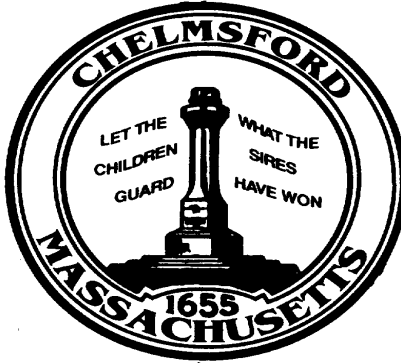


# TOWN OF CHELMSFORD



## PERSONNEL RULES AND REGULATIONS POLICY

March 19, 2019

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## **SECTION 1 - GENERAL PROVISIONS**

### **1.1 GENERAL PROVISIONS**

#### 1.1-1 Purpose and Authorization

The purpose of these personnel regulations is to establish a personnel system governing employment within the Town of Chelmsford which ensures that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition. The personnel system shall be administered without regard to race, color, religion, gender, national origin, political affiliation, age as defined by law, disability, sexual orientation or other non-merit factors and with proper regard for privacy and employee rights as provided under Title VII of the Civil Rights Act of 1964.

These rules and regulations are not intended, nor should be construed as a binding contract of employment, either expressed or implied, with the Town and the employee(s) who comes under the purview of the rules and regulations. Employees of the Town that are not otherwise covered by a collective bargaining agreement, an individual employment contract, or those that have civil service statuses are at will employees, and the employment relationship between the Town and the employee may be terminated by either party, any time, with or without cause, and with or without notice.

These personnel regulations are adopted pursuant to the authority granted by Section 5.3 and 4.3 (K) of the Chelmsford Home Rule Charter and shall be reviewed periodically.

#### 1.1-2 Application

All Town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department except as otherwise provided by collective bargaining agreement.

No vendor, independent contractor, or consultant employed from time to time to provide limited services shall be entitled to any rights or benefits provided under these personnel rules and regulations.

#### 1.1-3 Rules of Interpretation

These regulations are intended to be in accordance with all applicable state and federal laws. In the event that Town policies are inconsistent with the applicable state and federal law, the applicable law shall apply.

#### 1.1-4 Definitions

The following definitions shall apply:

- (a) "appointing authority" shall mean the Town Manager and any board or official authorized by the Chelmsford Home Rule Charter to appoint employees.
- (b) "anniversary date" shall mean the date on which the employee begins employment with the Town.
- (c) "A temporary employee" shall mean an employee in the Town service holding an appointment of transitory nature not to exceed 1,040 hours in a calendar year. A temporary employee shall not be entitled to any benefits provided by the Town.
- (d) "Department head" shall mean the officer in charge of a department's operations and activities.
- (e) "Regular part-time employees" shall mean an employee scheduled to work less than a full-time employee provided, however, only part-time employees working 1,040 or more hours in a calendar year shall be eligible for holiday pay, paid time off, bereavement leave, or other authorized leave of absence, such leaves shall be prorated in accordance with the number of hours an employee works on an average weekly basis.
- (f) "Regular full-time employee" shall mean an employee scheduled to work not less than 1,820 hours in a calendar year less legal holidays and authorized paid time off, bereavement leave, jury duty, or other authorized leave of absences.
- (g) "Retirement" shall mean an employee who leaves employment of the Town with (ten) 10 years of continuous creditable service and age fifty-five (55) years, or have twenty (20) years of continuous creditable service to be eligible for pension benefits.
- (h) "Town" shall mean the Town of Chelmsford.
- (i) "Service" shall mean the period of continuous employment with the Town.
- (j) "Creditable service" for retirement purposes, shall mean the total combined period of employment with the Town and other government agencies.
- (k) "Non-exempt" (hourly) employee shall mean one who is covered by the provisions of the Fair Labor Standards Act (FLSA) and is subject to minimum wage and overtime provisions.

(l) “Exempt” (salaried) employee shall mean one who receives a specified salary, performs administrative, executive, professional or outside sales work, and is therefore exempt from the Fair Labor Standards Act (FLSA).

(m) “Immediate family” shall mean employee and spouse, and their parents, children, brothers and sisters. For example, an employee’s brother-in-law would be considered “immediate family” if he were the brother of the employee’s spouse but not if he were married to the employee’s sister.

## **1.2 ADMINISTRATION OF REGULATIONS**

### 1.2-1 Town Manager as the Personnel Director

The Town Manager or a designee of the Town Manager shall be the Personnel Director. The Town Manager shall prepare personnel rules and regulations in accordance with Section 5.3 of the Chelmsford Home Rule Charter.

### 1.2-2 General Responsibilities of the Town Manager

The Town Manager shall be responsible for the efficient administration of the Town's personnel system and shall be responsible for:

- (a) developing and implementing personnel policies and regulations;
- (b) developing and implementing classification and compensation plans;
- (c) enforcing provisions of the Personnel Rules and Regulations and nullifying any personnel action which does not comply with provision of these regulations;
- (d) assisting department heads and supervisors with disciplinary issues;
- (e) monitoring the effectiveness of personnel practices and policies, and
- (f) such other powers, duties and responsibilities as provided by these regulations.

### 1.2-3 Administrative Orders/Interpretation

The Town Manager may issue written administrative orders which interpret these personnel regulations or more fully explain any regulation. Any such administrative order shall have the force of these personnel regulations. Each administrative order shall be directed to department heads, numbered in sequence and a copy maintained in a file in the office of the Town Manager.

#### 1.2-4 Personnel Board

There shall be a Personnel Board, consisting of five members, four of whom shall be appointed by the Board of Selectmen for two years, two in odd-numbered years and the other two in even numbered years. Each term shall expire at the end of the appropriate fiscal year. The Board of Selectmen shall, through appointment, fill the unexpired term of any public member who resigns.

The fifth member, to be known as the employee member, shall be elected by Town employees not covered by a collective bargaining agreement who are subject to these rules and regulations and whose name appears on the Town payroll list for the Wednesday prior to the election or who otherwise is identified as an eligible voter. Each term of office shall be for two years and shall expire on July 1 of each odd numbered year. The election of the employee member shall be secret and shall be supervised by a board of three election officers appointed by the Town Manager. The election shall be held in June to be effective July 1st. Special elections shall be held to fill the unexpired term of an employee member who resigns before the term has expired. All elections shall be held between the hours of 10 a.m. and 3 p.m. on a weekday selected by the above mentioned board of three election officers. Each regular full time employee or part-time regular employee with a work schedule over twenty or more hours per week will be granted one vote. All Non-Union employees who work less than twenty (20) hours will be granted one-half (½) vote.

