

TOWN OF FAIRHAVEN, MASSACHUSETTS



PERSONNEL POLICIES AND PROCEDURES MANUAL

The policies and procedures outlined herein are subject to change without notice provided that the changes are made in accordance with federal and state laws and town bylaws. The Town of Fairhaven, Massachusetts reserves the right to layoff 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. These policies are a guide only, and it is not the intent of the Town to grant any employee any 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.

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1.0 General Provisions

1-1. *Authorization.* These policies are promulgated in accordance with the authority granted by the Personnel Bylaw Chapter 61 of the Town Code (Appendix A), and §A502-6 Town Administrator Special Act (Appendix B). In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement or other duly authorized employment agreement, the provisions of the collective bargaining or employment agreement shall prevail.

1-2. *Purpose.* The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Fairhaven, Massachusetts. Nothing in these policies shall be construed to create a contract or term of employment between the Town and an individual employee. Except as otherwise prohibited by law, the Town reserves the right to modify, amend or discontinue any of the provisions herein.

These policies are consistent with the following merit principles:

1. Recruitment, selection, and classification of personnel shall be based on ability knowledge, education, and skill under fair and open competition.
2. Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability or other non-merit factors and with proper regard for privacy and constitutional rights.
3. Retention and advancement of employees shall be determined on the basis of their performance. Where otherwise appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.

1-3. *Equal Employment Opportunity (EEO) Statement.* Under Title VII of the Civil Rights Act of 1964 and related federal nondiscrimination laws, the Town of Fairhaven does not discriminate against employees and applicants based on race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, and veteran status. The Town of Fairhaven also abides by the Commonwealth of Massachusetts nondiscrimination laws including: protections based on marital status, criminal convictions, sexual orientation, gender identity, and gender expression. The Town is committed to providing employment opportunities without regard to race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, veteran status, and other personal characteristics. It is the Town's intent to attract a wide pool of diverse applicants and to help ensure that managers and employees abide by federal and state nondiscrimination laws.

1-4. *Rules of Interpretation.*

(a) These policies are intended to be in accordance with all applicable State and Federal laws, collective bargaining agreements, and civil service rules. In the event of inconsistencies in the applicable State or Federal law, collective bargaining agreement or civil service rule shall apply.

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

1-5. *Definitions.*

The following definitions shall apply:

“Affirmative Action,” the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.

“Americans with Disabilities Act,” the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.

"Appointing authority" shall mean any Board or Official authorized by General Law or otherwise to hire or fire employees.¹

“Automobile allowance,” that amount approved by the Town Administrator to compensate an employee for regular and routine use of a personal automobile.

“Board of Selectmen,” elected by the citizenry, the Chief Executive Officers of the Town.

“By-law,” the Personnel Bylaw (Chapter 61 of the Town Code) adopted by the Town of Fairhaven, MA.

"Grade" shall mean a group of positions sufficiently similar with respect to essential functions, authority, and responsibilities.

“Collective Bargaining Agreement” shall mean a contract in writing between the employer (Town of Fairhaven) and a bargaining unit, setting forth the terms and conditions of employment.

¹ The Town Administrator Act A502-6, section 2(i) provides as follows: “with the approval of the Board of Selectmen, (the Town Administrator) shall appoint and remove all department heads under the direct control of the Town Administrator. Each department head, with the approval of the Town Administrator, shall appoint and remove all department staff within their respective departments.

"Compensation" shall mean the salary or wages earned by an employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.

"Controlled substances," used interchangeably with the term "drugs" and, unless otherwise provided, refer to marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines).

"Department Director" shall mean the employee responsible for supervising a department's operations and activities.

"Discrimination," unequal treatment or categorization of individuals on a basis other than individual merit such as race, sex, age, color, religion, marital status, national origin, sexual orientation, or disability.

"Equal Employment Opportunity," a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, color national origin, sex, age, religious or political affiliation, physical disability, sexual preference, or veteran status.

"Employee" shall mean an employee of the Town of Fairhaven, MA occupying a position in the classification plan including persons who are on authorized leave of absence.

- *Seasonal Employees.* An employee who is hired into a position for which the customary annual employment is six months or less and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter. Seasonal employees are not eligible for benefits.
- *Exempt.* Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay, compliant with the Fair Labor Standards Act.
- *Non-exempt.* Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked compliant with the Fair Labor Standards Act.
- *Regular, Full-Time.* Employees who are not in a temporary status and work a minimum of 35 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

- *Regular, Part-Time.* Employees who are not in a temporary status and who are regularly scheduled to work fewer than 35 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the Town and are subject to the terms, conditions, and limitations of each benefits program.
- *Temporary, Full-Time.* Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the Town's full-time schedule of 35 hours per week or more for a limited duration not more than six (6) months. Employment beyond any initially stated period does not in any way imply a change in employment status.
- *Temporary, Part-Time.* Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 35 hours weekly for a limited duration not more than six (6) months. Employment beyond any initially stated period does not in any way imply a change in employment status.
- *Probationary employee,* the first six (6) months of employment for all employees during which time an employee is required to demonstrate ability to meet acceptable standards of performance prior to permanent appointment to a position.
- *Management Employees,* those employees who are responsible for a Department or Division and who are expected to work the required number of hours to fulfill the responsibilities of their positions. Managers are not necessarily required to work the same regularly scheduled work hours as non-management employees.
- *Non-represented employee,* an employee whose title is not contained in a collective bargaining unit.
- *Retired Employee,* shall mean an employee who meets town and/or county requirements to be eligible for retirement benefits from the Town of Fairhaven.
- *Call Firefighter,* shall mean a trained firefighter who responds to emergencies as needed on a part-time basis.

