to the provisions of these regulations, excluding elected officers of the Town of Dover. Employees covered by collective bargaining or employment agreements should refer to their contracts for specific provisions related to hours of work. Employees with an employment agreement with the Town are subject to this policy unless the employment agreement states otherwise, as provided by State law. To the extent that any collective bargaining agreement conflicts with any provision of these regulations with respect to employees covered under such labor agreements, the provisions of the collective bargaining agreement shall prevail.
- (b) These personnel rules and regulations supersede any other previously adopted personnel rules and regulations.
- (c) Failure of any appointing authority or department head to comply with the regulations set forth in this document may invalidate any personnel actions.

## **2.1-3 Rules of Interpretations**

- (a) These rules and regulations are intended to be in accordance with all applicable state and federal laws. In the event of inconsistencies, unless to provide benefits that exceed applicable state and federal laws, the applicable state or federal law shall apply.
- (b) Words using the singular number may extend and be applied to several persons.

## **2.1-4 Definitions**

The following definitions shall apply:

- (a) "Town" shall mean the Town of Dover.
- (b) "Board" shall mean the Personnel Board of the Town.
- (c) "Full-time employee" shall mean an employee regularly scheduled to work thirty-five (35) to forty (40) hours per week.
- (d) "Part-time employee" shall mean an employee regularly scheduled to work less than a full-time employee. Only regular part-time employees working in excess of 1000 hours per year shall be eligible for benefits, holiday pay, vacation leave, sick leave, bereavement leave, personal leave, and other authorized leaves of absence; such leaves shall be prorated in accordance with the number of hours an employee works on an average weekly basis.
- (e) "Temporary employee" shall mean an employee in the Town's service holding an appointment of a transitory nature; such employees shall not be entitled to receive benefits from the Town.
- (f) "Appointing authority" shall mean any board or official authorized by General Law or otherwise, to appoint employees.
- (g) "Department head" shall mean the officer or committee in charge of a department's operations and activities. A department head may be an appointing authority.
- (h) "Board of Selectmen" shall mean the Board of Selectmen of the Town.

## **2.2 Administration of Regulation**

### **2.2-1 Responsibilities of the Board**

- (a) The Board shall be responsible for the adoption of rules and regulations in accordance with Section 5 of the personnel bylaw. With the administrative assistance of the Town Administrator, the Board shall be responsible for the:
  - Administration of these rules and regulations.
  - Establishment and maintenance of a personnel system.
  - Development of a classification and compensation plan, if any.
  - Making all necessary administrative procedures to implement the provisions of these rules and regulations.
  - Other responsibilities set forth in these regulations.

### **2.2-2 Responsibilities of Appointing Authorities and Department Heads**

- (a) The appointing authorities and department heads may enforce the provisions of these rules and regulations.

### **2.2-2a Compliance with Personnel Regulations**

- (a) Failure of any appointing authority or department head to comply with the regulations set forth in these Personnel Rules and Regulations may invalidate any personnel action.

## **2.2-3 Responsibilities of the Town Administrator**

- (a) The Town Administrator shall provide administrative support to the Board. The Town Administrator shall:
- Consult with the Board concerning personnel matters.
  - Maintain the centralized personnel system established in accordance with Section 2.3.
  - Make recommendations to the Board concerning personnel rules and regulations and administrative procedures.
  - Advise department heads and appointing authorities concerning personnel policies, and disciplinary matters as appropriate.
  - Enforce these rules and regulations through the Board of Selectmen.

## **2.3 Personnel Records**

### **2.3-1 Record Keeping Policy**

#### **2.3-1a Personnel Files**

- (a) The Town Administrator shall be responsible for establishing and maintaining a centralized personnel record-keeping system for all town employees. The personnel record-keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and department heads shall comply with and assist in furnishing records, reports, and information as may be requested by the Board.
- (b) The Board may establish written guidelines authorizing department heads to maintain specific or duplicate personnel records.

#### **2.3-2 Employees Covered by Record Keeping Policy**

- (a) All employees, including those covered by collective bargaining agreements and employment agreements.

#### **2.3-3 Contents of Records**

The Town Administrator shall maintain an individual personnel file for each employee which shall include the following:

- (a) the employee's name, address, date of birth;
- (b) job title and description;
- (c) the employment application including resume;
- (d) a report of all personnel actions reflecting the original appointment, promotion, probation, demotion, reassignment, transfer, separation, or layoff;
- (e) history of employment and correspondence directly related to the employee's past employment

- record;
- (f) reclassification or change in the employee's rate of pay or position title;
  - (g) records of disciplinary action;
  - (h) education and training records;
  - (i) performance appraisals;
  - (j) records of authorized leaves earned and used;
  - (k) other records that may be pertinent to the employee's employment record; many other records required to be maintained separately by law shall be maintained in accordance with such laws.

The Town Treasurer shall maintain a separate personnel file for tax, health insurance, and payroll withholding information.

#### **2.3-4 Confidentiality and Access to Records**

- (a) Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Board of Selectmen or Town Administrator, the Board, persons authorized by the Board to administer the personnel system, and appointing authorities and department heads who have a business need for access. In accordance with Massachusetts law, an employee may, upon written request, be allowed to review or obtain a copy of his or her personnel file within five business days of the request. The review must take place at the place of employment and during normal business hours, and shall be in the presence of persons authorized by the Board to administer the personnel system. If the employee disagrees with the information contained in the file, the Town Administrator and employee may agree to remove any information contained in the file, or the employee may submit a written response that will be included as part of the file.

#### **2.3-5 Centralization of Record Keeping System Records**

- (a) Records required to be maintained under these rules and regulations shall be under the charge of the Town Administrator. The centralized records shall be maintained in a secure, fire protected location. These centralized records shall be deemed to be the official depository of personnel records.

#### **2.3-6 Records Required Under the FLSA**

- (a) In accordance with the Fair Labor Standards Act (FLSA), all departments shall submit such payroll records, records of hours worked, authorized leave accrued and taken, overtime and any other information requested. Such records shall be submitted to the finance officers in the form prescribed.

#### **2.3-7 Development of Forms**

- (a) The Board shall develop necessary forms for the administration of these rules and regulations. An example is the performance appraisal forms.

## **2.4 Employee Incurred Expenses and Reimbursement**

### **2.4-1 Policy**

- (a) The Town will reimburse all legitimate expenses incurred by an employee as a result of that employee performing Town business related to the employee's work.

### **2.4-2 Coverage**

- (a) All employees.

### **2.4-3 Vehicle Usage Policy**

- (a) It is the policy of the Town of Dover to provide vehicles for use by some employees where required for business of the Town, to allow employees to drive on such business of the Town, and to reimburse employees for the use of a personal vehicle for business of the Town, all according to the regulations set forth below.

#### **2.4-3a Town Vehicles**

- (a) An employee may drive a Town vehicle only with the approval of their supervisor.
- (b) A supervisor may assign a driver only after determining that the driver meets the requirements set forth in the Town's insurance policies and such other requirements as the Town may adopt. The employee is responsible to confirm to their supervisor, and the supervisor shall determine that the driver has a valid driver's license in the appropriate vehicle category and verify that they have a safe driving record. The current insurance carrier requirements described in Section 2.4-3c(b).
- (c) An employee driving a Town vehicle must be able to meet the *Insurance Carrier Requirements for Drivers of Town Vehicles* at all times. An employee must inform their supervisor of any changes that may affect their ability to meet the standards of this policy.
- (d) Employees who drive Town vehicles are subject to the Town's Drug and Alcohol Testing Policy and all applicable state and federal statutes and regulations.
- (e) No employee may drive a Town vehicle for non-business purposes except employees who regularly require transportation in the course of their normal work and are assigned a Town vehicle for their use.
- (f) An employee who is permitted to use a Town vehicle for commuting from home to work shall understand that such use of the vehicle shall be treated as taxable compensation, unless such use is determined by the Board of Selectmen to be required for reasons of public safety to respond to emergencies and is in accordance with the rules of the Internal Revenue Service.
- (g) An employee may use a Town vehicle for non-business purposes only with the

prior written approval of the Board of Selectmen.

- (h) An employee who is assigned the use of a Town vehicle shall be responsible for the ongoing regular maintenance and safety of the vehicle within their department's budget.
- (i) An employee who drives a Town vehicle shall, in addition to meeting the approval requirements above, drive safely and maintain the security of the vehicle and its contents. The employee is not permitted under any circumstances to operate a Town vehicle when unable to drive safely. The employee is also personally responsible for any driving or parking infractions or fines as a result of their use of a Town vehicle.
- (j) An employee driving a Town vehicle on Town business may claim reimbursement for parking fees and tolls actually incurred. Fuel for Town vehicles only shall be supplied by the Town's fuel tanks located at the Highway garage.

#### **2.4-3b Personal Vehicles**

- (a) Use of a personal vehicle by an employee on Town business must be approved in advance by the department head or governing board or committee. The employee is responsible for carrying adequate personal liability and property damage insurance for their vehicle. The Town's insurance only protects the Town and does not protect the employee against personal injury or property damage liability.
- (b) An employee who uses a personal vehicle for approved business purposes will receive a mileage allowance at a rate to be determined by the Board of Selectmen. This allowance is to compensate for the cost of fuel, oil, depreciation, insurance, and all other costs associated with operating the vehicle. The Town will not provide any other reimbursement to the employee for personal injury or property damage costs or insurance coverage, including surcharges, nor any other expenses incurred as a result of the use of a personal vehicle.
- (c) Travel expenses between the employee's home and work location are not reimbursable. If travel is required from home to a third location for business purposes, then to work or vice versa, reimbursement will be the difference between the mileage from the home to work and the total miles driven on business.

#### **2.4-3c All Vehicles**

- (a) Employees must report any accident, theft, or damage involving a Town vehicle or a personal vehicle used on Town business to their supervisor and to the Town Administrator, regardless of the extent of damage or 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.
- (b) Insurance carrier requirements for drivers of Town vehicles.
  - Drivers of Town vehicles must have a current, valid driver's license. Drivers of Town vehicles may not:
    - (a) Have a driver's license under suspension or revocation, or
    - (b) Within the last five years, have been convicted of vehicular homicide,

- auto-related fraud, or auto theft, or
- (c) Within the last three years, have been convicted of any category of driving under the influence of alcohol or drugs.

#### **2.4-4 Travel Reimbursement**

- (a) Authorized travel expenses shall be reimbursed by the Town after expenses have been submitted in sufficient detail on a reimbursement form.

#### **2.4-5 Conferences and Meetings**

- (a) Employees may receive reimbursement, subject to any state statutory requirements, for attending conferences or meetings sponsored by institutions or professional organizations for which the subject matter relates directly to the employee's position or provides beneficial information to enhance departmental operations. Prior approval of the department head is necessary and total expenses must be within departmental budget limits.

#### **2.4-6 Professional Memberships**

- (a) Approval of a Town-sponsored membership in an appropriate professional organization will be the responsibility of the employee's department head, subject to the availability of funds.

#### **2.4-7 Publications**

- (a) Approval of Town-paid subscriptions to any appropriate professional publications must be approved by the employee's department head, subject to the availability of funds.

#### **2.4-8 Reimbursement for Expenses**

- (a) Reimbursement of all personally incurred expenses for Town business, such as materials and services, and including the use of a personal automobile, shall be vouchered to the Town as soon as possible, but no later than seven calendar days after the end of a quarter in which the expenses were incurred. Receipts for such expenses shall be provided with the expense voucher.
- (b) For personal automobile use, destination and purpose shall accompany the travel reimbursement voucher. Reimbursement will be at a mileage rate established by the Board of Selectmen. Requests for reimbursement must be approved by the employee's supervisor on a form that displays the date the travel occurred; the beginning and ending odometer reading; the destination; and the reason for travel and number of miles traveled.

## **SECTION 3 - PRE-EMPLOYMENT/EMPLOYMENT**

### **3.1 Recruitment and Appointment**

#### **3.1-1 Equal Employment Opportunity Policy**

- (a) The Town of Dover is firmly committed to providing its officials and employees with an equal opportunity to develop to the full extent of their abilities. The Board of Selectmen recognizes that the success of the Town government depends on the quality of its human resources. The Town strives for consistency with Federal and State statutes and regulations supporting the recruitment, hiring, training, compensation, and promotion of every qualified individual without regard to race, color, sex, national origin, religious creed, age, ancestry, physical or mental disability, sexual orientation, or veteran status, or other protected status.
- (b) The Town wishes to emphasize to all parties its belief in equal employment opportunity and its policy of maintaining a work environment that exemplifies the highest professional standards of personal conduct. The cooperation and participation of all persons employed by or representing the Town of Dover is essential to the achievement of the Town's equal opportunity objectives.
- (c) The Board of Selectmen has designated the Town Administrator as the Town's Equal Employment Opportunity (EEO) Officer who shall be responsible for the creation, reporting, and monitoring of the Town's EEO program.

#### **3.1-1a Recruitment Policy**

- (a) The Town shall be proactive in its recruitment of candidates for Town positions.

#### **3.1-2 Coverage**

- (a) All employees.

#### **3.1-3 Eligibility**

- (a) All qualified persons shall be eligible for employment with the Town.

#### **3.1-4 Recruitment Actions**

- (a) The appointing authorities or the department heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans, if any.

#### Notice of Vacancies

- (a) Department heads or appointing authorities shall, subject to the availability of funds, prepare a job vacancy notice upon the identification of a vacancy or on the authorization of a new position. Department heads shall, within three (3) business days of any resignation, notify the appointing

authority of any such resignation. The job vacancy notice shall be based upon the job description and include: the job title, major duties of the position, qualifications, salary, hours of work, a proposed closing date for applications, and application instructions.

- (b) The Town Administrator shall review and approve all job vacancy notices, as to form, prior to commencement of recruitment activities to ensure that the advertisement conforms with the existing salary and Town policies.

#### Posting and Advertisement of Job Vacancy Notices

- (a) Department heads and the appointing authorities shall ensure that, in addition to any other advertisements, notices of vacant positions be posted for five (5) working days on the bulletin boards in prominent work locations (including but not limited to the Town House, highway and garage facilities, the library, fire station and the police station).

