



## **TOWN OF ROWLEY PERSONNEL PLAN**

**Personnel Advisory Committee approved February 4, 2019**

David Petersen – Chairman  
Larry White  
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**Board of Selectmen approved February 11, 2019**

Clifford Pierce – Chairman  
Joseph Perry – Vice Chairman  
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## PERSONNEL PLAN

### A1-0 GENERAL PROVISIONS

This handbook of the Town of Rowley Personnel Plan and Schedules, has been prepared as a guideline to acquaint new and current employees with the Town of Rowley's classification plan, salary/wage plan, employee benefits and personnel policies. This handbook outlines some privileges and benefits that the Town currently offers. Also, this handbook explains certain employee responsibilities and duties as well as proper procedures. To the extent that specific provisions of this personnel handbook conflict with mandatory provisions of a collective bargaining agreement, applicable to a specific employee, or conflict with federal, state or local law, said collective bargaining agreement, or conflicting federal, state or local law shall prevail. Employees are employed as "At-Will" employees. This handbook does not alter the "At-Will" relationship between the Town and such employees, and does not grant any Town employee an expectation of continued employment, or a property interest in employment with the Town. This Personnel Plan does not create a contract for employment. Employees are required to read this handbook carefully so that they are aware of the Town's employment policies and procedures. After reading this handbook carefully, employees will be asked to sign a form stating that they have read and understood all the information that is contained herein (Appendix 1).

A1-1 Authorization. This Personnel Plan and these policies are promulgated in accordance with the authority granted by the Town's Personnel By-law, and further granted by the Town's By-law. In the case of any policy incorporated within any collective bargaining agreement, promulgation shall be as provided in the collective bargaining agreement.

A1-2 Purpose. The purpose of this plan and these policies is to establish a system of personnel administration with policies and procedures governing employment with the following principles:

- a) Recruitment, selection and classification of personnel shall be based on ability, knowledge, education, and skill under fair and open competition, and the ability to meet and comply with all job description requirements.
- b) 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, gender, gender identity, sexual orientation, race, color, religion, national origin, political affiliation, disability, military status or any other non-merit factors, and with proper regard for privacy and constitutional rights.
- c) Employment shall be open to all segments of society, in accordance with Town of Rowley EEO, Discrimination and Sexual Harassment Policy (Appendix 2).

- d) Employment retention and job advancement of employees shall be determined on the basis of their performance. A reasonable effort shall be made to assist employees with unacceptable performance. If such performance cannot be corrected within reasonable time limits, employment termination shall occur.

A1-3 Rules of Interpretation.

- a) These policies are intended to be in accordance with all applicable state and federal laws, and collective bargaining agreements. In the event of inconsistencies, the applicable state or federal law, or collective bargaining agreement shall apply.
- b) Words imparting the singular number may extend and be applied to several persons; words imparting the feminine gender shall include the masculine gender, or vice versa.

A1-4 Definitions.

- a) "Town" shall mean the Town of Rowley.
- b) "Employee" shall mean an employee of the Town of Rowley occupying a position in the Classification Schedule.
- c) "At-Will Employees" – At-Will Employees serve at the pleasure of the Town and as such may be removed from their position for any reason or no reason, so long as it is not unlawful. This is a legal doctrine that provides that the employment relationship may be terminated at any time by the Town or the individual, with or without cause or notice.
- d) "Full-time Employee" shall mean an employee of the Town of Rowley scheduled to work a minimum of twenty (20) hours per week for fifty-two (52) weeks per year. A Full-time Employee is entitled to receive benefits as defined in this Personnel Plan.
- e) "Part-time Employee" shall mean an employee scheduled to work a minimum of four (4) hours per week, but not more than nineteen (19) hours per week, fifty-two (52) weeks per year. A Part-time Employee is entitled to receive benefits as defined in this Personnel Plan as specified herein. Weekly work schedules for Part-time Employees must be filed by the Supervisor/Department Head with the Personnel Officer for inclusion in employee's personnel file. Work schedules must be signed and dated by the Supervisor/Department Head. If the work schedule is changed, an updated schedule must be filed with the Personnel Officer. Copies of the schedules will be filed by the Personnel Officer in the Accountant's and Treasurer's office.
- f) "Temporary or Seasonal Employee" shall mean any employee in the Town for which a specified tenure of service is stipulated at or before the time of hire. The tenure of service may not exceed a consecutive twelve week period of time. Temporary or Seasonal employees are not eligible for holiday pay, paid vacation, paid sick leave, any other type leave of absence, or any other benefit extended to Full-time and Part-time Employees.

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- g) "Casual or On-Call Employee" shall mean any employee in the Town who works on an "as needed" or intermittent basis. Casual Employees are not eligible for paid holidays, paid vacation leave, paid sick leave, any other type leave of absence, or any other benefit extended to Full-time and Part-time Employees.
- h) "Appointing Authority" shall mean any board or official authorized by Massachusetts General Laws, Town of Rowley General By-laws, or otherwise, to appoint employees.
- i) "Supervisor/Department Head" shall mean the entity responsible for supervising a department's operations and activities. A Supervisor/Department Head may be an Appointing Authority. A Supervisor/Department Head could be any of the following, depending on the Department:
- an employee (Department Head); or
  - a Town Board, Committee or Commission; or
  - the Chair of a Town Board, Committee or Commission if so delegated.
- If there are any questions on this, please contact the Personnel Office.
- j) "Classification Schedule" shall mean the approved and accepted Job Title and Position Description of the Town of Rowley. Shown on Appendix 3 Classification Schedule
- k) "Compensation Schedule" shall mean approved and accepted wages and salary grades of the Town of Rowley. Shown on Appendix 4 Compensation Schedule.
- l) "Anniversary Date" shall mean the employee's date of hire, (note: if re-employed, the most recent date of hire).
- m) "Exempt Employee" shall mean a salaried employee who is employed in an executive, administrative or professional capacity as defined under the Fair Labor Standards Act ("FLSA"). Exempt Employees are generally not entitled to overtime pay.
- n) "Non-exempt Employee" shall mean an employee who is not employed in an executive, administrative, or professional capacity as defined under the FLSA. Non-exempt Employees are entitled to time and one-half for all hours worked in excess of forty (40) hours per week.

## A2-0 ADMINISTRATION

- A2-1 The Board of Selectmen shall oversee all personnel administrative policies. The Personnel Advisory Committee and the Personnel Officer shall be responsible for the administration of the Personnel Plan and policies promulgated pursuant to the Personnel By-laws of the Town. The Board of Selectmen and the Personnel Advisory Committee shall designate an employee to manage and act as the Personnel Officer responsible for the daily administration of the personnel system.

