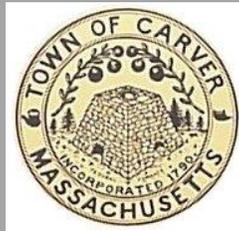


# TOWN OF CARVER



## PERSONNEL CODE

**ADOPTED BY THE BOARD OF SELECTMEN**

**SEPTEMBER 14, 1999**

**REVISED 8/22/2006**

**REVISED 8/10/2010**

**REVISED 6/30/2017**

**REVISED 1/15/2019**

**4/30/20 (13-2 added to policy)**

**8/12/20 (10.2, 10.3, 10.5 clarification and example) No substantial change**

**10/6/20 (Sec. 11.6 & 15-2 clarification and example) No substantial change**

**REVISED 12/8/2022**

**CARVER PERSONNEL CODE  
TABLE OF CONTENTS**

<b>SECTION</b>		<b>PAGE</b>
1.0	GENERAL PROVISIONS	1
1-1.	AUTHORIZATION	1
1-2.	PURPOSE	1
1-3.	RULES OF INTERPRETATION	1
1-4.	DEFINITIONS	1
1-5.	AMENDMENT OF POLICIES	2
2.0	ADMINISTRATION	2
2-1.	BOARD OF SELECTMEN	2
2-2.	TOWN ADMINISTRATOR	3
3.0	EQUAL EMPLOYMENT OPPORTUNITY	3
3-1.	EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM	3
3-2.	AFFIRMATIVE ACTION COMPLIANCE OFFICER	4
3-3.	COMPLAINT PROCEEDINGS	4
4.0	ANTI-HARRASSMENT DISCRIMINATION POLICY	4
4-1.	COVERAGE	4
4-2.	POLICY	4
5.0	RECRUITMENT AND APPOINTMENT	4
5-1.	COVERAGE	4
5-2.	POLICY	4
5-3.	RECRUITMENT	5
5-4.	APPOINTMENT	6
5-5.	MEDICAL EXAMINATION	6
6.0	ORIENTATION AND PROBATIONARY PERIODS	6
6-1.	COVERAGE	6
6-2.	POLICY	6
6-3.	ORIENTATION PERIOD	6
6-4.	PROBATIONARY PERIOD	6
7.0	CLASSIFICATION PLAN	7
7-1.	COVERAGE	7
7-2.	POLICY	7
7-3.	CONTENTS	7
7-4.	ADMINISTRATION	7
7-5.	CLASSIFICATION OF NEW POSITIONS	8
7-6.	RECLASSIFICATION OF POSITIONS AND PERIODIC REVIEW	8
8.0	COMPENSATION PLAN	8
8-1.	COVERAGE	8

8-2.	POLICY	8
8-3.	STARTING RATES FOR NEW APPOINTMENTS	8
8-4.	ADVANCEMENT	8
8-5.	NOTICE OF EMPLOYMENT	9
8-6.	PART TIME EMPLOYEES	9
8-7.	TEMPORARY EMPLOYEES	9
9.0.	HOLIDAYS	9
9-1.	COVERAGE	9
9-2.	RECOGNIZED HOLIDAYS	9
9-3.	TERMS OF HOLIDAY PAY	9
10.0	VACATION LEAVE	10
10-1.	COVERAGE	10
10-2.	DEPARTMENT HEADS AND SUPERVISORS	10
10-3.	NON-SUPERVISORY AND HOURLY FULL-TIME EMPLOYEES	11
10-4.	PART TIME EMPLOYEES	11
10-5.	SCHEDULING	11
10-6.	TERMINATION	11
10-7.	DEATH	12
10-8.	OTHER USES OF VACATION LEAVE	12
10-9.	VACATION CARRYOVER	12
10-10	RETIREMENT	12
11.0	SICK LEAVE	12
11-1.	COVERAGE	12
11-2.	FULL-TIME EMPLOYEES	12
11-3.	PART-TIME EMPLOYEES	12
11-4.	EXTENSION OF SICK LEAVE	13
11-5.	CERTIFICATION OF ILLNESS	13
11-6.	SICK LEAVE BUYBACK	13
11-7	HEALTH & WELFARE	13
11-8	SICK LEAVE BANK	13
12.0	BEREAVEMENT LEAVE	14
12-1.	COVERAGE	14
12-2.	POLICY	14
13.0	MILITARY LEAVE	14
13-1.	COVERAGE	14
13-2.	POLICY	14
14.0	JURY LEAVE	15
14-1.	COVERAGE	15
14-2.	POLICY	15
15.0	PERSONAL DAYS	15
15-1.	COVERAGE	15
15-2.	POLICY	15
16.0	FAMILY AND MEDICAL LEAVE	15
16-1.	COVERAGE	15
16-2.	POLICY	16

17-0	OTHER LEAVES OF ABSENCE	16
17-1.	COVERAGE	16
17-2.	POLICY	16
18.0	LONGEVITY PAY	16
18-1.	COVERAGE	16
18-2.	POLICY	16
19.0	TUITION REIMBURSEMENT	17
20.0	STANDARDS OF CONDUCT	17
20-1.	COVERAGE	17
20-2.	POLICY	17
21.0	DRUG AND ALCOHOL FREE WORKPLACE POLICY	17
21-1.	COVERAGE	18
21-2.	POLICY	18
22.0	DISCIPLINARY POLICY	18
22-1.	COVERAGE	18
22-2.	POLICY	18
22-3.	REASONS FOR DISCIPLINARY ACTION	18
22-4.	DISCIPLINARY ACTIONS	19
23.0	TRAINING AND EDUCATION	19
23-1.	COVERAGE	19
23-2.	POLICY	19
24.0	SAFETY	19
24-1.	COVERAGE	19
24-2.	POLICY	19
24-3.	PROCEDURES	20
24-4.	RESPONSIBILITIES OF DEPARTMENT HEADS AND EMPLOYEES	20
24-5.	DISCIPLINARY ACTION	20
25.0	PERSONNEL RECORDS	20
25-1.	COVERAGE	20
25-2.	CENTRALIZED RECORD KEEPING	20
25-3.	CONTENTS OF RECORDS	20
25-4.	ACCESS TO RECORDS	20
25-5.	RELEASE OF INFORMATION	21
26.0	PARENTAL LEAVE	21
26-1.	COVERAGE	21
26-2.	POLICY	21
27.0	CODE OF CIVIL CONDUCT	21
27-1	COVERAGE	21
27-2	POLICY	21

APPENDIX A: ANTI-HARRASSMENT/DISCRIMINATION POLICY	22
APPENDIX B: FAMILY MEDICAL LEAVE POLICY	26
APPENDIX C: DRUG AND ALCOHOL FREE WORKPLACE POLICY	29
APPENDIX D: SICK LEAVE BANK POLICY	31
APPENDIX E: PARENTAL LEAVE POLICY	34
APPENDIX F: SMALL NECESSITIES LEAVE POLICY	35
APPENDIX G: CODE OF CIVIL CONDUCT	36

# CARVER PERSONNEL CODE

## 1.0 GENERAL PROVISIONS

### 1-1. AUTHORIZATION

These policies are promulgated in accordance with the authority granted by the Personnel Bylaw. In the case of any policy incorporated within any collective bargaining or personal employment contract, promulgation shall be as provided in the applicable contract. Excluded from this Code are the Town's Call Firefighters, EMT's, and GATRA Employees.