The Personnel Board shall advise the Town Manager and shall make recommendations on personnel policies, procedures, rules and regulations as outlined in Section 5-3 of the Chelmsford Charter; and act relative to the administration of these rules and regulations as described in Section 4-3(K) of the Chelmsford Charter.

The Personnel Board shall review, approve and adopt any changes to these rules and regulations, in conjunction with the Town Manager.



## **1.3 PERSONNEL RECORDS**

### **1.3-1 Centralized System**

The Town Manager shall be responsible for establishing and maintaining a centralized personnel records keeping system. The personnel records keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and department heads shall comply with and assist in the furnishing of records, reports and information as may be requested by the Town Manager.

The Town Manager may establish written guidelines authorizing department heads to maintain specific or duplicate personnel records.

### **1.3-2 Contents of Records**

The Town Manager shall maintain an individual personnel file for each employee which may include, but not limited to, the following:

- (a) the employment application form
- (b) a report of all personnel actions reflecting the original appointment, promotion, demotion, re-assignment, transfer, separation, or layoff;
- (c) a history of employment and correspondence directly related to the employee's past employment records, re- classification or change in the employees rate of pay or position title, commendation, disciplinary action, training records; and
- (d) results of any performance appraisal, and other records that may be pertinent to the employees' employment records.

Any other records required to be maintained separately by law shall be maintained in accordance with such laws.

### **1.3-3 Confidentiality and Access to Records**

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Town Manager, persons who have a need to know and are authorized by the Town Manager to administer the personnel system, and department heads. All employees may review their personnel file in the presence of the Town Manager or persons authorized by the Town Manager to administer the personnel system.

#### 1.3-4 Centralization of Record Keeping System

Records shall be maintained in the office of the Town Manager, unless otherwise determined by the Town Manager. These centralized records shall be the official depository of personnel records. The centralized records shall be maintained in a secure, fire protected location.

#### 1.3-5 Release of Records

No information concerning an employee, except to verify dates of employment, shall be released unless written authorization is received from the employee.

#### 1.3-6 Forms and Reports

The Town Manager shall adopt standardized administrative forms and practices to insure proper maintenance of records. The Town Manager may request department heads to prepare special reports as deemed necessary.

## **2 - PRE-EMPLOYMENT/EMPLOYMENT**

### **2.1 RECRUITMENT AND APPOINTMENT**

#### 2.1-1 Recruitment Policy

The Town is an Equal Employment Opportunity/Affirmative Action employer.

Procedures relating to the recruitment and selection of employees shall be in accordance with the "Chelmsford Affirmative Action Plan for Employment". The recruitment of employees shall also be in accordance with any appropriate civil service rules and regulations where civil service rules are applicable.

#### 2.1-2 Eligibility

All qualified persons shall be eligible for employment with the Town, subject to any statutory requirements or limitations.

The conflict law prohibits elected and appointed public officials at the state, county, and municipal level from participating in particular matters in which their immediate family members have a financial interest. No person will be employed in a department which has a member of his or her immediate family as another employee, or in a department which is governed by an appointing authority or elected official who is a member of his or her immediate family, without Town Manager approval.

#### 2.1-3 Recruitment

The appointing authorities shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the established classification and compensation plans.

Appointing authorities shall have the discretion to use all appropriate measures of recruiting personnel, including, but not limited to: use of employment agencies, employee referrals, use of trade and other professional journals.

##### (a) Notice of Vacancies

Department heads shall, upon the identification of a vacancy that needs to be filled or on the authorization of a new position, prepare a job vacancy notice on a form approved by the Town Manager. The job vacancy notice shall be based upon the existing job description and include: the job title, major duties of the position, qualifications,

salary and wages, hours of work, reporting relationships, a proposed closing date for applications, and application instructions.

The Town Manager or a designee of the Town Manager shall review and approve all job vacancy notices prior to commencement of recruitment activities.

Department heads shall, within three (3) business days of any resignation, notify the Town Manager of any such resignation.

(b) Posting

Notices of vacant positions shall be posted for five (5) working days in prominent work locations.

(c) Advertisement of Job Vacancy

When necessary, job vacancy notices shall be made public. Job advertisements shall be accomplished in accordance with the Town's affirmative action plan for employment.

(d) Applications

All candidates applying for employment in the Town shall complete and submit an official employment application form and/or a resume to the office of the Town Manager, or appropriate appointing authority, prior to the end of the working day of the closing date specified for the position announcement. All applicants invited for an interview must complete an official employment application form.

(e) Examinations

The Town Manager or other appointing authority may require an examination as one part of the selection process. Examinations may be written, verbal, practical, physical, or any combination thereof and shall be relevant to the requirements of the position. If an examination is required, said examination shall be uniformly administered to all eligible finalists. The Town Manager may negotiate altered or expanded civil service examination procedures with the Commonwealth's Human Resources Division.

(f) References

A candidate's current and former employers, supervisors, and other references may be contacted as part of the selection process with written permission by the applicant. *A candidate may be subject to a financial records check or Criminal Offender Record Information (CORI) check where applicable. (Inserted 9/25/12)*

(g) Application Records

The application and related documents submitted shall be maintained by the Town Manager in the employee's personnel file. The Town Manager shall maintain application records for the period required by law. The Town Manager, to the extent possible, shall maintain the confidentiality of all applications.

#### 2.1-4 Offers of Employment

All offers of employment shall be made in writing by the Town Manager or other appointing authority. The written offer of employment shall include the salary on a bi-weekly or hourly basis, the starting date, any unique or unusual conditions of employment.

#### 2.1-5 Pre-Placement Medical Examination

Employment with the Town of Chelmsford is conditional upon passing a physical examination. All persons selected for employment with the Town, after receipt of offer of employment and prior to the starting date of employment shall undergo a medical examination relating to the essential functions of the position. The examination shall be at the expense of the Town by the physician or medical institution selected or approved by the Town Manager. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform the essential functions and/or duties of the position for which the offer of employment has been made, the Town Manager or other appointing authority shall withdraw the offer of employment if the physician determines the candidate is unable to perform the essential functions of the position. In accordance with HIPAA Privacy Rule's, health care providers must provide the individual with written notice that health information is to be disclosed to the employer (or by posting the notice at the worksite if the service is provided there). A report of the medical examination of any person hired shall be maintained as a permanent part of the Town records.