A2-2 The Personnel Advisory Committee shall:

- a) ensure that the Town maintains an effective personnel system, monitor the effectiveness of policies, procedures, practices and wage structure;
- b) develop, revise and implement the Personnel Plan, Classification Schedule, Compensation Schedule, wage and salary procedures and all other personnel administrative policies;
- c) adopt or develop a job evaluation system and evaluate positions for classification, review requests for reclassification, and cause a review of all positions in the Classification Schedule at appropriate intervals in accordance with proper personnel practices;
- d) monitor the implementation and practices of the Town's personnel policies;
- e) provide recommendations, advice and assistance to the Personnel Officer, Supervisors/Department Heads, supervisory personnel, and employees on all aspects of personnel policies and practices, job performance standards and safe working conditions;
- f) develop, advise and propose all personnel administrative issues, policies and procedures to the Board of Selectmen as needed or required; and
- g) the Personnel Officer, his/her designee(s), and the Chairman of the Personnel Advisory Committee will have access to all Town of Rowley personnel files and records.

A2-3 The Personnel Officer shall:

- a) ensure fair treatment of all applicants and employees in all aspects of the personnel system which shall be administered without regard to age, gender, gender identity, sexual orientation, race, color, religion, national origin, political affiliation, disability, military status or any other non-merit factor and with proper regard for privacy and constitutional rights;
- b) ensure that recruitment, selection, appointment, and retention of employees is consistent with the Personnel By-law and Personnel Plan;
- c) supervise, administer and maintain a centralized personnel record keeping system; (currently this does not include employees who work at the Police Station, except the Police Chief); and
- d) provide recommendations, advice, and assistance to the Personnel Advisory Committee, Supervisors/Department Heads, supervisory personnel, and employees on all aspects of personnel management and administration.

A3-0 RECRUITMENT AND APPOINTMENT

A3-1 Coverage - All employees.



A3-2 Policy.

- a) The Town shall make every effort to attract and employ qualified persons. Every person, regardless of age, gender, gender identity, sexual orientation, race, color, religion, national origin, political affiliation, disability, military status or any other non-merit factor 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.
- b) 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 as defined within this Personnel Plan.
- c) Selected candidates must meet all job description requirements and complete all pre-employment forms and procedures. Upon confirmation and approval of these employment requirements, the Personnel Officer will sign the Wage/Salary Action Form. No candidate will be committed to Town employment, assigned to a job title or salary pay grade without this signed approval of the Personnel Officer.

A3-3 Recruitment. The Personnel Department shall oversee the recruitment and selection of personnel, as required by Section A3-2 above. All Supervisors/Department Heads and Appointing Authorities shall work with the Personnel Officer and his or her designee to ensure that there is an open and fair competition in the recruitment and selection of personnel. The qualifications, classification, and compensation for positions shall be established in accordance with the Classification and Compensation Schedules of this plan.

- a) Notice of vacancies: The Personnel Officer or his/her designee shall, upon the identification of a job vacancy or on the authorization of a new job position, prepare a job vacancy notice. The job vacancy notice shall include: the job title, major duties of the position, qualifications, wage or salary grade, a closing date for applications, and application instructions. The job vacancy notice prepared by the Personnel Officer will be used for any advertisement and posting. Recruitment of a position shall not begin until the job vacancy notice is posted by the Personnel Officer.
- b) Posting of the job vacancy notice: Notices of vacant job positions shall be posted for ten (10) business days on the personnel bulletin board located in Town Hall and in various other appropriate places. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available positions.
- c) Advertising the job: The Supervisor/Department Head shall consult with the Personnel Office about various options available to advertise the vacant position.
- d) Applications: All candidates applying for employment in the Town shall complete an official employment application form and return the form

to the Personnel Department unless otherwise determined by the Personnel Officer prior to the end of the working day of the closing date specified by the job vacancy notice. 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 qualifications.

- e) Selection: The Personnel Officer or his/her designee, or the Supervisor/Department Head with the permission of the Personnel Officer shall administer pre-screening of all applications. Only the relevant Supervisor/Department Head, Chairman, Vice Chairman or other designated Board member who is directly involved in the selection process shall have access to the confidential applicant files. The Personnel Officer or her/his designee and the relevant Supervisor/Department Head shall interview those candidates determined to be best qualified for the position. The Personnel Officer has the option of establishing a screening panel made up of Town departments or officials depending upon the nature of the position that is being filled. A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. Every interview and reference check shall be documented and made part of an applicant's file. All reference checks and investigations shall be completed prior to the offer of employment, including a "CORI check" and "SORI check" if necessary. The Board of Selectmen shall have final approval regarding employment, transfer, promotion and hiring of any prospective employee.
- f) Job Offer, Hire and Appointment: All employment offers shall be made in writing by the Appointing Authority, and/or the Personnel Officer and/or his/her designee, and shall include the position title, salary or hourly wage, the starting date, and any conditions of employment not covered in this Personnel Plan. Copies of the employment offer, as well as a "Wage Salary Action Form, shall be provided to the Personnel Officer prior to the initial date of hire.
- g) Employment Application Records: The application, reference checks, and related documents submitted shall be maintained by the Personnel Officer for the period required by law. The Town shall, to the extent possible, maintain the confidentiality of all applications on file.

#### A4-0 ORIENTATION AND PROBATIONARY PERIODS

A4-1 Coverage - All employees.

A4-2 Policy. Appointing Authorities and/or Personnel Officer or his/her designee shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.

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Supervisors/Department Heads shall inform new employees of department rules, regulations, duties and procedures.

- A4-3 Orientation Period. The Personnel Officer or his/her designee shall:
- a) notify the new employee in writing 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 and the name of the local union representative;
  - b) explain thoroughly all the benefits and options, if applicable, to which the employee is entitled and assist the employee with completion of appropriate forms. The Personnel Officer shall provide the employee with a copy of the Personnel Plan and the Town's Equal Employment Opportunity, Discrimination and Sexual Harassment Policy and each employee shall sign a copy of such Policy for filing in their personnel folder. The Treasurer or his/her designee shall participate in the orientation session and explain certain benefits, if applicable, such as: pension, health insurance, disability insurance, etc.; and
  - c) The Supervisor/Department Head shall provide on-site training and orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department.

- A4-4 Probationary Period. All newly hired, transferred and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date, transfer or promotion and to continue for a six (6) 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 employees achieve effective performance standards. The probationary period shall be used by the Appointing Authority or Supervisor/Department Head to observe and evaluate the employee's attitude, conduct, and work habits. During such period the Appointing Authority, his/her designee or Supervisor/Department Head shall review the employee's job performance with the employee on a regular basis. This review should provide the employee with recommendations for improved performance. Documentation of such review should be maintained and a Performance Appraisal Form completed after three (3) months and then again after six (6) months from employee's date of hire. The documentation and Performance Appraisal Form shall become a permanent part of the employee's personnel file. Upon expiration of the probationary period, the Supervisor/Department Head shall notify the Personnel Officer in writing that:
- a) the employee's performance meets satisfactory standards and the individual will be retained in the position; or
  - b) the employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period will be extended an additional three (3) months; or
  - c) the employee's performance, attitude, and conduct was unsatisfactory, stating specific reasons, and that termination will occur. The

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Supervisor/Department Head must contact the Personnel Officer to discuss any termination prior to discussing it with the employee. The employee may be terminated by an Appointing Authority at any time during the probationary period, if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of action. The employee may not appeal the termination. The written notification shall become a permanent part of the employee's personnel file.