### 1-2. PURPOSE

The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Carver. Nothing in these policies shall be construed to create a contract or term of employment between the Town and an individual employee. Except as otherwise prohibited by law, the Town reserves the right to modify, amend or discontinue any of the provisions herein.

These policies are consistent with the following merit principles:

(A) Recruitment, selection, and classification of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.

(B) Employment shall be open to all segments of society.

(C) Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, or other non-merit factors and with proper regard for privacy and constitutional rights.

(D) Retention and advancement of employees shall be determined on the basis of their performance. Where otherwise appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.

### 1-3. RULES OF INTERPRETATION

(A) These policies are 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.

(B) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

### 1-4. DEFINITIONS

The following definitions shall apply:

(A) "*Town*" shall mean the Town of Carver, MA

(B) "*Employee*" shall mean an employee of the Town of Carver occupying a position in the Town's Classification Plan.

(C) "*Full-time employee*" shall mean an employee regularly working not less than thirty-five (35) hours per week for fifty-two (52) weeks per year not including legal holidays and authorized vacation leave, sick leave, bereavement leave, jury duty, or other authorized leave of absence.

(D) "*Part-time employee*" shall mean an employee regularly working less than thirty-five (35) hours per week. Only part-time employees working twelve (12) or more hours a week for at least thirty (30) weeks a year shall be eligible on a pro-rated basis for holiday pay, longevity, vacation leave, sick leave, bereavement leave, jury duty, or other authorized leave of absence.

(E) "*Temporary employee*" shall mean any employee in the Town service for which a specified tenure of service is stipulated at or before the time of hire and any employee holding a temporary appointment under a civil service law who does not have a permanent status thereunder.

(F) "*Appointing authority*" shall mean any board or official authorized by General Law, or special act to appoint employees.

(G) "*Department head*" shall mean the officer responsible for supervising a department's operations and activities. A department head may be an appointing authority.

## **1-5. AMENDMENT OF POLICIES**

Amendment to these policies shall be in accordance with Section 5 of the Personnel Bylaw.

## **2.0 ADMINISTRATION**

### **2-1. BOARD OF SELECTMEN**

The Board of Selectmen shall be responsible for promulgating policies and procedures regarding the establishment and maintenance of a personnel system based on merit principles, the classification and reclassification of positions, an annual compensation plan, and the development of personnel policies pursuant to Section 5.5 of the Personnel Bylaw including:

(A) Ensure that the Town maintains an effective personnel system, monitors the effectiveness of policies, procedures, and practices and reports in accordance with the Town Bylaws;

(B) Formulate and review the Classification Plan and the compensation plan;

(C) Evaluate and classify positions, review requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices;

(D) Monitor the implementation and practices of the Town's personnel policies; and

(E) Provide advice and assistance to the Personnel Officer, department heads, supervisory personnel and employees on all aspects of personnel policies and practices.

## **2-2. TOWN ADMINISTRATOR**

Pursuant to Chapter 177 of the Acts of 1995 the Town Administrator is entrusted with the administration of the Town's personnel system, including, but not limited to personnel policies and procedures, rules and regulations, including provisions for an annual employee performance review, personnel by law and collective bargaining agreements entered into by the Town. The Town Administrator shall also be responsible for establishing a central record-keeping system compliant with applicable federal, state, and local by laws as well as any collective bargaining provisions.

Responsibilities shall include:

(A) Ensure that the Town acts affirmatively to provide maximum opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability or any other class protected by federal or state law, in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management;

(B) Ensure that recruitment, selection, appointment, and retention of employees is consistent with the Personnel Bylaw and the personnel policies;

(C) Provide advice and assistance to the Board of Selectmen, department heads, supervisory personnel and employees on all aspects of personnel management.

## **3.0 EQUAL EMPLOYMENT OPPORTUNITY**

### **3-1. EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATION ACTION PROGRAM**

The Town of Carver commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

The Town of Carver, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, national ancestry, age or any other class protected by federal or state law, resolves to take affirmative measures to ensure equal opportunity in the areas of hiring, promotion, transfer and recruitment of employees. The Town of Carver shall strive to eliminate any systemic factor that may be pervasive throughout the place of employment or throughout the personnel program that could adversely affect the Town's goals relative to equal employment opportunity.

It is intended that the affirmative action plan of the Town shall constitute a formalization of philosophy and practice sufficient to guarantee equality for all persons employed by or seeking

employment with the Town of Carver and shall serve as a firm statement of public policy endorsed by the highest levels of Town government.

### **3-2. AFFIRMATIVE ACTION COMPLIANCE OFFICER**

The Town Administrator shall serve as the Affirmative Action Compliance Officer and shall:

(A) Be responsible for the development and implementation of policies, procedures, guidelines and regulations for the Town, to ensure that the Town employment process operates in compliance with Titles VI and VII of the Civil Rights Act of 1964 and all subsequent amendments, relevant State laws, and Municipal policy; and

(B) Exercise supervision over the hiring practices and appointments of all Town departments and agencies of Town Government.

### **3-3. COMPLAINT PROCEEDINGS**

Any written complaint alleging violation of the procedural terms and intent of this section shall be processed in accordance with the provisions of the Affirmative Action Plan, except that complaints of discriminatory treatment on the basis of a disability should be referred to the ADA Compliance Officer.

## **4.0 ANTIHARASSMENT/DISCRIMINATION POLICY**

### **4.1 COVERAGE**

All persons employed by the Town of Carver, including those firms and individuals who are contracted to perform work for the Town or who serve in some voluntary capacity for the Town.

### **4-2. POLICY**

The Town of Carver expressly prohibits any form of sexual harassment among its employees. Allegations of sexual harassment will be vigorously investigated, and violations of this policy will result in disciplinary actions up to and including termination. Employees may make complaints of sexual harassment without fear of reprisal, and confidentiality will be maintained to the maximum extent possible.

The Town's complete Anti-Harassment/Discrimination Policy and complaint procedure is attached hereto as Appendix A and is incorporated herein by reference.

## **5.0 RECRUITMENT AND APPOINTMENT**

### **5-1. COVERAGE**

Full-time and part-time employees.

### **5-2. POLICY**

The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, color, creed, gender, sexual orientation, national origin, political

affiliation, disability or class protected by state or federal law, applying for employment in the Town will receive fair and equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates are attracted for various positions. The recruitment, selection, and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices and the principles and practices of Equal Employment Opportunity in accordance with the affirmative action program of the Town.

### **5-3. RECRUITMENT**

All department heads shall participate in the recruitment and selection of personnel as applicable. The qualifications, classification and compensation for positions shall be established in accordance with the Town's Classification and Compensation Plan. Recruitment of all positions shall be in accordance with the Town's affirmative action program for employment.

(A) NOTICE OF VACANCIES. Department heads shall, upon the identification of a vacancy or on the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall include: the job title, essential functions of the position, qualifications, salary, level, a closing date for applications, and application instructions.

The Town Administrator shall review and approve all job notices prior to advertisement and posting. Recruitment of a position shall not begin until the job vacancy notice is approved by the Town Administrator

(B) POSTING AND ADVERTISEMENT OF JOB VACANCY NOTICES. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.