#### 2.1-6 Reasons for Rejection

The Town Manager or appointing authority may reject any candidate who does not possess the minimum qualifications required for the position or any application not filed by the announced closing date. Further, an application shall be rejected if the candidate made a false statement of any material fact or practiced any deception or fraud. Written notice of rejection shall be given to all unsuccessful candidates.

#### 2.1-7 Failure to Report

A candidate who accepts an offer of employment and fails to report to work on the date set by the Town Manager or other appointing authority, shall, unless excused, be deemed to have declined the position and the offer of employment shall be withdrawn.

## **2.2 ORIENTATION/EVALUATION POLICY**

### 2.2-1 Orientation and Evaluation Policy

Performance of all new and promoted employees must meet acceptable work standards. An evaluation period shall be utilized to help new and promoted employees achieve an effective performance level and to insure that new employees are aware of their duties and responsibilities. The Town shall inform new employees of their rights, responsibilities, duties and obligations.

### 2.2-2 Orientation

#### (a) Office of the Town Manager

The Town Manager or a designee of the Town Manager shall conduct orientation sessions for all new employees upon employment for the purpose of providing information on the benefits, rights and obligations as an employee of the Town.

#### (b) Department Heads

Department Heads shall provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

### 2.2-3 Probationary Period

The first six months of employment shall be a probationary period to begin immediately upon the employee's hire date. If needed, the Department Head may extend the probationary period an additional six months to fully review the employee's work performance. The newly hired employee may receive a six month performance review and will receive an annual performance review thereafter by the Department Head or direct manager. The completed performance review will be submitted to the Town Manager for signature and filed in the employee's personnel file.

## **2.3 TRANSFER, PROMOTION, DEMOTION, REINSTATEMENT, AND TERMINATION BY LAY-OFF**

### 2.3-1 Transfers

Transfers of an employee from one position to another without significant change in level of responsibility may be done if the employee meets the qualification requirements for the particular position.

### 2.3-2 Promotion

(a) Filling of Vacancies - Vacancies in positions above the lowest rank in any department in the Town service shall be filled as far as practical by the promotion of employees in the Town service, provided, the Town Manager or other appointing authority shall continue to have the right to recruit and appoint employees deemed appropriate. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

(b) Notification - A department head shall advise the employees within the department, by posting, of the existence of vacancies within the department.

(c) Evaluation Period - Unless otherwise provided by law, promotions may be subject to an evaluation period of three (3) months. If during the evaluation period the appointing authority determines that the job is not being satisfactorily performed, the employee may be returned to the former or equivalent position without prejudice with the approval of the Town Manager.

### 2.3-3 Demotion

An employee may be demoted to a position for which the employee is qualified after notice and an opportunity to be heard for any of the following reasons:

(a) An employee would otherwise be laid off resulting from the abolition of a position, the employee's position is reclassified to a higher grade for which the employee is not qualified; lack of work; disciplinary action; lack of funds;

(b) An employee does not render satisfactory service in the position the employee holds.

(c) An employee voluntarily requests such a demotion.

All demotions must receive the approval of the Town Manager. The employee shall be notified in writing of this demotion and of the reason for such action. Within ten (10) days of such notice the employee may request a meeting with the Town Manager to discuss any demotion.

#### 2.3-4 Resignation

Any employee who resigns from Town employment shall provide written notice to the department head or Town Manager. Department heads shall immediately notify the Town Manager of any such resignation. Any employee who resigns shall be obligated to complete necessary forms and may be requested to participate in an exit interview.

#### 2.3-5 Reinstatement

An employee who has resigned from Town employment with a good record of employment may be re-employed. Any person re-employed after 30 days from separation shall be treated as any newly employed person.

#### 2.3-6 Layoffs

The Town Manager or appointing authority is authorized to release any employee on the Town payroll because of lack of work or funds. The Town Manager or appointing authority will consider first the types of activities to be curtailed and the classes of positions thereby affected and will then proceed to the selection of individual employees to be released.

Employees shall be provided a ten (10) day notice of layoffs or compensation in lieu of notice for an employee released because of lack of work or funds.

### **2.4 DISCIPLINE**

#### 2.4-1 Corrective Action and Discipline Policy

The Town of Chelmsford shall maintain a corrective action and discipline procedure that is designed to be both fair and impartial.

The Town values its employees and believes that when an employee is given fair notice, it is expected the employee will correct problems in performance or conduct. There will be, however, instances in which termination for problem behavior is unavoidable.



This policy is designed to ensure consistent and fair treatment for all employees within the corrective action and discipline procedure.

#### 2.4-2 Guidelines for Disciplinary Action

Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee, including any standards set forth in these personnel rules and regulations. Some examples of actions which are to be considered sufficient cause for disciplinary action shall include, but are not limited to the following:

Performance:

- (a) Incompetence or inefficiency in performing assigned duties;
- (b) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor;
- (c) Habitual tardiness or absence from duty;
- (d) Abuse of sick leave or absence without leave;
- (e) Violation of safety rules, practices and policies

Misconduct:

- (f) Falsification of time sheets;
- (g) Use or possession of illegal drugs or alcohol while on duty;
- (h) Inability to carry out essential functions of the position as a result of use or the possession of illegal drugs or alcohol;
- (i) Misuse or unauthorized use of Town property;
- (j) Fraud in securing appointment;
- (k) Disclosure of confidential information;
- (l) Engaging in sexual or other harassment;
- (m) Acceptance of gratuities,
- (n) Conviction of a felony;
- (o) Political activity while on duty;

Any other situation not covered above but deemed to be of such seriousness, or detrimental to fulfilling job responsibilities for which disciplinary action is warranted.

#### 2.4-3 Disciplinary Procedures

The Town Manager or other appointing authority, department heads, supervisors, and employees shall be responsible for enforcing standards of conduct and these rules and regulations. Failure to comply with standards of conduct or any rules and regulations may result in disciplinary action.

## Type of Disciplinary Actions:

The type of disciplinary action imposed is at the discretion of the appointing authority and/or the department heads, and is dependent upon the nature of the disciplinary violation.