#### A5-0 STANDARDS OF CONDUCT

A5-1 Coverage - All employees.

A5-2 Policy. Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and maintain specified standards of performance; to comply with reasonable employer instructions and policies and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

The intent of this policy is to ensure that: 1) employees meet the Town's legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and 3) disciplinary action initiated against an employee is fair and appropriate.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the alleged violation.

This policy applies to all paid and appointed employees in Town Service. Employees subject to collective bargaining agreements are subject only to those

provisions in this order which are not specifically regulated by the collective bargaining agreements.

Town employees are prohibited from engaging in any actions or conduct which could reflect unfavorably upon Town employment or service. Town employees shall avoid any situation or condition which could reflect unfavorably upon the 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. Any violation of such standard of conduct may result in disciplinary action up to and including employment termination.

#### A6-0 CLASSIFICATION SCHEDULE

A6-1 Coverage - All employees.

A6-2 Policy. The policy of the Town is to establish and provide a uniform job evaluation system for classifying all job positions and to establish proper relationships between positions based on the level of responsibilities assumed, and the minimum qualifications required to perform the job position, so that the same schedule of compensation may be applied to each class or job position ensuring equal pay for equal work.

A6-3 Contents of the Classification Schedule. The Classification Schedule shall consist of the following:

- a) Position Titles: The title of each job/position shall be the official title as listed in the "Classification Schedule". Such titles are used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed, transferred or promoted to any job position in the Town under a title not included in the "Classification Schedule".
- b) Position Descriptions: Each position title shall have a written description. The description shall consist of a statement describing the job content and requirements of work, examples of typical duties, the required minimum knowledge, skill, training, abilities, experience and any required special qualifications. Successful candidates hired for or assigned to any position description must meet the minimum qualification requirements.

A6-4 Administration of the Classification Schedule. The Personnel Officer shall have responsibility for the administration of the Classification Schedule and shall be authorized to, subject to review and approval by the Personnel Board:

- a) develop and maintain a "Personnel Listing" of all Town employees by department, job title, wage, pay grade and date of hire;
- 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 and/or surveys to ensure the Classification Schedule remains uniform and current;
- d) evaluate new or revised position descriptions; and
- e) re-classify job positions.

A6-5 Job Evaluation of New or Revised Position Descriptions.

Supervisors/Department Heads proposing the creation of new or revised positions (job descriptions) shall provide the Personnel Officer with a description of the duties, skills, knowledge, abilities, and other job content and work performance requirements in accordance with the Town of Rowley Job Description Construction Guide - Appendix 5.

- a) Before submitting such new or revised position descriptions to the Personnel Officer, the Supervisor/Department Head or Appointing Authority must affix his or her signature and date on the bottom of such description.
- b) The Personnel Officer and Personnel Advisory Committee will evaluate the job description content and assign an appropriate pay grade. An approval stamp from the Personnel Advisory Committee will be signed to finalize the adoption of the job description.

A6-6 Re-evaluation and Review of All Positions. Positions may not be reclassified without a review by the Personnel Officer and recommendation and approval by the Personnel Advisory Committee. The Personnel Officer and Personnel Advisory Committee shall review all positions subject to the Classification Schedule and the Job Evaluation system in accordance with proper personnel practices on a periodic basis.

A6-7 Supervisor/Department Head should review departmental job descriptions as deemed necessary, for current or new job requirements. Job descriptions for new positions will be reviewed as submitted.

A6-8 Classification Schedule. Appendix 3 contains the current Classification Schedule.

A7-0 COMPENSATION SCHEDULE

A7-1 Coverage - All employees.

A7-2 Policy. The Personnel Advisory Committee, with the assistance of the Personnel Officer, shall annually formulate a Compensation Schedule to accompany the existing Classification Schedule. The Board of Selectmen shall approve of said

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Compensation Schedule. The Compensation Schedule shall be directly related to the Classification Schedule and shall take into account: relative responsibilities between various job titles; wage rates for comparative type of work; economic conditions in the labor market; and fiscal policies of the Town. All employees shall be paid in accordance with the rates in the Compensation Schedule, subject to full funding by Town Meeting.

A7-3 Implementation of Compensation Schedule

a) **Newly hired employees** (includes Full-time, Part-time, Temporary/Seasonal and Casual/On-Call employees)

1. Newly hired employees shall receive a wage rate at the “Step1” Step of the job position’s assigned pay grade.
2. Employees move to Step 2 as follows:
  - a. Employees hired between July 1<sup>st</sup> and December 31<sup>st</sup> inclusive shall move to Step 2 on the next July 1<sup>st</sup> that follows their date of hire.
  - b. Employees hired between January 1<sup>st</sup> and June 30<sup>th</sup> inclusive shall move to Step 2 on the second July 1<sup>st</sup> that follows their date of hire.
3. Employees move to Step 3 and each next step on each successive July 1<sup>st</sup>.
  - Exception: If a newly hired employee has experience or credentials that exceed the requirements of the position, they may be placed above the Step 1 rate with the approval of the Personnel Officer, Personnel Advisory Committee and the Board of Selectmen.
  - Exception: Temporary/Seasonal employees who are re-hired for a subsequent seasonal period may be placed at the step following their last pay rate upon approval of the Personnel Officer.
  - Exception: The Casual/On-Call positions of Election Counters/Tellers and Election Clerks will be hired at and remain fixed at step 5 of their respective job grades of the applicable fiscal year Compensation Schedule. This will allow a single rate to be paid to the numerous employees who are hired into these Casual/On-call positions.

NOTE: In order for Temporary/Seasonal and Casual/On-Call employees, with the exception of the Casual/On-Call positions of Election Counters/Tellers and Election Clerks, to be eligible to move to the next step in accordance with this section, they must have worked for the Town during the previous fiscal year.

b) **Promotions**

1. Current employees who are internally promoted to a different position in the Town will be assigned to Step “1” of the new job position pay grade, or, at a higher Step, if the employee’s current pay rate in the prior position is higher than Step “1” of the new position pay grade. This determination shall be approved by the Personnel Officer, Personnel Advisory Committee and the Board of Selectmen.
  - Exception: Non-certified Firefighters and Non-certified Call Fire Lieutenant positions will move to the same step of the new grade once they receive their

certifications since their core job functions are not changing. The date of their promotion will be used as they move through the system.

A7-4 Cost of living. Employees may receive a cost of living adjustment. Such adjustment requires the approval of the Board of Selectmen, and if approved, the cost of living adjustment will be integrated into the Compensation Schedule.

A7-5 Compensation Schedule. Appendix 4 contains the current Compensation Schedule.

#### A8-0 PERSONNEL RECORDS

A8-1 Coverage – All employees.