“General Laws,” the General Laws of the Commonwealth of Massachusetts.

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

“Minority,” a person with permanent residence in the United States who is Black, Hispanic, Native American, Alaskan Native, Asian or Cape Verdean.

“Overtime,” approved hours worked in excess of forty (40) hours per week.

“Overtime Pay,” payment of time-and-one-half an employee’s regular rate of pay for approved hours worked in excess of forty hours per week.

"Human Resources Director" shall mean the person responsible for overseeing the day-to-day administration of the personnel/HR system for the Town of Fairhaven. The Town Administrator shall delegate this authority to his/her appointed Human Resources Director. The Human Resources Director is responsible for the day-to-day administration of the Human Resource Department.

“Pre-Employment Documentation,” information, forms, or other similar materials submitted by a candidate prior to his/her beginning employment with the Town.

“Promotions” A promotion shall be defined as a change to a position at a higher level of duties and responsibilities in the same or a different class of positions.

“Reasonable Accommodation,” a modification or adjustment to a job, employment practices, or work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

“Reclassification,” a change made to a position title within the Classification Plan as a result of a change in duties to be performed.

“Sexual Harassment,” unwelcome conduct of a sexual nature that is a term or condition of employment.

“Supervisor,” any individual to whom an employer has given the authority to direct and control the work performance of the affected employees.

"Town" shall mean the Town of Fairhaven, Massachusetts.

“Town Administrator,” the Chief Administrative Officer of the Town appointed by the Board of Selectmen.

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

“Undue Hardship,” an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department.

“Workplace,” any area within a structure or portion thereof at which employees perform services for their employer, including employee lounges, rest rooms, conference rooms, hallways, stairways, and entrance ways.

1-6. *Amendment of Policies.* Amendment to these policies shall be by the Board of Selectmen, as recommended by the Town Administrator, in accordance with the Personnel Bylaw.

1-7. *FLSA Statement.* In order to be properly classified as an exempt Executive, Administrative Professional, Computer, or Highly Compensated employee under the Fair Labor Standards Act (“FLSA”), an employee must generally satisfy three tests: (1) duties; (2) minimum salary threshold; and (3) salary basis. The FLSA requires employers to pay non-exempt employees not less than one and a half times their regular rates of pay for all hours worked over 40 hours in a workweek.

Non-exempt employees shall be compensated at 1½ times his/her hourly rate for hours worked in excess of the normal workday or workweek in the same work period. Compensatory time within the same work period may be chosen by the employee in lieu of payment. Compensatory time given as overtime shall be 1½ times the extra hours worked. Compensatory time shall not exceed 40 hours during a fiscal year. A maximum of 40 hours may be carried over to the next fiscal year. This compensatory policy exceeds the requirements of the Fair Labor Standards Act. Working time includes all time, except mealtime, during which an employee is required to be on the employer's premises or at any prescribed workplace.

2.0 Administration of Policies

2-1. *Responsibilities/Board of Selectmen.* A Town Administrator shall be appointed by the Board of Selectmen and he/she shall serve as the Personnel Officer for the Town, responsible for the overall administration of the Town’s personnel system. The Town Administrator may delegate this responsibility to the Human Resources Director, the appointment of whom shall be subject to Board of Selectmen approval.

2-2. *Responsibilities/Personnel Officer/Town Administrator.*

1. Ensure that the Town (i) maintains an effective personnel system, (ii) monitors the effectiveness of policies, procedures, and practices, as approved by the Board of Selectmen (iii) and reports in accordance with the Town Bylaws;
2. Formulate and review the classification plan and the compensation plan, and recommend the same to the Board of Selectmen;

3. Evaluate and classify positions, review requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices, and recommend the same to the Board of Selectmen;
4. Monitor the implementation and practices of the Town's personnel policies; and
5. Provide advice and assistance to the Town officials, department heads, supervisory personnel and employees on all aspects of personnel policies and practices.
6. Serves as contract negotiator with all Town collective bargaining units (excluding School units) on behalf of the Board of Selectmen. For the Board of Public Works (BPW) collective bargaining agreements, a member of the BPW and the Public Works Superintendent shall participate in the collective bargaining process on the administrative bargaining team.

