

# Town of Groveland Personnel Procedures Manual

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## TOWN OF GROVELAND PERSONNEL PROCEDURES MANUAL

### TITLE AND LEGAL AUTHORITY

This manual shall be known and cited as the "Personnel Procedures Manual".

The policies and procedures outlined in the Personnel Procedures manual are subject to change by the Board of Selectmen following ten (10) days posting and a public hearing following said posting. The Town reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, the abolition of a position, a material change in duties or organization, or for any other appropriate reasons. This Personnel Procedures Manual is a guide for town employees, and it is not the intent of the Town to grant any employee contractual commitment, expressed or implied, by its adoption. The employment relationship between the employee and the Town is at will and may be terminated by either party at any time.

The Board of Selectmen is responsible for the personnel function of the Town. The Personnel Bylaw of the Town is adopted pursuant to Sections 108A and 108C of Chapter 41 of the Massachusetts General Laws which provides the Board of Selectmen with the authority to make policies and to issue rules and regulations necessary for the administration of the Personnel Bylaw.

### COVERAGE

The policies and procedures contained in this manual apply to all employees of the Town except elected town officers, employees of the school committee and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates the Personnel Bylaw by reference). Where there is a conflict between Personnel Procedures Manual and a departmental regulation, the Personnel Procedures Manual shall take precedent unless otherwise stipulated.

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### **RESPONSIBILITIES**

In addition to the general responsibilities outlined below, the Personnel Procedures Manual establishes responsibilities for specific policies, procedures, rules and regulations. These responsibilities are established under the appropriate sections.

**Personnel Advisory Board** The Personnel Advisory Board has conclusive authority to interpret the Personnel Bylaw and to decide all questions relating to its application. The Personnel Board is responsible for the review and maintenance of the Personnel Bylaw. The Board recommends all Personnel Bylaw amendments, personnel salary/wage increases and/or increases in employees weekly hours to Town Meeting for approval. The Board of Selectmen shall adopt policies and issue regulations deemed necessary for the administration of the Personnel Bylaw. The Personnel Advisory Board shall constitute a Board of Appeals for grievances of Town employees. The appeals procedure is outlined in the Grievance Procedure contained in this Manual.

**Town Employees** All Town employees have the responsibility to familiarize themselves with the relevant sections of the Personnel Procedures Manual and shall comply with the provisions of this manual. All employees shall share responsibility for adherence to the Town's Equal Employment Opportunity and Affirmative Action policies.

### **DEFINITIONS**

The following words and phrases, wherever used in this Personnel Procedures Manual shall be defined as indicated below unless the context clearly requires otherwise:

**Anniversary Date** The anniversary date shall be the date of hire.

**Appointing Authority** The Board of Selectmen is the appointing authority for all town employees.

**Appointment** The placement of a person in a position of the service of the Town. Appointments shall be of the following types: emergency, permanent and temporary. Appointments may be accomplished through personnel actions of transfer, promotion, demotion, or re-employment, as well as initial appointment.

**Authorized Position** Any position as established in the service of the Town. Positions may be established as permanent or temporary as follows:

- **Full-time Permanent Position with Benefits:** An employee in this category works a regular schedule of at least 37 hours per week on a continuing basis for fifty-two (52) weeks per year. The employee receives all benefits and rights.
- **Part-time Permanent Position with Benefits:** An employee in this category works at least 20 hours per week on a continuing basis but less than 37 hours per week for 52 weeks per year. The employee in this category receives benefits pro-

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rated according to the average hours worked per week and all rights accorded to employees. A permanent part-time employee working at least 19 hours per week for 52 weeks per year receives "leave benefits" only, (does not include insurance benefits) all leave to be pro-rate according to the average hours worked per week.

- **Part-time Position without Benefits:** An employee in this category is employed for fewer than 52 weeks per year or fewer than 19 hours per week. The employee in this category receives no benefits other than those which may be mandated by law (i.e., worker's compensation, jury duty, etc.).
- **Temporary Position with Benefits:** An employee in this category who is in a temporary position that is expected to last 52 weeks or more and who works at least 20 hours per week shall receive benefits equal to those received by employees in full-time positions with benefits or part-time positions with benefits.

**Compensatory Time Off** An authorized period of absence from work, with pay, approved by the Board of Selectmen which serves as compensation for work in excess of the normal work week.

**Demotion** The movement of an employee from a position in one class to a position in a class having a salary range with a lower maximum rate of pay.

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

**Employee performance review**. A yearly review of the employee's performance to be completed, by their direct supervisor, by the end of December. An informal performance review should be performed at the year mid-point (June), so that the communications and expectations between the employee and the supervisor remain honest, clear and open.

**Immediate Family**. For bereavement leave only includes employee's spouse, children, stepchildren, parents, grandparents, step-parents, brothers and sisters, mother-in-law, father-in-law, brother and/or sister-in-law, and other relatives who are actual members of the employee's household.

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

**Layoff** The removal of an employee because of lack of work, failure of financial appropriation, or other causes which do not relate to the performance of the employee. Layoffs shall be converted to termination if the employee is not called back within two years.

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**Minimum Qualifications** The level of qualifications an applicant must possess in order to be eligible for a position. Such qualifications shall be stated in the job description and included in advertisement of position openings.

**Department Head** The elected or appointed Board/Committee/Commission or elected/appointed Officer responsible for supervising a department's operations and activities. (Example: Water/Sewer Commissioners, Library Trustees, Board of Health members, Board of Selectmen).

**Supervisor** (a/k/a Superintendent/Director) An employee who answers to his/her immediate Department Head while overseeing/managing the activities of other department employees.

**Personal Leave Days** An authorized period of absence from work, with pay, to enable an employee to take care of personal business.

**Probationary Period** Each new employee appointed to a classified permanent position shall be required to complete successfully a six (6) month probationary period.

**Seniority** An employee's length of continuous service with the Town since his or her date of hire with no break in service. An employee on unpaid leave of absence or layoff will not be granted seniority credit for the term of the leave or the layoff but shall be entitled to past accumulation upon return to work. An employee's seniority shall be terminated by voluntary resignation, retirement, discharge for just cause, and expiration of the recall period.

**Termination** An employee leaving the service of the Town in good standing. An employee whose employment is terminated for a period exceeding ninety (90) days and who is subsequently re-employed shall be considered a new employee for the purposes of calculating benefits and seniority.

**Town** The Town of Groveland.

**Transfer** The movement of an employee from one position or department to another position or department within the Town organization.

**Overtime** Time an hourly paid employee is directed and authorized to work in excess of forty (40) hours worked in any work week.

**Prorate** Divide proportionally.

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### MAINTENANCE

The Board of Selectmen shall periodically review the Personnel Procedures Manual and revise policies and procedures as necessary and in accordance with the provisions of Section 5 of the Personnel Bylaw. Any revisions to the Personnel Procedures Manual, which affects the Personnel Bylaw, shall be brought to the next Annual or Special Town Meeting.