A8-2 Centralized personnel records and files. The personnel records of all Town employees shall be confidential and shall be maintained under the direction and supervision of the Personnel Officer. Such records shall include all vital personnel documents including; the employment application, a copy of all background investigation reports, all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation or layoff, job evaluations, grievances as well as employee's signed acknowledgments of the Personnel Plan, the Town's Equal Employment Opportunity, Discrimination and Sexual Harassment Policy and other policies requiring a signed acknowledgement and other information deemed relevant and appropriate. All employees shall comply with and assist in furnishing records, reports and information as may be required by the Town Personnel Officer. Payroll and time sheet data are maintained by the Town Accountant/Treasurer/Collector; however, such records, such as the Wage/Salary Action Form and weekly work schedules are also a part of the overall personnel file system. All medical-related information will be kept segregated.

Employees shall be notified when items outside the ordinary paperwork, such as the disciplinary actions detailed in Section C3-0, are placed in their personnel file. The Town shall notify an employee within ten (10) days of the employer placing in the employee's personnel record any information to the extent that the information is, has been, or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

Access. Within five (5) business days of such request, employees may review their personnel files. The review shall take place in the Selectmen's Office during normal business hours. An employee shall be given a copy of his/her personnel record within five (5) business days of submission of a written request for such copy to the employer. An employee may request in writing that material be removed from the file and, if denied, a written rebuttal from the employee may be included in the permanent files.

It is the responsibility of the employee to inform their Supervisor/Department Head of changes in their name, address, telephone number, marital status and person(s) to be notified in an emergency and to notify the Town and the Essex Regional Retirement Board of changes in their personal status to insure proper

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coverage in the health benefit, life insurance and retirement plans. The Town shall not be required to allow an employee to review the employee's personnel record on more than two (2) separate occasions in a calendar year; provided, however, that the notification and review caused by placing of adverse information in the personnel record shall not be deemed to be one of the two annually permitted reviews.

- A8-3 Medical Records. The medical records, if any, of each employee shall be segregated from their personnel records. This file may include physical examination reports and work related medical information including accident reports and related workers' compensation records.
- A8-4 Release of information. No copy of information shall be released unless written authorization is received from the employee.
- A8-5 The Personnel Officer, his/her designee(s), and the chairman of the Personnel Advisory Committee will have access to all Town of Rowley Personnel files and records as may be required.
- A8-6 Location and Security. Employee personnel files will be maintained in the Town Hall under the supervision of the Personnel Officer who will be responsible for their safety and security. It is the responsibility of the Supervisor/Department Head to forward all relevant documents to the Town Administrator for inclusion in the official file.
  - Exception: Personnel files for all Police department employees, except for the Police Chief, are maintained at the Police Department. The Personnel Officer, his/her designee(s), and the chairman of the Personnel Advisory Committee will have access to the Personnel files maintained at the Police Station as may be required.

#### A9-0 EMPLOYMENT VERIFICATION

- A9-1 Coverage – All employees.
- A9-2 Policy. Employment verification requests, including verification requests submitted by financial institutions at the request of employees, shall be submitted to the Personnel Department for completion. Employees must direct the requests to the Personnel Department.

#### A10-0 OFFICE CLOSINGS

In extreme cases, the Town Administrator may order the closing, late opening or early closing of non-essential buildings such as the Town Hall, Town Hall Annex or the Library.

Messages on such closings will be left on the Town of Rowley Employee Emergency telephone line – 978-948-7068 - no later than 6:00 a.m.

In such instances, employees who are regularly scheduled to work will be paid for their regularly scheduled work hours. Employees who had previously arranged for time off, must use the leave as previously planned.

In cases of severe weather and driving conditions, where an employee feels personally at risk due to these conditions and an office closing has not been ordered, the Town will exercise flexibility in arrival and leaving times, so long as the time is unpaid or charged to personal leave, vacation leave, or compensatory time (if eligible). The employee has the opportunity to make up the missed time within five business days of occurrence.

It is the responsibility of the Supervisor/Department Head to communicate with his or her staff in these instances to ensure that there is adequate office coverage. If there is not adequate coverage, the Supervisor/Department Head must contact the Selectmen's Office to inform them that his/her Department will not be opened as scheduled.

#### A11-0 TRAINING AND EDUCATION

A11-1 Coverage - All employees.

A11-2 Policy. The Town will 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 Personnel Advisory Committee, through consultation with the Personnel Officer, Appointing Authorities, Supervisors/Department Heads, employees, and the Board of Selectmen, may develop a training program as required to meet the specific needs of the Town.

A11-3 If training exceeds five working days, the approval of the Board of Selectmen is required. New employees hired into the Police and Fire Department who are required to attend the respective academies are exempt from this requirement.

#### A12-0 SAFETY

A12-1 Coverage - All employees.

A12-2 Policy. The Town shall provide and maintain safe working conditions.

A12-3 Procedures. As required, 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.

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A12-4 Responsibilities of Supervisors/Department Heads and Employees.

- a) Supervisors/Department Heads shall assume responsibility for the safety of their employees, safe work habits, conditions and work areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing and 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 to the Town Administrator or Assistant Town Administrator.
- b) All investigation and accident reports must be in writing using the Supervisor's Accident Report Sheet as shown as Appendix 6, signed and dated, with time of day, by the Supervisor/Department Head and submitted to the Town Administrator or Assistant Town Administrator as soon as possible or no more than twenty-four (24) hours after the incident. In cases of work related injury that may require more than "on-the-job first aid" it is recommended that such injury be examined, treated and documented by appropriate medical personnel as shown on Appendix 7, Department of Industrial Accidents Medical Treatment Notice. A copy of such documentation will be a permanent part of the investigation and accident report written by the employee's Supervisor/Department Head will be maintained by the Town Administrator.

A12-5 Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment and clothing; report unsafe areas, conditions, or other safety problems; and report all accidents promptly to the appropriate Supervisor/Department Head.

A13-0 AMERICANS WITH DISABILITIES ACT (ADA)

A13-1 The Town of Rowley ADA Discrimination Policy and ADA Grievance Procedure are incorporated herein and attached as Appendices 20 and 21 to this Personnel Plan.

A14-0 PREGNANT WORKERS FAIRNESS ACT

A14-1 Information about the Pregnant Workers Fairness Act is incorporated herein and attached as Appendix 22 to this Personnel Plan.

B1-0 LONGEVITY POLICY

B1-1 Coverage - Applicable only to non-union employees regularly working 20 or more hours per week.

B1-2 Policy - Such compensation grants will be made, upon the satisfactory completion of required continuous active employment service as listed in

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Appendix 8, and paid within the pay period of the employee's anniversary date of hire.

**B2-0 STIPENDS, LICENSES, AND UNIFORM REIMBURSEMENTS**

Certain non-union employees shall be granted stipends and reimbursements that pertain to the specific nature or requirements of their positions.