#### Applications, Screening, and Interviewing

- (a) All candidates applying for employment in the Town shall complete an official employment application form and return the form to the office of the appointing authority prior to the end of the working day of the closing date specified in the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature.
- (b) Applications received from present or former employees shall be subject to the same standards as set forth in this section.
- (c) Appointing authority/department head will screen resumes and applications based on criteria established prior to receipt of resumes. Appointing authorities and department heads should follow standard procedures when screening resumes and conducting interviews. The following are general guidelines:
- Devise standard selection questions which are consistent with MCAD Guidelines and use the same questions for all candidates;
  - Screen resumes for minimum entrance requirements;
  - Select candidates for interview;
  - Notify successful candidates of selection and then interview those candidates (interviews conducted by Town Boards and Committees are subject to the provisions of the Open Meeting Law);
  - Select candidates for final (or second) interviews, contact references, and conduct final interviews;
  - Select the final candidate. Review offer to candidate with Town Administrator/Human Resources and secure approvals if offering higher than minimum entrance rates;
  - Offer the candidate employment in writing, specifying any conditions which apply;
  - Notify unsuccessful candidates in a timely manner.

#### Examinations

- (a) The appointing authority may require an examination as one part of the selection process. Examinations may be practical, medical, physical or any combination thereof and shall be relevant

to the requirements of the position.

## References

- (a) A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks, criminal background investigations, and other investigations should be completed prior to the offer of employment, in accordance with law.

## Application Records

- (a) The application, documentation of reference checks, and related documents submitted shall be maintained by the Town Administrator/Human Resources in the employee's personnel file. Upon appointment of an employee, the appointing authority shall turn over to the Town Administrator/Human Resources all applications of those applicants not selected for employment. Such applications shall be maintained for the period required by law. The appointing authority and the department heads, to the extent possible, shall maintain the confidentiality of all applications.

## **3.1-5 Appointments**

- (a) All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the salary, the starting date, expected date when the employee is eligible for their first step increase, and any unique or unusual conditions of employment and appropriate additional information. Copies of the letter of appointment shall be provided to the Town Administrator.

## **3.1-6 Medical Examination**

- (a) Any person conditionally selected for employment in a Town position requiring substantial physical effort to perform the essential functions of positions shall, after receipt of notice of such selection by the appointing authority and prior to the starting date of employment, shall undergo a medical examination relating to the essential functions of the job with or without reasonable accommodation. The examination shall be at the expense of the town by a physician or medical institution selected by the Board. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform the essential functions of the position for which the appointment is to be made.

## **3.1-7 Failure to Report**

- (a) An applicant who accepts an appointment and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined the appointment and the offer of employment shall be withdrawn.

### **3.1-8 CORI Policy**

- (a) This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, vendors, volunteers and interns, professional licensing applicants, rental or leased housing applicants, and state, county, and municipal employees and applicants as those terms are defined in M.G.L. c. 268, § 1. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed.

#### Conducting CORI Screening

- (a) CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check. A CORI acknowledgement form shall be completed on an annual basis for checks submitted for any other purpose, provided, however, that the requestor has adopted the language from the DCJIS CORI Acknowledgment Form that notifies individuals that their CORI may be requested at any time within the one year that the acknowledgment form is valid. If the requestor has not adopted the DCJIS CORI acknowledgment form language, then it must ensure that an acknowledgement form is completed for each and every subsequent CORI check.

#### Access to CORI

- (a) All CORI obtained from the DCJIS is confidential, and access to the information must be 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. Town of Dover must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

#### CORI Training

- (a) An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at Town of Dover will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Additionally, if the Town of Dover is an agency required by MGL c. 6, s. 171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the CORI Policy.

#### Use of CORI in Background Screening

- (a) CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

### Verifying a Subject's Identity

- (a) 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 applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### Questioning a Subject About His/Her Criminal History

- (a) In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record.

### Determining Suitability

- (a) If a determination is made, based on the information as provided in "Verifying a Subject's Identity" section of this policy, that the criminal record belongs to the subject (accurate identity match), 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 are not limited to, the following: (a) Relevance of the record to the position sought; (b) The nature of the work to be performed; (c) Time since the conviction; (d) Age of the candidate at the time of the offense; (e) Seriousness and specific circumstances of the offense; (f) The number of offenses; (g) Whether the applicant has pending charges; (h) Any relevant evidence of rehabilitation or lack thereof; and (i) Any other relevant information, including information submitted by the candidate or requested by the organization. The applicant is to be notified of the decision and the basis for it in a timely manner.

### Adverse Decisions Based on CORI

- (a) If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified in accordance with DCJIS regulations. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history (unless a copy was provided previously). 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.

### Secondary Dissemination Logs

- (a) 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 this organization, including dissemination at the request of the subject.

## **3.2 Probation Period**

### **3.2-1 Probation Policy**

- (a) Performance of all employees must meet acceptable work standards. The probation period shall

be utilized to verify that new and promoted employees achieve effective performance level. Town employees are responsible to familiarize themselves with their duties, responsibilities, rights and obligations. To help ensure that new employees are aware of their duties and responsibilities, department heads shall provide such information at the beginning of the employment with the Town.

### **3.2-2 Coverage**

- (a) All employees.

### **3.2-3 Orientation**

- (a) The Town Administrator/Human Resources and the appropriate department head shall conduct periodic orientation sessions for new employees for the purpose of providing new employees with information on benefits, rights and obligations as an employee of the Town. Department heads are responsible to provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

### **3.2-4 Probation Period**

- (a) All newly appointed and promoted employees shall be required to successfully complete a probation period to begin immediately upon the employee's starting date or promotion date and to continue for a three-month period which may be extended by the number of days the employee may be absent from work. The probation period is intended to help new and promoted employees achieve effective performance standards. The probation period shall be used by the appointing authority to observe and evaluate the employee's attitude, conduct, work habits and performance. Upon expiration of the orientation period, the appointing authority shall notify the Board in writing that:
  - The employee's performance meets satisfactory standards and the individual will be retained in the position; or
  - The employee's performance, due to extenuating circumstances, requires additional observation and that the orientation period will be extended an additional three (3) months; or
  - The employee may be discharged. The employee may not appeal the removal.

### **3.2-5 Department Head Responsibilities**

- (a) Department heads during the probationary period of any employee should at reasonable intervals discuss work performance with the probationary employee. The department head shall be responsible for documenting these discussions and copies of such documentation shall be submitted to the Board to be filed in the employee's personnel file.

## **3.3 Transfer, Promotion, Demotion, Reinstatement and Resignation**

### **3.3-1 Coverage**

- (a) All full-time and part-time employees.

### **3.3-2 Transfers**

- (a) Transfer of an employee from one position to another without significant change in position classification level may be impacted if the employee meets the qualification for the particular position.

### **3.3-3 Promotion**

- (a) Vacancies in positions above the lowest position classification level in any department in the Town service may be filled as far as practical by the promotion of employees in the Town service. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation. Any promotions are subject to the availability of funds.

### **3.3-4 Demotion**

- (a) An employee may be demoted to a vacancy in a position of lower position classification level for which the employee is qualified for reasons including any of the following:
- When an employee would otherwise be laid off resulting from the abolition of a position; the employee's position is reclassified; lack of work; disciplinary action; lack of funds; or the end of a temporary appointment.
  - When an employee does not possess the necessary qualifications to render satisfactory service in the original position.
  - When an employee voluntarily requests such demotion.
- (b) All demotions must receive the approval of the appointing authority and all department heads concerned. The employee must be notified in writing of their demotion and of the reason for such action. Within ten (10) days of such notice they may request a public or executive hearing before the Board who must hold such hearing not less than ten (10) days or more than twenty (20) days after such a request unless mutually agreed by the parties. The Board may support the action or may modify it.

### **3.3-5 Resignation**

- (a) Any employee who resigns from Town employment shall provide notice of at least ten (10) working days to the department head. Department heads shall within three (3) business days of any resignation notify the appointing authority of any such resignation, who shall in turn notify the Board and Town Administrator/Human Resources.

## **SECTION 4 - COMPENSATION AND CLASSIFICATION**

### **4.1 Classification and Compensation Plan**

#### **4.1-1 Policy**

- (a) The Board, with the approval of the Board of Selectmen, shall establish and maintain a uniform system for classifying all positions and to establish proper relationships between positions based on such factors as the level of responsibilities assumed and the minimum qualifications required to perform the job so that a consistent schedule of compensation may be applied to each class ensuring equitable pay.

#### **4.1-2 Coverage**

- (a) All full-time and part-time employees.

#### **4.1-3 Classification Plan Administration**

- (a) The Board shall have responsibility for the administration of the classification plan and shall be authorized to: (a) when requested by the Board of Selectmen complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions; (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification; (c) conduct periodic studies to ensure the classification plan remains uniform and current; and (d) develop procedures to determine the proper classification of each position and classify positions.

#### **4.1-3a Wage and Salary Administration Regulations**

- (a) Pursuant to Section 2 of the Personnel Bylaw, set forth in Section XII of the General Bylaws for the Town of Dover, the Board of Selectmen has adopted the following regulations governing the administration of wage and salary matters applicable to employees of the Town of Dover.
- (b) These proposed regulations are intended to ensure the consistent administration and application of the policies of the Board relating to the wages and salaries of employees of the Town of Dover.
- (c) These regulations apply to all Town employees: hourly and salaried, part-time and full-time, exempt and non-exempt, as defined by the Fair Labor Standards Act and the wage and hour laws of the Commonwealth of Massachusetts. These regulations also apply to all employees covered by collective bargaining agreements and employment agreements, to the extent that the regulations are not in conflict with such labor and employment agreements. To the extent that any collective bargaining agreement or employment agreement conflicts with any provision of these regulations with respect to employees covered under such labor

agreements, the provisions of the collective bargaining agreement and employment agreement shall prevail.

- (d) The Board shall establish and maintain a system of classification, pursuant to which each position of employment established by the Town of Dover shall be classified according to the level of responsibilities assumed, the minimum qualifications required to perform the job, and the duties and functions associated with that position, so that comparable positions shall be subject to the same ranges of compensation. Each position shall be classified by the Board based upon the Board's consideration of factors including the nature of the job duties and functions associated with that position. For each job class identified by the Board, the Board shall establish a range of compensation, defined by a minimum hourly rate and a maximum hourly rate.
- (e) The Board shall from time to time review and, as necessary, adjust the classification for each position and the minimum and maximum hourly rates for each job class, as the Board deems appropriate. If, as the result of an adjustment in a job classification or a change in the minimum or maximum hourly rates applicable to a job class or classes, the compensation of an employee falls below the minimum hourly rate applicable to that employee's position, the Board shall submit a request to the Warrant Committee in order to seek their recommendation for an increase in the hourly rate for that position so that it will fall within the salary range applicable to its job class, to the extent that the Committee can do so consistent with the fiscal condition of the Town at that time.
- (f) Any department head may submit to the Board a written request to change the job classification applicable to any position or positions in that department. The request shall include a statement of the specific reasons why the department head feels that a change in job classification is appropriate. If the request is regarding the department head's own position, a written statement of opinion concerning the request from the department head's appointing authority must be submitted along with the request to the Board. A copy of the request shall be transmitted promptly to the Warrant Committee. In order to permit adequate consideration, any such request should be submitted no later than September 15 of any year in order for the request, if approved, to become effective in the next fiscal year. The Board shall approve or deny the request on or before the 15th day of the November following submission of the request, and shall promptly notify the requesting department and the Warrant Committee of the Board's decision. If unusual circumstances warrant the consideration of a request for a change in job classification at a time other than during the usual budgetary process, the Board shall consider any such request and shall take whatever action it deems appropriate, in light of the specific circumstances and consistent with the fiscal condition of the Town at that time.
- (g) Absent unusual circumstances, a new employee shall be hired at the minimum hourly rate applicable to the employee's position as set forth in the Wage and Classification Plan, as amended from time to time. If a department wishes to hire a new employee at any rate above the minimum rate but not greater than the midpoint of the range for that position, the department shall submit to the Town Administrator, with a copy to the Warrant Committee, a written request for approval to do so. The request shall include a statement of the specific reasons why the department feels that a rate above the minimum is justified. The Town Administrator shall approve or deny the request within ten (10) days, and shall promptly notify the requesting department and the Warrant Committee of his decision.

- (h) If a department wishes to hire a new employee at any rate above the midpoint of the range for that position, the department shall submit to the Board, with a copy to the Warrant Committee, a written request for approval to do so. The request shall include a statement of the specific reasons why the department feels that a rate above the midpoint is justified. The Board shall approve or deny the request within thirty (30) days, and shall promptly notify the requesting department and the Warrant Committee of its decision.
- (i) No new employee shall be permitted to begin work at a rate higher than the minimum unless and until a written request has been approved in accordance with this section.
- (j) Each grade is assigned a salary range which is divided up into steps. It is the responsibility of the “appointing authority” to determine yearly whether an employee is eligible for a step increase dependent upon performance.
- (k) An employee's hourly rate shall not exceed the maximum hourly rate applicable to that employee's position.
- (l) If unusual circumstances warrant the consideration, at a time other than during the usual budgetary process, of a request by a department for an increase in the hourly rate for any particular position, or if unusual circumstances warrant the consideration of an hourly rate that exceeds the maximum hourly rate applicable to a particular position, the department shall submit to the Board, with a copy to the Warrant Committee, a written request for approval of the change. The request shall include a statement of the specific reasons why the department feels that an increase in the hourly rate for the position, or an hourly rate in excess of the maximum, is appropriate. The Board, after consultation with the Warrant Committee to the extent the Board deems appropriate, shall consider any such request and shall take whatever action it deems appropriate, in light of the specific circumstances and consistent with the fiscal condition of the Town at that time. No department should approve any increase in the hourly rate applicable to any particular position without prior approval from the Board.

#### **4.1-4 Classification of New Positions**

- (a) Appointing authorities proposing the creation of new positions shall provide the Board with a description of the duties, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Board to appropriately classify the position.

#### **4.1-5 Reclassification of Positions**

- (a) Positions may not be reclassified without a review and approval of the Board. The Board shall review all positions subject to the classification plan in accordance with proper personnel practices.

#### **4.1-6 Promotion**

- (a) An employee who receives a promotion shall begin to be compensated within their new pay grade level, no later than the beginning of the next budget year. Adjusted compensation may begin earlier subject to budget approval by the Warrant Committee. The employee's new rate of pay will be

proposed by the appointing authority and/or department head and will be reviewed and approved by the Board. The Board will review the position's job description, pay for similarly graded positions within the Town, as well as the employee's qualifications and past performance.