The Board's Administrative Assistant shall be designated to serve as the Personnel Officer for the Town, responsible for administration of the personnel system. The Personnel Officer shall provide assistance and training to department heads to ensure that recruitment, selection, appointment and retention of employees and benefit administration are conducted in ways that are consistent with the Bylaw and these policies. The Personnel Officer shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies. The Personnel Officer shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested.

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

- the employment application;
- a copy of the position job description;
- a copy of background investigation reports;
- a copy of any required physical or psychological examination reports and health reports;
- a report of all personnel actions reflecting the original appointment, promotion, demotion, re-assignment, transfer, separation or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

Each department shall maintain attendance records for all employees. These records will include, for each employee, the following: hours of regular pay; hours of overtime pay (if non-salaried), hours of stand-by duty; hours and type of paid leave, available and taken; and hours and type of authorized unpaid leave taken. Department heads shall prepare a monthly report of attendance and leave, a copy of which shall be submitted at the end of each month to the Personnel Officer.

Any employee may, upon request to the employee's appointing authority, have access to review their personnel file. The employee's review of their employment record shall be

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in the presence of an authorized management employee. No information shall be released from an employee's file unless written authorization is received from the employee.

### EQUAL EMPLOYMENT OPPORTUNITY

In 1972, the federal government enacted the Equal Employment Opportunity Act (EEOA) to govern the actions of municipalities in the areas of civil rights. The intent of this act is identical to the Town's policy. The Equal Employment Opportunity policy of the Town is:

It shall be the policy of the Town of Groveland to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, advancement, compensation, and general working conditions without regard to age, race, creed, color, sex, national origin, sexual preference, or physical condition.

The Equal Employment Opportunity Policy of the Town is to actively seek the goals of this policy, and not to passively react to any possible violations. All employees are expected to cooperate fully in complying with and implementing the EEOA. In accordance with the Equal Employment Opportunity guidelines, the Town has adopted an Affirmative Action plan to assure meaningful employment opportunities with the Town to all segments of the community.

### RECRUITMENT

Recruitment of prospective employees shall be conducted in a non-discriminatory manner and in accordance with the Town's Affirmative Action Plan, which is attached as Appendix A to these policies.

With the approval of the appointing authority, a department head seeking to fill a position shall post a notice of vacancy for the position. The notice will include the job title, initial rate of pay or pay range, summary statement of duties, minimum qualifications relating to education, skills, or experience, directions for submitting applications, and deadline for receipt of applications. Deadline for receipt of applications will be no sooner than ten (10) days after posting. The notice will be posted in the Town Hall. Employment advertising in a local newspaper shall be used to attract qualified candidates and in particular to help meet the Town's affirmative action goals.

In emergency situations, temporary employees may be hired for a period not to exceed 30 days without posting or advertisement of the vacancy.

All applicants for employment will complete an official employment application form which shall be retained by the Personnel Officer. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form.

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Department heads will review applications from candidates and make their selection based on qualifications, including successful completion of any examination that measures ability to perform the essential functions of the job and receipt of satisfactory references from prior employers, supervisors or others.

Offers of employment to prospective employees whose positions require a commercial driver's license shall be conditional upon the candidate passing a pre-employment drug test, as provided in the Town's Commercial Driver's License Alcohol and Drug Testing Policy, attached as Appendix B.

Accepted offers of employment will be confirmed in writing to the selected applicant, including starting date and hours of work, initial salary or rate of pay, and indicating whether the position is part-time or full-time, temporary or permanent, and exempt or non-exempt.

**HOURS OF WORK** Effective with the acceptance of this policy, the official operating hours of Town Hall shall be posted at the entrance doorway of the Town Hall. Department heads must notify the Board of Selectmen in writing of their respective department's office hours so that they may be posted in the entrance doorway of Town Hall. A department's office hours may not be changed without written prior approval of the Board of Selectmen.

- **Note:** In accordance with Sec. 2-1 of the town's General Bylaws the offices of Town Clerk, Tax Collector/Town Treasurer shall, as a public service to the townspeople, be required to open their offices for town business one (1) evening each week, said evening to be Monday from 6:00 to 8:00 P.M., except for holidays or unforeseen difficulties, at which time one other evening may be designated.

### **APPOINTMENTS**

All appointments, with the exception of emergency appointments, shall be governed by the procedures outlined in this manual. No person will be hired or compensated for his or her services until his or her appointment has received the approval by a majority vote of the Board of Selectmen.

### **PROBATIONARY PERIOD**

The probationary period shall be utilized to observe an employee's work habits, abilities, attitudes, and other pertinent characteristics and to allow an effective evaluation of a new employee. Each employee shall be required to successfully complete the probationary period of six (6) months. Probationary employees may not take vacation leave and do not have access to the grievance procedure.

**Dismissal** At any time during the probationary period, an employee may be terminated if the employee is unable or unwilling to perform the duties of the position satisfactorily.

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The department head, in recommending dismissal to the Board of Selectmen, must document the inability or unwillingness of the employee to perform the assigned duties. The dismissal of an employee must be approved by a majority vote of the Board of Selectmen.

**Extension of Probation** The probationary period of an employee may be extended up to an additional six (6) months if it is felt to be justified and would allow the employee to develop the ability to perform the duties of the position satisfactorily. At the end of the additional six (6) probation period, the department head shall notify the employee in writing of his/her evaluation and whether the employee's performance is satisfactory or unsatisfactory and, if unsatisfactory, which action is recommended to be taken by the Board of Selectmen.

The Board of Selectmen will notify the employee in writing of a decision to terminate or, upon successful completion of the probationary period, that the employee has attained permanent status. The letter or dismissal will be effective immediately.

### **Employee Performance Review**

An employee performance review will be performed on a yearly basis. It is also recommended that supervisors do an informal performance review at the year mid-point (June) so that the communications and expectations between the employee and the supervisor remain honest, clear and open.

Formal employee performance reviews will be held during the month of December. The completed forms must be turned into the Personnel department by the end of the business day on December 31st or the last working day of the year. Employee and supervisor (or supervising board) will mutually agree to the appropriate length, beginning time and place of the meeting.

Employee and supervisor (or supervising board chairperson) will have to sign completed form at the end of the yearly performance review (face-to-face) meeting.

Employee will be given a blank employee performance review form by December 1, of the year that the review is to be given, to use for self evaluation.

Self evaluation employee forms will be completed and presented to the supervisor during the performance review meeting. This self evaluation form will not be reviewed with the supervisor before the meeting. The completed self evaluation form will be turned into personnel department by the supervisor (or supervising board chairperson).

Supervisor (or supervising board chairperson) will review the completed employee performance review form with their immediate supervisor (or supervising board), before it is reviewed with the employee.