**Non-Union Dispatchers and Non-Union Sworn Ranking Officers**

- a. Non-union dispatchers who provide the Police Chief with proof of EMD certification may receive an EMD Stipend in an amount approved by the Personnel Board on an annual basis.
- b. Non-union uniformed sworn officers of the Police Department who provide the Police Chief with proof of EMD certification may receive an EMD Stipend in an amount approved by the Personnel Board on an annual basis.
- c. Non-union uniformed sworn officers of the Police Department who provide the Police Chief with proof of EMT certification may receive an EMT Stipend in an amount approved by the Personnel Board on an annual basis.
- d. Non-union dispatchers shall be provided with a uniform.
- e. Non-union sworn officers of the Police Department shall be provided with a uniform or clothing allowance equal to what is provided to members of the Police Union.

**Water Superintendent**

- a. The Town shall pay for the Distribution and Treatment License Renewal fees, and renewal fees associated with reciprocity arrangements with other states, if applicable.

**B3-0 HOLIDAYS**

**B3-1 Coverage - Full-time and Part-time Employees.**

**B3-2 Paid 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 Supervisor/Department Head determines that the employee is required to maintain essential Town services. Holidays that fall on a Saturday are observed on the Friday before the holiday; holidays that fall on Sunday are observed on the Monday following the holiday.

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Columbus Day
Presidents Day	Veterans Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

- a) In cases where a non-exempt employee is required to work on any of the above cited holidays by the Supervisor/Department Head to

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maintain essential services, the employee will be paid at the rate of time and a half. This provision applies to all non-exempt (hourly) employees: Full-time; Part-time; Temporary or Seasonal; Casual or On-Call

- B3-3 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 their regular pay rate. The pay is based on the number of hours the employee is regularly scheduled to work on the weekday that the designated holiday falls on.
  - b) Employees compensated on a weekly, semi-monthly or annual basis shall be granted each holiday without loss of pay.

There will be no "pyramiding", combining, or duplication of benefits. In no event will more than one benefit be applied to the same hours.

**B4-0 VACATION LEAVE**

B4-1 Coverage - Full-time and Part-time Employees.

B4-2 Vacation leave accrual is based on the employee's date of hire (anniversary date). All vacation leave must be authorized and scheduled by the employee's Supervisor/Department Head.

B4-3 Full-time Employees are eligible for vacation leave with pay. Vacation pay is based on the number of hours the employee is regularly scheduled to work on each day of vacation taken. Vacation leave is accrued annually on the employee's date of hire (anniversary date) as follows:

<b>Accrual Date</b>	<b>Regularly Scheduled weeks of vacation accrued*</b>
after 1 year of continuous service	2 weeks
after 5 years of continuous service	3 weeks
after 10 years of continuous service	4 weeks
after 15 years of continuous service	5 weeks

\*(Note: A regularly scheduled week of vacation is equal to the total amount of hours per day and days per week that the employee is normally and regularly scheduled to work.)

B4-4 Part-time Employees: As defined in Section A1-4e, Part-time Employees shall not be eligible for paid vacation, except as follows:

- a) Part-time Employees that were hired on or before 03/03/92, are considered to be "grandfathered" and shall be eligible for vacation leave with pay on the same basis as Full-time Employees (as provided for in Section B4-3 above), provided that such leave shall be pro-rated according to the number of weekly hours the employee is regularly scheduled to work.

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b) Employees who regularly work ten but less than nineteen hours per week are eligible, after 1 year of continuous service, for one week of paid vacation provided that such leave shall be pro-rated according to the number of weekly hours the employee is regularly scheduled to work.

B4-5 Vacation leave. This leave must be taken in the (12) months immediately following the completion of accrual date as defined in Section B4-3 above, which is when the vacation leave was earned.

There will be no vacation leave carried over into the following anniversary year (12 months following the date of hire) except as may be granted as defined in Sections B4-5-1 and B4-5-2 below. Vacation carryover must first be requested in writing by the employee and submitted to their Supervisor/Department Head. Vacation carryover for Department Heads must be approved by their Supervisory Board, Committee or Commission. If approved, it must be sent to the Personnel Officer for final approval as follows:

B4-5-1 Vacation carryover requests up to and including one week must be submitted to the Personnel Officer no less than two weeks before the employee's anniversary date. The carryover must be authorized in writing by the Personnel Officer.

B4-5-2 Vacation carryover requests in excess of one week must be submitted to the Personnel Officer no less than thirty days before the employee's anniversary date. The carryover must be authorized in writing by the Personnel Officer and approved by the Personnel Advisory Committee. Vacation carryover amounts are capped at one-half of the employee's current year vacation accrual.

B4-6 End of Employment. Whenever employment ends, the employee shall be paid all unused eligible vacation.

B4-7 Death. Upon the death of an employee, the beneficiary of the employee shall be paid all unused eligible vacation.

B4-8 Other uses of vacation leave. At the discretion of the Personnel Officer, sick leave used in excess of that accrued may be charged to vacation leave.

B4-9 Additional Vacation Day. A vacation day, taken as part of a vacation week that falls on a legal holiday, will be credited with the holiday rather than a vacation day. That vacation day can then be taken at a later date according to policy.

B4-10 There will be no "pyramiding", combining or duplicating of benefits. In no event will more than one benefit coverage be applied to the same hours.

## B5-0 PERSONAL DAYS

B5-1 Coverage – All Full-time Employees. The Dedicated Personal Leave Day as cited in B5-4-1 covers all Full-time and Part-time Employees who are regularly scheduled to work the day after the Thanksgiving Day holiday.

B5-2 Based on the fiscal year and on July 1<sup>st</sup> annually, employees will be credited with Personal Leave hours that are equivalent to the number of hours that an employee regularly works in one week.

Employees who commence employment after July 1<sup>st</sup> will be credited with pro-rated Personal Leave hours based on the number of days remaining in the fiscal year. Note, the leave granted will be rounded up to the full quarter hour.

B5-3 Such personal leave must be scheduled and approved by the Supervisor/Department Head and used by the end of the fiscal year. Personal days may not be carried over to the following fiscal year and may not be submitted for payment.

B5-4 Dedicated Personal Leave Day for the day after Thanksgiving. The intent of this policy is to give the day after Thanksgiving off to employees regularly scheduled to work that day.

B5-4-1 Full-time and Part-time Employees regularly scheduled to work the day after Thanksgiving will be credited with Personal Leave hours that are equivalent to the normal number of hours worked on Fridays, up to an eight-hour maximum to be used to take the day after Thanksgiving off.

B5-4-2 Employees called back to work for emergencies on the day after Thanksgiving will be credited with Personal Leave hours equivalent to the number of hours worked that day for the emergency, up to an eight-hour maximum. Such credited personal leave hours must be used by the end of the fiscal year.

## B6-0 COMPENSATORY TIME

During much of the year as part of their job responsibilities, managerial, supervisory and technical professional employees may be required to work significantly more than their regular weekly hours. To partially offset the additional hours worked, employees exempt from the Fair Labor Standard Act or who are otherwise not eligible for overtime (employees who work 20 or more hours per week, but less than 40 hours per week) may be eligible for

compensatory time. Supervisors/Department Heads are responsible for authorizing their employees to accrue and use compensatory time.