(C) APPLICATIONS. All candidates applying for employment in the Town shall complete an official employment application form and return the form prior to the end of the working day of the closing date specified by the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their application. The appointing authority shall provide written notification concerning an applicant's selection or non-selection at the conclusion of the hiring process. If deemed appropriate to the vacancy, a letter of application and resume may be substituted for an official employment application.

(D) EXAMINATIONS. The appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, or any combination thereof and shall be relevant to the requirements of the position.

(E) REFERENCES. A candidate's references from former employers, supervisors and others are considered an important part of the selection process. Refusal to provide consent to contact references may result in the application being denied further consideration. All reference checks and investigations shall be completed prior to the offer of employment.

(F) APPLICATION RECORDS. The application, reference checks and related documents submitted shall be maintained as part of the central personnel file for the period required by law. The Town shall make a reasonable effort to maintain the confidentiality of the application records.

#### **5-4. APPOINTMENT**

All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the salary, the starting date, hours of work, overtime and any conditions of employment not covered in these personnel policies. Copies of the notice of appointment shall be provided to the Town Administrator, Finance Director, and Town Clerk (where appropriate).

#### **5-5. MEDICAL EXAMINATION**

All persons selected for employment with the Town after receipt of notice of such appointment by the appointing authority and prior to the starting date of employment may be required to undergo a medical examination. The examination shall be at the expense of the Town by a physician selected by the Town. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is capable of performing the essential functions of the position, with or without a reasonable accommodation. If the physician deems the candidate incapable of performing the essential functions of the positions, with or without a reasonable accomodation, the appointing authority may withdraw the offer of employment.

#### **6.0 ORIENTATION AND PROBATIONARY PERIODS**

##### **6-1. COVERAGE**

Full-time and part-time employees.

##### **6-2. POLICY**

Appointing authorities shall make every effort to inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

##### **6-3. ORIENTATION PERIOD**

Appointing authorities or their designee shall:

(A) Notify the new employee of a date, time and designated location for starting work. If the new employee is subject to provisions of a collective bargaining agreement, the employee shall be provided with a copy of such agreement.

(B) Make every effort to explain thoroughly all the benefits and options to which the employee is entitled and assist the employee with completion of appropriate forms. The employee shall be provided with a copy of the Personnel Code and all other applicable policies. Each employee shall sign a record of receipt of same. Such signature is to acknowledge receipt only and is intended for no other purpose.

##### **6-4. PROBATIONARY PERIOD**

All newly appointed and promoted employees shall be required to successfully complete a

probationary period to begin immediately upon the employee's starting date or promotion and to continue for a **twelve (12)** month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct, performance, and work habits. Nothing herein shall be construed to prevent the termination of an employee prior to the conclusion of the probationary period.

## **7.0 CLASSIFICATION PLAN**

### **7-1. COVERAGE**

Full-time and part-time employees.

### **7-2. POLICY**

The policy of the Town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

### **7-3. CONTENTS**

The classification plan shall consist of:

(A) **POSITION DESCRIPTIONS:** Descriptions for positions which are similar in duties, degree of difficulty and level of responsibility so that each position in the class: 1) be given the same job title, 2) requires essentially the same training and experience, 3) be filled by substantially the same methods of selection, and 4) is of the same relative value and therefore deserves the same range of compensation.

Each position shall have a written description. The description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

### **7-4. ADMINISTRATION**

The Board of Selectmen shall have responsibility for the administration of the Classification Plan and shall be authorized to:

(A) 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;

(D) Develop procedures to determine the proper classification of each position and to classify positions.

#### **7-5. CLASSIFICATION OF NEW POSITIONS**

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

#### **7-6. RECLASSIFICATION OF POSITIONS AND PERIODIC REVIEWS**

Positions may not be reclassified without a review and approval of the Board of Selectmen. The Board shall review all positions subject to the classification and compensation plan in accordance with proper personnel practices. The Classification and Compensation Plan will be reviewed every five (5) years.

### **8.0 COMPENSATION PLAN**

#### **8-1. COVERAGE**

Full-time and part-time employees.

#### **8-2. POLICY**

The Board of Selectmen shall establish a Compensation Plan to accompany the existing Classification Plan. The Compensation Plan shall be directly related to the Classification Plan and shall take into account: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the Town; and ratified labor agreements. All employees shall be paid in accordance with the rates in the compensation plan. All employees shall be paid via direct deposit.

#### **8-3. STARTING RATES FOR NEW APPOINTMENTS**

Persons appointed to positions shall be paid at the minimum rate. However, on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate, the appointing authority may recommend compensation at a higher rate. Such a request shall be made to the Board of Selectmen in writing.

#### **8-4. ADVANCEMENT**

An employee who advances to a higher grade shall be compensated at the minimum level rate of

pay not less than the employee's current rate of pay or at a level rate that the appointing authority, subject to approval of the Board of Selectmen, believes is warranted based upon the employee's qualifications and performance.

**8-5. NOTICE OF EMPLOYMENT**

Appointing authorities shall notify, in writing, the Board of Selectmen of all persons appointed to a position at a starting level, including the starting date, the classification, hours of work, overtime and the rate of compensation.

**8-6. PART-TIME EMPLOYEES**

A part-time employee shall be compensated at the proper hourly rate for the appropriate classification, or, in the absence of a specified hourly rate, at a rate pro-rated for the appropriate classification for that part of the full-time normal work week actually worked.

**8-7. TEMPORARY EMPLOYEES**

A temporary employee shall be compensated at the appropriate hourly rate for the services to be performed. A specified tenure shall be stipulated at or before the time of hire.

**9.0 HOLIDAYS**

**9-1. COVERAGE**

Full-time and part-time employees.

**9-2. RECOGNIZED HOLIDAYS**

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

New Year's Day	Martin Luther King Day	Presidents' Day
Veterans' Day	Patriots' Day	Memorial Day
Independence Day	Labor Day	Columbus Day
Thanksgiving	Christmas Day	Day before New Year's Day
Day after Thanksgiving	Day before Christmas Day	

If a holiday falls on a Saturday or Sunday it shall be celebrated on the following Monday as designated by the Town.

**9-3. TERMS OF HOLIDAY PAY**

Holiday pay shall be granted as follows:

(A) Employees paid on an hourly basis shall receive one day's pay at the regular rate of the

employee based on the number of hours regularly scheduled on the day on which the designated holiday occurs.

(B) Employees paid on a weekly, semi-monthly or annual basis shall be granted each holiday without loss of pay.

(C) Holiday pay shall be granted provided the employee was in full pay status on the regularly scheduled working day preceding and following the holiday in accordance with other provisions of these policies or was officially and appropriately absent.

(D) Full-time and part-time hourly employees who work on a recognized holiday listed shall receive pay at the rate of 1 ½ times their regular hourly pay.

## **10.0 VACATION LEAVE**

### **10-1. COVERAGE**

Full-time and part-time employees.

### **10-2. DEPARTMENT HEADS AND SUPERVISORS**

(A) Department heads and supervisors shall be entitled to fifteen days (15) vacation with pay each fiscal year. For new employees who qualify under this section the vacation benefit shall be accrued at a rate of 1.25 days each month until the first of the fiscal year following completion of one years' service.