### **DISCIPLINARY ACTIONS**

It is the policy of the Town to act with integrity and justice toward each employee, recognizing his or her individuality as a human being and his/her right to fair, decent, and



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understanding supervision. Each employee is expected to comply with instructions, established policies, procedures, rules and regulations. The supervisor is responsible for the employee's personal conduct on the job and carries out all disciplinary action. While not intended to be a complete and inclusive list, the following situations can result in disciplinary action being taken by the Town toward the employee:

- Chronic tardiness or absenteeism;
- Incompetence, inefficiency, dishonesty or recklessness in performing assigned duties;
- Acts of insubordination toward a supervisor, department head or Town officials;
- Refusal to perform a reasonable amount of work;
- Acts of sexual harassment;
- Disclosure of confidential information acquired in the course of employment;
- Disobedience of Town policies or departmental rules and regulations;
- Falsification of time sheets, town records, including application for employment, and obtaining sick, injury or bereavement leave under false pretenses;
- Fraud in securing appointment;
- Frequent and habitual tardiness and/or absenteeism from duty;
- Gross negligence or willful neglect of duty;
- Poor performance;
- Unauthorized absence from work;
- Use of abusive, vulgar or threatening language or conduct towards the public or a fellow employee;
- Willful neglect, misuse, misappropriation, destruction, or theft of Town property, materials or equipment;
- Use of alcoholic beverages or illegal drugs while on or reporting for duty under the influence of alcoholic beverages or illegal drugs;

Whenever employee performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance. The following types of discipline are available and are usually accomplished in the manner and order indicated: reprimand, warning, suspension, reduction in pay, demotion, and dismissal. All disciplinary actions are covered by the grievance procedure.

**Oral Reprimand Conference** It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who break a rule are not problem employees unless they are habitual offenders. An oral reprimand conference is the first (and often only) step in the disciplinary procedure. In this conference, the supervisor tries to reach an understanding of the causes of the offense and to impress upon the employee

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the need for corrective action. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. No written record of oral reprimands is kept in the employee's personnel file.

**Written Reprimand** Should an oral reprimand fail to result in improved behavior, a written reprimand may be necessary. A written reprimand will specify the nature of the employee's offense, the efforts made previously to correct the problem, and a warning to the employee that future disciplinary actions may be taken if the matter is not corrected. A copy of the written reprimand shall be sent to the employee and to the Personnel Officer's Office to be placed in the employee's personnel file. After a period of twelve (12) months, the reprimand will be removed from the employee's file if his/her performance and conduct have been satisfactory during that time. The employee may write a letter which responds to the reprimand and send it to the Personnel Officer's Office. Such letter shall be placed in the employee's personnel file.

**Suspension** With the approval by a majority vote of the Board of Selectmen, a department head will, for cause, suspend an employee without pay for an offense. Suspension of an employee may be effective immediately. The notice of suspension shall be in writing and shall state the grounds for the suspension and its duration. A copy of the notice shall be sent to the Personnel Officer's Office. The employee may respond in writing if he or she wishes; a copy of the employee's letter shall be forwarded by the recipient to the Personnel Officer's Office to be placed in the employee's personnel file. The Town reserves the right to conduct an internal investigation with regard to the offense to determine whether the nature of the offense makes it inappropriate for the individual to continue in the employ of the Town. During this period of suspension, the employee may be considered on a leave with or without pay status.

For a violation of Town policies, or a violation of federal, state or local laws, an employee may be suspended from work pending the disposition of the offense. The Town reserves the right to determine whether the nature of the offense makes it inappropriate for the individual to continue in the employ of the Town. During this period of suspension, the employee may be considered on a leave with or without pay status. Within one (1) working day after the suspension, the employee shall be given written notice stating the specific reason(s) for the suspension. The employee shall also be informed of his/her right to appeal through the grievance procedure as stated in Section 11 of this manual. A copy of the written notice to the employee shall be placed in his/her central personnel file.

**Reduction in Pay** As a disciplinary measure, the department head may, with the approval by a majority vote of the Board of Selectmen, reduce the pay of an employee to a lower step in the pay range of his/her position. If this action is taken, a written notice shall be sent to the employee stating the grounds for the action, the nature of the reduction, the estimated date when the employee may hope for reinstatement to the former pay step. A copy of the notice shall be sent to the Personnel Officer's Office to be placed in the employee's personnel file.

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**Demotion for Cause** When the employee's ability is impaired to the extent that he/she is unable to perform his/her assigned duties, but not hampered to the extent that he/she is able to work at a lower paid related duties, a department head may demote the individual after consultation with the Board of Selectmen. As in other disciplinary action, grounds shall be stated in a letter to the affected employee. A copy shall be sent to the Personnel Officer's Office for inclusion in the employee's personnel file.

**Dismissal** Dismissal is the most severe and permanent form of disciplinary action, and as such, should be exercised with care and considerable prior thought. Any department head who proposes to dismiss an employee shall consult in detail with the Board of Selectmen prior to taking any action. Once it is decided to dismiss an employee, the department head shall, within one (1) working day after the dismissal, provide the employee with a written notice informing the affected employee of his/her right to appeal through the grievance procedure as stated in this manual. This letter may be hand delivered by the department head or sent by certified mail, receipt requested. The letter of dismissal shall be effective immediately.

Within one (1) working day after the dismissal, the employee shall be given written notice stating the specific reason(s) for the dismissal. The employee shall also be informed of his/her right to appeal through the grievance procedure as stated in this manual. A copy of the written notice to the employee shall be placed in his/her central personnel file. Dismissal is automatic when an employee is absent for five consecutive days without notifying his/her department head. In unusual cases in which the employee could not have contacted a representative of the Town, reinstatement may be arranged with the Board of Selectmen. The situations where an employee has committed a violation of Town policies or a violation of federal, state or local laws, dismissal of an employee may be warranted. The Town reserves the right to conduct an internal investigation with regard to the offense to determine whether the nature of the offense makes it inappropriate for the individual to continue in the employ of the Town.

### **GRIEVANCE PROCEDURE**

It is the policy of the Town to provide an effective and acceptable means for employees to bring problems and complaints concerning their well being at work to the attention of their supervisors. Therefore, a grievance procedure is established for the benefit and use of employees. When an employee feels aggrieved, he or she shall be allowed to follow all the steps of the grievance procedure with freedom from reprisal. However, this procedure does not confer the right upon anyone to make slanderous or libelous statements, or to take any other actions otherwise prohibited by law.

Any employee who has completed the probationary period who believes that he or she has not received equitable treatment concerning some condition of employment, including administration of these policies, may seek review of his or her complaint. A complaint must first be brought to the attention of the employee's direct supervisor. If the employee is not satisfied with the result results of the discussion with the supervisor, he or she may bring the matter to the attention of the department head.

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If the employee is not satisfied with the results of the review by the supervisor or department head, he or she may submit the complaint in writing to the Board of Selectmen. The Board will conduct an investigation into the facts alleged in the grievance, and will meet with the employee. The Board will make every effort to resolve the grievance promptly and fairly. If the Board is unable to resolve the grievance to the employee's satisfaction within fourteen (14) days of meeting with the employee, the Board will provide the employee with a written statement of its position within an additional seven (7) days.