- B6-1 **Accrual.** Eligible employees may accrue up to a two week maximum of compensatory time during the fiscal year, on an hour-for-hour earning basis. A work week is defined as the equivalent to the scheduled number of hours for the employee as shown on the Wage/Salary Action Form. For example; if an employee's regularly scheduled workweek is 33 hours, then the employee may not be eligible for more than 66 hours of compensatory time.
- B6-2 **Use.** Extra hours worked beyond the two week maximum accrual are not subject to additional compensation. In the event that an employee has exceeded the annual accrual cap, Supervisors/Department Heads may adjust an employee's work schedule so that the hours worked do not exceed the employee's regular work week. Compensatory time may not be carried over from one fiscal year to the next. However, compensatory time earned during the last fourteen (14) days of the fiscal year shall be used within the first sixty (60) days of the next fiscal year. Compensatory time accrued may not be submitted for payment upon an employee's separation from employment.

**B7-0 SICK LEAVE**

**B7-1 Coverage - Full-time and Part-time Employees.** Based on Employee's Anniversary Date

**B7-2 Full-time Employees:** Sick Leave Accrual Date (SLAD) is the first day of the month following the date of hire.

Sick leave is accrued as follows:

<b>Accrual Date</b>	<b># of sick days accrued</b>
3 months after SLAD	2
6 months after SLAD	1 additional day
9 months after SLAD	1 additional day
12 months after SLAD	1.5 days accrued monthly

**B7-3 Part-time Employees:** as defined in Section A1-4e, shall not be eligible for paid sick leave except as follows:

Part-time Employees that were hired on or before 03/03/92, are considered to be "grandfathered" and shall be eligible for sick leave with pay on the same basis as Full-time Employees (as provided for in Section B7-2 above), provided that such leave shall be pro-rated according to the number of weekly hours the employee is regularly scheduled to work.



B7-4 Use of sick leave. Sick leave may only be used for an employee's personal or immediate family member's illness or injury. For the purpose of this sick leave provision, "immediate family" shall be defined as spouse, significant other (defined for the purposes of this policy as the equivalent of a marital partner, living in the same household continuously for at least six months), dependent children (including step-child or foster child), or relative living in the employee's household.

B7-4-1 The intent of Section B7-4 is to provide authorized leave with pay to an employee that is (truly) incapable of providing job related duties due to their personal or their immediate family member's sickness or injury. Therefore, if any Supervisor/Department Head and/or the Personnel Officer has any reason for concern that such leave is not being used for sickness or injury, then the following will apply:

B7-4-1-a Such leave and payment thereof will not be authorized or granted if such absence is taken under any of the following conditions:

1. to extend weekends
2. to extend vacation periods
3. taken preceding and/or following an observed holiday

B7-4-1-b Further, such Supervisor/Department Head and/or Personnel Officer may require that an acceptable "certification of illness" for single or multiple day absence (as provided for in Section B7-8) be supplied to the Personnel Officer if any suspected abuse of the benefit occurs.

B7-5 Sick Day Accumulation Cap. An employee shall be credited annually (anniversary date) with the unused portion of leave granted under this Section up to a maximum of two hundred (200) days.

B7-6 Extension of sick leave. Authorized, un-paid sick leave may, at the discretion of the Supervisor/Department Head and the Personnel Officer, be granted to an employee after all of their sick leave and vacation leave have been used.

B7-7 Notification. An employee or their family member is required to notify the employee's Supervisor/Department Head at least one hour prior to the start of his/her work shift or as soon as possible before the start of the shift as to the reason and probable duration of the absence.

B7-8 Certification of illness. Any employee absent beyond three (3) consecutive work days shall be required to submit a physician's certificate of illness to the Supervisor/Department Head prior to re-entering the work force. Such certificate of illness may also be required after a series of repeated absences as determined by the employee's Supervisor/Department Head. In cases where the employee is utilizing sick leave for a member of an immediate family as defined

under Section B7-4, a physician's certificate of illness for the family member shall be submitted to the Supervisor/Department Head.

## B8-0 BEREAVEMENT LEAVE

B8-1 Coverage - All Full-time and Part-time Employees.

B8-2 Policy. In the event of the death in the immediate family of an employee (defined below), the employee shall be allowed to be absent from work and paid for the number of hours they are regularly scheduled to work on each day of the bereavement leave taken as follows:

- On all work days falling within three calendar days commencing on the day of the death or the day following the day of death if the day of death is not taken off.

OR

- In the event that the funeral does not occur within said three calendar days, the employee shall be allowed to be absent with pay on not-to-exceed three work days occurring as follows:
  1. On either the day of death or the day following the day of death, and;
  2. On the day of the funeral and the day preceding the day of the funeral.

Immediate family shall include: spouse, significant other (defined for the purposes of this policy as the equivalent of a marital partner, living in the same household continuously for at least six months), child (including step child and foster child), mother, father, brother, sister, grandparents, grandchild, mother-in-law, father-in-law, brother-in-law and sister-in-law.

## B9-0 MILITARY LEAVE

B9-1 Coverage - All Full-time and Part-time Employees.

B9-2 Policy. All provisions of state and federal statutes relating to leaves of absence for military service shall apply, including re-employment at an equivalent position upon release from active duty. Employees called for temporary summer or like period of training in the military forces of the nation or the Commonwealth of Massachusetts will be granted leave in accordance with federal and state laws.

## B10-0 JURY LEAVE

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B10-1 Coverage - All Full-time and Part-time Employees (includes Temporary/Seasonal and Casual/On-Call employees)

B10-2 Policy. Employees called for Federal or State jury duty shall be paid by the Town an amount equal to:

- a) The Employee's regular wages for any work missed for the first 3 days of jury duty service
- b) After the third day, the Employee's regular wages less the amount paid by the court (excluding allowance for travel.)

#### B11-0 PARENTAL LEAVE POLICY

B11-1 The Town of Rowley Parental Leave Policy is incorporated herein and is attached as Appendix 9 to the Personnel Plan.

#### B12-0 UNPAID LEAVE OF ABSENCE

B12-1 Coverage - All Full-time and Part-time Employees. This does not apply to Part-time employees with no benefits requesting to take unpaid time off for up to one week.

B12-2 Policy. A leave of absence request, excluding Family Medical Leave Act, Parental Leave Act Domestic Violence Leave Act and Small Necessities Leave Act, shall be processed as follows:

- a) All personal, vacation and compensatory time must be used prior to making a request under this policy.
- b) Employee submits Unpaid Leave of Absence Request Form to their Supervisor/Department Head. The Supervisor/Department Head makes a recommendation to either grant or deny the request to the Personnel Advisory Committee. The Personnel Advisory Committee makes a recommendation to either grant or deny the request to the Board of Selectmen.
- c) 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) months period for sick leave purposes only has been authorized in advance by the Personnel Advisory Committee. As a new employee, the following applies:
  - The employee is placed at the lowest step of the Compensation Schedule.
  - Any sick leave time accrued before the leave was taken is forfeited.
  - The employee's anniversary date for benefit accruals (paid time off and longevity) is the date that the employee returns to work from the leave of absence.