Ex: Employee hired on 1/1/18 will accrue 1.25 days each month until their first anniversary date. Employee will continue to accrue 1.25 days until the following June 30. On the July 1 following completion of one year of service, the employee will earn the remainder of the vacation time and will then be credited each July 1 with the full earned vacation time.

1/1/18 – 12/31/18 = 15 days earned (1.25/mo.)

1/1/19 – 6/30/19 = 7.5 days earned (1.25/mo.)

7/1/19 – 6/30/20 = will accrue all time to be credited for use on 7/1/20

(B) The beginning of the fiscal year after employees in this class have completed seven (7) years of continuous service following the date of original appointment shall be entitled to twenty days (20) per year up to a maximum of twenty days (20). There shall be no provision for more than twenty (20) vacation days annually for any employee other than for those who have earned additional time under the Town's prior personnel by law. The benefits of those employees shall be grandfathered at the current schedule. *Existing 5 to 7 year employees shall be grandfathered*

(C) For the purpose of calculating vacation leave, and upon request of the appointing authority, the Board of Selectmen may grant a new employee the number of years seniority as that served in a similar position in another community(ies). This decision shall be communicated to the appointing authority in writing.

### **10-3 NON-SUPERVISORY AND HOURLY FULL TIME EMPLOYEES**

Vacations shall be granted to non-supervisory and hourly full time employees as follows:

- (A) Non-supervisory full time employees shall be entitled to ten (10) days vacation with pay each fiscal year. Vacation benefits shall run on the fiscal year schedule.
- (B) For new employees who qualify under this section the vacation benefit shall be accrued at a rate of .8 days each month until the first of the fiscal year following completion of one years' service.

Ex: Employee hired on 1/1/18 will accrue .8 days each month until their first anniversary date. Employee will continue to accrue .8 days until the following June 30. On the July 1 following completion of one year of service, the employee will earn the remainder of the vacation time and will then be credited each July 1 with the full earned vacation time.

1/1/18-12/31/18 = 10 days earned (.8/mo.)

1/1/19-6/30/19 = 5 days credited (.8/mo.)

7/1/19 – 6/30/20 = will accrue all time to be credited for use on 7/1/20

- (C) The beginning of the fiscal year after employees in this class have completed seven (7) years of continuous service following the date of original appointment, the employee shall be entitled to fifteen (15) days vacation with pay.

- (D) The beginning of the fiscal year after employees in this class have completed fifteen (15) years of continuous service following the date of original appointment, the employee shall be entitled to twenty (20) days vacation with pay.

There shall be no provision for more than twenty (20) vacations days annually for any hourly non-supervisory employee other than those who earned additional time under the Town's prior personnel by law. The benefits of those employees shall be grandfathered at the current schedule. *Existing 5 to 7 year employees shall be grandfathered*

### **10-4. PART-TIME EMPLOYEES**

Part-time employees shall be entitled to vacation leave with pay on the same basis as non-supervisory, full-time employees, provided that such leave shall be pro-rated according to the number of regularly scheduled hours of work per full-time week in which such employee is required to work.

### **10-5. SCHEDULING**

Vacation leave is an earned benefit with all time earned in the previous fiscal year credited to the employee on the first day of the following fiscal year. The only exception to this principle is for new employees as described in section 10-2 and 10-3. New employees can use earned vacation time with approval of the Department Head and/or Town Administrator. Vacation leave must be taken in the fiscal year immediately following the period in which it was earned. No more than three (3) weeks can be taken consecutively. Exceptions may be granted with the advance approval of the Department Head and/or Town Administrator. It is the responsibility of each employee to coordinate vacation schedules with the department head and/or Town Administrator.

### **10-6. TERMINATION**

Upon separation from employment for reasons other than retirement as described in section 10-10, an employee shall be paid an amount equal to the vacation allowance as earned and credited last July 1 and not taken in the current fiscal year.

#### **10-7. DEATH**

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation allowance accrued in the fiscal year prior to the employee's death but which had not been taken. In addition, payment shall be made for that portion of the vacation allowance earned by the employee up to the time of death.

#### **10-8. OTHER USES OF VACATION LEAVE**

At the discretion of the department head and/or Town Administrator, sick leave used in excess of that authorized may be charged to vacation leave.

#### **10-9. VACATION CARRYOVER**

Up to 3 weeks of vacation leave may be carried into the next fiscal year with the written approval of the Town Administrator; however, all accrued vacation time is to be used within that fiscal year.

#### **10-10. RETIREMENT**

After applying for benefits through Plymouth County Retirement and submitting proof of such application and date of retirement, employee shall be paid any unused time in the current fiscal year which was credited the previous July 1. In addition, employee shall be paid for the time accrued toward the next fiscal year.

Ex. A Dept. Head that has worked for 20 years has a Retirement Date of 12/31. Dept. Head would have accrued time from 7/1-12/31 (10 days).

### **11.0 SICK LEAVE**

#### **11-1. COVERAGE**

Full-time and part-time employees.

#### **11-2. FULL-TIME EMPLOYEES**

Full-time employees **hired prior to July 1, 2016** shall earn sick leave at the rate of **1 ¼** days per month. **Employees hired on or after July 1, 2016 shall earn sick leave at a rate of ¾ days per month.** Unused sick time may be accumulated to 165 days. Unused sick time in excess of 165 days may not accumulate from year to year. Sick leave may exceed 165 days during a particular year, but will be reduced to 165 at the end of the fiscal year. If the employee is participating in the Sick Leave Bank, all sick leave in excess of 165 days will be transferred to the Sick Leave Bank.

#### **11-3. PART-TIME EMPLOYEES**

Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be pro-rated according to the number of hours of work per full-time week in which such employee is required to work.

#### **11-4. EXTENSION OF SICK LEAVE**

Extended sick leave may, at the discretion of the Board of Selectmen, be granted to an employee after all of an employee's sick leave and vacation leave has been used.

#### **11-5. CERTIFICATION OF ILLNESS**

After three consecutive days absence or after a series of repeated non-consecutive absences during the years of employment, a department head may request a physician's statement which certifies the employee's inability to perform normal work duties. The physician's statement shall be at the expense of the employee.

#### **11-6. SICK LEAVE BUYBACK**

Employees will be allowed a one-time buy-back of sick leave at retirement from their position with the town at a rate of fifty percent (50%) of accumulated time. After applying for benefits through Plymouth County Retirement and submitting proof of such application and date of retirement (or by providing proof of receiving other retirement benefits such as Social Security, etc., which results in termination from your town position), employee shall be paid any unused time in the current fiscal year which was credited the previous July 1. In addition, employee shall be paid for the time accrued toward the next fiscal year.

Ex. A Dept. Head that has worked for 20 years has a Retirement Date of 12/31. Dept. Head would have accrued time from 7/1-12/31.

#### **11-7. HEALTH AND WELFARE**

In order to promote the health & disease prevention of employees, the Town shall allow employees up to one (1) day per year without deduction from any other benefit time for the purpose of attending medical visits for prevention of diagnostic screening. This time must be scheduled in advance with the Department Head and medical evidence may be required by the town. This day may not be carried forward as benefit time.