If submitting the complaint to the Board (already designated as the third step) presents a conflict because the issue involves a dispute between an employee and the Board or a Board member, the grievance shall be brought before a 3-member panel made up of one party chosen by the Board, one party chosen by the employee from the work force, and one other party mutually agreed upon by the Board and the employee. The panel will issue an opinion on the validity of the grievance within 14 days, together with any recommendations to end the disagreement.

A grievance shall be any action focusing on a disagreement between the Town and its employees relating to application or interpretation of the Personnel Bylaw or the Personnel Procedures Manual. Complaints by an employee relating to his/her employment which include, but are not limited to, the following:

- Disciplinary actions of any kind;
- Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules and regulations;
- Acts of reprisal as the result of utilization of the grievance procedure;
- Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, handicap or political affiliation. Sexual Harassment is considered a form of sexual discrimination;
- Complaints of personal harassment by supervisory personnel.

Complaints shall be non-grievable where they involve the following:

- The creation, establishment or revision of wage and salary tables, position classifications, and general benefits accorded to employees;
- Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;
- The contents of statutes or established personnel policies, procedures, rules and regulations;
- Failure to promote or to fill a vacancy through recall, except where the employee can show established promotional procedures were not followed or fairly applied;
- The methods, means scheduling, and staffing by which work activities are to be carried out;

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- Discharge, demotion, layoff or suspension from duties because of lack of work, reduction in the work force or job abolition; or
- Resignation, employee requested demotion or transfer.

In the event that either the employee, immediate supervisor, or the department head raises a question as to whether the grievance deals with a matter properly with the scope of this grievance procedure, the matter shall be referred to the Personnel Board, who shall render an opinion within twenty-one (21) working days. The decision of the Personnel Board shall be binding on all parties.

### Exclusions

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

- Direct the work of its employees;
- Hire, promote, transfer non-punitively, assign and retain employees in positions within the department;
- Demote or dismiss employees for proper cause;
- Maintain the efficiency of governmental operations;
- Relieve employees from duties because of lack of work or for other legitimate reasons;
- Take actions as may be necessary to carry out the duties of an agency in emergencies;
- Determine the methods, means and staffing by which operations are to be carried on; and
- Assign job classifications to pay ranges.

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

### EMPLOYEE CONDUCT

Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner which credits the Town, public officials and fellow employees. Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon the town service. Town employees must avoid any action which might result in, or create the impression of using public office for private gain or giving preferential treatment to any person. All employees of the Town shall adhere to the following rules of conduct:

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**Gifts and Gratuities** An employee, either individually or as a member of a group, may not directly or indirectly, ask, accept or receive any gift or favor which might reasonably be interpreted as tending in any degree to influence the performance of his/her duties. Compliance is extremely important in protecting the employee and the Town from public embarrassment and criticism. (See Conflict of Interest Statement)

**Prohibition of Certain Political Activities** It is the policy of the Town to appoint all employees without regard to political consideration. However, Town employees are restricted in their participation in certain political activities by Massachusetts General Laws, Chapter 55, Sections 13-17. Town employees are prohibited from directly or indirectly soliciting or receiving any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for any political purpose. However, employees may be members of political committees which solicit contributions. Effectively, employees may not ask for contributions on behalf of a political candidate or committee, agree to sponsor the use of his or her name on a fundraising request, host or sponsor political fundraising events, or distribute or sell tickets for a political fundraising event. No person may solicit or receive contributions in any Town buildings for purposes set forth above. Employees of the Town may not solicit or receive contributions on Town property at any time, whether during working hours or not. This prohibition includes the soliciting or receiving of contributions on the employee's own behalf.

Town employees may not participate in partisan political activities during their usual working hours. In addition, employees are prohibited from using the facilities or property i.e., offices, telephones, copy machines, etc. of the Town for any partisan political purposes. Partisan political activity is defined to mean canvassing voters, soliciting votes, distributing campaign literature and similar activity conducted on behalf of, or in opposition to, a candidate for public office or public question scheduled to be voted upon at an election or referendum.

**Nothing in this Section shall be construed to prevent the Town employees from becoming, or continuing to be, members of any political party, club or organization; attending political meetings; expressing their views in private on partisan political matters outside of working hours and off Town premises; or voting with complete freedom in any election.**

**Drug/Alcohol Free Workplace** It is the intent and obligation of the Town to provide a drug-free/alcohol-free, healthy, safe, and secure work environment for all employees. No employee shall report to work under the influence of alcohol or illegal drugs. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, or the use of alcohol, on Town premises, or while on Town business is absolutely prohibited. If it is determined that there are violations of this policy, appropriate disciplinary action will be taken in accordance with this Personnel Procedures Manual.

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Drug and alcohol dependency is recognized by the Town as an illness and major health problem. The Town also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program and the health insurance plan(s) as appropriate. All contacts are confidential and conscientious efforts to seek help with drug and/or alcohol dependency will not jeopardize an employee's job.

As required by federal law, employees directly engaged in the performance of work pursuant to the provisions of a federal grant or contract must, as a condition of employment, abide by the terms of the above policy and must report any conviction under a criminal drug statute for violations of this policy to the Board of Selectmen within five (5) days after the conviction. The Town must then notify the contracting agency within ten (10) days after receiving notice of conviction as required by the Drug-Free Workplace Act of 1988.

**Outside Employment** Any employee seeking outside employment in addition to their regular employment with the Town shall adhere to the state laws governing conflict of interest. (See Conflict of Interest Statement)

**Conflict of Interest** Employees of the Town must comply with Massachusetts General Laws, Chapter 268A, Section 17-23, Conduct of Public Employees. The law prohibits a variety of acts including bribery; receiving gifts or compensation other than official Town compensation for any matter in which the Town has a substantial interest; and participating in matters involving the Town in which one's business associates, or one's relatives have a financial interest. In effect, these regulations prohibit Town employees from having an interest in any business which has dealings with an agency of the Town. When there is a question of whether there may be a conflict of interest, an employee has the right to request a legal opinion from Town Counsel for resolution of whether a conflict of interest exists. An employee must file a Statement of Interest and request a legal opinion on whether the interest is "not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee". Both the statement and request for legal opinion must be filed with the Board of Selectmen who shall obtain a legal opinion from Town Counsel. The legal opinion of Town Counsel shall constitute resolution of the question of conflict and shall be filed in writing with the Town Clerk; such opinion shall be a matter of public record.

**SEXUAL HARASSMENT** See Appendix C attached to these policies.

### **RESIGNATION**

A written resignation shall be supplied by the employee to the department head stating the reason(s) for resignation. The department head shall forward the letter of resignation to the Board of Selectmen with a recommendation regarding the employee's performance. An employee who is terminated in good standing shall be paid for his/her accrued, but unused, vacation leave and unused personal days. The employee's resignation date may not be extended to use leave in excess of accrual limits nor may

## Town of Groveland Personnel Procedures Manual

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payment for accumulated leave exceed the amounts or accrual limits as set forth in this manual.