#### **4.1-7 Classification and Compensation Plans**

- (a) The classification plan and the compensation plan shall be reviewed annually and updated as necessary by the Board.

### **4.2 Overtime**

#### **4.2-1 Policy**

- (a) The Town shall pay overtime in conformance with the Fair Labor Standards Act (FLSA). A department head and/or appointing authority shall be responsible for the control and authorization of overtime. Compensatory time may be used by department heads and/or appointing authority, if used in conformance with the FLSA.

### **4.3 Hours of Work**

#### **4.3-1 Purpose**

- (a) The purpose of this policy is to clarify the Town's hours of work requirements for full-time and part-time employees that are located in the Town House Building and Caryl Community Center and other staff in other Town buildings.

#### **4.3-2 Applicability**

- (a) This policy applies to all exempt and non-exempt, full-time and part-time employees. Employees covered by collective bargaining or employment agreements should refer to their contracts for specific provisions related to hours of work. Employees with an employment agreement with the Town are subject to this policy unless the employment agreement states otherwise, as provided by State law. Hours of work provisions in collective bargaining agreements or employment agreements supersede this policy.

#### **4.3-3 Definitions**

- (a) Hours Worked: All time during which an hourly-paid employee is required or permitted to work is considered 'Hours Worked' or 'Work Time'. Ordinarily, all Hours Worked from the beginning to the end of the Work Day are considered Work Time, except for periods when the employee is relieved of duties, such as during meal periods. Hours Worked represents all of the time an hourly-paid employee is authorized to work, regardless where the work occurs (also see definition for Remote Work).

In order for full-time employees to work the required 35 hours each week, employee start times may be scheduled between 8 a.m. and 9:00 a.m. and quit times between 5:00 p.m. and 6:00 p.m., with approval by the appointing authority/department head. Schedules for part-time employees shall be at the sole discretion of the appointing authority/department head.

- (b) Work Week: For payroll purposes including overtime determination, the Work Week for all employees covered by the policy shall be seven consecutive 24-hour periods or Work Days, from Thursday of one week to the Wednesday of the next week, paid bi-weekly covering a 14-day period.
- (c) Work Day: The Work Day is the 24-hour period beginning at 12:01 a.m. and ending at midnight the following day.
- (d) Compensatory Time: Compensatory time is paid time-off granted to a non-exempt employee for working extra hours. It is earned in-lieu of immediate cash payment for employment in excess of 40 hours for which overtime compensation is required by the Fair Labor Standards Act (FLSA). The FLSA requires that compensatory time be earned at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by the FLSA. Non public-safety employees can accrue a maximum of 240 hours of compensatory time at any one time. Public-safety employees may accrue a maximum of 480 hours of compensatory time at any one time. If an employee resigns and has not used their compensatory time, the Town must pay them out when they leave the job.
- (e) Building/Office Hours: Building/Office hours are the time period for which the Town House and/or a Town building is open to the public for the purpose of transacting business. Certain offices may be open to the public for fewer hours than the Town building(s) are open, based on available staffing or board policy. All work performed by employees covered by this policy shall be performed within the periods shown below unless otherwise approved in writing by the appropriate supervising authority.
- (f) The following are the building hours for the Town offices covered by this Rule and Regulation:
- Town House Building: Monday-Thursday: 9:00 a.m.-5 p.m.; Friday: 9:00 a.m.-1:00 p.m., for a total of 36 building/office hours, with full-time hourly employees working a 35-hour week.
  - Caryl Community Center-Parks and Recreation Commission Offices: Labor Day through Memorial Day: Monday-Friday: 9 a.m.-5 p.m. for a total of 40 building/office hours. Memorial Day through Labor Day: Monday-Thursday: 9 a.m.-5 p.m.; Friday: 9 a.m.-1 p.m. for a total of 36 Building/Office hours, with full-time hourly employees working a 40-hour week, year-round, unless otherwise changed by the appropriate supervising authority.
  - Caryl Community Center-Council on Aging Offices: Monday-Thursday: 9 a.m.-5:00 p.m.; Friday: 9 a.m.-1 p.m.; for a total of 36 Building/Office hours, with full-time hourly COA employees, should that occur at some future time, working a 35-hour week unless an alternative schedule is determined by the Town Administrator, COA Director and Council on Aging Board.
  - Town Library: Monday-Thursday: 10 a.m. – 8 p.m.; Friday: 10a.m. – 6 p.m.; and Saturday: 10 a.m. – 4 p.m.; for a total of 54 building hours, with full-time hourly employees working a 35-hour week.
  - Highway and Cemetery Departments: The Highway Department is Monday-Friday, 9 a.m. – 5 p.m. for a total of 40 Building/Office hours, with full-time hourly employees

working a 40-hour week. The Cemetery Department is available to the public by appointment, with full-time hourly employees working a 40-hour week.

- (g) Meal Time: As required by State statute, MGL Chapter 149, Section 100, "No person shall be required to work for more than six hours during a calendar day without an interval of at least thirty minutes for a meal." For non-exempt employees, Meal Time shall be free of all work activities. Because of overtime requirements, an employee needs permission from their department head/supervisor to continue to work during a Meal Time. The standard meal time for all employees working more than six hours during a calendar day is 30 minutes unless otherwise approved by the appropriate supervising authority. The Meal Time period must begin and end between the hours of 11:00 a.m. and 3 p.m.
- (h) Excused Time: From time-to-time an employee may be excused from work for cases such as severe weather, attending training approved by the supervisor, jury duty, etc. Unless otherwise determined by the supervisor, Excused Time shall be recorded as Hours Worked by the employee and approved as such by the supervisor.
- (i) Severe Weather: For severe weather an employee may choose to leave work early or not report to work for personal reasons even though the employee's work location is open. In this situation, this lost time is not counted as Hours Worked. Time lost to severe weather, if not otherwise Excused Time, will be charged to the employee's vacation or personal leave time.
- (j) Paid Time Off: Employees may be granted paid time off, with approval of their supervisor, and as provided by the Town's Personnel Rules and Regulations. Typically, paid time off is for vacation, sick or personal leave. Paid Time Off shall be recorded as such on the employees weekly/biweekly payroll and reviewed and approved by the supervisor.
- (k) Remote Work: Employees may be authorized by the Town Administrator or appointing authority to perform work remotely, that is from other than their regular work location (e.g., Town facility). Requests and approvals to work remotely may be either on an ad hoc basis or regular basis. The authorization of remote work is solely at the Town's discretion and, if approved, may be rescinded with reasonable notice.

#### **4.3-4 Personnel Rules and Regulations**

- (a) It is the policy of the Town of Dover that all part-time and full-time non-exempt employees are required to certify to their supervisor their actual hours worked each Work Day, that is, Hours Worked less Meal Time, for approval by their supervisor and for submission into the Town's payroll system, as an official record of the Town.
- (b) As provided by MGL Chapter 41, Section 41 (in part): "No treasurer or other fiscal officer of any town or city shall pay any salary or compensation to any person in the service or employment of the town or city unless the payroll, bill or account for such salary or compensation shall be sworn to by the head of the department or the person immediately responsible for the appointment, employment, promotion ... (emphasis added). Put more simply, the department head/supervisor, by signing or otherwise approving an employee's timesheet, is certifying that these hours accurately reflect the Hours Worked by the employee.

#### **4.3-5 Procedure**

(a) Work Schedule for Non-Exempt Employees:

- Each non-exempt employee covered by this policy shall, together with their supervisor, determine a set schedule of hours to be worked each Work Day and Work Week, such that the total number of hours (Hours Worked less Meal Time) equals the number of hours required by the employee's position and funded in the departmental budget. In some cases, it is understood that a non-exempt employee may be permitted to work a different schedule from one Work Week to the following Work Week, to attend an evening Board or Committee meeting.
- This section shall not preclude the employee from working a different Work Day/Work Week schedule if approved in advance by the supervisor. Except for extraordinary circumstances, an employee may not reduce the number of hours worked one Work Week and add to the number of hours worked the next Work Week, in order to meet the number of hours required by the employee's position over the two Work Week payroll periods.
- Department heads/supervisors must provide an employee with 20 business days advance notice before permanently changing an existing Work Day or Work Schedule.

(b) Extra Hours Worked:

- From time-to-time an hourly employee may be asked, and may agree, to work extra hours during a Work Week. Extra hours, typically called overtime hours, shall be recorded on the hourly employee's timesheet each Work Week. When extra hours worked, together with Hours Worked and Paid Time Off are equal to or fewer than 40 hours per Work Week, the extra hours worked shall be paid at straight time, that is the employee's regular hourly rate.
- When extra hours worked, together with Hours Worked and Paid Time Off are greater than 40 hours per Work Week, all Extra Hours Worked in excess of 40 hours shall be paid at time and one-half.
- An hourly employee may request that extra hours worked be 'paid' as Compensatory Time. The approval of Compensatory Time is solely at the option of the department head/supervisor and is 'paid' on the same basis as Overtime pay. Unused Compensatory Time at the time of separation is paid in a final paycheck. Compensatory Time shall be recorded as such in the employee's Hours Worked per day schedule in the payroll system.
- This section does not apply to exempt employees.

(c) Work Schedules for Exempt Employees:

- Exempt employees covered by this Rule and Regulation receive an annual salary, paid biweekly, to complete all of the requirements of their position, regardless of the number of hours worked. This includes extra meetings that the exempt employee may be required to attend for board and committee meetings, after hour meetings with the public and remote work. Exempt employees are expected to work a 40-hour week, although the actual number of work hours in any week depends on other variable work requirements such as evening meetings. Beginning on July 1, 2022, exempt employees will be expected to work a 35-hour week unless the appointing authority establishes another schedule (e.g. 40 hours), although the actual number of work hours in any week depends on other variable work such as evening meetings.
- Exempt employees do not earn overtime or compensatory time.

- (d) Paid Time Off for Non-Exempt and Exempt Employees – For the purposes of paid leave time, non-exempt and exempt employees should report Sick, Vacation and Personal leave on an hour-for-hour basis, based on their regular work schedule. For example:
- If an employee is scheduled for 7.75 work hours on a Tuesday and takes this day as a vacation day, then it would be recorded as 7.75 hours of vacation leave used.
  - If an employee is sick on Friday, the so-called short day for many employees who work from 9 a.m. to 1 p.m., then it would be recorded as 4 hours of sick leave used.
- (e) FY23 Transition Year for Exempt Employees
- It is presumed that full-time exempt employees work a (minimum) 40 (contact) hour week and earned leave time is calculated on this basis. Beginning on July 1, 2022 (FY23) it is the policy of the Town of Dover that full-time exempt employees are presumed to work a minimum of a 35-contact hour week, unless the appointing authority establishes another schedule, and earned leave time will be calculated on this basis. For the purpose of this policy, 35-contact hours is defined as the amount of time a full-time exempt employee is expected to be performing the duties of their position. Any leave time carried over from prior years (i.e., sick and vacation time) will be recorded based on the presumed 40-hour work week in place prior to July 1, 2022.
- (f) Exceptions
- The Town Administrator has the discretion to interpret and make exceptions to this policy if deemed to be in the best interest of the Town. The Personnel Board will be notified, in writing within 10 business days, whenever the Town Administrator interprets or makes an exception to this policy and the rationale for the interpretation and/or exception. This section shall not preclude the Personnel Board from interpreting other Personnel Rules and Regulations not otherwise covered by a Town Administrator ruling.

## SECTION 5 - STANDARDS OF CONDUCT AND DISCIPLINE

### 5.1 Code of Conduct

#### **5.1-1 Purpose**

- (a) The Town of Dover municipal government desires to set a standard of the highest professionalism, civility and respect for employees, volunteers, residents and visitors through personal interactions and any other methods of communication. Additionally, as the controlling governmental body of the Town of Dover, the Board of Selectmen shall model this behavior for the Town.
- (b) Accordingly, no employee, member of a Board, Commission or Committee, or any other person engaged by or acting on behalf of the Town of Dover, shall enter into any verbal discussions or other form of communication by any means without employing the highest standards of personal integrity, truthfulness, honesty, civility and fairness in carrying out his or her public duties. Failure to do so is a violation of this policy.

## **5.1-2 Definitions**

- (a) Civility: Respect and civility, from all employees, volunteers, those representing the Town, and those in attendance at any Town function, shall be maintained at all times, including and especially during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and/or personal attacks on any person whether present or absent from the proceedings. Town Officials and employees, as well as the public, shall be free to express their ideas-- as is their right-- without the threat of harassment and/or intimidation. All persons, as mentioned, shall not be verbally or physically accosted for any reason, at any time. While disagreements about issues are acceptable, becoming disagreeable is not.
- (b) Integrity: No promises or commitments that cannot be reasonably and lawfully fulfilled shall be made by any party working for or representing the Town of Dover. Appropriate social, ethical, and organizational norms in all Town related activities shall be maintained at all times. Acting with integrity includes a commitment to honesty, truthfulness, fairness, follow-through and completing tasks and duties to the highest standard possible.
- (c) Respect: All persons shall be treated in a fair and equitable manner, without exception. No employee, member of any board, commission or committee, or person representing the Town of Dover, shall at any time for any reason raise his/her voice, demean, or purposefully embarrass any person in any Town building, on any Town property, or at any meeting, presentation, or event sponsored by the Town. It is expected that any person doing business in Town buildings or at a Town event shall be similarly respectful to all others in attendance and those responsible for the event.
- (d) Ethics: The highest standards of professional behavior and compliance with all Commonwealth of Massachusetts and Ethics Commission laws, regulations, and policies under which we operate as a Town, shall be maintained at all times.
- (e) Communications: All parties mentioned above shall strive to be open, consistent, truthful, and respectful in all communications, written and verbal, as this is vital for reflective and sound decision-making for our community. There will also be a commitment to confidentiality of privileged communication that occurs in Executive Sessions and/or involves matters related to personnel, collective bargaining and threatened, pending or ongoing litigation.
- (f) Teamwork: The Town, including all Departments, Boards, Commissions, Councils, Committees, and other public bodies, shall promote an atmosphere of teamwork and mutual respect to achieve organizational goals, recognizing at all times that unity of purpose and effort leads to productivity and greater accomplishments for our Town.

## **5.1-3 Enforcement**

- (a) While it is expected that everyone will abide by the code of conduct and remind colleagues and peers of their obligations, it is the responsibility of Committee, Commission and Board Chairs as well as the Town Administrator and Department Heads to enforce the code of conduct.
- (b) Violations will not be tolerated and may result in disciplinary action or corrective action as may apply, up to and including termination.