Disciplinary action shall include any of the following:

- (a) verbal reprimand
- (b) written reprimand
- (c) probation
- (d) suspension
- (e) demotion
- (f) discharge

Department heads and supervisors shall be responsible for preparing written documentation of disciplinary action imposed. All written documentation shall be provided to the appointing authority and the Town Manager for placement in the personnel file in the centralized personnel record keeping system.

## 2.4-4 Disciplinary Actions

### (a) Verbal Reprimand

The Town Manager or other appointing authority, department head or supervisor observing the action of an employee warranting disciplinary action may issue a verbal warning to the employee. Such verbal reprimand shall be presented in a manner minimizing embarrassment to the employee. Such verbal reprimand shall include a statement concerning the purpose of the reprimand and include an offer of assistance in correcting the deficiency. Documentation of the verbal reprimand shall be placed in the employee's personnel file. Contact Human Resources for guidance.

### (b) Written Reprimand

If a verbal reprimand fails to correct an action warranting disciplinary actions, or if deemed appropriate considering the seriousness of the violation, an employee may receive a written reprimand. The written reprimand shall include: the charge, the specific behavior and dates of the behavior, as appropriate; the warning that the continuance of the behavior will result in severe disciplinary action up to and including termination of employment; an offer of assistance in correcting the behavior. Circumstances affecting the severity of the written reprimand shall be placed in the employee's personnel file. Contact Human Resources for guidance.

(c) Probation

If a written reprimand fails to correct a disciplinary situation, or if deemed appropriate, considering the seriousness of the violation, the employee may be required to serve a maximum of three (3) months disciplinary probation upon the determination by the department head or designee, together with the Town Manager. An employee shall receive written notice of such disciplinary probation setting forth the reasons for the disciplinary probation, the effective date of such probation.

The notice of disciplinary probation shall also include: the charge; the specific behavior and dates of the behavior, as appropriate; the warning that continuance of the behavior will result in severe disciplinary action up to and including termination of employment; an offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action; and any right of appeal (see 2.4-5). A copy of the notice shall be placed in the employee's personnel file.

When an employee's disciplinary probation expires, the department head shall notify the Town Manager or other appointing authority in writing that:

- (a) the employee's performance and behavior is satisfactory and the individual will be retained in the Town service; or
- (b) the employee's performance and behavior remains unsatisfactory and the department head recommends the employee be either suspended or discharged.

(d) Suspension

An appointing authority may suspend an employee without pay after notice and an opportunity to be heard. On or before the date of suspension the Town Manager, an appointing authority, or a department head, shall furnish the employee with a written statement setting forth the reasons for the suspension, the effective date of the suspension and the date the employee shall return to work, the warning that continuance of the behavior will result in further disciplinary action up to and including termination; an offer of assistance in correcting the behavior; and any right of appeal. A copy of the notice of suspension shall be placed in the employee's personnel file.

Any employee suspended more than twenty (20) working days in any twelve (12) month period shall be discharged.

(e) Discharge

The Town Manager, depending on the severity of the misconduct, may discharge an employee after notice and an opportunity to be heard.

#### 2.4-5 Appeal Procedure

Any employee may appeal any disciplinary action to the next higher level of management, up to the Town Manager. Said appeal must be requested within five (5) working days of the date of notice of the disciplinary action. A meeting may be held at the Town Manager's discretion. Any employee discharged shall be provided a meeting with the Town Manager on the matter. Any time limit may be extended by written agreement of the Town Manager and the employee filing the Appeal.

For any disciplinary matter appealed to the Town Manager, the Town Manager may overturn the disciplinary action, reduce the action imposed, or may increase the action imposed, up to and including discharge.

#### 2.4-6 Procedural Protections

Department heads or supervisors shall not retaliate or take any disciplinary action against an employee for filing an appeal to the next step as this is considered harassment.

#### 2.4-7 Failure to Act

Appeals are expected to be filed in a timely manner and all time limits specified in the appeals process shall be met by the employee filing an appeal and the Town, provided, however, any time limit may be extended by written agreement of the Town Manager and the employee filing the Appeal. Failure of the employee to meet the time limits specified in Section 2.4-5 shall result in an appeal being declared null and void.

#### 2.4-8 Uniformity of Practice

Department heads and appointing authorities shall discuss disciplinary problems and actions with the Town Manager or Human Resources to insure uniformity of practice and coordination of disciplinary actions.

## **SECTION 3 - CLASSIFICATION PLAN**

### **3.1 CLASSIFICATION PLAN**

#### 3.1-1 Classification Plan Policy

The Town, through the Town Manager in conjunction with the Personnel Board, shall establish, maintain and provide a uniform system for classifying all positions, and establish proper relationships between positions based on the level of the 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 equitable pay.

#### 3.1-2 Classification Plan Administration

The Town Manager or a designee of the Town Manager 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.
- (b) provide for studies of existing positions when there has been a substantial change in the duties and the responsibilities which justify consideration of possible re-classification;
- (c) conduct periodic studies to insure the classification plan remains uniform and current, and
- (d) develop and implement procedures to determine the proper classification of each position and classify positions.

#### 3.1-3 Classification of New Positions

A department head or appointing authority proposing the creation of a new position shall provide the Town Manager with a written request. A job questionnaire will be completed by the department head proposing a new position to determine the essential job functions. This questionnaire will be forwarded to the Town Manager or the designee to prepare an official job description and determine the appropriate salary range for the position.

A procedure has been established to rank positions according to points assigned to factor degrees by evaluating the job characteristics.

### 3.1-4 Reclassification of Positions

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

## **SECTION 4 - PERFORMANCE**

### **4.1 PERFORMANCE**

#### 4.1-1 Professional Conduct Policy

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times with 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 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, appointed employees in the Town service other than those positions under the supervision and control of the School Committee. Employees subject to Massachusetts Civil Service Laws and/or collective bargaining agreements are subject only to those provisions in this order which are not specifically regulated by Civil Service Laws or collective bargaining agreements.

#### 4.2-1 Performance Review Policy

The Town recognizes the need to establish and maintain a system of performance review, which is designed to provide constructive feedback to the employee about the employee's performance.

Every employee will receive an annual performance review. A satisfactory performance review shall be required if any changes in an employee's rate of compensation, including step increases are granted.