2-3. Responsibilities/Human Resources Director. (Delegated authority by the Town Administrator)

1. Ensure that the Town acts affirmatively to provide maximum opportunities for all persons regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, or disability in entry level and promotional positions and to provide fair and equal treatment in all aspects of personnel management.
2. Ensure that recruitment, selection, appointment, retention, discipline and separation of employees is consistent with the Personnel Bylaw and the personnel policies.
3. Supervise the maintenance of a centralized personnel record-keeping system according to state and federal law.
4. Participates in collective bargaining as a member of the administration, providing advice and research for the resolution of contracts, agreements, grievances, etc.
5. Provide advice and assistance to the Board of Selectmen, Town Administrator, department heads, appointing authorities, supervisory personnel and employees on all aspects of personnel management.
6. Provide daily maintenance of the classification plan and salary schedule, and ensure application and periodic review of personnel policies, and ensure that administration of a problem resolution system are accomplished in ways that are consistent with the Bylaw and these policies. The Human Resources Director shall bring to the Town Administrator's attention issues or matters requiring his/her attention in the administration of these policies.

7. Provide orientation and onboarding of all new employees under the Board of Selectmen/Town Administrator's purview.
8. Conduct exit interviews with employees to gauge and report on issues affecting employee engagement and retention

3.0 Equal Employment Opportunity

3-1. *Equal Employment Opportunity Policy.* The Town of Fairhaven commits itself to the principles and practices of equal employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations.

3-2. *Equal Pay Law.* The Town of Fairhaven complies with the Massachusetts Equal Pay Act (MEPA) which provides that "No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work." The law defines "comparable work" as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions. The full law is described here: [M.G.L. c. 149, § 105A \("MEPA"\)](#).

4.0 Affirmative Action Statement

4-1. *Policy and Statement.* It is the policy of the Town of Fairhaven to provide equal employment opportunities without regard to race, color, religion, sex, national origin, age, disability, marital status, veteran status, sexual orientation, genetic information or any other protected characteristic under applicable law. This policy relates to all phases of employment, including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in all company-sponsored employee activities. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity or age limitations will be adhered to by the Town where appropriate.

As part of the Town's equal employment opportunity policy, the Town of Fairhaven will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, disabled veterans, recently separated veterans, other protected veterans, Armed Forces service medal veterans, and qualified disabled persons are introduced into our workforce and considered for promotional opportunities.

Employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring

equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

The above-mentioned policies shall be periodically brought to the attention of supervisors and shall be appropriately administered. It is the responsibility of each department head to ensure affirmative implementation of these policies to avoid any discrimination in employment. All employees are expected to recognize these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.

4.2 Affirmative Action Officer. The Affirmative Action Officer has been assigned to direct the establishment and monitor the implementation of personnel procedures to guide our affirmative action program throughout the Town of Fairhaven. A notice explaining the company's policy will remain posted.

5.0 Recruitment and Appointment

5-1. Policy. The Town is an equal opportunity employer. The Town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability or other non-merit factors applying for employment in the Town will receive equal treatment and proper regard for privacy and constitutional rights. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices.

5-2. Eligibility. All qualified persons shall be eligible for employment with the Town, subject to any statutory requirements or limitations.

5-3. Recruitment. Department directors have a major role in recruitment and selection of personnel. The qualifications, classification and salary range for the positions are established in accordance with the Town's Classification and Compensation Plan and any pertinent collective bargaining agreements. Department directors, upon the identification of a vacancy or upon the authorization of a new position, must prepare a job vacancy notice. The job vacancy notice must include: the job title, major duties of the position, qualifications, salary ranges, closing date for applications, application instructions, and AA/EEO/ADA statement.

(a) *Notice of Vacancies/Advertising.* The Human Resources Director and the appointing authority review and approve all job notices prior to advertisement and posting. Recruitment for a position shall not begin until the job vacancy is reviewed by the Town Administrator and Human Resources Director. Notices of vacant positions are posted internally for seven (7) business days on the bulletin board located outside the Human Resources Department in the town hall and may also be posted on the bulletin boards in the individual departments; internal

posting may be waived if the Town Administrator determines it is in the best interest of the Town to expedite recruitment.

If internal posting does not result in a qualified internal candidate, then the position will be posted/advertised externally, including online on the Town's website, trade journals, and/or in the local newspapers. Advertising for entry-level positions should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.

(b) Position Descriptions. The position description on file in the Human Resources Department is the official description of the duties of the position. The appointing authority/department head will prepare the job posting based on the official job description, grade, and current salary information. The Town employment application is attached as Appendix F.

(c) Applications. All candidates applying for employment in the Town shall complete an official employment application form and return the form to the Human Resources Department prior to the end of the working day of the closing date specified for the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature.

(d) Methods of Selection. The Human Resources Department and/or the appointing authority will establish selection procedures in order to determine the candidate's fitness and ability to perform in the position. These may include one or more of the following:

1. Interview
2. Oral interview panel
3. Evaluation of experience and training
4. Written examination
5. Practical (or performance) test
6. Evaluation of experience and training
7. Pre-employment physical examination (pursuant to state and federal laws)

The Town shall provide individuals with disabilities the reasonable accommodations they need to be interviewed. (Reasonable accommodations might include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location.) Interviews should be held in offices or conference rooms that are private and easily accessible to individuals with disabilities.