## **5.1-4 Reporting**

- (a) A complaint may be made orally or in writing by contacting:
  - The Town Administrator at Dover Town House, 5 Springdale Avenue, Dover, MA 02030.  
*Phone: 508-785-0032, ext. 221*
  - The Assistant Town Administrator Dover Town House, 5 Springdale Avenue, Dover, MA 02030. *Phone: 508-785-0032, ext. 229*
- (b) These designated persons are available to discuss any concerns an individual may have and to provide information about the Town's policy against discrimination, harassment, or retaliation, and the complaint process.

## **5.2 Smoking Policy**

- (a) Smoking shall not be allowed within municipal buildings in accordance with state law.

## **5.3 Political Activity Policy**

- (a) Participation in political activities is to be carried on outside of normal working hours. No political activities or solicitations will be conducted on Town owned property by employees during work hours or in work areas.

## **5.4 Conflict of Interest**

- (a) In so far as this section is consistent with provisions of General Law, Chapter 268A, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities. Conduct of an employee shall be in accordance with the laws of the Commonwealth.

## **5.5 Gratuities**

- (a) In so far as this section is consistent with provisions of General Law, Chapter 268A, no individual employee of the Town may accept any form of gifts, gratuities, special favors or preferential treatment that will create any conflict of interest, or appearance of a conflict in relation to any matter in which the Town is a party or has a direct and substantial interest.

## **5.6 Technology acceptable use policy**

### **5.6-1 Purpose**

- (a) The purpose of this policy is to convey the Town's standards for the use of the Town's Internet access, equipment and resources to Town employees and members of Town boards, committees and commissions.

## **5.6-2 Applicability**

- (a) All employees and members of boards, committees and commissions of the Town of Dover are covered by this policy.

## **5.6-3 General Policy**

- (a) The Town of Dover provides staff and on occasion members of committees, boards, and commissions, with access to computer equipment and the ability to access the Internet. Use of Town Internet services is a privilege, not a right and may be revoked at any time for inappropriate conduct. The Internet provides access to a wide variety of information resources that can aid employees in the performance of their jobs. Examples of job-related use of the Internet include: accessing external databases and files to obtain information or conduct research; searching online public access catalogs; corresponding with citizens when appropriate; disseminating documents to individuals or groups; and participating in and reading electronic mail discussion groups on job-related topics. The Town Administrator reserves the right to monitor Internet access by anyone using Town equipment or accounts to access the Internet.

## **5.6-4 Appropriate Use**

- (a) Internet use on Town resources shall be used for business matters directly related to the operational activities of the Town of Dover and as a means to further the Town's objective of providing services that are efficient, complete, accurate, and timely.
- (b) While Internet access shall not be used for personal gain or to conduct personal business, it may be used for limited personal use and enjoyment during employee's approved breaks subject to the overall guidelines contained in the policy AND with the approval of the department head.
- (c) Employees may use the Internet for professional activities and career development, with the approval of their supervisor. Examples of professional use include: communicating with fellow members of a professional organization; collaborating on articles and other writing; connecting to resources that provide information relating to education opportunities; and participating in and reading electronic mail discussion groups on professional development topics.
- (d) Supervisors shall determine the appropriateness of using the Internet for professional activities and career development during working hours, and to ensure that employees do not use equipment and facilities for private gain.

## **5.6-5 Filing and Retention**

- (a) Files that are downloaded to a Town computer or other equipment are considered the property of the Town, and as such are public records and retention and disposition of public records are authorized by retention schedules issued by the Secretary of the Commonwealth.

(b) Departments may retain downloaded files in hard copy, electronically, or by a combination of these two means. Departments are responsible for developing filing systems that include downloaded files and are responsible for instructing employees on appropriate use of these systems.

## **5.6-6 Prohibited Activities**

(a) The following Internet activities are strictly prohibited:

- Activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources, e.g. music downloading.
- Downloading of any software or programs from the Internet without the prior express permission of the Technology Administrator or the Town Administrator.
- Use of the Internet for unlawful activities.
- Accessing, downloading or storing any materials that promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference.

(b) Employees shall respect intellectual property rights at all times when obtaining information over the Internet.

## **5.6-7 Unusual Occurrences**

(a) All matters relating to unusual occurrences must be reported immediately to the Technology Administrator. When something unusual occurs, make sure that you record information such as steps taken and warnings from the computer. This will aid the Technology Administrator in diagnosing the situation.

## **5.6-8 Consent and Sanctions**

- (a) Use of the Town's system constitutes consent to monitoring of use of Internet access and on-line services and is conditioned upon strict adherence to this policy. The Town Administrator may periodically authorize monitoring of Internet use. Reasons for doing so include but are not limited to: system checks, review of employee productivity when employee productivity is called into question by a supervisor or manager, investigations into claims of possible criminal activity, investigations into activities that might jeopardize the technical systems of the Town, investigations into claims of inappropriate use of the Town's Internet or online services.
- (b) Any employee who violates this policy or uses the Town's Internet access and resources for improper purposes shall be subject to discipline, up to and including discharge.

## **5.7 Attendance/Office Closure**

- (a) Notice of illness and use of sick leave shall be in accordance with Section 6.3 of these regulations. Any employee whose illness or disability would result in the temporary closure of a Town office shall report such illness or disability to the office of the Board of Selectmen at the same time and in the same manner that such illness or disability is reported to any appointing authority.

## **5.8 Safety Policy**

- (a) Employees shall be required to wear and use the safety equipment at all times while undertaking the work for which the equipment is furnished, or as instructed, or as conditions otherwise warrant. There shall be no exceptions.
- (b) Department heads and supervisors shall: assume full responsibility for the safety of working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment or attitudes of employees; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.
- (c) Each employee shall: observe all safety rules, operating procedures and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.
- (d) Employees, including supervisors, violating safety rules, practices and policies may be subject to disciplinary action up to and including discharge.

## **5.9 Disciplinary Provisions**

- (a) Certain rules and regulations regarding Town employee behavior are necessary for the efficient operation of Town government and for the benefit and protection of the rights and safety of employees and the community. In general, employees shall comply with safety and health regulations, perform tasks in an efficient and business-like manner, wear appropriate clothing, and maintain cleanliness and orderliness in work areas.
- (b) Conduct that interferes with government operations, brings discredit to the Town, or is offensive will not be tolerated. Disciplinary action, up to and including discharge, may result from violations of any of the rules, regulations, policies or procedures contained in this document, or any other policy or practice of the Town even if not included in the Manual or Handbook. Appropriate disciplinary action shall be determined as set forth in Section 5 of these Rules and Regulations. Some examples of activities which are to be considered sufficient cause for disciplinary action, up to and including discharge, shall include, but is not intended to be limited to, the following:
  - Incompetence or inefficiency in performing assigned duties;
  - Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor;
  - Habitual tardiness or absence from duty;
  - Falsification of timesheets;
  - Use or possession of illegal narcotics or alcohol while on duty;
  - Misuse or unauthorized use of Town property;
  - Fraud in securing appointment;
  - Disclosure of confidential information;
  - Abuse of sick leave or absence without leave;
  - Violation of safety rules, practices and policies;
  - Engaging in sexual or other harassment;

- Violation of these personnel rules and regulations;
- Dishonesty, theft, misuse of property, falsifying reports or records, obtaining confidential information not essential to your job, misuse of information;
- The possession, sale or use or misuse of a controlled substance other than use of a drug as prescribed by a physician;
- Reporting for work or conducting Town business while under the influence of controlled substances or alcoholic beverages;
- The possession or consumption of alcoholic beverages on Town property.
- Smoking in Town buildings;
- Disruptive behavior including profanity, abusive language, or assault;
- The unauthorized possession of firearms or other weapons on Town property;
- Gambling on Town property;
- Failure to comply with the Town's personnel policies and procedures;
- Insubordination;
- Work at home without appointing authority approval;
- Any situation or instance of such seriousness that disciplinary action is warranted.

## **5.10 Sexual Harassment Policy**

### **5.10-1 Introduction**

- (a) It is the goal of the Town of Dover to promote a workplace which treats all employees with dignity and respect. Sexual harassment is unlawful and will not be tolerated. Further, any retaliation against an employee or official who has complained about sexual harassment or cooperated with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated.
- (b) Because the Town of Dover government takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment, and where it is concluded that sexual harassment occurred, it will act promptly to eliminate the harassment and impose disciplinary action as appropriate.

### **5.10-2 Definition of Sexual Harassment**

- (a) In Massachusetts, the legal definition for sexual harassment is: “sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
  - submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or

  - such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

- (b) These definitions are broad and include any sexually oriented conduct, whether it is intended or not, by officials and employees and, in some instances, third parties, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to another official or employee. Prohibited conduct also extends to any function or activity which is officially sponsored by the Town government. While it is not possible to list all those circumstances which would be considered sexual harassment, the following are some examples:
- (c) The following conduct may also constitute sexual harassment in certain circumstances:
- Unwelcome sexual advances - whether they involve physical touching or not;
  - Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
  - Assault or coerced sexual acts.
- (c) The following conduct may also constitute sexual harassment in certain circumstances:
- Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
  - Displaying sexually suggestive objects, pictures, cartoons;
  - Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
  - Inquiries into one's sexual experiences;
  - Discussion of one's sexual activities; and
  - Comments regarding gender stereotypes which demean, embarrass or humiliate employees.

### **5.10-3 Ombudsmen**

- (a) Any employee who believes they have been subjected to sexual harassment may also seek advice from either of the Town's sexual harassment ombudsmen who have been appointed by the Board of Selectmen. These people are available to discuss any concerns and to provide clarification of the Town's sexual harassment policy. The employee may request the ombudsman to find a way of resolving the employee's concerns in an informal manner to ensure privacy and confidentiality insofar as is possible.

### **5.10-4 Complaints of Sexual Harassment**

- (a) Formal complaints of sexual harassment shall be filed with the Town's Affirmative Action Officer (AAO), who has been appointed by the Board of Selectmen. This may be done in writing or orally. The AAO will then investigate and attempt to resolve the situation in a fair and expeditious manner. The AAO's investigation shall include a private interview with the complainant and any witnesses. The AAO shall interview the person alleged to have committed sexual harassment. The AAO shall accept written statements from all such employees and witnesses. If the AAO is unable to resolve the complaint, the matter will be given to the Board of Selectmen for disposition.
- (b) If the investigation reveals that sexual harassment did occur, the Board of Selectmen shall act promptly to prevent the offending conduct, including appropriate disciplinary action which could include suspension or dismissal from employment. In addition, at the conclusion of these

proceedings, the AAO shall inform the complainant and the alleged harasser of the results, including allegations that have not been sustained.

- (c) If a complaint of sexual harassment is filed by an employee against a person who is not an official or employee of the Town of Dover, the AAO shall refer the matter to the District Attorney.

## **5.10-5 Disciplinary Action**

- (a) If sexual harassment has been committed by one of the Town's employees or officials, appropriate action will be taken as approved by the Board of Selectmen. Such actions may include: counseling, informal or formal reprimand, written or verbal warning, suspension, transfer, or termination.

## **5.10-6 Appointment of Sexual Harassment Officers**

- (a) The Board of Selectmen shall appoint the Ombudsman and the Affirmative Action Officer annually.

## **5.10-7 State and Federal Remedies**

- (a) In addition to the above, if an individual believes that they have been subjected to sexual harassment, a complaint may be filed with either or both of the following agencies:  
(b) The federal employment discrimination enforcement agency is:

The United States Equal Employment Opportunity Commission  
1 Congress Street, 10th Floor, Room 1001  
Boston, MA 02114  
(617) 565-3200

- (c) The state employment discrimination enforcement agency is:

The Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990

## **5.11 'Whistleblower' Policy**

- (a) This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.  
(b) It is the policy of the Town:
  - To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and

- To protect Town employees who have reported improper government actions in accordance with this policy.
- (c) The Town encourages the reporting of improper governmental action taken by any Town officers or employees, and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.
- (d) Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, the Town Administrator/designee, or the appropriate governmental agency responsible for investigating such improper action. If requested by the supervisor, the Town Administrator/designee, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.
- (e) In the case of an emergency, the employee may report the improper governmental action directly to a person or entity who is not the person's supervisor, the Town Administrator/designee, or other government agency. In all other cases, the employee must first follow the reporting procedure outlined above.
- (f) An employee is not required to comply with the above procedure if they are reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature;
- reasonably fears physical harm as a result of the disclosure provided; or
  - makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.
- (g) Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in the Town's personnel rules.
- (h) The supervisor or the Town Administrator/designee, as the case may be, shall take prompt action to assist the Town in properly investigating the report of improper governmental action. Town officers, administrators, supervisors, and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.
- (i) Town officials, administrators, supervisors and employees are prohibited from taking retaliatory action against the Town employee because they have in good faith reported an improper

governmental action in accordance with this policy.

- (j) Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Town Administrator/designee. Town officials, administrators and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or the Town Administrator/designee, as the case may be, does not satisfactorily resolve an employee's complaint that they have been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.
- (k) The Town Administrator/designee is responsible for implementing the Town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy is permanently posted where all employees will have reasonable access to it and that this policy is made available to any employee upon request. The Town will, to the extent it considers practical, provide training and education on the whistleblower policy. Town Administrators and supervisors are responsible for ensuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.

## **5.12 Policy Against Discrimination, Harrasment or Retaliation in The Workplace**

### **5.12-1 Purpose**

- (a) The Town is committed to maintaining a working environment that is free from discrimination and harassment. It is Town policy to prohibit discrimination or harassment of an employee or by an employee (whether involving another employee, manager or third party such as residents, visitors, other government personnel, contractors, and vendors) because of race, color, religion, age, gender, sexual orientation, gender identity, gender expression, disability, pregnancy or condition related to the pregnancy, national origin, ancestry, protected genetic information, veteran status, military service or other characteristics identified as being protected by applicable federal or state laws. Further, retaliation against an individual who has complained in good faith about discrimination or harassment or has cooperated with an investigation of a discrimination or harassment complaint, will not be tolerated.
- (b) For purposes of this policy, harassment generally refers to conduct that has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or offensive work environment; and retaliation includes direct or indirect action or inaction that may deter a reasonable employee from complaining or participating in an investigation into discrimination, harassment or other potential policy violation.