- d) 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 premiums.
- e) Employees on leave of absence shall not be entitled to, nor be allowed to accrue, benefits granted under holiday, vacation, personal, sick, bereavement, military, or jury leave, and such leave of absence shall not be counted toward longevity.
- f) Leaves of absence of over three (3) months will result in loss of longevity rights for the entire leave.
- g) An employee granted a leave of absence, who during the leave of absence, engages in employment or self-employment which is not authorized by the Supervisor/Department Head and Personnel Officer in writing, shall be deemed to be a voluntary quit, and the leave of absence shall terminate forthwith.
- h) Any employee granted a leave of absence under this Section who fails to return from such leave on the date previously specified shall be considered a voluntary quit.
- i) An employee returning to work from a leave of absence of more than five (5) consecutive days will be required to certify in writing that he or she may perform all regularly assigned duties without any restrictions as previous to such leave.

The Town of Rowley Unpaid Leave of Absence Request Form is incorporated herein and is attached as Appendix 10 to the Personnel Plan.

B13-0 ADMINISTRATIVE LEAVE - Please see Section C3-0 - DISCIPLINARY POLICY

B14-0 THE TOWN OF ROWLEY FAMILY MEDICAL AND SMALL NECESSITIES LEAVE POLICY

B14-1 The Town of Rowley Family Medical and Small Necessities Leave Policy is incorporated herein and attached as Appendix 11 to this Personnel Plan.

B15-0 THE TOWN OF ROWLEY DOMESTIC VIOLENCE LEAVE ACT POLICY

B15-1 The Town of Rowley Domestic Violence Leave Act Policy is incorporated herein and attached as Appendix 19 to this Personnel Plan.

C1-0 EMPLOYEE PERFORMANCE APPRAISAL

C1-1 Coverage - All employees.

C1-2 Policy. The Town will utilize its established Performance Appraisal system in order to accomplish several goals:

- to continuously improve the effectiveness and efficiency of Town services;

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- to provide an opportunity for two-way communication and planning between employees and supervisors;
- to assist employees in increasing the effectiveness of their job performance;
- to provide a mechanism for the establishment of individual and department goals;
- and to serve as the basis of acknowledging employee's accomplishments and recognizing employee's potential need for guidance, training, and/or support;

The first such Performance Appraisal will be conducted in accordance with Section A4-4 Probationary Period. Thereafter, employees shall be evaluated, at a minimum, once per year within 60 days of the employee's anniversary date of appointment. Performance appraisals may be held more frequently if an employee's job classification or performance changes significantly or if the Authorized Reviewer determines that more frequent reviews may be necessary or helpful. In addition, the Authorized Reviewer may informally discuss performance with an employee at any other time. An employee may also request to discuss his/her performance with the Authorized Reviewer at any time. Performance appraisals must be documented on the Personnel Department issued Employee Performance Appraisal Form and must be submitted to the Personnel Officer after it has been provided to and discussed with the employee.

Appraisals shall be conducted by Authorized Reviewers as follows:

- 1) Department Heads and Supervisors who report to a Town board, committee or commission  
The performance evaluation and the completion of the Performance Appraisal Form shall be discussed, deliberated and approved by the department head or supervisor's respective board, committee or commission (Authorized Reviewer) during a duly-posted public meeting in accordance with the Open Meeting Law, G.L.c.30A. The completed form is a public record in accordance with the state Open Meeting Law G.L. c.30A §22(e).
- 2) Employees who report to Supervisors or Department Heads  
The performance evaluation and the completion of the Performance Appraisal Form shall be completed by the employee's direct Supervisor or Department Head (Authorized Reviewer). The form shall be considered a confidential document, and therefore shall be considered exempt from the state Public Records Law pursuant to G.L.c.4 §7 Clause 26 (c).
- 3) Non-management employees who report to a Town board, committee, or commission  
The Town has a few employees who directly report to a Town board, committee or commission. The evaluation and the completion of the Performance Appraisal Form shall be conducted by the chairman or

chairwoman of the respective board, commission or committee to which the employee reports to (Authorized Reviewer). The completed form shall not be discussed by the respective board, commission or committee. The form shall be considered a confidential document, and therefore shall be considered exempt from the state Public Records Law pursuant to G.L.c.4 §7 Clause 26 (c). If the chairman is not available to conduct the performance evaluation, the board, commission or committee must vote during a duly posted public meeting to designate another member to conduct the performance evaluation and to complete the Performance Appraisal Form in the manner described above.

C1-3 Employees and Authorized Reviewers must sign the completed Employee Performance Appraisal Form.

C1-4 Performance Appraisal Appeals Process

If an employee strongly disagrees with a performance appraisal conducted by his/her Authorized Reviewer, the employee has the right to appeal the appraisal to the Personnel Officer. The Personnel Officer will serve as a mediator between the employee and the supervisor. If the employee is not satisfied with the outcome of the meeting with the Personnel Officer, the employee will have the right to appeal to the Personnel Advisory Committee.

C1-5 All Performance Appraisals will be filed in, and become a permanent part of, the employee's personnel file.

C1-6 The Town of Rowley Employee Performance Appraisal Form is incorporated herein and is attached as Appendix 12 to the Personnel Plan.

C2-0 GRIEVANCE PROCEDURE

C2-1 A grievance is defined as a dispute concerning the meaning and application of any of the specific Sections of the Personnel Plan, or any of its Appendices.

C2-2 Coverage - All Full-time and Part-time Employees.

C2-3 **First Step.** Any employee who believes his/her rights under these policies have been prejudiced in any way, or who shall have a dispute with his/her Supervisor/Department Head concerning the meaning or application of any of the specific Sections of the Personnel Plan, shall submit the grievance in writing using the Grievance Form attached as Appendix 13 with her/his Supervisor/Department Head within seven business days following the date of incident. If the Department Head is a supervisory board or committee then they must convene a meeting to discuss such grievance. Such meeting must comply with the provisions of the Open Meeting Law, and such board or committee shall consult with the Personnel Officer or his/her designee on the proper procedure to convene the meeting. The grievance shall set forth a summary of facts and cite

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the specific Section of either the Personnel Plan or any of its Appendices allegedly being violated and the remedy sought. Following receipt of the Grievance Form, the Supervisor/Department Head shall attempt to resolve the matter with the employee and issue a response with 15 business days. The Supervisor/Department will forward the grievance and the response to the Personnel Officer.