(f) References and Background Checks. Verification of reference and background information provided by candidates on application forms or resumes and in

interviews normally is the responsibility of the human resources department. In reviewing qualifications and backgrounds of candidates for certain positions, such as jobs involving financial accountability or security-related issues, the Town can use the services of outside investigative agencies to conduct credit or background checks on individuals. In conducting such checks, the Town complies with all notices, authorizations, and other requirements of federal and state law and maintains the strict confidentiality of all reports and records related to such investigations. Background criminal checks will only be conducted on employees after they have been offered and accepted a position, and said offer and acceptance shall be contingent upon background check.

(g) Application Records. The application, reference checks, and related documents submitted shall be maintained by the Human Resources Department for the period required by law. The Town shall, to the extent possible, maintain the confidentiality of the application.

5-4. Appointment. All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the weekly salary (grade and step), the starting date, and any conditions of employment not covered in these personnel policies. Copies of the notice of appointment shall be provided to the Human Resources Director.

All vacancies are posted in the Town Hall to ensure that, if interested, other town employees may apply and receive fair consideration for the position. No person shall be appointed, promoted, demoted, advanced, or held back on any basis, or for any reason other than qualification, merit and fitness for service.

(a) Regular Appointment. A regular appointment indicates that an employee is to work for the Town in either a regular full or regular part-time capacity on a regular or continuing basis. Every employee who receives this type of appointment shall serve a probationary period following the original appointment in accordance with the provisions of these policies. Upon certification of the department head or appointing authority that the employee satisfactorily completed the probationary period, the employee's status of employment shall be changed from probationary to regular.

(b) Temporary Appointment. When a position in the Town service is a seasonal employee, a temporary employee, or a temporary part-time employee, the Appointing Authority may appoint from among the best-qualified candidates who will accept employment under these conditions. Employees hired under this type of appointment will be paid on an hourly basis and shall not be eligible for any benefits offered by the Town.

5-5. Pre-Placement Medical Examinations. Persons selected for employment with the Town, after receipt of notice of appointment and prior to the starting date of employment may be required to 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. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform with or without reasonable accommodations the essential functions and/or duties of the position for which appointment has been made or the Appointing Authority shall withdraw the offer of employment. A report of the medical examination of any person hired shall be maintained as a permanent part of the Town records. Police and Fire candidates will be subject to physical ability tests and any other required state examinations.

5-6. Reasons for Rejection. The Appointing Authority may reject any applicant who does not possess the minimum qualifications required for the position or any applicant that has not filed by the announced closing date. Further, an application shall be rejected if the applicant made a false statement of any material fact or practiced any deception or fraud. Written notice of rejection shall be given to the applicant from the Appointing Authority.

5-7. Failure to Report. An applicant who accepts an appointment and fails to report to work on the date set by the Appointing Authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

5-8. Immigration Law Compliance. The Town of Fairhaven complies with all federal immigration laws and regulations and is committed to providing a workplace free from discrimination, including any discrimination based on national origin or citizenship status. In cases of business need, the Town may sponsor foreign nationals for nonimmigrant (temporary) or immigrant (permanent) visas. The Town employs only U.S. citizens and foreign nationals who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents verifying the right to work in the U.S. and to sign a verification form required by federal law (Form I-9). If the applicant's right to work in the U.S. cannot be verified within three days of hire, the Town must terminate the individual's employment.

- (a) *Requests.* A hiring manager that is considering recruitment of foreign workers must contact the Human Resources Director prior to commencing action. All requests for immigration sponsorship will be handled by the Town Administrator.
- (b) *Offer of Employment.* Any offer of employment to a foreign national under a nonimmigrant program is considered temporary and is subject to the terms and conditions of the specific program's work authorization. Holders of nonimmigrant visas can be appointed only for the time period permitted under the individual's visa. The Town's sponsorship of a foreign national for a temporary visa doesn't obligate or guarantee that the Town will sponsor the foreign national for lawful permanent residency.

6.0 Promotions/Transfers

6-1. *Promotions.* When an employee is promoted or transferred to a higher-grade position, he/she shall enter it at the minimum step for that position. If his/her existing pay is higher than the minimum step of the new position, he/she will advance to the next step above his/her present pay. He/she may also receive a one-step increase at the new grade at the time of promotion, if the department head recommends, in writing, that qualifications and performance warrant it and if the Town Administrator approves it.

6-2. *Notification.* Notices of promotional positions shall be posted on the Human Resources Office bulletin board (located outside the HR Office) and on the Human Resources section of the Town website. Interested employees shall bid for the position, using forms prescribed the Human Resources Director.