### **BENEFITS, LEAVES AND ELIGIBILITY**

**Retirement System** All employees must belong to the Essex Regional Retirement System or the Defined Contribution Plan. Pursuant to Massachusetts General Laws, Chapter 32, employees of the town are eligible to be members of the Essex County Retirement System. The Essex Regional Retirement System is part of the statewide retirement system for state, county and municipal employees. Because it is a statewide system, employees do not have Federal Insurance Contributions Act (FICA or Social Security) deductions from their salary.

Membership in the system is mandatory for all employees who are regularly employed at least twenty (20) hours per week. For employees who became members of the retirement system prior to January 1, 1975, the retirement contribution is 5%. For employees who became members on or after January 1, 1975 but before January 1, 1984, the contribution is 7%. For employees who became members on or after January 1, 1984 but before July 1, 1996, the contribution is 8%. For employees who became members on or after July 1, 1996, the contribution is 9%. (If your membership date is on or after January 1, 1975 and your annual salary is over \$30,000, an additional 2% will be deducted.) The Town's contribution will be assessed by the Essex County Retirement System.

Pursuant to the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), and Massachusetts General Laws, all employees not covered by the Essex County Retirement System must become members of a pension plan. The town has selected a defined contribution plan where the employee is required to contribute 7.5% in lieu of FICA. [The town is not required to match the contribution.]

Payroll deductions for the retirement plans are on a before tax basis, and as such, taxes are deferred until the employee receives funds from the plan. At the time of retirement or termination, the employee is eligible to receive a pension or return of their contributions, depending upon their status in the system at the time of discontinuing employment with the Town. It is the responsibility of the employee to contact the Treasurer's Office prior to any change in their employment status. Forms for withdrawal of funds from either plan are available in the Treasurer's Office.

**Medicare Tax** Although Town employees do not have FICA or Social Security deductions, Section 13205 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) mandates that deductions be made for Medicare from the salary of all governmental employees not covered under FICA. All Town employees hired after March 31, 1986 must have deductions for Medicare tax. This deduction is currently 1.45% of the employees salary with the Town contributing an amount equal to the employee deductions.



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**Medical Insurance** All employees who work at least twenty (20) hours each week continually throughout the year or who are officially retired from the town are eligible for medical insurance. Both individual and family plans are available to employees. At the time of appointment to a position that meets the above criteria, the employee should report to the Treasurer's Office to receive additional information and to complete the required paperwork. If an employee elects not to subscribe to the medical insurance coverage, they must sign a waiver indicating that they do not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, they must wait until the open enrollment period at the anniversary date of the policy, and/or meet the requirements as set forth by the insurance carrier.

The Town shall contribute 75% of the premium for health insurance coverage for its active employees, its officially retired employees, their spouses and dependents. The employee/retiree shall contribute 25% of the premium. It is the employee's responsibility to notify the Treasurer's Office of any change in status which would affect their insurance coverage (i.e., dependent child reaching 19 years of age, change in individual or family coverage, planned retirement or termination). Continued medical insurance coverage is available when an employee's status changes, see Treasurer for details.

**Life Insurance** All employees who work at least (20) hours each week continually throughout the year, and occupy positions classified as permanent are eligible for the basic life insurance coverage in the amount of \$10,000.00. At the time of appointment to a position that meets the above criteria, the employee must report to the Treasurer's Office to receive additional information and to complete the required paperwork.

If an employee elects not to subscribe to the life insurance coverage, they must sign a waiver indicating that they do not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, they must wait until the open enrollment period at the anniversary date of the policy, and meet the requirements as set forth by the insurance carrier.

The Town shall contribute 50% of the premium for the basic coverage, and the employee shall contribute 50% of the premium.

**Worker's Compensation** Pursuant to Massachusetts General Laws, Chapter 152, all employees except uniformed police and fire employees are provided insurance protection to cover the loss of wages and designated expenses arising from employment related injuries. It is the responsibility of both the injured employee and his/her supervisor or department head to immediately report an injury to the Town Treasurer.

The salary compensation under worker's compensation is calculated at 60% of the average regular pay of the employee. If any employee has accumulated leave and requests to do so, the difference between the worker's compensation pay and their regular pay may be charged to accumulated sick, vacation or compensatory time leave so that the employee receives 100% of his/her weekly gross pay. The employee may also elect only to receive the worker's compensation. No deductions are made from the worker's

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compensation check and therefore the employee must make arrangements for voluntary deductions such as health insurance.

**Fire Personnel Indemnification** All uniformed members of the Fire Department are provided insurance protection to cover the loss of wages and designated expenses arising from employment related injuries. Again, it is the responsibility of both the injured employee and his/her supervisor or department head to immediately report an injury to the Town Treasurer.

**Vacations** All employees occupying positions designated as permanent are eligible for vacation leave. Procedures for all other employees are listed below. Part-time employees occupying benefited positions shall receive vacation in ratio to their part-time employment.

Vacations shall be granted by department heads at such time as in their opinion will cause the least interference with the performance of the regular work of the Town. All paid time off granted (sick days, vacation, personal) must be noted on the appropriate week's payroll voucher. While the department head will consider the needs of the employee, the employee should not make the assumption that a vacation request will automatically be granted.

Probationary employees shall accrue vacation but are not eligible to use vacation leave until the end of their probationary period. Probationary employees who are terminated for unsuccessful job performance shall not be compensated for accrued vacation.

Payment for accumulated vacation shall be made under the following conditions:

- upon the death of an employee, payment shall be made to the estate or heirs of the deceased employee for accrued but unused vacation;
- upon the resignation in good standing, retirement, entrance into the armed forces, or layoff of an employee through no fault or delinquency of their own, payment shall be made for accrued but unused vacation.

An employee who is on an authorized leave of absence shall not be credited with earned vacation leave during his/her leave but shall continue to accrue service time for vacation purposes.

**Vacation Schedule** Permanent employees who work a five day work week have completed at least one year, but fewer than five years, of continuous service shall be entitled to ten (10) days of vacation with pay each fiscal year. Permanent employees who work less than a five day work week (and at least 19 hours per week), i.e., 3 day work week, shall be entitled to six (6) days of vacation with pay each fiscal year, etc. (2=4; 4=8).

Permanent employees who work a five day work week have completed at least five (5) years continuous service shall be entitled to fifteen (15) days of vacation with pay each

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fiscal year. Permanent employees who work less than a five day work week (and at least 19 hours per week), i.e., 3 day work week, shall be entitled to nine (9) days of vacation with pay each fiscal year. (4=12).

Permanent employees who work a five (5) day work week and have completed six (6) through twenty (20) continuous years shall earn one (1) day each year to a maximum of thirty (30) days of vacation with pay. Permanent employees who work less than a five day work week (and at least 19 hours per week), i.e., 3 day work week shall earn one-half day each year to a maximum of 18 days; 4 day work week shall earn three-quarters (3/4) of a day each year for a maximum of 24 days.