C2-4 **Second Step.** This Step is only utilized if the Supervisor/Department Head as identified under the First Step reports to a supervisory board or committee, excluding the Board of Selectmen. If the grievance has not been settled under the First Step, and the employee wishes to have the grievance reviewed further, he/she shall then submit the grievance in writing to the Department Head's supervisory board or committee within ten (10) business days from issuance of the First Step response. The supervisory board or committee then must convene a meeting to discuss such grievance. Such meeting must comply with the provisions of the Open Meeting Law, and such board or committee shall consult with the Personnel Officer or his/her designee on the proper procedure to convene the meeting and respond to the grievance. The Department Head's supervisory board or committee shall return a written response to such grievance within fifteen (15) business days.

C2-5 **Third Step.** If the grievance has not been settled under the First Step or the Second Step (if applicable), the employee may send, within ten (10) business days of the date of such response, a copy of the grievance and the written responses under the First Step and Second Step (if applicable) to the Personnel Officer for review. The Personnel Officer shall, within twenty (20) business days after the date of receipt of the written grievance, conduct a review and render a written determination on the submitted grievance.

C2-6 **Fourth Step.** If the employee is unsatisfied with the determination of the Personnel Officer, a copy of the grievance and the written responses under the First Step, Second Step (if applicable) and Third Step shall be submitted, within ten (10) business days of the Personnel Officer's determination, to the Board of Selectmen, for a final decision. In any case, the Board of Selectmen shall make the final decision on the grievance.

### C3-0 DISCIPLINARY POLICY

C3-1 Coverage - All employees.

C3-2 Policy. All employees are expected to comply with specific Town and Departmental Policies, as well as the policies contained within the Personnel Plan and attachments herewith. Any unacceptable actions which violate the general policies or requirements as stated above or that are listed below may result in disciplinary actions up to and including employment termination.

- a) incompetence or inefficiency in performing assigned duties;

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- b) inability to perform one or more critical elements of the job description;
- 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) unacceptable tardiness or absence from work;
- e) possession of illegal narcotics or substance abuse while at work;
  
- f) misuse or unauthorized use of Town property;
- g) fraud in securing Town employment or falsifying any records;
- h) disclosure of Town confidential information;
- i) abuse of sick leave or absence without authorized leave;
- j) conviction of a felony or misdemeanor;
- k) violation of distributed or posted safety rules, practices and policies;
- l) engaging in sexual harassment;
- m) any situation or instance of such seriousness or unacceptable actions or lack of acceptable job performance that warrants disciplinary action.

C3-3 Investigatory Period. The Supervisor/Department Head who alleges an employee has engaged in any of the unacceptable actions listed in C3-2, or a violation of other Personnel Policies, or inappropriate conduct, shall consult with the Personnel Officer or his or her designee. The Personnel Officer or his or her designee shall conduct an investigation into the allegations brought forward by the Supervisor/Department Head. The Personnel Officer, acting in his or her capacity as the Town Administrator, may place the employee being investigated on paid administrative leave, if he or she determines that it is in the best interest of the Town to do so while the investigation is taking place.

C3-4 Disciplinary procedures. Supervisors/Department Heads shall be responsible for enforcing work and performance standards, as well as all rules and regulations. If a determination has been made that a violation of the Personnel Policies or inappropriate conduct has taken place and the allegations are substantiated, the Supervisor/Department Head may issue disciplinary action. Disciplinary action may include the following, and in the order stated: oral reprimand, written reprimand, suspension without pay, and termination. All disciplinary action taken shall be in writing by using the attached Disciplinary Action Form as shown as Appendix 14, with a copy submitted to the Personnel Officer, to be filed in the employee's personnel file.

- a) Oral Reprimand: A Supervisor/Department Head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted and dated in the employee's personnel file with a copy submitted to the Personnel Officer. Oral reprimands are not to be given to employees in the presence of other employees or the general public.



- b) **Written Reprimand:** If an oral warning fails to result in corrective action by the employee, then the Supervisor/Department Head shall issue a written reprimand including reasons for the reprimand and an offer of assistance on the part of the Supervisor/Department Head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and specify a time period in which the behavior will be improved. Such written warning shall also state that if corrective action is not taken by the employee, that future disciplinary action may result up to and including employment termination. A copy of the written warning shall be submitted to the Personnel Officer to be placed in the employee's personnel file.
- c) **Suspension without pay:** At the discretion of the Supervisor/Department Head with the approval of the Personnel Officer, and with sufficient cause, a Supervisor/Department Head may suspend an employee without pay for a period or periods not to exceed thirty (30) days in any twelve (12) month period. In some cases, as warranted, suspension may be given without any prior oral reprimand or written reprimand having been given and the suspension may be effective immediately. Within forty-eight (48) hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for and the length of the suspension. Such written notice shall also state that if corrective action is not taken by the employee, that future disciplinary action may result up to and including employment termination. A copy of the suspension shall be submitted to the Personnel Officer to be placed in the employee's personnel file.
- d) **Termination:** An employee may be terminated for unsatisfactory job performance, violation of Town regulation, or after the exhaustion of other disciplinary procedures with the concurrence of the Supervisor/Department Head and Personnel Officer. The Supervisor/Department Head shall provide the employee with a written notice stating the reason or reasons for the termination and the effective date of the termination. In some cases, as warranted, an employee may be terminated from employment without prior disciplinary steps having been taken and without any prior history of discipline. The Supervisor/Department Head shall confer with the Personnel Officer prior to terminating an employee from his/her employment.

#### C4-0 TERMINATIONS

When an employee's performance remains "unsatisfactory" despite remedial efforts, the Town reserves the right to take additional measures and disciplinary action against the employee, up to and including termination from employment, in accordance with Section C3-4d above.

Approved by Personnel Advisory Committee February 4, 2019, Revised 8/11/2020

## **Appendices**

The following Schedules, Forms and Policies are incorporated into the Town of Rowley's Personnel Plan as if fully set forth herein:

- Appendix 1: Acknowledgement of Personnel Plan Form
- Appendix 2: Equal Employment Opportunity, Discrimination and Sexual Harassment Policy
- Appendix 3: Classification Schedule
- Appendix 4: Compensation Schedule
- Appendix 5: Town of Rowley Job Description Construction Guide
- Appendix 6: Supervisor's Accident Report Sheet
- Appendix 7: Department of Industrial Accidents Medical Treatment Notice
- Appendix 8: Longevity Schedule
- Appendix 9: Parental Leave Policy
- Appendix 10: Unpaid Leave of Absence Request Form
- Appendix 11: Family Medical and Small Necessities Leave Policy
- Appendix 12: Employee Performance Appraisal Form
- Appendix 13: Grievance Form
- Appendix 14: Disciplinary Action Form
- Appendix 15: Conflict of Interest Policy
- Appendix 16: Electronic Communications and Computer Usage Policy
- Appendix 17: Workplace Violence Policy
- Appendix 18: Vehicle Use Policy
- Appendix 19: Domestic Violence Leave Act Policy
- Appendix 20: The Town of Rowley ADA Discrimination Policy
- Appendix 21: The Town of Rowley ADA Grievance Procedure
- Appendix 22: Information about the Pregnant Workers Fairness Act
- Appendix 23: Information about Smoke Free Workplace Laws and Tobacco Control