### **5.12-2 Applicability**

- (a) This policy covers full-time, part-time, temporary, and seasonal employees and elected officials, volunteers, interns, applicants, and third parties doing business or having contact with the Town. This policy applies to all work settings and activities, whether inside or outside the workplace, and includes business trips and Town-sponsored events. Town property (such as telephones, cell phones, copy machines, facsimile machines, computers, printers, tablets, email and Internet access) may not be used to engage in conduct that violates this policy. The policy applies as well to off-duty conduct, including the use of social media, if there is a nexus to the workplace.
- (b) To achieve the Town's goal of a workplace free from discrimination, harassment, and retaliation, we have provided a procedure by which conduct prohibited by this policy will be dealt with if encountered by employees. The Town takes complaints and allegations seriously, and will respond promptly to complaints of discrimination, harassment, and retaliation. Where the Town determines that inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.
- (c) Note that while this policy sets forth the Town's goals of promoting a workplace that is free of discrimination, harassment, and retaliation, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for conduct which the Town deems unacceptable, regardless of whether that conduct satisfies the legal definition of discrimination, sexual or other harassment, or retaliation.

### **5.12-3 Sexual Harassment**

- (a) The Town's policy against sexual harassment warrants separate discussion. It is the goal of the Town of Dover to promote a workplace that is free of sexual harassment. In Massachusetts, the legal definition for sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
  - Submission to or rejection of advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
  - Advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.
- (b) Under this definition, 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. Further:
  - All gender identities may be the target of sexual harassment. Ex. a woman as well as a man may be the harasser.
  - The harasser does not have to be the target's supervisor. They may be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or, in some circumstances, even a non-employee.
  - The target does not have to be the opposite sex from the harasser.
  - The target does not have to be the person at whom the unwelcome sexual conduct is directed. They may also be someone who is affected by such conduct when it is directed toward another person. For example, under objectively reasonable circumstances, the

- sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for a coworker, or interfere with the coworker's work performance.
- Sexual harassment does not depend on the target having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances, which do not result in the loss of a promotion by the target may under objectively reasonable circumstances, constitute sexual harassment where they interfere with the target's work or create a harmful or offensive work environment.
- (c) The 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 workers also may constitute sexual harassment.
- (d) 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 or not they involve physical touching;
  - Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, or comment about an individual's sexual activity, deficiencies, or prowess;
  - Displaying sexually suggestive objects, pictures, or cartoons;
  - Unwelcome leering, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments;
  - Inquiries into one's sexual experiences; and
  - Discussion of one's sexual activities.
- (e) All employees should take special note that, as stated above, the Town will not tolerate retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint.

#### **5.12-4 Complaints of Discrimination, Harassment, or Retaliation**

- (a) If any Town employee believe they have been subjected to discrimination, sexual or other harassment, or retaliation, or if a non-employee believes they been subjected to conduct of this nature by a Town employee, the individual has the right to file a complaint with the Town.
- (b) A complaint may be made orally or in writing by contacting:
- The Town Administrator at Dover Town House, 5 Springdale Avenue, Dover, MA 02030. Phone: 508-785-0032, ext. 221
  - The Assistant Town Administrator Dover Town House, 5 Springdale Avenue, Dover, MA 02030. Phone: 508-785-0032, ext. 229
- (c) These designated persons are available to discuss any concerns an individual may have and to provide information about the Town's policy against discrimination, harassment, or retaliation, and the complaint process.

#### **5.12-5 Investigations**

- (a) When the Town receives a complaint of discrimination (including, without limitation, discrimination based on pregnancy or pregnancy-related conditions), harassment, or retaliation, it will take appropriate corrective action in a fair and expeditious manner. Any investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Typically, an investigation would include private interviews with the person filing the complaint, with witnesses (as appropriate), and with the person alleged to have committed the offending conduct.
- (b) When the Town has completed its investigation, it will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct that the investigation has been concluded and that, as warranted, appropriate remedial action has been instituted. If the Town determines that inappropriate conduct has occurred, it will act promptly to eliminate the offending conduct, and as it determines appropriate, will also impose disciplinary action.

## **5.12-6 Disciplinary Action**

- (a) If the Town determines that inappropriate conduct has been committed by one of our employees, the Town will take action as it deems appropriate under the circumstances. This may range from counseling to termination from employment and may include such other forms of disciplinary or corrective action as may apply, up to and including termination.

## **5.12-7 State and Federal Remedies**

- (a) The Town strongly encourages employees to bring any concerns about possible discrimination, harassment, or retaliation to its attention, so that it can promptly look into the matter and take corrective action through internal processes. In addition, if an employee believes they have been subjected to discrimination, harassment, or retaliation, one or both of the government agencies listed below may have jurisdiction over the matter. Using the Town's internal complaint process does not prohibit an employee from filing a complaint with these agencies. The deadline for filing a claim generally is 180 or 300 days from the alleged unlawful employment practice, depending on the applicable law.

*The United States Equal Employment Opportunity Commission (“EEOC”)*

John F. Kennedy Federal Building

Government Center Room 475-

Boston, MA 02203-0506

1-800-669-4000 or

1-800-669-6820 (TTY)

[www.eeoc.gov/field/boston/index.cfm](http://www.eeoc.gov/field/boston/index.cfm)

*The Massachusetts Commission Against Discrimination (“MCAD”)*

Boston Office:  
One Ashburton Place

Springfield Office:  
436 Dwight Street

Room 601  
Boston, MA 02108  
(617) 994-6000

Room 220  
Springfield, MA 01103  
(413) 739-2145

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

New Bedford Office:  
128 Union St.  
Suite 206  
New Bedford, MA 02740  
(774) 510-5801

## **5.13 Workplace Violence Prevention Policy**

### **5.13-1 Purpose**

- (a) It is the intent of the Town of Dover to provide a workplace that is conducive to personal safety and security and is free from intimidation, threats, or violent acts. Accordingly, the Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, former employees, elected officials, customers, the general public, and/or anyone who conducts business with the Town.

### **5.13-2 Definitions**

- (a) Workplace violence is any behavior which is intended (or which a reasonable person may perceive is intended) to abuse or injure a person or damage or destroy property in the workplace including, but not limited to bullying, threats, physical, verbal, written, or visual attack, or property damage. The following definitions are incorporated to assist employees to more fully understand the nature of the behavior prohibited by this policy; however, violent behavior is not limited to the descriptions below.
- (b) Workplace bullying is repeated unreasonable or offensive actions in the workplace that impact or create a risk to the psychological or physical health, safety, or economic security of an employee. Workplace bullying is behavior that can intimidate, offend, degrade or humiliate an employee.
- (c) A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional or future.
- (d) Physical attack is intentional hostile physical contact with another person or an object such as hitting, fighting, pushing, shoving, or throwing.
- (e) Verbal attack is intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene or threatening language.
- (f) Written attack is the use of printed or electronic media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people or to threaten property.
- (g) Visual attack is the use of bodily gestures that are threatening, obscene, or abusive.

- (h) Property damage is intentional damage (as a reasonable person may presume by the nature of the damage) to property which includes property owned by the Town, employees, or others.

### **5.13-3 Prevention of Workplace Violence**

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

### **5.13-4 Procedure for Reporting Threats**

- (a) Employees are required to immediately, or as soon as practically possible, report each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, to department management, or Town Administration/Human Resources. In addition, employees are required to warn of any suspicious workplace activity, situations, or incidents of which they are aware that may lead to workplace violence. Department management will inform Town Administration in writing and verbally of all reported incidents of workplace violence and will work with Town Administration to assess and investigate the incident and determine the appropriate action to be taken, including notifying the Police Department where appropriate.
- (b) For incidents involving violent behavior by non-employees, Town Administration/Human Resources will maintain – at a minimum - a written log of all reported incidents including the name of the individual, time and date of the incident, nature of the incident, and outcome. In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team that consists of staff from the affected department, Town Administration, public safety, the employee assistance program and others as deemed necessary. Under such critical circumstances, the Management Response Team shall be responsible for establishing the response protocol that may include but is not limited to: evaluating the potential for violence; assessing an employee's fitness for duty (through mental health professionals); establishing a plan for the protection of co-workers and other potential targets; coordinating with affected parties such as victims, families, other employees or law enforcement personnel; referring victims to appropriate assistance and community service programs. Each step of this process will be carried out in as expeditious a manner as possible, recognizing the need to address any threat in a timely, yet thorough and appropriate manner.
- (c) Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation (including, but not limited to unwarranted discipline, demotion, reduction in pay or position and/or termination) or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

### **5.13-5 Prohibited Actions & Sanctions**

- (a) It is a violation of this policy to engage in any act of workplace violence or retaliation for reporting such behavior. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action including but not limited to warning, reprimand, suspension or termination, according to the findings of the complaint investigation and, depending upon the violent act, may be subject to criminal sanctions.

### **5.13-6 Departmental Security Audits**

- (a) Whenever the physical layout of the workspace is significantly altered, the department/division manager will work with the Police Department to examine the escape routes of the work area and communicate any changes to all department/division employees. On an as needed basis, the department/division manager may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

### **5.13-7 Safety-Related Searches**

- (a) Lockers, desks, storage drawers, work areas, work-provided phones, PDA and computers, and vehicles assigned to employees are Town property and are subject to unannounced inspections. Private items should not be stored in such property. The Town may exercise its right to search Town property for weapons and any other items not permitted on Town premises. For legitimate safety purposes when there is a credible threat of workplace violence, the Town reserves the right to search the possessions of employees, vendors, contractors, and subcontractors upon entering and leaving Town property, and at any time while on Town property without prior announcement. At such times, all briefcases, purses, portfolios, lunch boxes, toolboxes, and other articles and containers may be subject to inspection. Employees refusing to submit or interfering with such searches may be subject to disciplinary action, up to and including termination.

### **5.13-8 Employee Orientation Training**

- (a) The Assistant Town Administrator/Human Resource Director and the department/division manager, or designee, will orient all new employees to departmental/divisional procedures regarding reporting incidents of violence or retaliation, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence or retaliation.

### **5.13-9 Employee Assistance Program**

- (a) Should an employee become the victim of an incident of workplace violence, the department/division manager should make sure the employee is aware of services available through the Employee Assistance Program (EAP) and may offer additional referral services to assist the employee and/or affected work group in coping with any effects of the incident. Should it be determined in the investigation of a reported incident that an employee did commit a violent act, the

employee shall at a minimum be referred to the EAP by the department/division manager. In these cases, failure by the employee to keep an initial appointment with the EAP shall result in disciplinary action.

## **SECTION 6 - DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **6.1 Coverage**

- (a) All employees that have successfully completed the probation period as required by these regulations.

### **6.2 Disciplinary Procedures**

#### **6.2-1 Policy**

- (a) The appointing authority, department heads and supervisors shall be responsible for enforcing standards of conduct and rules and regulations. Failure to comply with standards of conduct or any rules and regulations may result in disciplinary action. The type of disciplinary action imposed is at the discretion of the appointing authority and department heads and is dependent upon the nature of the disciplinary violation. Disciplinary action generally will include one or more of the following not necessarily in this order: oral reprimand, written reprimand, demotions, suspensions, and discharge. Department heads shall be responsible for preparing written documentation of disciplinary action imposed. All written documentation shall be provided to the appointing authority and the Board and shall be filed in an employee's personnel file in the centralized personnel record keeping system.

#### **6.2-2 Imposing Disciplinary Action**

- (a) Department heads and appointing authorities are encouraged to discuss serious disciplinary problems and proposed disciplinary actions with the Town Administrator to ensure that procedures are followed and that contemplated actions are warranted and consistent with practices in the Town.

#### **6.2-3 Disciplinary Action**

##### Oral reprimand

- (a) A department head or supervisor may issue an oral warning to the employee. The oral warning shall be presented in a manner intended to minimize embarrassment to the employee. The department head or supervisor shall orally communicate to the employee the nature of the deficiency and offer assistance in correcting the deficiency. An oral reprimand shall be noted in the employee's personnel file.

### Written reprimand

- (a) A department head may issue a written reprimand. The reprimand should include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in more severe disciplinary action; an offer of guidance or instruction as to acceptable performance/conduct in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. A copy of the written reprimand signed and dated by both the department head and employee (or with an indication by the department head that the employee has refused to sign) shall be placed in the employee's personnel file.

### Suspension

- (a) A department head or an appointing authority may suspend an employee with or without pay for a period or periods not to exceed ten (10) working days. Suspension may be in lieu of oral reprimand or written reprimand, and may be effective immediately. On or before the date of suspension the appointing authority shall furnish the employee with a written statement setting forth the reasons for the suspension, the effective date of the suspension and the date the employee shall return to work. The notice of suspension should include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in more severe disciplinary action, including discharge; and offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. A copy of the written statement signed and dated by both the department head and employee shall be placed in the employee's personnel file.
- (b) In all instances where, in the judgment of the department head or appointing authority, the reasons for the suspension don't require immediate imposition of the suspension the department head or appointing authority shall submit the written statement setting forth the reasons for the suspension, and the duration of it to the Board. The Board shall review the statement and issue comments, if any, within five (5) days. No suspension proposed under this paragraph shall be imposed or take effect until the expiration of the five days or receipt of the comments from the Board, whichever is sooner.

### Discharge

- (a) An employee may be discharged for cause. For purposes of this policy, cause shall mean any ground that is put forward by a department head or appointing authority that is not arbitrary, irrational, unreasonable, or irrelevant to building and maintaining an efficient municipal system. The employee shall be given written notice of the discharge signed by the appropriate appointing authority specifying: the date of the discharge; the charge; the specific behavior and dates of the behavior, as appropriate; circumstances affecting the severity of the disciplinary action; and any right of appeal.
- (b) Prior to discharging an employee, the appointing authority shall submit the written notice of the discharge to the Board. The Board shall review the notice and issue comments, if any, within five (5) days. No discharge shall be imposed or take effect until the expiration of the five (5) days or receipt of the comments from the Board, whichever is sooner.

## **6.3 Grievance Procedures**

- (a) Grievances shall relate to improper application of these personnel rules and regulations or disciplinary procedures and shall be resolved in the following manner:

### **Informal (Supervisor)**

- (a) An aggrieved employee shall discuss any matter of dispute with their immediate supervisor in a mutual effort to resolve any problem or misunderstanding.