Up to ten (10) days vacation leave may be held over into the next fiscal year upon written approval of the employee's department head with a copy submitted to the Personnel Officer, provided, however, that said leave must be taken within 90 days following the close of the fiscal year in which it was earned.

**Personal Leave** Full-time and qualified part-time employees will be granted three (3) days of leave with pay each fiscal year for the purpose of attending to personal business which unavoidably conflicts with the employees work schedule or to observe religious holidays. Employees must provide a reasonable amount of advance notice, which shall normally be two (2) weeks, to their department head, and the Personnel Officer.

**Sick Leave** All employees occupying positions designated as permanent are eligible for sick leave. Sick leave is to provide compensation to the employee for a bona fide illness or injury; abuse of the leave may subject the employee to disciplinary action, including dismissal. Sick leave provided under this provision shall be accumulated at the rate of one and one-quarter (1-1/4) days per month. Accrual is permitted up to one hundred eighty (180) days.

It is the responsibility of the employee to notify his/her department head or supervisor of the need to use sick leave. This notification should be made prior to the time the employee is scheduled to report to work or as soon as possible in the event of a serious accident or illness. Failure to notify the department head or supervisor may result in the employee not being allowed compensation for the lost time due to illness or injury.

Part-time employees occupying benefited positions shall accumulate sick leave in ratio to their part-time employment. Probationary employees may use accumulated sick leave during their probationary period.

For the protection of the Town, the department head may require the presentation of a doctor's certification in connection with a claim for sick leave following a continued absence of at least three (3) full days. If such certification of hospital or doctor's records is not filed with the department head by the time specified, the employee's absence shall not be chargeable to sick leave. At the discretion of the department head, subsequent certification may be required before, or at the time, the employee returns to work. If it is deemed advisable, the department head may send a doctor to investigate any absence alleged to be caused by illness. If the employee's absence due to illness exceeds the

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amount of accumulated sick leave the employee has, the absence may be charged to vacation at the discretion of the department head and with the approval of the employee.

An employee may use up to seven (7) days of accumulated sick leave per fiscal year for serious illness of a member of the employee's immediate family. For the protection of the Town, the department head may require the presentation of a doctor's certificate in connection with the claim for family sick leave. If such a certificate of hospital or doctor's records is not filed with the department head by the time specified for the filing of such certificate(s), the employee's absence due to family illness shall not be chargeable to sick leave.

Employees who are injured on the job and are receiving Worker's Compensation may request usage of accrued sick leave to make up the difference between Worker's Compensation and their regular gross salary as provided under the provisions of Chapter 152 of the Massachusetts General Laws.

**Terminal Leave.** Any permanent employee who works at least 20 hours or more per week, upon official retirement, (or in the event of death), his or her estate shall be allowed a portion of the accumulated sick leave as terminal leave. Terminal leave allowance shall be computed as follows: thirty percent (30%) of unused accumulated sick leave to be paid at retirement or to the estate, at the rate of the non-contractual employee's current base rate of pay.

**Bereavement Leave** Bereavement leave may be granted by the department head to any employee to enable him or her to take care of matters caused by the death of a member of his or her immediate family. Bereavement leave shall be limited to no more than four (4) consecutive working days off with pay.

### **Family and Medical Sick Leave**

#### Definitions

The following definitions shall apply to this section:

"Health care provider", a doctor of medicine or osteopathy authorized to practice within the located state, or any person determined by the Secretary of Labor, or others capable of providing health care services as defined by the Department of Labor Family and Medical Leave Act rules.

"Intermittent leave", time away from the job taken in separate blocks of time due to a single illness or injury.

"Reduced leave schedule", a reduction in the number of hours per work day or work week.

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“Serious health condition”, an illness, injury, impairment or physical or mental condition that involves:

- a. incapacity or treatment as an inpatient in a hospital, hospice or residential medical care facility; or
- b. incapacity requiring absence from work or other activities for more than three(3) calendar days and involving continuing treatment of a health care provider; or
- c. continuing treatment by a health care provider for a chronic or long-term health condition which is incurable or if left untreated would result in incapacity for more than three (3) calendar days.

“Twelve month period”, a “rolling” period measured backward from the date an employee uses any family and medical leave.

**Eligibility.** Employees who have completed at least 12 months of employment with the town and who have worked at least 1,250 hours during the preceding 12 months.

**Policy.** Eligible employees will be granted a leave for up to 12 weeks during any 12-month period for:

- d. family leave due to the birth, adoption or placement of a child (foster care);
- e. medical leave due to an employee’s serious health condition;
- f. medical leave due to an employee’s care of a spouse, child or parent who has a serious health condition.

**Notice Requirements.** At least 30 days in advance, the employee shall submit to the department head or appointing authority, if there is not department head, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If 30 days notice is not possible, the employee shall give notice as soon as practicable.

**Certification Requirement.** In connection with family leave, employees shall, upon request by the department head or appointing authority, provide proof of birth, adoption or placement of a child.

In connection with medical leave, employees shall, upon request by the department head or appointing authority, provide medical certification which shall include:

- g. In the case of the employee’s illness, a statement by the health care provider on letterhead listing the provider’s address and telephone number, that the provider has personally examined the employee, identification of the serious medical condition unless it is confidential in nature with date of onset and

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probable duration, and stating that the employee is unable to perform his or her duties due to the specific illness or injury on the days in question.

- h. In the case of care for a spouse, a child or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question.

Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so.

An appointing authority may require, at the Town's expense, a second opinion from a health care provider designated by the Town. If there is a conflict between the second opinion and the original medical certification, the appointing authority may seek a third opinion, at the Town's expense, from a health care provider designated or approved by both the Town and the employee.

Employees may be required to provide re-certification, including the employee's affirmative commitment to returning to work and anticipated date of return after each 30-day period of medical leave, or at shorter intervals if the employee requests an extension of leave; if there are significant changes from the original certification circumstances; or if the town receives information which casts doubt on the validity of the certification.

Intermittent and Reduced Leave Schedule Employees may request medical leave on an intermittent leave, or on a reduced leave schedule, if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the town's operations.

**Military Leave** Employees of the Town shall be entitled to a leave of absence during the time of the employee's compulsory services in the armed forces of the Commonwealth during compulsory annual tours of duty not exceeding seventeen days as provided in Chapter 33, Section 59 of the Massachusetts General Laws as members of reserve components of the armed forces of the United States. The employee shall receive his/her ordinary remuneration while on military leave. Employees shall also be entitled to the same leave of absence or vacation with pay given to other like employees. A copy of the employee's military orders must be presented to their department head for inspection. Employees returning to Town service within 90 days after military discharge shall not lose seniority standing.