6-3. *Methods of Selection (Promotional Level).* The Human Resources Director working in cooperation with the appointing authority, shall establish any one or a combination of selection procedures in order to determine the candidates' ability to perform in the higher-level position:

1. Interview
2. Evaluation of past performance
3. References
4. Tests

The Town shall provide individuals with disabilities the reasonable accommodations they need to be interviewed. (Reasonable accommodations might include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location.) Interviews should be held in offices or conference rooms that are private and easily accessible to individuals with disabilities. Any applicants requiring accommodations shall do so through the ADA Coordinator.

7.0 Performance Reviews

7-1. *Coverage.* The Performance Appraisal system will apply to all non-represented administrative, clerical and professional staff.

It is the policy of the Town that all full-time and permanent part-time employees will be evaluated on an annual basis. Additionally, employees who are nearing the end of the probationary period will be evaluated prior to the determination as to whether the employee should be retained on a permanent basis. (*Appendix C: Performance Appraisal System*)

7-2. *Policy.* Supervisors of Town employees are expected to conduct annual performance appraisals of those individuals working under their direction. Performance reviews should accomplish the following:

1. Provide specific feedback on performance;
2. Clarify expectations (job duties, standards, objectives);

3. Identify strengths and opportunities for improvement/growth;
4. Provide the basis for decisions relative to pay;

Copies of the performance review procedures are available through the Human Resources Department and attached to these policies.

7-3. *Step Increases.* Step increases will not be granted unless a positive performance review has been conducted by an employee's supervisor.

8.0 Orientation and Probation

8-1. *Policy.* The Town Administrator or Human Resources Director shall inform new employees of their rights, responsibilities, duties, and obligation. Performance of all new employees must meet acceptable work standards.

8-2. *Orientation.* The Human Resources Director shall:

- (a) notify the new employee of a starting date, time and designated location for starting work.
- (b) thoroughly explain all the benefits and options the employee is entitled to, assist the employee with completion of appropriate forms, and provide the employee with a copy of these personnel policies.
- (c) provide on-site orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department including the safety policies and procedures.
- (d) facilitate conflict-of-interest training between the new employee and the Town Clerk, who will provide the new employee with a copy of MGL 268A (Conflict of Interest Law) and 940 CMR 29.01-29.11 (Open Meeting Law) and will arrange for the new employee to complete online training and shall retain proof of conflict of interest training completion and acknowledgment for new employee.

8-3. *Probationary Period.* All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion and to continue for a six (6) month period (unless otherwise defined by the employee's collective bargaining agreement), which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the supervisor to observe and evaluate the employee's performance against such standards. Upon expiration of the probationary period, the supervisor shall notify the Appointing Authority, Town Administrator or Human Resources Director that:

(a) the employee's performance meets satisfactory standards and the individual will be retained in the position for the remainder of the term for which appointed or for an indefinite term whichever is the case; however, the employment remains on "at-will" status; or

(b) the employee's performance, due to extenuating circumstances, requires additional observation and the probationary period will be extended an additional three (3) months (which is not to exceed beyond three months and is non-renewable); or

(c) the employee's performance was unsatisfactory, and that removal, reassignment, or demotion may occur.

The employee may be removed by an Appointing Authority if it is revealed that the employee intentionally falsified or withheld information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee may not appeal the removal.

9.0 Classification Plan

9-1. *Policy.* The Town Administrator, with the approval of the Board of Selectmen, shall establish a uniform system for the classification of positions based on similarity of duties performed and the responsibilities assumed so that the same qualifications may reasonably be required, and the same schedule of pay may be equitably applied to all positions in the same grade. No employee may be appointed to a position not included in the classification plan, except in situations where there is a temporary, seasonal, or ad hoc staffing need; such a determination will be made by the Town Administrator. A copy of the most current non-union classification shall be on file at all times in the Human Resources office and shall be made available on the Human Resources section of the Town website.

The classification plan shall cover and include all Town departments and positions in the Town service other than positions filled by popular election or covered by a collective bargaining agreement. The Town Administrator shall establish classifications that relate to compensation.

9-2. *Contents of the Classification Plan.* The classification plan shall consist of the following:

(a) *Position Descriptions.* Each position shall have a written description. The description shall consist of a statement describing the purpose of the work, essential job functions and responsibilities; the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

(b) *Position Titles.* The title of position shall be the official title of that position, and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the Town under a title not included in the classification plan.

9-3. *Responsibility.* The Human Resource Director shall have the primary responsibility for the administration and day-to-day maintenance of the classification plan. The Human Resources Director shall, under the policy direction of the Town Administrator, conduct the following:

(a) Complete studies of proposed new positions and recommendations to the Town Administrator on: allocations to existing classes; establishment of a class of positions; or deletion of a class of positions.

(b) Provide for studies of existing positions when there has been substantial change in the duties and responsibilities that justify consideration of possible reclassification.

(c) Conduct periodic studies and request such assistance as may be needed to assure that the classification plan remains uniform and current.

(d) Require the submission of position analysis questionnaires or any other related information when considered necessary for the proper maintenance of the plan.

(e) Develop forms and procedures to determine the proper classification of each position.

(f) Make routine revisions to job descriptions content as requested by the Appointing Authority.