### **First Step (Department Head)**

- (b) Upon failing to resolve any grievance in an informal manner an aggrieved employee may present a grievance in writing to the department head within ten (10) days from the time the employee has knowledge or reasonably should have had knowledge of the occurrence which gave rise to the grievance. The written grievance shall contain the following information: the section of the regulation upon which the grievance is based; the occurrence(s) being grieved; applicable dates and time; any pertinent information relative to the grievance; an indication of the relief that is desired. The department head within five (5) working days of receipt of a grievance shall provide an answer in writing to the aggrieved employee.

### **Second Step (Appointing Authority)**

- (c) If the grievance has not been resolved as provided above, the aggrieved employee may within five (5) working days after receipt of the written answer from the department head or within ten (10) working days after presentation of the grievance to the department head present the grievance in writing to the appointing authority. If the appointing authority and the department head are the same then the employee shall instead proceed to follow procedures set forth in sub section (d) below. The appointing authority shall answer the grievance in writing within ten (10) days after its receipt.

### **Third Step (Board)**

- (d) If the grievance has not been resolved as provided above, the aggrieved employee may within ten (10) working days after receipt of the written answer from the appointing authority present the grievance in writing with a request for a hearing to the Board. The Board shall hold a hearing pursuant to the Open Meeting laws on the grievance and shall answer the grievance within thirty (30) days after its receipt. The Board may support, modify or reverse the action of the appointing authority, provided, however, such action to modify or reverse a decision shall be by roll call vote of the Board and the appointing authority sitting in joint session. Any such decision shall be final.

### **6.3-1 Procedural Protections**

- (a) Employees may be represented by counsel or other representatives during the grievance process. Any expenses incurred by an employee during the course of the grievance process shall be borne by the employee. If any employee is required or requested to be present at any hearings on a grievance, the employee shall not lose any pay for work time lost.
- (b) Department heads or supervisors shall not retaliate or take any disciplinary action against an employee based solely on the filing of any grievance.

### **6.3-2 Failure to Act**

- (a) Grievances are expected to be filed in a timely manner and all time limits specified in the grievance process shall be met by the employee filing a grievance and the Town, provided, however, any time limit may be extended by prior written agreement of the Board and the employee filing a grievance. Failure of the employee to meet the time limits specified in this section shall result in a grievance being declared null and void. Failure by the Town to act in accordance with the time limits set forth in this section shall be an automatic denial of the grievance and shall move the grievance to the next step.

## **PART 7 - BENEFITS**

### **7.1 Holiday Pay and Holiday Leave**

#### **7.1-1 Purpose**

- (a) The purpose of this policy is to clarify the conditions under which an employee is entitled to holiday leave and/or holiday pay.

#### **7.1-2 Applicability**

- (a) This policy applies to all exempt and non-exempt, full-time and part-time employees. Employees covered by collective bargaining or employment agreements should refer to their contracts for specific provisions related to hours of work. Employees with an employment agreement with the Town are subject to this policy unless the employment agreement states otherwise, as provided by State law. Holiday leave and Holiday pay provisions in collective bargaining agreements or employment agreements supersede this policy.

#### **7.1-3 Definitions**

- (a) Exempt Employee: The Fair Labor Standards Act (FLSA) provides an exemption from both minimum wage and overtime pay (or compensatory time) for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a) (17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at or above a certain amount (updated annually). Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations where employed.
- (b) Non-Exempt Employee: This refers to employees who are covered by the federal Fair Labor Standards Act. Non-exempt employees receive a minimum hourly rate of pay, and earn overtime (or compensatory time) after 40 hours of work in a week (except for police officers and firefighters that have a different standard). The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.
- (c) Benefit Eligible Employee: A regularly scheduled employee working in excess of 1000 hours per year.
- (d) Holiday Pay: Time off with pay for eligible employees on recognized holidays.
- (e) Holiday Leave: Time off with pay, equal to the number of hours of the employee's regularly scheduled hours on the day of the week of the holiday.

## **7.1-4 Personnel Rules and Regulation**

- (a) It is the policy of the Town of Dover to provide holiday pay (time off with pay) on the day on which a recognized holiday occurs or is legally observed by the State of Massachusetts for benefit eligible employees who work a traditional business week (Monday through Friday). Eligible employees who work part-time or a non-traditional business week schedule (e.g., other than Monday-Friday) are entitled to holiday pay or holiday leave.

## **7.1-5 Procedure**

- (a) Recognized Holidays: The Town of Dover recognizes the following holidays on which they are legally observed by the Commonwealth of Massachusetts. On said days, full-time and benefits eligible part-time employees shall be excused from all regularly scheduled duty without loss of pay, except in cases where the Town Administrator, governing board or Department Head determined that an employee's services are required to maintain essential services:

New Year's Day	Martin Luther King's Birthday
President's Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Christmas Day	Juneteenth Day

- (b) Weekend Holidays: In the event that such holiday occurs on a Sunday, it shall be deemed to occur on Monday. In the event that such holidays occur on Saturday, it shall be deemed to occur on Friday for

offices otherwise closed on Saturday and for employees whose offices are open on Saturday, but the employee is not scheduled to work (e.g., certain Library employees). For departments/offices /staff regularly scheduled to be open/work on Saturday (e.g., Library) a Saturday holiday shall be recognized on Saturday.

- (c) Paid Status: Full-time and benefit-eligible employees must be on paid status for their regularly scheduled work day immediately preceding and following the holiday in order to receive holiday leave.

## **7.1-6 Work Schedules for Non-Exempt and Exempt, Benefits Eligible Employees**

- (a) Employees who work a traditional (Monday – Friday) schedule and who are regularly scheduled to work on a day that is designated by the Town as a holiday are entitled to time off with pay for that day (holiday pay)
- (i) Example: A full-time employee works Monday-Friday, 35 hours per week, is entitled to seven and three-quarters (7.75) hours of holiday pay for a Monday-Thursday holiday and four (4) hours of holiday pay for a Friday holiday.
  - (ii) Example: A part-time employee who works Monday through Friday, four (4) hours per day, twenty (20) hours per week is entitled to holiday pay (time off with pay) in the amount of four (4) hours.
  - (iii) Example: An employee who works Monday through Thursday, thirty-five (35) hours per week, and the holiday occurs on Monday – Thursday, the employee is entitled to holiday pay (time off without loss of pay) on the holiday.
- (b) Employees who are not regularly scheduled to work on a recognized holiday may receive holiday leave for another day. Holiday leave must be taken the same week in which the holiday occurs. For example, an employee who receives holiday leave for the July 4<sup>th</sup> holiday must use that time, with Department Head approval, during the week of July 4.
- (i) Example: An employee works Tuesday-Friday and there is a Monday holiday. The employee is entitled to holiday leave for another day. Holiday leave must be taken the same week in which the holiday occurs and that day must be approved by the Department Head.
  - (ii) Example: A holiday may fall on a Friday or be recognized on a Friday (i.e., a Saturday holiday) when the employee is ordinarily not scheduled to work or when Town offices are only open for four hours (9 a.m. to 1 p.m.). In this situation the employee earns a holiday of four hours for another day. Holiday leave must be taken the same week in which the holiday occurs and that day must be approved by the Department Head.

## **7.1-7 Exceptions**

- (a) The Town Administrator has the discretion to interpret and make exceptions to this policy if deemed to be in the best interest of the Town. The Personnel Board will be notified, in writing within 10 business days, whenever the Town Administrator interprets or makes an exception to this policy and the rationale for the interpretation and/or exception. This section shall not preclude the Personnel Board from interpreting other Personnel Rules and Regulations not otherwise covered by a Town Administrator ruling.

## **7.2 Vacation Leave Policy**

### **7.3-1 Purpose**

- (a) The purpose of this policy is to outline the Town's policy on vacation use and accrual and to ensure that employees' vacation benefits are implemented equitably and consistently.

### **7.2-2 Applicability**

- (a) This policy applies to all exempt and non-exempt, full-time and benefit-eligible part-time employees. Employees covered by collective bargaining agreements or employment agreements should refer to their contracts for specific vacation leave. Vacation leave provisions in collective bargaining agreements and employment agreements supersede this policy.

### **7.2-3 Definitions**

- (a) Vacation day: Time off with pay, expressed in hours, for benefit eligible employees. For full-time 35-hours per week employees, a vacation day is 7 hours. For full-time 40-hours per week employees, a vacation day is 8 hours.
- (b) Benefit Eligible Employee: A regularly scheduled employee working in excess of 1000 hours per year.
- (c) Full-Time Employee: An employee who works either 35 hours per week (e.g., hourly employees in the Town Offices; Library, Council on Aging) or 40 hours per week (e.g., hourly employee in Parks and Recreation; employees in Highway and Cemetery Departments).
- (d) Prorated Formula for Employees Regularly Scheduled to Work Less Than/More Than Full Time: Calculated based on; number of regularly scheduled work hours per week ÷ either 35 or 40 hours, whichever is appropriate.
- (e) Vacation Leave Balance: This is the amount of leave time an employee has accrued but not taken during a fiscal year and includes any carry-over vacation provided for in section 7.3-5 of this policy.

### **7.2-4 Personnel Rules and Regulations**

- (a) It is the policy of the Town of Dover to provide vacation leave for service performed for the Town. Employees shall be credited with earned vacation leave on a bi-weekly basis, concurrent with bi-weekly paychecks. Vacation leave may be taken at any time, subject to availability of the employee's Vacation Leave Balance and with the approval of the department manager or appointing authority.
- (b) All vacation time shall be taken in the fiscal year earned, subject only to the Vacation Carry-Over provision of this policy.
- (c) Vacation leave shall be authorized by department heads/appointing authorities at such time, in the opinion head/appointing authority, as to cause the least interference with the performance of regular

work for the department. Employees are expected to provide a minimum of two weeks' notice of a vacation request. Vacation leave shall not be unreasonably denied.

### **7.2-5 Vacation Carry-Over**

- (a) With the written approval of the appointing authority, an employee may carry-over up to ten days (i.e., 70 or 80 hours for full-time employees) into the following fiscal year. Vacation carry-over requests shall not be unreasonably denied.
- (b) Vacation carry-over beyond the ten-day amount provided in this section will only be considered by the Town Administrator when the Town/appointing authority requests that an employee not use vacation time due to staffing or other related situations.
- (c) In allowing the carry-over of vacation days, it is understood that no additional cost will accrue to the Town, such as would result from the hiring of temporary employees for coverage for the vacationing employee. For the purpose of this definition, increasing costs resulting from wage or salary increases in the subsequent fiscal year are not to be considered.

### **7.2-6 Procedure**

- (a) Accumulation: Employees will be credited with their earned vacation leave on a bi-weekly basis concurrent with their bi-weekly paycheck.
- (b) Unpaid Leave: Employees who are on unpaid leave for more than five days during a calendar month shall not receive credit for that month for the purpose of vacation accrual.
- (c) Accrual Rate: Vacation accrual rates are based on full-time employment of 35 or 40 hours per week, as provided in the chart that follows. Benefit eligible employees who are regularly scheduled to work less than full-time will accrue vacation leave in the ratio that such part-time service bears to full-time service. Benefit eligible employees who are regularly scheduled to work more than a 35-hour regular work week will accrue vacation leave in the ratio that their full-time service bears to a 35-hour week.
- (d) Maximum June 30 Vacation Leave Balance: An employee is limited to carrying over a maximum of 10 vacation days in any fiscal year, per section 7.3-5 of this policy unless the Town Administrator authorizes additional carry-over days under Section 7.3-5 of this policy. Any Vacation Leave Balance on June 30 that exceeds this amount will not be carried over and will be forfeited.

Vacation Accrual Schedule									
			Full Time Employee						
			35 hours/week (see Note)			40 hours/week (See Note)			
Continuous Service	Total Accrual Days for 12 Month Period-FT Employees Hired Prior to July 1, 2021	Total Accrual Days for 12 Month Period-FT Employees Hired On or After July 1, 2021	Total Monthly Accrual Rate/Hours for FT Employees Hired Prior to July 1, 2021	Total Monthly Accrual Rate/Hours for FT Employees Hired On or After July 1, 2021	Maximum Carry-Over Cap/Hours - to by Used by September	Total Monthly Accrual Rate/Hours for FT Employees Hired Prior to July 1, 2021	Total Monthly Accrual Rate/Hours for FT Employees Hired On or After July 1, 2021	Maximum Carry-Over Cap/Hours - to by Used by September	
Less than one year	15	15	8.75	8.75	70	10.00	10.00	80	
1 to 5 years	15	15	8.75	8.75	70	10.00	10.00	80	
6 years	16	16	9.33	9.33	70	10.67	10.67	80	
7 years	17	17	9.92	9.92	70	11.33	11.33	80	
8 years	18	18	10.50	10.50	70	12.00	12.00	80	
9 years	19	19	11.08	11.08	70	12.67	12.67	80	
10 to 20 years	20	20	11.67	11.67	70	13.33	13.33	80	
21 years	21	21	12.25	12.25	70	14.00	14.00	80	
22 years	22	22	12.83	12.83	70	14.67	14.67	80	
23 years	23	23	13.42	13.42	70	15.33	15.33	80	
24 years	24	24	14.00	14.00	70	16.00	16.00	80	
25 years	25	25	14.58	14.58	70	16.67	16.67	80	
26 years	26	25	15.17	14.58	70	17.33	16.67	80	
27 years	27	25	15.75	14.58	70	18.00	16.67	80	
28 years	28	25	16.33	14.58	70	18.67	16.67	80	
29 years	29	25	16.92	14.58	70	19.33	16.67	80	
30 years	30	25	17.50	14.58	70	20.00	16.67	80	
31 years	31	25	18.08	14.58	70	20.67	16.67	80	
32 years	32	25	18.67	14.58	70	21.33	16.67	80	
33 years	33	25	19.25	14.58	70	22.00	16.67	80	
34 years	34	25	19.83	14.58	70	22.67	16.67	80	
35 years	35	25	20.42	14.58	70	23.33	16.67	80	

*Note: Vacation leave is earned bi-weekly, concurrent with the bi-weekly payroll.*

- (e) Accelerated Vacation Accrual Rate: Upon the written request from a department head and Assistant Town Administrator, the Town Administrator may approve an accelerated vacation accrual rate for previous service in a similar position for another employer. Such credit may be granted in whole year increments up to, but not exceeding, 10 years.
- (f) Transition Year: Changes in vacation leave accrual rates will be made on the next bi-weekly payroll following the month in which an employee is eligible for the additional vacation leave.