*All newly appointed employees shall receive a 90 day and a six month performance review prior to the completion of the evaluation period. Such performance review must be satisfactory if employment is to be continued after the completion of the evaluation period. (Amended 9/25/12)*

#### 4.2-2 Performance Review Process

A tool for conducting employee performance reviews shall be determined by the Town. The performance review process shall be to appraise an individual's actual job performance and behaviors as they impact productivity and shall not be an assessment of personality characteristics or other extraneous factors.

#### 4.2-3 Performance Review Procedures

To insure compliance with the performance review policy, the following procedures shall be followed:

(a) No later than one month prior to the end of the fiscal year, the Department Head shall complete, or if appropriate, cause to be completed, a performance review for each employee.

(b) Completed performance reviews shall be forwarded to the Town Manager and shall be maintained as part of the employees' personnel record. Performance reviews shall be completed on the instrument designed for such purposes and shall be conducted in the manner prescribed.

The Town Manager recognizes the need to receive input from a board or commission when reviewing the performance of an employee if such employee provides staff support to a board or commission.



## **SECTION 5 - COMPENSATION PLAN**

### **5.1 COMPENSATION PLAN**

#### 5.1-1 Compensation Schedule

Employees shall be hired, classified, promoted and eligible for pay increases in accordance with the Classification Plan and the policies and procedures herein set forth at rates of pay in the annual Compensation Schedule as determined by the Town Manager.

#### 5.1-2 Merit Increases

Merit increases shall be granted in accordance with the performance review process established by the Town Manager and in accordance with performance standards in Section 4 of these regulations. Requests for merit increases must be submitted to the Town Manager with a written justification signed by the Department Manager. The Town Manager will be the final approving authority.

#### 5.1-3 Reclassification

Employees who receive a promotion or job reclassification will be paid at an appropriate level recommended by the department head with final approval of the Town Manager or appointing authority.

#### 5.1-4 Compensation for Temporary Employees

The Town Manager shall establish the rate of pay for any temporary employee or group of employees.

#### 5.1-5 Temporary Assignments

Compensation for an employee filling temporary assignments will be considered on an individual basis upon recommendation of the Department Head and approval of the Town Manager or appointing authority.

#### 5.1-6 Overtime Procedure

The Town shall pay overtime for non-exempt employees in conformance with the Fair Labor Standards Act (FLSA). Employees, other than uniformed Police and Fire Department personnel, shall be paid for overtime work at a rate equal to time and one-

half (1½) their regular rate for work in excess of forty (40) hours per week. Department heads shall be responsible for the control and authorization of overtime.

#### 5.1-7 Stand-by/On-Call Pay

When a non-exempt employee is required to be on-call during off-duty hours, he/she shall receive compensation on a schedule prepared by the appropriate administrative authority and approved by the Town Manager.

#### 5.1-8 Compensatory time (“Comp Time”)

Comp time may be used by non-exempt employees instead of overtime pay if both the employee and the Department Head are in agreement. Comp time accumulation is to be earned in unusual circumstances with supervisor approval. These may include, but are not limited to occasions when the employee needs extra time to complete a task with a critical deadline or is required to attend a night meeting. All employees earning and using comp time must keep a calendar of their comp time accumulation and use. Such record will be made available to the employee’s supervisor for quarterly review. *Comp time earned shall be used within 4 weeks of its being earned or shall be paid out in the form of overtime.* Comp time is not intended to accumulate over an extended period of time. *The Department Head shall report quarterly Comp Time balances to the Town Manager. (Amended 9/25/12)*

#### 5.1-9 Pay Periods

Payroll will be processed bi-weekly. Newly hired employees will have payroll checks direct deposited.

## **SECTION 6 - LEAVES AND RELATED BENEFITS**

### **6.1 HOLIDAYS**

#### 6.1-1 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:

One-Half Day before New Year's Day	Labor Day
New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Patriot's Day	Day After Thanksgiving
Memorial Day	One-Half Day before Christmas Day
Independence Day	Christmas Day

#### 6.1-2 Terms of Holiday Pay

Holiday pay shall be granted as follows:

All employees working a minimum of 1,040 hours per calendar year, are eligible to receive prorated holiday pay based on the number of work hours regularly scheduled on the day which the designated holiday occurs. If the number of hours worked varies, the amount of holiday pay to which an employee is entitled shall be determined by the employee's appointing authority.

Holiday pay shall be granted to an employee provided that the employee shall have worked on the last scheduled working day prior to, and the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of these rules and regulations, or was appropriately excused.

When a non-exempt employee is on stand-by and is called in to work on a scheduled holiday, the employee shall receive double time for each hour worked plus holiday pay.

*When Christmas Day and New Year's Day falls on a Saturday or Sunday in any given year, employees will be granted a floating paid day, based upon their normal workday hours, in lieu of the two half days before Christmas and New Year's Day to be used within the same fiscal year. (Amended 9/25/12)*

## 6.2 PAID TIME OFF (“PTO”)

### 6.2-1 PTO Defined

Paid Time Off provides eligible staff with the opportunity to take time away from work without loss of compensation. The PTO program is an inclusive time off program intended to use for vacations, short-term illnesses, personal business, family care, and other needs which may require time off from work.

### 6.2-2 Accrual of PTO

Effective January 1, 2009, non-union employees working 1,040 hours per calendar year will earn prorated PTO monthly based on date of hire and length of continuous employment while in a pay status with the Town as follows:

Years of Service	Accrual Rate Per Month	Annual PTO Accrual*	Maximum Accrual**
Thru 5 yrs.	1.5 days or 11.25 hrs.	18 days or 135 hrs.	28 days or 210 hrs.
Start of 6 yrs. to 10 yrs.	2 days or 15 hrs.	24 days or 180 hrs.	34 days or 255 hrs.
Start of 11 yrs to 20 yrs.	2.5 days or 18.75 hrs	30 days or 225 hrs.	40 days or 300 hrs.
Start of 21 yrs.	2.9166 days or 21.88 hrs.	35 days or 262.5 hrs.	45 days or 337.5 hrs.

\* Annual PTO accruals are based on an employee having 1950 paid hrs/yr (37.5 hrs/wk).

\*\*No PTO hours will accrue beyond the maximum accruals listed.

After completing 90 calendar days from start of employment with the Town of Chelmsford, employees may begin using earned PTO in one (1) hour increments.

At the implementation of PTO, January 1, 2009, each employee will be credited with previously earned vacation leave from their anniversary date and may combine this time with any unused personal leave as of December 31, 2008 to the maximum accrual stated above.