9-4. *Classification of New Positions.* The appointing authority proposing the creation of a new position shall provide the Human Resources Director with a description of the essential functions and responsibilities; skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Administrator and Human Resources Director to recommend an appropriate classification. Final approval of the new positions lies with the Board of Selectmen.

9-5. *Reclassification of Positions and Periodic Reviews.* Positions may not be reclassified without a review and approval of the Town Administrator and Board of Selectmen. If a department director feels that a reporting position has changed significantly, he/she may, in writing to the Town Administrator, request a position analysis and grade review. The position analysis and grade review will be conducted with authorization from the Town Administrator. If the Town Administrator chooses to not conduct the review, he/she will reply to the requesting department director, in writing, within 30 days, explaining his/her reasoning for not conducting the position review.

10.0 Compensation Plan

10-1. *Policy.* The Town Administrator, with the approval of the Board of Selectmen, shall annually review a compensation plan for the existing classification plan. The compensation plan shall be directly related to the classification plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market and fiscal policies of the Town. All employees shall be paid in accordance with the rates in the compensation plan. The Human Resources Director shall work with the Town Administrator in establishing the compensation plan for adoption by the Board of Selectmen.

10-2. *Coverage.* All employees shall be employed and paid in accordance with the rates established in the compensation plan for the position classification to which the appointment is made.

10-3. *Responsibility.* The Town Administrator shall have the responsibility for the day-to-day administration of the compensation plan.

10-4. *Cost of Living Adjustment.* A cost-of-living adjustment (COLA) will be made to the entire salary schedule (compensation plan) periodically including those employees at maximum grade pay rate, as recommended by the Town Administrator and approved by the Board of Selectmen, subject to availability of funds. To the extent possible, the COLA will be determined by the Department of Labor's Consumer Price Index (i.e. rate of inflation).

11.0 Group Insurance and Benefits

11-1. *Eligibility.* All of the benefits contained within 9.0 are available to full-time employees only. New hires eligible for health, dental, and life insurance, must enroll within 30 days of hire. Employees with a separation in service are considered new hires under this policy.

11-2. *Group Insurance Policy.* The Town offers one or more plans of group life/health insurance. Eligible employees pay 40% of the monthly premium costs of each group insurance and the Town pays 60% of the monthly premium costs of each group insurance. The Town also pays 60% of the monthly group health insurance for retired employees.

11-3. *Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA (Enacted in 1986).* On April 7, 1986, a Federal law was enacted (Public Law 99 - 272, Title X) requiring 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 (100 percent plan contribution plus 2 percent administration fee) in certain instances where coverage under the plan would otherwise

end. This notice is intended to inform employees, in a summary fashion of certain rights and obligations under the continuation coverage provisions of the new law.

(a) Employees covered by one of the Town's health insurance plans have a right to choose continuation coverage if the employee loses his/her group insurance coverage because of a reduction in hours of employment or the termination of employment for a period not to exceed 18 months.

(b) Enrolled spouses of an employee covered by the Town's health insurance have a right to choose continuation coverage for any of the following reasons: the death of spouse; or, spouse becomes eligible for Medicare.

(c) Dependent child of an employee covered by the Town's health insurance has the right to continuation coverage if group health coverage under the Town is lost for any of the following reasons: death of parent; parents' divorce or legal separation; a parent becomes eligible for Medicare;

Under the law, the employee or a family member has the responsibility to inform the Town of a divorce, legal separation, or a child losing dependent status under the Town's health insurance. Department managers have the responsibility to notify the Town Administrator of the employee's death, termination of employment or reduction in hours, or Medicare eligibility.

11-4. *HIPAA*. The *Standards for Privacy of Individually Identifiable Health Information* ("Privacy Rule") establishes a set of national standards for the protection of certain health information. The U.S. Department of Health and Human Services ("HHS") issued the Privacy Rule to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). The Privacy Rule standards address the use and disclosure of individuals' health information — called "protected health information" by organizations subject to the Privacy Rule — called "covered entities," as well as standards for individuals' privacy rights to understand and control how their health information is used. Within HHS, the Office for Civil Rights ("OCR") has responsibility for implementing and enforcing the Privacy Rule with respect to voluntary compliance activities and civil money penalties. Visit the HHS [Privacy Rule](#) section to view the entire Rule, and for other additional helpful information about how the Rule applies. In the event of a conflict between this summary and the Rule, the Rule governs.

A major goal of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being. The Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing. Given that the health care marketplace is diverse, the Rule is designed to be flexible and comprehensive to cover the variety of uses and disclosures that need to be addressed.

11.5. *Other Employee Benefits.* Other benefits available to Town employees include group dental insurance, group life insurance, Fairhaven Contributory Retirement System, deferred compensation, optional life insurance (whole, cancer, short-term disability, and other), Flexible Spending Accounts (FSA), and certain wellness reimbursements. For a current listing of benefits, please contact the Human Resources Office. Some benefits are available only at hire and/or at open enrollment. The Town of Fairhaven reserves the right to amend/remove benefits based on budgeting and availability.