## 7.2-7 Vacation Use for Exempt and Non-Exempt Employees

- (a) Vacation leave will be available for use on the first day following the bi-weekly payroll that the vacation leave was earned and credited to the employees' Vacation Leave Balance.
- (b) Vacation leave will be used and recorded on an hour-for-hour basis. For example:
  - If an employee is scheduled for 7.75 work hours on a Tuesday and takes this day as a vacation day, then it would be recorded as 7.75 hours of vacation leave used.
  - If an employee is generally scheduled to work four hours on a Friday and takes this day as a vacation day, then it would be recorded as 4 hours of vacation leave.

## 7.2-8 Separation from Service with the Town

- (a) When an employee leaves Town service for any reason, they will be paid an amount equal to the vacation allowance accrued but unused prior to separation.
- (b) Employees who leave Town service in good standing and who return within two years will be entitled to receive credit for prior service for the purpose of calculating continuous service for vacation accrual. The length of absence shall not be included in the calculation of continuous service.

## **7.2-9 Exceptions**

- (a) The Town Administrator has the discretion to interpret and make exceptions to this policy if deemed to be in the best interest of the Town. The Personnel Board will be notified in writing, within 10 business days, whenever the Town Administrator interprets or makes an exception to this policy and the rationale for the interpretation and/or exception. This section shall not preclude the Personnel Board from interpreting other Personnel Rules and Regulations not otherwise covered by a Town Administrator ruling.

## **7.3 Sick Leave Policy**

### **7.3-1 Purpose**

- (a) The purpose of this policy is to establish the eligibility and procedural requirements relating to the administration of sick leave.

### **7.3-2 Applicability**

- (a) This policy applies to all non-represented exempt and non-exempt, full-time and benefit eligible part-time employees. Employees covered by collective bargaining agreements or employment agreements should refer to their contracts for specific sick leave provisions. Sick leave provisions in collective bargaining agreements or employment agreements supersede this policy.

### **7.3-3 Definitions**

- (a) **Sick Day:** Time off with pay, expressed in hours, for benefit eligible employees. For full-time 35 hours per week employees, a sick day is 7 hours. For full-time 40 hours per week employees, a sick day is 8 hours.
- (b) **Benefit Eligible Employee:** A regularly scheduled employee working in excess of 1000 hours per year.
- (c) **Full-Time Employee:** An employee who works either 35 hours per week (e.g., hourly employees in the Town Offices; Library, Council on Aging) or 40 hours per week (e.g., hourly employee in Parks and Recreation; employees in the Highway and Cemetery Departments).
- (d) **Immediate Family Member:** Is the spouse, mother, father, child, brother, sister, mother-in-law, father-in-law, grandparents, grandchildren, step-parents, step-children and domestic partner.

- (e) Prorated Formula for Employees Working Less than Full-Time: Calculated based on regularly scheduled number of hours per week.
- (f) Prorated Formula for Employees Working between 35 and 40 Hours per Week: Calculated based on regularly scheduled number of hours per week.
- (g) Sick Leave Balance: This is the amount of leave time the employee has accrued and not taken, subject to the Maximum Accrual of Sick Leave found in section 7.4-5 of this policy.

### **7.3-4 Personnel Rules and Regulations**

- (a) Full-time and part-time benefit eligible employees shall accrue Sick Leave as found in Section 7.4-5.
- (b) Employees may be granted Sick Leave when the employee:
  - Is incapacitated from the performance of their duties by a non-work-related personal illness, injury or by exposure to a contagious disease;
  - To attend their own preventive medical, vision or dental care appointment;
  - To attend the medical appointment of an immediate family member as defined in Section 7.3-3; and
  - Is caring for the serious illness or injury of the immediate family member as defined in Section 7.3-3 up to a limit of 10 days per fiscal year.

### **7.3-5 Accrual**

- (a) Employees will be credited with earned sick leave beginning 30 days from the date of hire, and credited on a bi-weekly basis concurrent with their bi-weekly paycheck.
- (b) Unpaid Leave: Employees who are on unpaid leave for more than five days within two concurrent bi-weekly pay periods shall not receive credit for those pay periods for the purpose of sick leave accrual.
- (c) Accrual Rate: Sick Leave accrual rates are based on full-time employment of 35 or 40 hours per week, as provided in the chart found below. Benefit eligible employees who work either less than full-time or between 35 and 40 hours per week will be credited with Sick Leave in the ratio that such service bears to full-time service. For example, an employee who is regularly scheduled to work 20 hours per week will earn 4 hours of sick leave per month, credited on a bi-weekly basis. An employee who is regularly scheduled to work 38 hours per week will earn 7.6 hours of sick leave per month, credited on a bi-weekly basis.
- (d) Sick Leave at Time of Hire: With the advanced written approval of the Town Administrator, a maximum of 12 days (70 or 80 hours) of sick leave may be advanced at the time of hire, based on previous service or similar benefit in a previous position. If sick leave is advanced to a new employee the employee will not accrue monthly sick leave for that period of time equal to the number of hours advanced. Once this amount is reached the employee will begin to accrue monthly sick leave per this policy.
- (e) Maximum Accrual of Sick Leave: A full-time employee may accumulate up to a maximum of 124 work days of sick leave (868 or 992 hours. If on June 30 of any fiscal year an employee has greater than 124 days accrued, his/her sick leave bank will be reset to 124 days on July 1.
- (f) Transition Year Carry Over: Certain exempt employees have been presumed to be working a (minimum) 40-hour week and have accrued 8 hours of sick leave monthly. Beginning July 1, 2022,

these exempt employees are presumed to be working a (minimum) 35-hour week and will accrue 7 hours of sick leave monthly. Any previously earned and unused sick leave hours will be carried forward, hour-for-hour, to FY23, up to the 868 hours accrual maximum.

Sick Leave Accrual							
		Full Time Employee (See Notes)					
Continuous Service	Accrual Days Per Month	35 hours/week			40 hours/week		
		Monthly Accrual Rate/Hours	Hours Accrued Annually	Maximum Accrual Cap/Hours	Monthly Accrual Rate/Hours	Hours Accrued Annually	Maximum Accrual Cap/Hours
Benefit Eligible Employees	1	7	84	868	8	96	992

*Note: Sick leave accrual prorated for part-time benefit eligible employees*

*Note: Sick leave is accrued following 30 days from the date of hire and credited on each bi-weekly payroll following the 30 days.*

### 7.3-6 Use

- (a) An employee may be granted Sick Leave as provided in Section 7.3
- (b) Any employee whose illness or disability would result in the temporary closure of a Town office shall report such illness or disability to the Town Administrator's office at the same time and in the same manner that such illness or disability is reported to the department head/supervisor.
- (c) Employees may be allowed to use up to ten (10) days of the employee's accrued sick leave per fiscal year (if available) to attend to the serious illness or injury of an immediate family member, as defined in Section 7.3-3 of this policy.
- (d) The employee's Sick Leave Balance will be charged for the total number of hours absent from work for any of the allowable uses found in Section 7.3-5.
- (e) The Town shall allow the use of sick or vacation leave to supplement worker's compensation payments by the amount of the difference between the amount paid in worker's compensation payments and the employee's regular compensation, to the extent the employee has a sick leave or vacation leave balance. Such supplemental payments shall be charged against the employee's Sick Leave and/or Vacation Leave balance until such leave has been exhausted, at which time such supplemental payments shall cease.

### 7.3-7 Notification/Authorization

- (a) Sick leave shall be authorized by the department head/supervisor. An employee who wishes to use accumulated sick leave must notify the work location and speak directly to his/her immediate supervisor/designee as early as possible on the first day of the absence. The supervisor/designee may require a physician's certificate of illness if the absence lasts longer than five days, or for five or more days during a 30-day period, or when the usage of sick leave suggests abuse.
- (b) Failure of the employee to provide a notification of sick leave may be sufficient grounds to deny the use of sick leave even if the employee is genuinely ill. The employee must be granted the

opportunity to provide a satisfactory explanation as to why they did not call within the stated time-frame.

- (c) Except in emergency situations, the employee must call the work location on each day of the absence.

### **7.3-8 Suspected Abuse**

- (a) Whenever a department head/supervisor has reason to believe that an employee may be abusing sick leave, including the use of sick leave for a family member, regardless of the number of sick days taken, the department head/supervisor may require the employee to provide medical verification of the illness as outlined in Section 7.3-9. Requests for medical verification should generally be made during or immediately following the absence(s) in question.
- (b) If a department head/supervisor has reason to believe an employee is abusing sick leave, they shall notify the Town Administrator's Office.
- (c) Abuse of sick leave may lead to the denial of sick leave time and/or disciplinary action.
- (d) Some of the more common reasons a department head/supervisor may suspect sick leave abuse are:
- Continued utilization of sick leave in increments of one day or less;
  - Advance notice by the employee that they will be out sick on a given day;
  - An employee who calls in sick yet comes into the office on personal business (e.g., to pick up personal belongings);
  - Excessive utilization by employees who are terminating employment;
  - Absences immediately following a dispute with a supervisor or coworker;
  - An absence during inclement or beautiful weather;
  - An absence following a holiday or on a day which the employee requested time off, but was denied;
  - An absence that occurs on the day of an event like the opening day of the baseball season.

### **7.3-9 Medical Verification**

- (a) Medical verification of an illness must be satisfactory in the judgment of the department manager/supervisor and in compliance with HIPAA. To be satisfactory the information should include, but not be limited to, the following:
- The date the employee was seen;
  - The estimated time for which the employee (or family member) will be incapacitated; and
  - A certification that the employee is/was unable to work on the day(s) for which verification is requested.
- (b) Medical verification documents must be signed by the health care provider who has examined the employee.
- (c) An employee who fails to provide medical verification within seven (7) business days of a request may be denied payment for sick leave for the relevant period and may be subject to disciplinary action.

### **7.3-10 Fitness for Duty**

- (a) In order to ensure fitness to perform the essential functions of their positions, employees may be required to submit medical verification of their current ability to perform their essential job functions upon return to work following use of sick leave in excess of ten (10) consecutive work days, or after hospitalization or surgery.

### **7.3-11 Separation from Service with the Town**

- (a) When an employee leaves Town service for any reason, they will not be paid for any Sick Leave Balance.
- (b) Employees who leave Town service in good standing and who return within two years will be entitled to receive credit for their Sick Leave Balance at the time of separation.

### **7.3-12 Exceptions**

- (a) The Town Administrator has the discretion to interpret and make exceptions to this policy if deemed to be in the best interest of the Town. The Personnel Board will be notified in writing, within 10 business days, whenever the Town Administrator interprets or makes an exception to this policy and the rationale for the interpretation and/or exception. This section shall not preclude the Personnel Board from interpreting other Personnel Rules and Regulations not otherwise covered by a Town Administrator ruling.

## **7.4 Bereavement Leave, Jury Leave, Leaves of Absence, and Military Leave**

### **7.4-1 Coverage**

- (a) All full-time employees and part-time employees who are benefit eligible (1000 or more hours annually), unless otherwise provided.

### **7.4-2 Bereavement Leave Policy**

- (a) Emergency leave of up to three (3) days with pay may be granted with the approval of the department head or appointing authority for a death in the employee's immediate family. Immediate family is: wife, husband, mother, father, child, brother, sister, mother-in-law, father-in-law and grandparents, as well as step-parents, step children, and domestic partners. Any bereavement leave in excess of three (3) days will be charged first against an employee's accumulated sick leave, and second, against the employee's accumulated vacation leave. At the discretion of a department head additional bereavement leave may be granted to an employee without pay.

### **7.4-3 Jury Leave Policy**

- (a) Jury leave shall be granted in accordance with state law.

## **7.4-4 Military Training Leave Policy**

- (a) Employees are permitted leave for military reserve training and shall be paid the difference between their military compensation for such training and their Town compensation for a period not to exceed ten (10) work days in any fiscal year. Payment shall not be made to employees when mobilized for active duty by state or federal authority. Employees are permitted under Massachusetts law to take leave for up to 17 days per year, in total, to attend required training, for employees who are called for military reserve training.
- (b) In addition, federal law provides broad protection and rights for employees who leave their employment for the purpose of entering uniformed services for extended periods. "Uniformed Services" refers to the Armed Services (including the Coast Guard), the Army National Guard and Air National Guard (when engaged in active or inactive duty for training, or full-time duty), and the commissioner corps of the Public Health Service. The period of protection extends ordinarily for up to five years. An employee who interrupts his or her career for uniformed service generally must give advance notice to the Town of the impending service, and must report for work in a timely fashion after the period of uniformed service has ended.

## **7.4-5 Leave of Absence Policy**

- (a) The appointing authority may, at their discretion, grant leaves of absence without compensation for periods not exceeding three months duration without loss of seniority. Only those employees completing at least one year of continuous service shall be eligible for leaves of absence under this section.
- (b) An employee granted a leave of absence may be provided coverage under applicable group health, dental and life insurance plans, provided that the employee pays 100% of the premium cost, in accordance with applicable statutes.
- (c) Leaves of absence shall not be granted to enable an employee to accept other employment or for self employment. Any request for leave of absence or reinstatement after such leave without pay shall be made in writing.

## **7.5 Family and Medical Leave Policy**

### **7.5-1 Coverage**

- (a) All full-time and part-time employees who have been employed by the Town for at least twelve months, not necessarily consecutively, and have worked a minimum of 1,250 hours during the immediately preceding twelve months are eligible for a leave of absence under this policy.

### **7.5-2 Policy Statement**

- (a) In accordance with the Family and Medical Leave Act of 1993 (FMLA), the Town will grant eligible employees up to twelve weeks of unpaid leave during any twelve-month period, as defined below, for any of the following reasons:
  - To care for the employee's child within one year of birth, adoption, or the initiation of

- foster care;
  - To care for a child, spouse, or parent with a serious health condition;
  - Because the employee's own serious health condition makes the employee unable to perform his or her job.
- (b) Upon the completion of FMLA leave, an employee generally will be reinstated to the position the employee held when the leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

### **7.5-3 Scheduling of Leave**

- (a) Eligible employees may take a maximum of twelve weeks of leave during any twelve month period. In all cases, the twelve-month period shall be measured on a "rolling" twelve-month period measured backward from the date an employee uses FMLA leave.
- (b) Family leave, i.e., leave for childbirth, adoption, or foster care, must be taken and completed within one year of the birth, adoption, or the initiation of foster care. Such leave ordinarily must be taken all at once unless the employee's supervisor agrees to an alternative leave arrangement that satisfies the operational needs of the Town.
- (c) Medical leave, i.e., leave for the serious health condition of an employee or the employee's relative, may be taken whenever medically necessary. Depending on the circumstances, medical leave may be taken all at once, intermittently, or on a reduced leave basis. However, if the employee's need for intermittent leave or leave on a reduced basis is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment in a way that will minimize disruptions to the Town's operations. The Town may, with justifiable cause, ask an employee to modify his or her treatment schedule in order to better accommodate the Town's needs.