### 6.2-3 Scheduling

PTO requests will be authorized by the department heads at times, in the opinion of the department heads, as to cause the least interference with the performance of regular work of the Town.

PTO shall not be unreasonably denied. Department heads shall take into account the preference of employees as much as possible.

#### 6.2-4 Termination

Upon leaving, being terminated or retiring, employees shall be paid the balance of all earned PTO up to the date of separation.

#### 6.2-5 Death

Upon the death of an employee, the estate of the deceased shall be paid the balance of all earned PTO.

### **6.3 SICK LEAVE**

#### 6.3-1 Sick Leave Buy Back

Employees that are on the Town payroll as of December 31, 1991 shall have their accumulated sick time frozen at the accumulated time as of December 31, 1991. This time will be bought back at the time of the employee's retirement or death. Retirement shall be defined in accordance with MGL Chapter 32. Accumulated sick time for buy-back purposes shall not exceed one hundred twenty (120) days.

The dollar value of accumulated sick time available for buy back at retirement shall be paid out at the employee's current rate of pay.

#### 6.3-2 Sick Leave Balance

For employees on the Town payroll prior to January 1, 2009, the Town will maintain a record of each employee's total sick leave balance which includes sick leave buy back. Employees may only use this sick leave following a reported work related injury for the legal waiting period not covered by the state workers' compensation act, to supplement their pay while receiving workers' compensation, long term disability or approved Family and Medical Leave.

### **6.4 SHORT TERM AND LONG TERM DISABILITY**

Effective January 1, 2009 the Town shall provide non-union employees working 1,040 hours or more per year with short term disability at 100% of base wages for up to 90 calendar days after an employee is unable to work for five (5) consecutive days due to illness or injury. A physician's certification will be necessary. The employee will be required to provide periodic updates to the Town while out from work due to medical reasons. At the Town's expense, the employee may be required to obtain a second opinion. Employees are required to notify their Department Head of their anticipated return to work within five (5) days of the effective return date if possible. A physician's

certification will also need to be submitted to the Department Head indicating that the employee is cleared to return to work with or without restrictions.

If the employee is unable to return to work after 90 calendar days with or without accommodation, the Town will provide long term disability to employees at 60% of base wages for up to 24 months from the start of the disability period. As described in Section 6.3-2 above, employees with a previous sick leave balance may use this time to supplement base pay up to 100%. The employee will continue to be responsible for paying their portion of health, dental and life insurance premiums during this period.

## **6.5 BEREAVEMENT LEAVE**

Bereavement leave of up to five (5) days with pay may be granted with the approval of the department head or appointing authority in the event of the death of the employee's spouse, children, and parents.

All full-time employees will be granted three (3) days off with pay in order to attend services for grandparents, grandchildren, siblings and "parents-in-law".

All full-time employees will be granted one (1) day off with pay in order to attend services for a sister-in-law, brother- in-law, aunts, uncles, nieces, nephews.

Any bereavement leave in excess of that allowed will, at the employee's request, be charged against the employee's paid time off.

## **6.6 JURY LEAVE**

Employees shall be paid the difference between their regular week's pay and the compensation they receive for jury duty, provided they report for work on each regularly scheduled working day when excused from such duty. A certificate setting forth the amount received by the employee for jury duty shall be required prior to such payment.

## **6.7 MILITARY LEAVE**

Employees shall be paid the difference between compensation received from the government and their normal base pay while on temporary summer or like periods of training in the military forces of the nation of the state for a period not to exceed seventeen (17) days in any twelve (12) month period (fiscal year), provided, payment shall not be made to members of the National Guard when mobilizing during an emergency in the state.

## **6.7 LEAVE OF ABSENCE**

The appointing authority with the approval of the Town Manager may grant a leave of absence without compensation for a period not exceeding twelve (12) weeks in duration without loss of previous seniority. Only those employees completing at least one (1) year of continuous service shall be eligible for a leave of absence under this section.

Employees granted a leave of absence shall be classified as out of service of the Town and shall not be entitled to their benefits as may be provided by the Town, including, but not limited to seniority, sick leave, vacation leave and compensation during the period of the leave.

An employee granted a leave of absence for a period of thirty days or less shall be entitled to coverage under applicable group health and life insurance plans. An employee granted a leave of absence for a period of more than thirty (30) days may be provided coverage under applicable group health and life insurance plans, provided that the employee pays the total premium cost, in accordance with applicable statutes.

A leave of absence shall not be granted to enable an employee to accept other employment or for self employment. Any request for leave of absence or re-instatement after such leave without pay shall be made in writing.

## **6.8 FAMILY AND MEDICAL LEAVE**

The Family and Medical Leave Act (“FMLA”) requires employers of over fifty (50) employees to provide up to twelve (12) weeks of unpaid, job-protected leave during a twelve (12) month period to employees who worked a minimum of 1,250 hours in the prior twelve (12) months.

FMLA is granted to eligible employees for any of the following reasons:

- The birth, adoption, or foster placement of a child, and to subsequently care for such newborn, adopted, or foster child;
- To care for an employee’s spouse, child, or parent with a serious health condition and
- For a serious health condition that makes the employee unable to perform the employee’s job.

Leave to care for a newborn, adopted, or foster child must be taken within the twelve (12) month period that begins with the birth or placement of the child.

The twelve (12) month leave entitlement is measured forward from the employee’s first use of FMLA leave.

FMLA leave shall be unpaid unless an employee applies PTO or sick leave as described in Section 6.3-2 that may be available. The substitution of paid leave time for unpaid leave time does not extend the twelve (12) week leave period.

If an employee is injured on-duty and absent from work due to the injury and the injury meets the definition of a “serious health condition” as that term is defined by the FMLA and the Regulations, the Town will classify the absence as FMLA leave and charge the absence against the employee’s twelve week FMLA leave entitlement.

Benefits (except health and life insurance), and accruals of paid time off are suspended for the unpaid portion of an employee’s leave. During an approved FMLA leave, the Town will maintain the employee’s health insurance benefits under the same terms and conditions applicable to employees not on leave. If paid time off is substituted for unpaid FMLA leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction. If the FMLA leave is unpaid, the employee must pay his/her portion of the premium by the 15<sup>th</sup> of each month or by making arrangements with the Town Treasurer prior to that date. If these conditions are not met, the Town reserves the right to cancel the employee’s coverage. The use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

The employee must notify, in writing, the Department Head thirty (30) days in advance of requested FMLA leave, or as soon as possible under the circumstances if the leave cannot be anticipated. The notice should include the dates and expected duration of the leave. Upon notification of an employee’s intent or need to take time off pursuant to the FMLA, the Department Head should refer the employee to Human Resources. Human Resources shall provide all required information and forms to properly certify a leave as FMLA leave.