All employees hired on or after July 1, 2016 shall contribute equally, a share of fifty percent (50%) of the total premium cost for the Town sponsored health insurance.

All employees hired prior to July 1, 2016 shall for all intents and purposes be 'grandfathered' and employer shall contribute seventy-five percent (75%) of the total premium cost for the Town sponsored health insurance until they retire or voluntarily withdraw from the plan.

#### **11-8. SICK LEAVE BANK**

The Sick Leave Bank exists for the purpose of providing additional coverage after exhaustion of individual annual and/or accumulated sick leave, personal leave and vacation benefits only in the event of a serious/unanticipated illness as evidenced by medical certification. Participation in the bank is voluntary; however the bank is hereby established exclusively for the use of participating employees.

The complete Sick Leave Bank Policy is attached hereto as Appendix D and is incorporated herein by reference.

## **12.0 BEREAVEMENT LEAVE**

### **12-1. COVERAGE**

Full-time and part-time employees.

### **12-2. POLICY**

Emergency leave of up to four (4) days without loss of pay may be granted for a death in the employee's immediate family. Immediate family shall include: spouse, child, stepchild, parent, parent-in-law, daughter/son-in-law, grandparent, brother, sister, grandchild, brother/sister-in-law, legal guardian, grandparent-in-law and partner/significant other.

In the event of the death of an aunt, uncle, or cousin (including an aunt or uncle by marriage) bereavement leave shall be one (1) day.

The Department Head/Town Administrator may allow an additional one to three days of bereavement leave without loss of pay for all stated family relations based upon special circumstances.

Compensation shall be limited only to the time lost from the employee's normal work schedule.

## **13.0 MILITARY LEAVE**

### **13-1. COVERAGE**

Full-time and part-time employees.

### **13-2. POLICY**

The Town of Carver grants employees a military-service leave in accordance with and otherwise complies with the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), which protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. In accordance with USERRA, the Town does not discriminate against past and present members of the uniformed services, or applicants to the uniformed services.

An employee taking military leave shall provide no longer than five (5) days written notice after receiving orders, to his or her department head of such anticipated leave as soon as practicable after the employee receives his or her orders and the date of return and shall provide confirmation of the satisfactory completion of such training upon his or her return to work.

M.G.L. c.33, s. 59 governs the effect service as a Massachusetts National Guard member has on a Town employee's compensation, and Chapter 137 of the Acts of 2003 governs the effect active military service has on a Town employee's compensation.

An employee on such a leave of absence shall be paid his/her regular base salary without reduction in vacation leave, sick leave or personal leave.

In the event an employee in a reserve component of the armed forces of the United States who is ordered to service for more than thirty (30) consecutive days shall be paid his/her regular base pay, reduced by any amount received from the United States or the Commonwealth as base pay for military service. Such leave shall be without reduction in vacation leave, sick leave or personal leave.

## **14.0 JURY LEAVE**

### **14-1. COVERAGE**

Full-time employees and part-time employees.

### **14-2. POLICY**

Employees called for jury duty shall be paid for the amount equal to the difference between the compensation paid for the normal working period and the amount paid by the court excluding allowance for travel. All employees will receive or be provided their normal pay provided they endorse all checks received from the courts for their service over to the Town of Carver.

## **15.0 PERSONAL DAYS**

### **15-1. COVERAGE**

All employees are entitled to three personal days per fiscal year. Personal days are pro-rated for part-time employees and those employees hired after the start of the fiscal year. Personal days are not cumulative and must be used by the end of the fiscal year.

### **15-2. POLICY**

The Town will grant up to three (3) days of personal leave for all eligible employees. A personal day shall be the equivalent of the average day worked by the employee for the past fiscal year. Employees shall schedule their personal days with the department head or supervisor. Personal days may not be carried over from one year to the next. Part-Time employees' Personal Days will be pro-rated according to the number of regularly scheduled hours based on the days in which such employee is required to work in a typical week. (Ex. If an employee works 3 days at 5 hours/day = 15 personal time hours)

Personal Days are pro-rated for an employee hired after January 1 as follows:

<u>Hire Date</u>	<u>Personal Days</u>
7/1 – 12/31	3
1/1 – 3/31	2
4/1 – 6/30	1

All eligible employees shall also be permitted to take up to 24 hours of unpaid leave in accordance with the Massachusetts Small Necessities Leave Act (SNLA), G.L. c.149, §52C. Eligibility requirement and leave entitlements under this policy are set forth in the Town's Small Necessities Leave Act Policy, which is attached hereto as Appendix F.

## **16.0 FAMILY AND MEDICAL LEAVE**

### **16-1. COVERAGE**

All employees who have worked for the Town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested.

**16-2. POLICY**

Pursuant to the federal Family and Medical Leave Act (“FMLA”), the Town will grant unpaid leave of up to a total of twelve (12) weeks during any twelve (12) month period to an eligible employee for:

The reasons set forth in the Town’s Family and Medical Leave Policy, a copy of which is attached hereto as Appendix B.

**17.0 OTHER LEAVES OF ABSENCE**

**17-1. COVERAGE**

Full-time and part-time employees.

**17-2. POLICY**

Leaves of Absence other than those covered may be granted under the following conditions:

(A) Appointing authorities may grant leaves of absence without compensation. Leaves of absence of over three (3) months duration shall be considered a break in employment and on return to work the employee shall have the status of a new employee, unless an extension of leave beyond the three (3) month period has been authorized in advance by the Board.

(B) Employees on leave of absence may continue to remain a member of a group health plan or group insurance plan by assuming full payment of the total premiums.

(C) Employees on leave of absence shall not be entitled to any benefits granted under holiday, vacation, sick, bereavement, military, jury, or maternity leaves.

(D) Leaves of absence of over three (3) months will result in loss of longevity accrual for the entire leave.

**18.0 LONGEVITY PAY**

**18-1. COVERAGE**

Full-time and part-time employees.

**18-2. POLICY**

Longevity pay shall be as follows:

(A) After ten\* (10) full years of continuous service to the Town, each employee shall be paid an additional annual longevity amount reflected in the longevity scale below:

10 - 14 years	\$1,000.00
15 - 19 years	\$1,250.00

20+ years	\$1,500.00
30+ years	\$1,750.00

Part-time employees will receive longevity pro-rated based on the scheduled number of hours worked per week (i.e. 19 hours of 35 = 54% of 1,000 = \$540)

(B) Longevity pay shall be paid in one lump sum to each employee entitled thereto on or after the payroll period covering the anniversary date of employment. Should separation occur longevity shall be prorated and distributed at the time of separation. The employee must be a member of the Plymouth County Retirement Association to be eligible.

(C) For the purpose of calculating longevity, and upon request of the appointing authority, the Board of Selectmen may grant a new employee the number of years seniority as that served in a similar position in another community(ies).

## **19.0 TUITION REIMBURSEMENT**

All regular full time employees will be eligible for tuition reimbursement upon written approval by the Town Administrator, up to \$2,500 per fiscal year. The course of study, degree program or certificate program may only be approved for reimbursement provided that the course is deemed appropriate and pertinent to the employee's career with the Town of Carver. Upon satisfying this requirement, reimbursement is contingent upon the employee earning a passing grade that is accepted by the school for credit or confirmation of satisfactory completion of the course. Reimbursement will be made for tuition, required fees, and required books, provided a request is made in conjunction with the budget process to allow the Town of Carver sufficient time to budget for the expense. Employee must remained employed with the Town of Carver for a period of one year after completion of course of study or the Town will be reimbursed for tuition, fees and books. Employee further agrees if they terminate employment within the one year period that the Town has recourse to recover reimbursement from any monies owed to said employee. A maximum of three employees per fiscal year will be approved for tuition reimbursement.