12.0 Standards of Conduct/Conflict of Interest

12-1. *Policy.* The Town of Fairhaven expects all employees to conduct themselves and Town business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding all real and potential conflicts of interest. Town employees shall recognize that the chief function of local government is to serve the best interests of all people, and shall conduct themselves in a manner that maintains public confidence and trust.

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

12-2. *Receipt of Gifts.* Employees are prohibited from soliciting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who is seeking to obtain business with the Town, or from any person within or outside the Town employment whose interests may be affected by the employee's performance or non-performance of official duties. In all matters relative to receiving or accepting gifts, employees shall refer to, and abide by, the Massachusetts Conflict of Interest Law, Ch. 268A.

12-3. *Conflict of Interest.* In accordance with Mass. General Law, Chapter 268A, no employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities or furnish products, materials, or services to the Town.

12.4 *Training.* Ethics training and testing shall be required of all employees every two (2) years, and proof of said testing (certificate) shall be furnished by the employee to the Human Resources department and Town Clerk.

See Commonwealth of Massachusetts MGL 268A on Ethics:

<http://www.mass.gov/ethics/web268A.htm>

12-5. *Dress Code.* Dress and grooming standards can vary depending on the type of work and level of public/client/customer contact, the Town of Fairhaven expects all employees to use good judgment and maintain a neat, clean appearance. Employees who have questions about dress or grooming standards should ask their manager for clarification. Managers can specify additional or alternative dress and grooming standards based on their department's business needs and health or safety concerns. The Town will accommodate employees' dress and appearance practices that are based on religion.

12-6. *Customer Service Expectations.* Fairhaven employees must be fully committed to providing service excellence to every person who visits, works, or resides in the Town of Fairhaven by embodying the organization's core values: ethics, inclusion, integrity, accountability, positivity, helpfulness and collaboration.

12-7. *Prohibited Employment Relationships.* The hiring of relatives is prohibited if their employment results in creating a supervisor/subordinate relationship between a relative and an employee. If a direct supervisory or managerial relationship would be established, relatives of a currently employed worker cannot be considered as applicants for an open position. The Town will not consider hiring an employee's relative if that would create an actual conflict of interest or the appearance of a conflict of interest. This bars hiring or employing an employee's relatives in any position that has an auditing or management relationship to the employee's job.

- (a) *Definition of Relatives.* For the purposes of this policy, relatives include a spouse, parent, child, sibling, in-law, grandparent, grandchild, aunt, uncle, cousin, step-relative, or any individual with whom an employee has a close personal relationship, such as a former or current spouse, domestic partner, co-habitant, or significant other.
- (b) *Changes in Relationships.* Employees who marry or establish a close personal relationship can continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, attempts will be made to find another position within the Town to which one of the employees can transfer. All practical efforts will be made to arrange such a transfer at the earliest possible time. If accommodations of this nature are not feasible, the employees are permitted to determine which of them resigns.
- (c) *Reporting.* Employees who become subject to this policy's provisions due to marriage or beginning of a close, personal relationship, must inform their supervisor and the Human Resources Director as soon as practical.
- (d) *Questions on Policy.* All questions and issues relating to the employment of relatives should be addressed to the Human Resources Director. All decisions and personnel actions taken as a result of this policy must be reviewed and approved by the Town Administrator.

13.0 “Whistleblower” Policy

13-1. *Purpose.* This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the “Act”) and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act.

It is the policy of the town:

- (a) To encourage the reporting by its employees of improper governmental action taken by town officers or employees; and
- (b) To protect town employees who have reported improper government actions in accordance with this policy.

The Town of Fairhaven encourages the reporting of improper governmental action taken by any town officers or employees, and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town Administrator to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. If the Town Administrator is the subject of an employee’s concern, then the reporting shall be done by the employee to the chair of the Board of Selectmen.

14.0 Disciplinary Policy and Procedures.

14-1. *Policy.* All employees are responsible for observing regulations necessary for proper operation of departments in the Town.

14-2. *Reasons for Disciplinary Action.* Disciplinary action may be imposed upon an employee for failure to fulfill responsibilities. Sufficient cause for disciplinary action shall include, but is not limited to:

- (a) Incompetence or inefficiency in performing assigned duties.
- (b) Inability to perform one or more critical elements of the position.
- (c) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- (d) Habitual tardiness or absence from duty.
- (e) Reporting to work while impaired, being found at work under the influence of alcohol, marijuana, illegal narcotics, prescription drugs (not prescribed by the employee’s physician), or any combination thereof.

- (f) Willful misuse, misappropriation, negligence, or destruction of town property or conversion of town property to personal use or gain.
- (g) Fraud in securing appointment.
- (h) Disclosure of confidential information.
- (i) Abuse of sick leave or absence without leave.
- (j) Conviction of a felony.
- (k) Violation of safety rules, practices and policies.
- (l) Engaging in unlawful harassment. (see 13.0)
- (m) Falsification of time sheets.
- (n) Creation of a hostile work environment.
- (o) Any situation or instance of such seriousness that disciplinary action is warranted.