**Court Leave/Jury Duty** Employees who are called for jury duty or summoned on behalf of the Town shall be granted court leave with pay. The employee must turn over to the Town any fees he/she receives for jury duty or witness fees when they are received by employees while on court leave. The employee will then receive their regular rate of compensation. The employee shall notify his/her department head of the court summons upon receipt of such summons. The department head may request a copy of the summons prior to granting the employee court leave.

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When an employee has been granted court leave it shall be considered an excused leave of absence. The employee shall report to his/her official place of duty whenever said service shall permit two or more consecutive hours of employment during the hours of his/her scheduled work period. The period of the excused absence shall include travel time as well as the time required to serve the court.

Court leave without pay shall be granted when an employee is engaged in personal litigation having no connection with his/her position as an employee of the Town.

**Leave Without Pay** The Board of Selectmen may grant a leave of absence without pay for a period of up to one (1) year in duration. The granting of such leave will be contingent upon whether a suitable temporary replacement is available and if the services of the Town will not suffer as a result of the granting of such leave. An employee wishing to take a leave of absence shall request such leave through his/her department head who will forward the request to the Board of Selectmen along with the department head's recommendation on the granting of such leave.

**Maternity Leave** In accordance with General Laws, c. 151B, §4 and 804 Code of Massachusetts Regulations 8.0, a female employee who has been employed by the Town for at least six consecutive months, as a full-time employee, shall be entitled to leave for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of 18, or under 23 if the child is mentally or physically handicapped. In order to be eligible for leave under this section, the employee is required to give two weeks notice in advance of the anticipated date of departure, stating her intention to return and anticipated date of return. Upon her return to work, the employee is entitled to be restored to her previous position, or to a similar position which has the same status and pay as her previous position, and to the length of service credit and seniority as of the date of her leave. Qualified part-time employees are also eligible for leave under this section. Leave under this section shall be unpaid, unless the employee is eligible to apply other leave, such as sick leave or vacation to which she is entitled. Any leave taken under this section shall be deemed leave taken under the provisions of Family and Medical Leave herein.

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**Holidays** All employees who occupy positions that receive benefits shall receive the following days as holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- ½ day before Christmas Day, if this day falls on a Monday-Friday
- Christmas Day

When a legal holiday falls on a Saturday, town offices will close on the Friday before. When a legal holiday falls on a Sunday, town offices will close on the Monday following.

In addition to the holidays specified above, the employees shall be entitled to any specially declared federal or state holidays which occur in the course of the year.

Employees who work a part-time schedule shall receive the holiday hours in ratio to the number of hours they normally work per week. For example, employee X works twenty (20) hours per week and would therefore receive four (4) hours of compensation for the holiday.

Payment for a holiday shall be made at the employee's regular rate of compensation. If a holiday occurs within an employee's vacation period, he/she will not be charged vacation leave for the holiday. If an employee is scheduled to work on a holiday, he/she shall be compensated at one and one-half (1.5) times his/her regular rate of pay for all hours worked on the holiday in addition to his/her regular rate of compensation. In no case shall this compensation be less than an amount equal to four (4) hours work at the above rate. Each time an employee is called back to work on the holiday, he/she shall be paid for no less than two (2) hours at the above rate.

If an employee who is scheduled to work Thanksgiving Day and/or Christmas Day, the employee shall be compensated at two (2) times his/her regular rate of pay for all hours worked on the holiday in addition to his/her regular rate of compensation. In no case shall this compensation be less than an amount equal to four (4) hours work at the above rate. Each time an employee is called back to work on the holiday, he/she shall be paid for no less than two (2) hours at the above rate.



**APPENDIX- A**

**AFFIRMATIVE ACTION PLAN**

**Commitment to Equal Opportunity in Employment**

It shall be the policy of the Town of Groveland not to discriminate against any applicant for employment, or any employee, on the basis of race, color, national origin, religion, sex, age, or physical handicap, with regard to recruitment, selection and placement, rate of pay, promotion and transfer, disciplinary measures, layoffs and terminations, working conditions, testing and training, and compensation and benefits.

The Town of Groveland recognizes its obligations to administer actively and aggressively an Equal Employment and Affirmative. Action Program, to investigate and initiate changes in any discriminatory employment practices or patterns, and to provide positive benefits to the Town of Groveland by more fully utilizing and developing the potential of all current employees and by expanding opportunities to a greater number of potential employees.

The Town of Groveland will provide equal access to its services, programs and facilities without regard to race, color, national origin, religion, sex, age or physical handicap.

The Town of Groveland will only purchase goods and services from agencies or companies which have established policies of nondiscrimination in employment or are willing to establish such a policy. All consultants to the Town of Groveland will be required to insert an equal opportunity clause in their contract with the Town.

**Purpose of the Affirmative Action Program**

The Town of Groveland shall not under utilize minorities or females.

Minority and female employees shall have upward mobility within the structure of the Town of Groveland.

The Town of Groveland shall take affirmative action steps to recruit minorities and females for positions within the Town Government.

**Dissemination of the Program**

This Equal Opportunity Policy and Affirmative Action Plan shall be posted in a conspicuous place in the Office of the Board of Selectmen. All advertisements and job announcements shall state that the Town of Groveland is an equal opportunity employer, and that all qualified applicants will receive consideration

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for employment, without regard to race, color, national origin, religion, sex, age or physical handicap.

### **Responsibilities for Affirmative Action**

The Chair of the Board of Selectmen shall serve as Equal Employment Opportunity (EEO) Officer and be responsible for administering the Equal Opportunity Policy and Affirmative Action Plan. The Selectmen may appoint an employee of the Town of Groveland as Equal Opportunity Administrator (EOA) who will be responsible for executing the program, coordinating policy matters, developing and/or strengthening lines of communication between the Town of Groveland and the target population and in achieving compliance with policy, law and regulations.

The Board of Selectmen shall keep confidential any information or data relating to a specifically named individual, any disclosure of which may constitute an invasion of personal privacy and any other records that are not "public records" as defined in Chapter 1050 of the Acts of 1973, as amended [M.G.L. c. 4, §7 (26)].

The EEO Officer shall directly inform appropriate organizations, community agencies, community and civic leaders, social groups and other potential recruitment sources of job openings as an employee of the Town of Groveland.

Whenever possible, a current minority or female employee shall be upgraded before a position is filled from outside.

The Town of Groveland will identify those jobs which are basically the same, although compensated at different rates, in order to achieve equal pay for equal work.

All personnel who are involved in interviewing prospective employees and who are in any way involved in the selection process shall consult with the EEO Officer to assure compliance with the Affirmative Action Plan.

### **The Affirmative Action Program**

The EEO Officer shall gather and analyze data of the Town of Groveland employees on minority and female employment composition and with reference to overall goals, identify any under-utilization of minority employees, female employees and any deficiencies in compensation and prerequisites. If the Town of Groveland is under-utilizing minorities and females, or if deficiencies in compensation exist, the Town of Groveland will develop a specific program to correct any such deficiencies.