## **20.0 STANDARDS OF CONDUCT**

### **20.1 COVERAGE**

All employees.

### **20.2 Policy**

Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon Town service. Town employees shall avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business. Employees are expected to keep in mind that they are public employees and are to conduct themselves accordingly in a manner which in no way discredits the Town, public officials or fellow employees.

## **21.0 DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

## **21-1. COVERAGE**

All employees.

## **21-2. POLICY**

The Town of Carver recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is serious and has a detrimental effect on the professional and personal lives of its employees and the community. The Town has established a Drug Free Workplace Policy that complies with the Town of Carver's ("Town") obligations under the federal Drug-Free Workplace Act, 41 U.S.C. §8101, et.seq.

The Town's complete Drug and Alcohol-Free Workplace Policy is attached hereto as Appendix C and is incorporated herein by reference.

## **22.0 DISCIPLINARY POLICY**

### **22-1. COVERAGE**

All employees.

### **22-2. POLICY**

All employees are responsible for observing regulations necessary for proper operation of departments in the Town. Disciplinary actions shall be discharged with the utmost concern for individuals involved.

### **22-3. REASONS FOR DISCIPLINARY ACTION**

Disciplinary action may be imposed upon an employee for misconduct or failure to fulfill responsibilities as an employee. Sufficient cause for disciplinary action shall include, but not be limited to, the following:

- (A) Incompetence or inefficiency in performing assigned duties;
- (B) Inability to perform one or more critical elements of the position;
- (C) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out reasonable directions made by a proper supervisor;
- (D) Habitual tardiness;
- (E) Absence without leave;
- (F) Abuse of sick leave;
- (G) Intoxication while on duty;
- (H) Possession or use of a controlled substance while on duty;
- (I) Possession of illegal narcotics or substance abuse while on duty;

- (J) Misuse or unauthorized use of Town property;
- (K) Fraud in securing appointment;
- (L) Disclosure of Town confidential information;
- (M) Conviction of a felony;
- (N) Violation of safety rules, practices and policies;
- (O) Engaging in sexual harassment; and
- (P) Any other situation or instance of such seriousness that disciplinary action is warranted.

#### **22-4. DISCIPLINARY ACTIONS**

Nothing herein shall be construed to limit the Town's right to impose discipline of any degree, including discharge, in a particular case without regard to the existence or non- existence of prior disciplinary action.

Department heads and supervisors shall be responsible for enforcing rules and regulations. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspension, and discharge.

### **23.0 TRAINING AND EDUCATION**

#### **23-1. COVERAGE**

All employees.

#### **23-2. POLICY**

The Town shall foster and promote programs of training for employees for the purpose of improving employee performance and the quality of services provided by the Town. The Town shall encourage departments to develop training and education strategies to meet the specific needs of the Town.

### **24.0. SAFETY**

#### **24-1. COVERAGE**

All employees.

#### **24-2. POLICY**

The Town shall make every effort to provide and maintain safe working conditions. It is the responsibility of each employee to report any and all potential safety issues they may notice.

### **24-3. PROCEDURES**

As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

### **24-4. RESPONSIBILITIES OF DEPARTMENT HEADS AND EMPLOYEES**

(A) Department heads and supervisors shall: assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or attitudes; 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.

(B) Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; and report all accidents promptly to the appropriate supervisor.

### **24-5. DISCIPLINARY ACTION**

Employees violating safety rules, practices and policies may be subject to disciplinary action.

## **25.0 PERSONNEL RECORDS**

### **25-1. COVERAGE**

All employees.

### **25-2. CENTRALIZED RECORD KEEPING**

The Town Administrator shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator.

### **25-3. CONTENTS OF RECORDS**

In accordance with G.L. c. 149, §52C, the Town Administrator shall maintain an individual personnel file for each employee which may include, but not be limited to: The employee's employment application; a copy of all background investigation reports; documents reflecting the employee's appointment, promotion, demotion, reassignment, transfer, separation or layoff; results of tests; history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title; commendations; records of disciplinary action; training records; performance evaluations; and other records that may be pertinent to the employee's employment record.

### **25-4. ACCESS TO RECORDS**

Any employee may upon written request to the employee's appointing authority have access to

review their personnel records. The employee's review of his/her personnel records shall be in the presence of an authorized management employee.

## **25-5. RELEASE OF INFORMATION**

No information shall be released unless written authorization is received from the employee.

## **26.0 PARENTAL LEAVE**

### **26.1 COVERAGE**

Full-time employees who have been employed for at least three (3) months.

### **26.2 POLICY**

Pursuant to the Massachusetts Parental Leave Act, G.L. c. 149 §105D, eligible employees shall be entitled to up to eight (8) weeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. The Town's Parental Leave Policy is attached hereto as Appendix E.

## **27.0 CODE OF CIVIL CONDUCT**

### **27.1 COVERAGE**

All employees.

### **27.2 POLICY**

The Town's municipal government values respect, integrity, civil behavior and expects that all employees shall act with such respect, integrity and civil behavior. The Town's Code of Civil Conduit is attached hereto as Appendix G.

**APPENDIX A**  
**Town of Carver**  
**Discriminatory Harassment Policy**  
DECEMBER 6, 2022

**I. Introduction**

It is the goal of the Town of Carver to promote a workplace that is free of unlawful discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, gender expression, sex, race, color, national origin, ancestry, ethnicity, religion, age, disability, criminal records (inquiries only), genetics, military or veteran status, sexual orientation, pregnancy and pregnancy related conditions, natural or protective hairstyle or participation in discrimination complaint-related activities (retaliation). The Town of Carver will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

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

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

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

Gossip in the workplace can be considered a form of harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment. Gossip can set people against one another, hurt others and turn into a form of harassment and bullying.

**II. Definitions**

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

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.

2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

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

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

“Gossip” of co-workers means overly negative criticisms or conjecture that can harm another person’s credibility or reputation. Gossip is synonymous with fabrication or embellishment. Habitually reveals personal or sensational facts about another person.

### **III. Complaint Procedures**

All employees, managers, supervisors, elected and appointed officials and volunteers of the Town of Carver share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Administrator. The Assistant Town Administrator/Human Resource Coordinator, will administer the policy and procedures described herein.

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

Prompt reporting of harassment is in the best interest of our organization and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting the Assistant Town Administrator/Human Resource Coordinator at the Carver Town Hall, 108 Main Street, Carver, MA. The Town Administrator may also be reached by phone at 508-866-3401. The Town Administrator is also available to discuss any concerns you may have.