Human Resources will notify the employee in writing, within two (2) business days of the request for leave, whether the leave will be designated as FMLA leave. Human Resources shall forward a copy of its response to the Department Head. A physician’s certification will be necessary if FMLA leave is requested for medical reasons. The employee may be required to provide periodic updates to the Town during the period of FMLA leave if the leave is requested for medical reasons. Employees are required to notify their Department Head of their anticipated return to work within five (5) days of the effective return date if possible. A physician’s certificate may also need to be submitted to the Department Head indicating that the employee is cleared to return to work with or without restrictions.

Eligible employees may take up to twelve (12) weeks of FMLA within a twelve (12) month period on a full-time, intermittent or reduced work schedule basis as allowed by the FMLA. In consultation with the Town Manager, the Department Head may evaluate, if warranted or appropriate given the circumstances of the request, whether an intermittent or reduced work schedule can be arranged. The employee may be required to obtain physician certification of the medical necessity for intermittent FMLA leave or a reduced work schedule.



Each department will track all FMLA days on the payroll and FMLA leave shall be counted against FMLA entitlement. Human Resources will notify the employee of eligibility for short term disability.

At the conclusion of an employee's FMLA leave, the employee shall be restored to the same position or to an equivalent position, if the employee is able to perform the essential functions of the job, with equivalent benefits, pay and other terms and conditions of employment. If the employee chooses not to return to work (for any reason other than continued health-related problems or due to circumstances beyond control), the employee will reimburse the Town's contribution to the health insurance premium paid during his or her FMLA leave.

The above provision regarding benefits, length of service, and reinstatement of employment are limited to a period not to exceed twelve (12) weeks. After twelve (12) weeks, approval of leave, provision of continued benefits, and reemployment are at the discretion of the Town considering staffing needs and circumstances of the individual case.

The taking of another job while on FMLA leave, or any other authorized leave, may lead to disciplinary action, up to and including termination.

## **SECTION 7 - OTHER BENEFITS**

### **7.1 LONGEVITY COMPENSATION**

One half of the total longevity compensation is paid to eligible employees the first payroll in December and the remaining half is paid the first payroll in June.

Longevity is calculated on annual base wages for employees who work 20 hours or more per week as follows:

Completed Years of Service	Rate
10 years	3 %
15 years	4.5%
20 years	6%

### **7.2 WORKERS' COMPENSATION**

#### 7.2-1 Period Not Covered by Workers' Compensation

An employee may use PTO or sick leave balance for the legal waiting period not covered by the state workers' compensation act.

#### 7.2-2 Coordination of Paid Time Off with Workers' Compensation

Employees may use PTO or sick leave balance to supplement their pay if unable to work due to a work related injury while receiving workers' compensation benefits. The employee may not receive a combined amount exceeding their regular earnings.

### **7.3 HEALTH AND LIFE INSURANCE**

#### 7.3-1 Health Insurance

Employees who regularly work 1,040 hours or more per calendar year are eligible for group health insurance. The Town of Chelmsford contributes a percentage of the premium to the offered plans. See Human Resources for the offered plans and insurance rates.

### 7.3-2 Life Insurance

The Town will provide regular employees who work 1,040 hours or more per calendar year with the opportunity to receive death benefits.

### 7.3-3 Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA (Enacted in 1986)

Federal law (Public Law 99-272, Title X) requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

Under the law, the employee or a family member has the responsibility to inform the Town of Chelmsford of a divorce, legal separation, or a child losing dependent status under the Town's health insurance. See Human Resources regarding COBRA eligibility criteria and benefit enrollment.

## **7.4 COMPENSATORY DEDUCTIONS**

### 7.4-1 Middlesex County Retirement System

Employees who work 1,040 or more hours per calendar year are required to contribute a percentage of base wages (pre-tax) as determined by the Middlesex County Retirement System.

Employees who work less than 1,040 hours per calendar year are required to contribute a percentage of base wages (pre-tax) to a mandatory deferred compensation plan as directed by law under OBRA of 1990.

## **7.5 EMPLOYEE INCURRED EXPENSES AND REIMBURSEMENT**

### 7.5-1 Employee Incurred Expenses and Reimbursement Policy

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

All incurred expenses must be documented by an acceptable receipt and approved by the employee's supervisor.

## **SECTION 8 – STANDARDS OF CONDUCT**

### 8.1 Standards of Conduct Policy

All persons employed by the Town hold a position of public trust, and as a result, Town employees must present themselves in a professional and appropriate manner. Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by any and all laws of the U.S. Government, the Commonwealth of Massachusetts, and the Town of Chelmsford. All employees may be subject to disciplinary action for acting in a manner that is not consistent with these standards of conduct.

### **8.2 Tobacco Regulations**

#### 8.2-1 Tobacco Regulations

The Town of Chelmsford strives for the creation and maintenance of a safe and healthy work environment for its employees, and a secure environment for the citizens. Therefore, it is the policy of the Town to prohibit smoking in all Town owned buildings.

#### 8.2-2 Prohibition of Smoking in Public Places

A person shall not smoke in a municipal building or in a vehicle or vessel owned, leased, or otherwise operated by the Town of Chelmsford or in a space occupied by the Town of Chelmsford which is located in another building. There shall be no smoking within thirty (30) feet of an entranceway accessible to the public. Leaving a work station to smoke must take place only within the confines of the breaks allowed by law and by union contract.

### **8.3 POLITICAL ACTIVITY**

#### 8.3-1 Political Activity Policy

Employee participation in political activities is to be carried on outside of normal working hours. No political activities or solicitations will be conducted on Town owned property by employees.

## **8.4 CONFLICT OF INTEREST**

### 8.4-1 Conflict of Interest Policy

In accordance with Mass. General Law, Chapter 268A, and Chelmsford General By-Law Article XIII, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities or furnish products, materials, or services to the Town.