The data gathered by the EEO Officer for review and revision shall include the following information:

- Names of personnel involved in hiring and promotion
- Job classification
- Compensation rates for each classification
- Existing job description for each classification
- An updated job description, if the existing one does not correspond to the work actually done
- Vocational qualifications of persons holding the positions
- Pension, tenure and other prerequisites attached to the job
- Criteria for promotion
- Criteria for demotion, termination, discharge, layoff, disciplinary action
- The number and/or names of minority and female employees by classification
- Explanation of hiring procedures, including recruitment and advertising sources
- Lists of all positions which were open or were created during the previous year
- Approximate number of people applying for jobs
- Names and addresses of minority and female applicants
- Promotions made during the previous six months
- Names of minority and female employees passed over for promotion
- Names of persons receiving promotions

**Corrective and Affirmative Actions**

From the analysis of the statistical data, any deficiencies in female and minority employment will be identified and corrected. Corrective actions to overcome their deficiencies will include:

1. Recruiting

When a new position is created, or an existing position becomes vacant, (except in the case of emergency), the position will be announced by:

- a. Advertising in newspapers which serve the largest number of minorities.
- b. Posting at appropriate organizations, agencies, schools and social groups which serve females and minorities.
- c. Notifying the Division of Employment Security (DET).

2. Training

The Town of Groveland will make maximum use of sub-professional internships and training programs to help equalize opportunities for minority persons and females, particularly by making such training available to the maximum extent possible within Town policies and encouraging minority employees to increase their skills and job potential through participation in available training and education programs.

**Goals and Timetables**

1. Long Term

The Town of Groveland sets as a long-term goal the employment of women and minorities to reflect the percentage of women and minorities in the workforce of the Town.

2. Short Term

Within a three-year period after the identification of deficiencies in female and minority employment, such a deficiency shall be corrected.

**Periodic Review and Update**

The Town of Groveland Affirmative Action Plan will be reviewed every five years, and updated as necessary.

**Internal Evaluation**

In order to monitor and evaluate progress in reaching the goals of the Affirmative Action Plan, the EOA shall prepare a report every six months. The report will evaluate how the program is working, and where improvement is needed. Included in this report will be:

- A survey of current employment by race, national origin, sex, job classification, salary or wage level
- Analysis of internal and external work force available by race, national origin and sex
- Identification of areas of under-utilization and concentration, and establishment of hiring and promotion goals and timetables
- Records on hires, promotions, transfers, training program participants, including sources of referrals and hires by race, national origin and sex
- Resignations, layoffs and dismissals by race, national origin and sex
- Progress towards goals

**APPENDIX - B**

**DRUG AND ALCOHOL TESTING AND DISCIPLINARY POLICY**

The parties acknowledge and agree that the Employer is engaged in a business that requires high public safety standards. Accordingly, the employees understand that the use and possession of intoxicating beverages, drugs and controlled substances (other than prescription medication) on company premises or during work hours is strictly prohibited.

The Employees and the Employer agree that all applicants for employment with the Company may be required to successfully pass a medical evaluation which will include a drug test.

The Employer shall require testing where there is a reportable accident as defined by DOT.

The Employer shall also require a sobriety or drug test of any Employee if the Employer has reasonable cause to believe that the Employee is under the influence of controlled substances, drugs or alcohol. Reasonable cause means a driver's observable action, appearance or conduct indicating alcohol or drug use. This conduct must be witnessed by a supervisor, and his/her observations must be reduced to writing within 24 hours or before the test results are released, whichever is earlier. When a supervisor confronts an Employee about substance abuse, the Employee shall have the right to request that a steward be present.

The cost of any medical evaluation which includes sobriety or drug testing shall be paid by the Employer, and any such test must be administered by a person or organization qualified to conduct the test and to evaluate the results. Any Employee required to take a sobriety or drug test under the provisions of the Agreement shall sign any necessary consent form authorizing the testing facility to collect urine or blood specimens and to release the results of the testing to the Employer. The refusal by an Employee to consent to a sobriety or drug test required under this Agreement shall constitute cause for discipline or discharge. Such refusal will be grounds for the Employer to remove the employee from performing safety sensitive functions.

A positive test result will result in a suspension without pay for a period not exceed one month for a first offense which does not involve an accident. The employee may use paid vacation time during the period in lieu of unpaid suspension. Subsequent offenses and first offenses involving personal injury may result in discipline including termination of employment. In the absence of such termination of employment, there will be one-time opportunity for rehabilitation or treatment.

APPENDIX - C

SEXUAL HARRASSMENT POLICY

It is the goal of the Town of Groveland to promote a workplace which is professional and which treats all of those who work here with dignity and respect. Sexual harassment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated.

Because the Town of Groveland takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is demonstrated to our satisfaction that such harassment occurred, we will act promptly to eliminate the harassment and impose such corrective action as is necessary, including disciplinary action where appropriate.

**Definition of Sexual Harassment** In Massachusetts, the legal definition for sexual harassment is:

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

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;
- or, (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, by supervisors, employees and, in some instances, third parties, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers. Prohibited conduct also extends to any function or activity which is officially sponsored by the Town of Groveland. While it is not possible for the Town of Groveland to list all those circumstances which we would consider to be sexual harassment, the following are some examples:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- Assault or coerced sexual acts.

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The following conduct may also constitute sexual harassment in certain circumstances:

- Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experience;
- Discussion of one's sexual activities; and
- Comments regarding gender stereotypes which demean, embarrass or humiliate employees.

**Private Counseling Option** If you believe you are the victim of sexual harassment, in addition to the right to file a complaint, you may also seek advice from \_\_\_\_\_ . This person is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, this individual will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a manner which would offer you as much privacy and confidentiality as is possible. If this option does not resolve the complaint, you may proceed through our complaint procedure set forth in Section IV, below.

**Complaints of Sexual Harassment** If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally to our Affirmative Action Officer (AAO) who is designated below. When the AAO receives the complaint, he/she will then investigate the allegation in a fair and expeditious manner. The AAO's investigation would include a private interview with the person filing the complaint and with witnesses. He/she will also interview the person alleged to have committed sexual harassment. The AAO may, if necessary, request written statements in addition to the private interviews. If the AAO is unable to resolve the complaint, he/she will report the investigative findings to the Board of Selectmen or the organizations listed on page #4 herein for disposition.

If the investigation reveals that sexual harassment did occur, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action which could include termination from employment. In addition, when the investigation is completed through formal or informal procedures, we will inform the person filing the complaint and the alleged harasser of the results of that investigation, including allegations that have not been sustained.

If you would like to file a complaint, you may do so by contacting the Affirmative Action Officer.



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**Disciplinary Action** If sexual harassment has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

**State and Federal Remedies** In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the following government agencies:

1. The United States Equal Employment Opportunity Commission  
1 Congress Street, 10<sup>th</sup> Floor, Room 1001  
Boston, MA 02114  
(617) 565-3200
  
2. The Massachusetts Commission Against Discrimination  
One Ashburton Place - Room 601  
Boston, MA 02108  
(617) 727-3990