### **IV. Complaint Investigation**

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. Attorneys are not permitted to be present or participate in the complaint investigation. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

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

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

## **V. Disciplinary Action**

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

## **VI. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

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

JFK Federal Building  
15 New Sudbury Street, Room 475  
Boston, MA 02203  
1 (800) 669-4000  
TTY 1 (800) 669-6820  
ASL Video: 1 (844) 234-5122

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

E-mail: [MCAD@mass.gov](mailto:MCAD@mass.gov)

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000  
TTY (617) 994-6196

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

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

## APPENDIX B

# FAMILY AND MEDICAL LEAVE POLICY

### Purpose:

The purpose of this policy is to describe the eligibility, duration and procedural requirements relating to the administration of leave taken pursuant to the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612, *et seq.*

The Town is committed to complying with the FMLA, as it may be amended from time to time. In the event of any conflict between the Town's FMLA policy and the federal law and regulations, the federal law and regulations applicable to the Town and its employees shall prevail.

### Procedures

#### A. Eligibility

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible to take leave in accordance with the FMLA. The FMLA entitles eligible employees to take unpaid leave with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve (12) workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"
- Twenty-six (26) workweeks of leave in a 12-month period for:
  - to care for a covered service member who is seriously injured or ill as a result of active duty military service.

#### B. 12-Month Period

For purposes of this policy, the twelve (12) month period shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave

“rolling period.” An eligible employee’s leave entitlement consists of up to twelve (12) weeks (or 26 weeks, where applicable) of FMLA leave during this twelve 12- month period.

C. Concurrent Use of Accrued, Unused Paid Leave

If leave is taken under this policy for the birth of a child or the placement of an adopted or foster child, or to care for the serious health condition of a spouse, child or parent, eligible employees must first take accrued paid vacation, personal days and compensatory time. If leave is taken because of the employee's own serious health condition, eligible employees must first take their accrued paid sick leave, vacation, personal days and compensatory time.

If an employee's accrued paid leave is less than twelve weeks, the remaining weeks of leave will be granted without pay.

D. Notice

In the case of leave for the birth or placement of a child, an eligible employee must provide thirty (30) days advance notice to his or her Department Head before the date on which leave is to begin. If an eligible employee is unable to provide thirty (30) days notice due to unforeseen circumstances, the employee must provide notice as soon as is practicable.

If leave requested for a serious medical condition is foreseeable based on planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Town. Employees are further required to provide thirty (30) days advance notice to the Department Head or, if the treatment is in less than thirty days, such notice as is practicable.

Any leave taken because of the birth of a child or placement of an adopted or foster child must be taken within one year of birth or placement of the child.

E. MEDICAL CERTIFICATION REQUIREMENT

Eligible employees requesting leave under this policy may be required to provide medical certification to the Town which supports leave for their own serious health condition or to care for a seriously ill child, spouse or parent.

F. INTERMITTENT LEAVE OR REDUCED SCHEDULE

An employee requesting leave because of his or her own serious health condition, or the serious health condition of a child, spouse or parent may take leave intermittently or on a reduced leave schedule if it is medically necessary. The Town may require employees who seek intermittent leave or a reduced schedule to transfer temporarily to another position which can better accommodate recurring periods of leave than the employee's regular position provided the alternate position provides equivalent pay and benefits.

#### G. BENEFITS DURING LEAVE

The Town will maintain an employee's group health insurance coverage at the same level and under the same conditions the employee would receive if not on leave. During any period in which the employee is on paid leave, the employee will have his/her contribution deducted from the paid leave. Upon the depletion of any paid leave, the employee must make arrangements to pay his/her contribution to the health premiums.

If the employee fails to return to work following the period of any unpaid family medical leave, unless the failure to return to work is due to the continuation, recurrence or onset of a serious health condition that entitles the employee to leave for a serious medical condition of himself or his family or other circumstances beyond the employee's control, the Town will recover from the employee any premiums paid by the Town during any period of unpaid family medical leave.

#### H. RESTORATION TO POSITION

Employees not required to submit medical certification must submit a report regarding the employee's status and his/her intent to return to work on a probable date every thirty (30) days. Employees on family medical leave due to their own serious health condition must submit certification from the health care provider that the employee is able to resume work, i.e., is fit for duty.

Upon return from family medical leave, the employee will be returned to the same or an equivalent position (equivalent benefits, pay and other terms and conditions of employment). The employee has no "*right*" to be returned to the same position. The Town may deny restoration to a key employee (one who is salaried and among the highest paid 10% of employees) if it is denied.

# APPENDIX C

## DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Approved by Select Board 6/7/22

### I. PURPOSE

This Policy outlines prohibited workplace conduct with respect to controlled substances and alcohol. This Policy complies with the Town of Carver's ("Town") obligations under the federal Drug-Free Workplace Act, 41 U.S.C. §8101, *et seq.*

### II. APPLICATION

This Policy applies to all employees and officials of the Town, including all elected and appointed members of any Town board, commission or committee. Employees whose employment is governed by an employment agreement are subject only to those provisions of this Policy not specifically regulated by agreement.

### III. POLICY

It is Town's policy to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently. Although certain uses of marijuana have been legalized in the Commonwealth of Massachusetts, this policy and the following procedures apply to marijuana use.

### IV. PROCEDURES

- A. The following is prohibited:
  - a. The non-prescriptive use of controlled substances or marijuana.
  - b. Any sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by law.
  - c. The consumption of controlled substances, marijuana (with or without prescription) or alcohol on Town property or at any other worksite where employees may be assigned, including after-hours consumption thereof on Town property (this provision shall not prohibit the consumption of alcohol on Town property during events for which a one-day liquor license has been obtained). The non-prescriptive use of controlled substances or marijuana, or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform his/her job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Town to the general public or otherwise threatens its integrity.
- B. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or

*nolo contendere* to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the chair of the Town's Board of Selectmen

- C. Employees who are convicted or who plead guilty or *nolo contendere* to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the Town.
- D. All employees and officials, including all elected and appointed members of any Town board, commission or committee, must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug and Alcohol-Free Workplace Policy.

## V. EMPLOYEE ASSISTANCE PROGRAM

The Town recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Town encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the contact the Chair of the Select Board for a referral to the Town's Employee Assistance Program. The Town may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.

## VI. SANCTIONS

Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment, or removal as an appointed official.

## APPENDIX D

### SICK LEAVE BANK

The Sick Leave Bank exists for the purpose of providing additional coverage after exhaustion of individual annual and/or accumulated sick leave, personal leave and vacation benefits only in the event of a serious/unanticipated illness as evidenced by medical certification. Participation in the bank is voluntary; however the bank is hereby established exclusively for the use of the participating employees.

Enrollment will be open annually July 1 – July 31 for any qualifying employee that would like to join.

#### Membership Requirements:

- Employee must be a non-union employee and have been employed for a minimum of six (6) months.
- Employee must have accrued 20 sick days (or 140 hours - prorated for part time employees) prior to joining.

#### Rules for Participating Employees:

- Donations of accrued sick leave must be in whole days, with a minimum of one day per donation. Donations will be made annually on July 1<sup>st</sup>. Initially to get the bank started, donations into the bank will occur upon approval of this policy. Thereafter, the deduction of the one day donation will occur annually on July 1.
- Unused days in the Bank shall carry over from year to year.
- Upon separation from employment, any unused sick leave that remains in an employee's account in excess of what is eligible through sick leave buy back will be donated to the sick bank.
- All donations made to the bank are irreversible even after an employee voluntarily withdraws his/her participation from the bank.
- Prior abuse of Sick Leave will disqualify an employee from drawing from the bank. Sick abuse may include, but is not limited to the use of sick time before or after holidays, on Mondays and/or Fridays, or for an illness that cannot be verified by a doctor's certificate. Determination of sick leave abuse will be in consultation with the Department Head.
- One donated day will be the equivalent to 7 hours.
- Participating employees who have accrued the maximum sick days will have their sick time that accrues in excess of their maximum donated to the Sick Leave Bank.