## **8.5 EMPLOYMENT SAFETY**

### 8.5-1 Employment Safety Policy

The Town of Chelmsford is extremely conscious of the safety and welfare of its employees and that of its citizens. As an employer, the Town recognizes its obligation to ensure the safest possible work place for our employees. As a governmental entity, the Town recognizes its responsibility to provide a safe environment for the public it serves.

The Town functions on the belief that most accidents are preventable. In accordance with this belief it shall allocate resources to administer an aggressive loss control program for the community.

Each department or service division head is responsible for the loss control activities within his or her department. A Safety Coordinator shall be appointed to coordinate an overall loss control effort. The Coordinator, however, is not responsible for line functions which are normally that of department heads and supervisors. It is expected that department heads will complement the effort of the Safety Coordinator in showing that the efforts are taken to reduce accident and provide for the safety of the public. These loss control functions are continuous and equal in importance with all other operational considerations.

All employees are responsible for cooperation with and support of the Town's loss control program and its objectives. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task. Loss control shall be every employee's responsibility.

### 8.5-2 Responsibilities of Department Heads and Supervisors

Department heads and supervisors shall assume full responsibility for the safety of working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing, equipment or attitudes of employees; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions

and field procedures to prevent possible safety hazards, and investigate and report all accidents promptly.

#### 8.5-4 Responsibilities of Employees

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.

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

### **8.6 DISCRIMINATORY HARASSMENT POLICY**

#### 8.6-1 Discriminatory Harassment Policy

It is the policy of the Town of Chelmsford to promote a workplace that is free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. This policy refers to, but is not limited to, discrimination or harassment in the following areas;

1. Age (40 and above),
2. Race or color,
3. National Origin
4. Maternity leave,
5. Genetics,
6. Sex,
7. Sexual Orientation,
8. Religion,
9. Criminal record (applications only),
10. Disability or
11. Active military status

Our Town 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 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.

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 formally or informally complained about discrimination or has cooperated with an investigation of a discrimination complaint is prohibited.

Because the Town 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 necessary, including disciplinary action where appropriate.

When an employee or persons having dealings with Town departments believes that he/she has been subjected to harassment, he/she must document, to the best of their ability, the exact circumstances of the alleged offense(s). Employees claiming harassment should be willing and able to substantiate their claim.

The employee should communicate these circumstances to their Department Head, the Town Manager, the Board of Selectmen or to Human Resources. If possible, resolution of the problem should occur at this level. If not, the legal provision governing grievances concerning sexual harassment are outlined in Title VII of the 1964 Civil Rights Act. A copy of this Act is on file at the Town Manager's Office.

Harassment investigations will be conducted on a confidential basis, and retaliation against an employee for filing a complaint will not be tolerated and could lead to disciplinary actions.

Any behavior that is considered harassment is a serious offense and will result in severe disciplinary action and/or termination against both the offender and any Department Head who fails to take appropriate actions to stop such activity when it is or should be known to him/her. The Department Head is responsible for all offensive conduct of which the Department has knowledge. Furthermore, the Town of Chelmsford is liable if immediate corrective action is not taken once the transgression is known.

## **8.7 SUBSTANCE ABUSE**

### **8.7-1 Substance Abuse Policy**

The Town of Chelmsford's approach to substance use and abuse is to emphasize self-responsibility for our employees. The Town believes that employees should be responsible for their own behavior outside as well as within their individual workplace. Individual responsibility and trust are the overall values the Town and its employees share.

While the Town does not oversee what employees do on their own time, it does have policies that address conduct at the workplace. As such, it expects that employees will conduct themselves in a safe and healthy way. The use, possession of, or distribution of controlled substances or alcohol on Town property or work site could be cause for immediate employment termination.

Simply stated, the policy regarding substance abuse is:

- No alcohol or controlled substances are allowed on Town property or work site without proper medical/legal authorization.
- Employees should seek assistance for substance dependency problems and are offered help through the Employee Assistance Program as well as health coverage.
- Employees who violate workplace rules are subject to disciplinary action up to and including termination.

## **8.8 ALCOHOL AND DRUG TESTING POLICY**

### 8.8-1 Alcohol and Drug Testing Policy

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to alcohol and drug testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991. A copy of the Alcohol and Drug Testing Policy is posted and also available in the Human Resource office.

## **8.9 SEXUAL HARASSMENT POLICY AND PROCEDURES**

The Town of Chelmsford will not tolerate sexual harassment in the workplace and has adopted a policy identifying prohibited behavior. Anyone having knowledge of inappropriate conduct occurring in the workplace, in connection with work-related travel, and/or work-sponsored events is required to report it to one of the grievance officers identified in the policy, a department manager or Human Resources. Claims of Sexual Harassment will be investigated and violators will be disciplined up to and including termination.

### 8.9-5 Training Programs

Training and awareness programs will be made available to employees, supervisors and department heads on a periodic basis to ensure compliance with this policy. Any further questions regarding harassment or discrimination can be directed to Human Resources.



## **8.10 INTERNET CODE OF CONDUCT**

An Internet Code of Conduct applies to employees at all times, in and out of work hours, while using Town of Chelmsford computer equipment.

### Allowed Activities

Only access sites that are appropriate for use at work.

Know that your actions on the Internet can be monitored at any time.

Be careful of what you say to others and how you say it via email or the Internet. All internet data that are composed, transmitted, or received via our computer communications systems is considered to be part of the official records and is the property of the Town of Chelmsford and, as such, is subject to disclosure to authorized town officials, law enforcement or other third parties.

Check with the Information Systems Manager before you download files, open an e-mail attachment from an unknown source or install software.

### Prohibited Activities

Send, access or display offensive, discriminatory, obscene, threatening, harassing, intimidating, racist or disruptive data to any employee or other person.

Use or send bad language.

Intentionally waste resources.

The Town of Chelmsford network will be closely monitored and management may review your files and communications to maintain system integrity.

Failure to follow the code will result in the loss of access to the Internet and further disciplinary action up to and including termination. If applicable, external agencies may be involved because certain activities may constitute a criminal offense.

**ACKNOWLEDGEMENT OF RECEIPT  
OF THE TOWN OF CHELMSFORD  
PERSONNEL RULES AND REGULATIONS POLICY  
DATED MARCH 19, 2019**

**I have received, read, and understand, the Town of Chelmsford Personnel Rules and Regulations Policy. I will comply with the guidelines set out in this Policy and understand that failure to do so may result in disciplinary action, up to and including termination from employment.**

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

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

\_\_\_\_\_  
**Printed Name**