### **7.5-4 Employee Notice Requirements**

- (a) If an employee's need for FMLA leave is foreseeable, the employee must provide their supervisor with at least thirty days advance verbal notice before the leave can begin, or as much notice as is practicable under the circumstances. Such notice should include the employee's reason for requesting leave as well as its anticipated timing and duration.
- (b) If an employee's need for FMLA leave, or its approximate timing, is not foreseeable, the employee is expected to give his or her supervisor notice as soon as possible under the circumstances. Ordinarily, such notice should be provided within one or two working days after the employee learns of the need for the leave.
- (c) Employees will be provided a detailed notice at the time they request FMLA leave, which specifies the expectations and obligations of the employee during the FMLA leave and the consequences of any failure to meet these obligations.

### **7.5-5 Medical Certification Requirements**

- (a) Any employee requesting a medical leave, either to care for a sick relative or because of the employee's own medical condition, must provide a doctor's statement supporting the employee's need for leave within fifteen days after requesting leave. Employees should contact the Town

- Administrator as soon as their need for a medical leave is determined.
- (b) A doctor's statement may be requested monthly, depending on the nature of the serious health condition, while an employee is on medical leave in order to certify the employee's continuing need for leave. A doctor's statement also may be required if an employee requests an extension of leave, or if there is a significant change in circumstances related to the employee's need for leave.
  - (c) As a condition of returning to work, an employee who has been on medical leave must present a doctor's statement certifying that the employee is well enough to resume work. A medical certification also will be required in any case where an employee on FMLA leave represents that the employee is unable to return to work for medical reasons.

## **7.5-6 Status of Compensation and Benefits While on FMLA Leave**

- (a) FMLA leave will be without pay except when an eligible employee uses accrued sick, vacation, or personal time to qualify for compensation during leave or is eligible for short-term or long-term disability leave pay.
- (b) The Town will maintain an employee's health insurance coverage for the duration of the employee's FMLA leave as though the employee were continuously employed. The Town will continue to pay its portion of the employee's health insurance premiums provided that the employee pays his or her contributory portion on a timely basis. Employees requesting leave should contact the Treasurer/Collector's Office to arrange an acceptable payment schedule.
- (c) The Town will maintain and pay its portion of the premiums for other benefits during FMLA leave, including life insurance, provided that the employee pays his or her contributory portion on a timely basis.
- (d) Employees using **FMLA paid** leave (accrued sick, vacation, or personal time) will continue to accrue seniority or other benefits. Employees will not accrue seniority or other benefits, such as vacation or sick leave, during any periods of **unpaid** FMLA leave. However, such leave periods will be treated as continued service for the purpose of calculating pension and retirement plan vesting and eligibility to the extent permitted by law.
- (e) In the event an employee fails to return to work after an unpaid family or medical leave is exhausted or expires, the Town is entitled to recover health or other insurance premiums paid by the Town during the leave period unless the reason the employee's failure to return is due to: (1) the continuation, recurrence, or onset of a serious health condition; or (2) other circumstances beyond the employee's control.

## **7.6-7 Return to Work**

- (a) An employee on FMLA leave is expected to report at least monthly to the employee's supervisor on his or her status and intent to return to work.
- (b) The Town will make every effort to restore all employees on leave to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, it may be necessary to deny restoration to certain highly compensated "key employees" in order to avoid substantial and grievous economic injury to the Town's operations. The Town Administrator shall notify any employee who qualifies as a "key employee," and thus might be denied restoration, as soon as possible after the employee requests leave.

## **7.6-8 Maternity Leave Benefits Under Massachusetts Law**

- (a) Female employees who are not eligible for a Family and Medical Leave of twelve weeks to care for the employee's child within one year of birth but have worked for the Town for at least three months are entitled under Massachusetts Law to up to eight weeks of unpaid maternity leave for the purpose of giving birth or for adopting a child under the age of eighteen (or under the age of twenty-three if the child is mentally or physically disabled).
- (b) To be entitled to such leave, the employee must notify their supervisor at least two weeks in advance of her expected departure date and whether they intend to return to work. If this notice is given, the employee will at the completion of the leave be reinstated to her original job with the status, pay, length of service and seniority they would have had as of the date of reinstatement from maternity leave, when possible; otherwise, they will be employed in a substantially similar position unless other employees of equal length of service and status in the same or similar position have been laid off due to economic conditions or changes in operating conditions. Any employee who is not reinstated after her maternity leave for these reasons will be placed on a preferential hiring list for another position for which they are qualified.
- (c) Female employees who are eligible for both twelve weeks of leave under FMLA and eight weeks of leave under Massachusetts law may take a maximum leave of twelve weeks, if the leave is needed for the purpose of giving birth or adopting a child. Subject to the requirements outlined above, female employees eligible for both kinds of leave may choose between Maternity Leave of eight weeks, with two weeks notice, or Family and Medical Leave with thirty days notice. Full-time employees who have taken up to twelve weeks of leave under FMLA for a purpose other than childbirth or adoption are entitled under Massachusetts law to take eight additional weeks of maternity leave.

## **7.7 Longevity Pay**

### **7.7-1 Coverage**

- (a) All employees.

### **7.7-2 Longevity Pay Granted**

- (a) Effective in the fiscal year beginning July 1, 1999, after five (5) full years of continuous service to the Town, each employee shall be paid an additional annual longevity amount equal to forty dollars (\$40.00) per annum for each completed year of service.
- (b) Longevity pay shall be paid in one lump sum to each employee entitled thereto during the month of June. Should separation occur prior to June, longevity pay shall be prorated and distributed at the time of separation.

## **7.8 Workers' Compensation**

### **7.8-1 Coverage**

- (a) All employees.

### **7.8-2 Period Not Covered by Worker's Compensation**

- (a) Charges shall be made against sick leave accruals for the legal waiting period not covered by the state worker's compensation act.

### **7.8-3 Coordination of Sick Leave with Worker's Compensation**

- (a) An employee receiving sick leave with pay and simultaneously receiving compensation under worker's compensation laws shall receive only that portion of his regular salary which will, together with said compensation, equal his regular salary. Sick leave shall be charged accordingly.

## **7.9 Personal Leave Policy**

- (a) This policy applies to all full and part-time non-represented employees of the Town of Dover. For those employees covered by Collective Bargaining Agreements (CBA), the provisions of the CBA that are subject to negotiation prevail over the language in this policy. Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation. Employees with an employment agreement with the Town are subject to this policy unless the employment agreement states otherwise, as provided by State law. This policy is intended to be in accordance with all applicable state and federal laws. In the event of inconsistencies, the applicable State or federal law shall apply.

### **7.9-1 Purpose**

- (a) The purpose of this policy is to establish the eligibility and procedural requirements relating to the administration of personal leave.

### **7.9-2 Applicability**

- (a) This policy applies to all exempt and non-exempt, full-time and part-time employees. Employees covered by collective bargaining or employment agreements should refer to their contracts for specific provisions related to hours of work. Employees with an employment agreement with the Town are subject to this policy unless the employment agreement states otherwise, as provided by State law. Personal leave provisions in collective bargaining agreements or employment agreements supersede this policy.

### **7.9-3 Definitions**

- (a) Personal Day: Time off with pay, expressed in hours, for benefit eligible employees. For full-time 35 hour per week employees, a personal day is 7 hours. For full-time 40 hours per week employees, a personal day is 8 hours.

- (b) Benefit Eligible Employee: A regularly scheduled employee working in excess of 1000 hours per year.
- (c) Full-Time Employee: An employee who works either 35 hours per week (e.g., hourly employees in the Town Offices; Library, Council on Aging) or 40 hours per week (e.g., hourly employee in Parks and Recreation; employees in the Highway and Cemetery Departments).
- (d) Prorated Formula for Employees Regularly Scheduled to Work Less Than/More Than Full Time: Calculated based on the regularly scheduled number of work hours per week ÷ either 35 or 40 hours, whichever is appropriate.

#### **7.9-4 Personnel Rules and Regulations**

- (a) An employee shall be granted Personal Leave, subject to the approval of the department head or appointing authority, for up to three days (e.g., 21 or 24 hours for full-time employees) per fiscal year. Personal Leave requests shall not be unreasonably denied.
- (b) Unused Personal Leave shall not be carried over year-to-year.

#### **7.9-5 Procedure**

- (a) Accumulation: Employees will be credited with Personal Leave on July 1 of each year.
- (b) Unpaid Leave: Employees who are on unpaid leave in a fiscal year shall have their Personal Leave adjusted in the following year as follows:
  - 30-45 days unpaid leave: Two Personal Leave days the following year.
  - 45-75 days of unpaid leave: One Personal Leave day the following year.
  - More than 75 days of unpaid leave: No Personal Leave the following year.
- (c) Personal Leave Hours: Personal Leave is based on full-time employment of 35 or 40 hours per week. Personal Leave will be prorated for new employees in the year of hire, as provided in the chart that follows. Benefit eligible employees who work less than/more than full-time will be credited with Personal Leave, on the day of hire, in the ratio that such part-time service bears to full-time service.

<b>Personal Leave</b>			
<b>Continuous Service</b>	<b>Total Days Per Fiscal Year</b>	<b>Full Time Employee</b>	
		<b>35 hours/week</b>	<b>40 hours/week</b>
All Employees	3	21	24
Newly Hired Employees	<b>Total Days Per Fiscal Year</b>	<b>Number of Hours</b>	<b>Number of Hours</b>
<b>Hired July 1-September 30</b>	<b>3</b>	<b>21</b>	<b>24</b>
<b>Hired October 1 - December 31</b>	<b>2</b>	<b>14</b>	<b>16</b>
<b>Hired January 1 - June 1</b>	<b>1</b>	<b>7</b>	<b>8</b>

- (d) Separation from Service with the Town. When an employee leaves Town service for any reason, they will not be paid for Personal Leave unused prior to separation.

## **7.9-6 Exceptions**

- (a) The Town Administrator has the discretion to interpret and make exceptions to this policy if deemed to be in the best interest of the Town. The Personnel Board will be notified, in writing within 10 business days, whenever the Town Administrator interprets or makes an exception to this policy and the rationale for the interpretation and/or exception. This section shall not preclude the Personnel Board from interpreting other Personnel Rules and Regulations not otherwise covered by a Town Administrator ruling.

# **SECTION 8 - PERSONAL APPRAISAL**

## **8.1 Performance Appraisal System**

- (a) The Board has adopted a performance appraisal system for Town employees. The purpose of the performance appraisal system is for the appointing authority or supervisor to communicate what is expected of each employee and to provide direct, constructive feedback on the employee's performance. Appraisals are performed at the end of the fiscal year. The appointing authority is also encouraged to perform a mid-year appraisal.
- (b) This review will determine whether an employee is eligible for a step increase. If the employee is new, their appointment letter will state their next eligibility for a step increase. If an employee's performance does not warrant such an increase, then appropriate remedial action, including disciplinary action where appropriate, should be considered by the department. All annual salary increases become effective July 1<sup>st</sup>.
- (c) The appointing authority or department head shall submit a copy of an employee's performance appraisal to the Town Administrator.

# **SECTION 9 - AMERICANS WITH DISABILITIES ACT**

## **9.1 The Americans with Disabilities Act (ADA) and Massachusetts General Laws**

- (a) The Americans with Disabilities Act (ADA) and Massachusetts General Laws Chapter 151B are comprehensive civil rights laws specifically for individuals with physical and mental disabilities. The Town will provide reasonable accommodations to those employees in need of assistance upon receipt of appropriate medical documentation. Please contact the Town's ADA Coordinator to discuss any needs for accommodation. <https://www.doverma.gov/441/Human-Resources>

## **9.2 Department of Employment and Training Notices**

*\*On February 12, 2004, Massachusetts announced the reorganization of key agencies within the Department of Labor and Workforce Development. This comes following changes that replaced the former Division of Employment and*

*Training (DET) with the new Division of Unemployment Assistance (DUA).*

<https://www.mass.gov/orgs/department-of-unemployment-assistance>

- (a) Massachusetts General Laws, Chapter 151A § 62 contain several requirements regarding the availability of Unemployment Insurance benefits to employees through the Massachusetts Division of Employment and Training (DET). Details regarding these requirements can be found on the DET website at [www.detma.org](http://www.detma.org). The specific items to be posted or disseminated are listed below and these materials can also be found and downloaded through the DET website.
- (b) The DET poster entitled “Information on Employee’s Unemployment Insurance Coverage” (Form 2553-A, Rev.4-02) must be displayed at each site operated by an employer in a conspicuous place accessible to all employees. The poster must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This Form can be found at: <http://www.detma.org/forms/empforms1.htm>.
- (d) Under the state’s Employment and Training Law, employers are required to give a copy of the pamphlet entitled “How to File for Unemployment Insurance Benefits” (Form 0590-A, Rev.02-03) to each employee who is separated from work, permanently or temporarily for seven or more days. The pamphlet must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. This form can be found and downloaded at: <http://www.detma.org/forms/empforms1.htm>.
- (e) The DET website also contains a listing of all DET TeleClaims numbers and Walk-in Service Center locations throughout the Commonwealth which can be provided to employees. It also contains a direct link to Chapter 151A of the General Laws of Massachusetts governing how the unemployment insurance program operates in Massachusetts.

## **SECTION 10 - Acknowledgement Form**

- (a) Dover's Personnel Rules and Regulations and policies describe important information about employment with the Town of Dover. I understand that I should consult with the Board of Selectmen's Office if I have any questions that are not answered in these regulations.
- (b) I have received the regulations and I understand that it is my responsibility to read and follow the policies contained in the personnel rules and regulations and any changes made to it including the following BOS policies:
- Email Policy
  - Gifts and Grants Policy
  - Remote Participation Policy
  - Social Media Policy
  - Policy on the Disposition of Surplus Materials
  - Buy Recycled Policy

**Employees Name (printed):** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

cc: Personnel File