### Recipient Requirements:

- Each employee participating in the Sick Leave Bank, may be granted by the Sick Leave Bank Committee a maximum of 30 days of sick leave per request. The request must be in writing, signed by the applicant or a legally authorized person (if the applicant is unable to sign) and dated, and the Committee agrees to respond within 10 business days. The Human Resource Manager shall notify each Department Head regarding requests from their department.
- Prior to processing the first donation to an employee, the eligibility of the recipient will be verified (i.e. employee status and exhaustion of paid sick, vacation and personal leave).
- The initial grant of sick leave by the Sick Leave Committee to an eligible employee shall not exceed thirty (30) days. Upon completion of the thirty day period, additional entitlement may be extended by the Sick Leave Committee upon demonstration of need by the applicant. The Sick Leave Committee may issue a grant of leave time days from the bank of not more than 100 days per twelve (12) month period to any one member.
- If an employee is granted an allotted amount of days from the sick leave bank and returns to work prior to using all of the allotted days, all unused days must be returned to the sick leave bank.
- Sick leave bank may not be used to permit an individual to stay at home to care for other members of the family, maternity leave, cosmetic surgery, non-essential treatments or procedures that are scheduled or pre-planned with sufficient time to accrue the needed days.
- The IRS has ruled that payments from the bank are to be considered wages, and therefore taxable income to the recipient. As a result, the payments will be included in the annual Form W-2 prepared for the recipient and State and Federal income tax and FICA/Medicare tax will be withheld by the payroll department at the time of payment.
- Employee is not receiving and /or is not eligible to receive any compensation under either a City sponsored or private long-term disability plan, a disability retirement allowance regulated by G.L. Chapter 32, Worker's Compensation, or any other source of income.
- All applications must include a copy of the employee's attendance record and a letter from the employee's physician with an estimate of time needed. *The letter does not need to disclose the nature of the illness.* A majority vote of the Committee will be final with their decision being forwarded to the Town Administrator. All applications are to be held in strict confidence within the confines of the Sick Leave Committee and Department Head only. All Committee decisions are final unless appealed within 10 days of the written decision to the Town Administrator whose decision on the appeal is final.
- The Sick Leave Committee will review any case of Sick Leave Bank abuse. After proper investigation the Committee may require the individual to submit to a medical

examination or proof from medical experts, or sick leave bank benefits will be terminated.

- The Human Resource Manager shall maintain records for the Sick Leave Bank. When the donation of time falls below 10 days, the Human Resource Manager shall notify members of the need for additional sick time donations. Members who do not have earned sick time to donate may assign their next earned sick day. Members who fail to respond to two (2) consecutive requests for donation will have their membership terminated. Terminated members can apply for re-instatement and acceptance will be determined by the Sick Leave Committee. Each member shall donate one day in addition to the mandatory annual donation.
- Any eventualities not covered by these guidelines may be considered by the Committee for its discretion and judgement.

Dissolution of the Sick Leave Bank:

- The Sick Leave Bank will be dissolved when the balance falls below 10 days for two consecutive months and two requests from the Human Resource Manager fails to produce further donations of time from all current members.
- If the Sick Leave Bank dissolves, the Human Resource Manager will make every effort to return the remaining unused leave to the members who donated it.

Sick Leave Bank Committee:

- The Sick Leave Committee shall have the power to establish procedural and functional guidelines for the operation of the Sick Leave Bank consistent with this article. All decisions made by the Sick Leave Bank Committee shall be final and binding unless appealed within 10 days to the Town Administrator whose decision is final. The Committee consists of the Human Resource Manager as well as two Department Heads appointed by the Town Administrator.

## APPENDIX E

### MASSACHUSETTS PARENTAL LEAVE POLICY

#### PURPOSE

This Policy describes the eligibility, duration and procedural requirements relating to the administration of parental leave, in accordance with the provisions of the Massachusetts Parental Leave Act, G.L. c. 149, § 105D.

#### APPLICATION

This Policy shall apply to all full-time Town employees of the Town of who have completed the three (3) month's of employment.

#### POLICY

It is the Policy of the Town to fully comply with the provisions of the Massachusetts Parental Leave Act, G.L. c. 149, §105D.

#### PROCEDURES

- A. Eligible employees shall be entitled to up to eight (8) weeks of unpaid leave for the following purposes:
  1. the birth of a child;
  2. adoption of a child under 18 years of age; or
  3. adoption of a child under 23 years of age, if the child is mentally or physically disabled.
- B. To be eligible for leave under this Policy, an employee is required to provide two weeks' notice in advance of his/her anticipated date of departure, stating their intention to return and the anticipated date of return. Upon return to work, the employee is entitled to be restored to his/her previous position, or to a similar position which has the same status and pay as her previous position, and to the length of service credit and seniority as of the date of leave.
- C. Leave taken pursuant to this Policy will be counted against an employee's available FMLA leave allowance.
- D. Leave taken pursuant to this Policy shall be unpaid; however, an employee may elect to use any amount of accrued paid leave while on parental leave.
- E. The Town shall post a notice of employees' rights under this Policy in a conspicuous place.

## APPENDIX F

### SMALL NECESSITIES LEAVE ACT POLICY

Pursuant to the Small Necessities Leave Act, employees are eligible to take up to 24 hours of unpaid time off per year for the following reasons:

- Participation in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent teacher conferences or interviewing for new schools;
- Accompanying the son or daughter of an employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- Accompanying an elderly relative of the employee (i.e., an individual at least 60 years old who is related by blood or marriage to the employee) to routine medical or dental appointments or other professional services relating to elder care, such as interviewing at nursing or group homes.

To be eligible for time off under this policy, an employee must have completed at least one year of service with the Town of Carver and have worked a minimum of 1,250 hours in the 52-week period preceding the start of the leave.

Time off under this policy will be granted to eligible employees for periods totaling up to 24 hours in any 12 month period. The 12 month period is a rolling period measured from the date an employee takes any time off under this policy. Each time an employee takes time off in one of the situations listed above; the amount of time taken will be computed and subtracted from the 24 hours of available leave. Time off under this policy may be taken intermittently or in less than one day increments.

An employee may elect, but is not required, to use paid vacation or other paid time instead of taking unpaid time as allowed by the Small Necessities Leave Act.

Approved time taken under this policy will not be counted against employee in any attendance occurrence program or job performance evaluation.

#### How to Apply for Small Necessities Leave

To request a Small Necessities Leave, an employee will need to inform his or her supervisor at least seven (7) days in advance if the leave is foreseeable. Otherwise, the employee must inform the supervisor as soon as practical, preferably in writing but orally if necessary. A form is available in the office of the town administrator for completion in advance and return to your supervisor for approval.

## **APPENDIX G**