14-3. *Discipline Procedures.* When corrective and disciplinary action is imposed, it may be implemented in progressive stages from minor to severe. Such action is intended to be from a less severe to more severe corrective action in order to bring about the necessary change in work habits.

The provisions of this Article shall not be applied in an arbitrary or capricious manner. In some cases, however, actions or omissions, may require imposition of severe sanctions in the first instance, including dismissal.

Progressive disciplinary actions may include, but are not limited to oral reprimand, oral reprimand with notation to the personnel file, written reprimand, suspension with pay, suspension without pay, demotion and discharge.

Whenever any substantive material is inserted into the personnel file or records of an employee, such employee shall be given a copy of such material. The employee may respond to the material by filing a written statement/rebuttal which shall be attached to the original document and placed in the personnel file.

15.0 Personnel Appeals

15-1. *Policy.* An employee may submit a written personnel appeal to the department director or supervisor if the employee believes he/she is not being treated in conformity with either the personnel bylaw or the personnel policies and procedures.

16.0 Harassment Policy/Sexual Harassment/Workplace Bullying

16-1. *Introduction.* It is the goal of the Town of Fairhaven to promote a workplace that is free of unlawful harassment, sexual harassment, discrimination, and hostile work environments in any form. The Town will not tolerate unlawful harassment, sexual harassment, and/or discrimination of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about unlawful harassment, sexual harassment, and/or discrimination, or retaliation against individuals for cooperating with an investigation of an unlawful harassment, sexual harassment, and/or discrimination complaint is similarly unlawful and will not be tolerated.

16.1.1. *Definitions.*

- A. **Unlawful Harassment** – Unlawful harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful where:
 - a. Enduring the offensive conduct becomes a condition of continued employment
 - b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive
- B. **Sexual Harassment** – Sexual harassment is unlawful harassment based on a person’s sex. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, and/or offensive remarks about a person’s sex. Both victim and the harasser may be either a man or a woman, and the victim may be the same sex.
- C. **Discrimination** – Discrimination is any decision that is made or action taken that is motivated by a bias because of an employee’s age, disability, gender, gender identity/expression, genetics, military status, national origin or ancestry, race or color, religion, retaliation, sexual orientation, or political affiliation.
- D. **Hostile Work Environment** – A Hostile Work Environment is created when any unlawful discrimination or unlawful harassment becomes severe or pervasive, the endurance of which becomes a condition of continued employment

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), and participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to employee’s membership in a protected group.

To achieve our goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this policy will not be tolerated. Because the Town of Fairhaven takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, we will respond promptly to complaints of this type of conduct where it is determined that such inappropriate conduct

has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate up to and including termination.

This policy shall apply to all employees, appointees, elected officials and volunteers of the Town of Fairhaven, MA. Any individual violating this policy shall be subject to appropriate discipline.

While this policy sets forth the Town's goals of promoting a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which the Town deems unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment, sexual harassment, and/or discrimination.

16-2. *Workplace Bullying.* The Town has a "zero tolerance" for bullying. Bullying harms employees, employers, and the organization by creating a disrespectful, unhealthy, and nonproductive work environment. The Town of Fairhaven expressly prohibits any form of employee bullying. The Town prohibits unwelcome conduct, whether verbal, physical, or visual, and includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status.

While bullying encompasses a wide range of conduct, some examples of specifically prohibited conduct include: ethnic slurs or epithets; racial jokes; unwanted or unwelcome physical contact; malicious gossip; displaying, storing, or transmitting offensive or harassing materials at work or while using the Town's equipment or facilities.

Further, any harassing conduct that occurs using electronic communication equipment and media, such as through email or social media, is a serious offense and violates the Town's Equal Employment Opportunity policies, including the harassment policy.

16-3. *Complaints.* If an employee believes that he or she has observed or has been subject to discriminatory, unlawful harassment, and/or sexual harassment, the employee has the right to file a complaint with the Town. This can be done in writing or orally. An employee wishing to file a complaint should contact the Department Head and/or the Human Resource Director, and/or the Town Administrator. If the Town Administrator is the subject of an employee's complaint, then the reporting shall be done by the employee to the chair of the Board of Selectmen.

16-4. *Investigation.* The Town will promptly investigate any and all allegations in a fair expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Investigations will include a private interview with the person filing the complaint and with the witnesses. Interviews will also be conducted with the person alleged to have committed the discriminatory, unlawful, and/or sexual harassment. All parties will be informed as to the

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

16-5. *Disciplinary Action.* If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances.

16-6. *State and Federal Remedies.* In addition to the above, employees who believe that they have been subject to sexual harassment may file a formal complaint with either or both of the following government agencies: The United States Equal Opportunity Commission, and the Massachusetts Commission Against Discrimination. Using the Town's complaint process does not prohibit employees from filing complaints with these agencies. Each of these agencies has a short time period for filing complaints (EEOC - 300 days; MCAD - 6 months).

The complaint forms are attached to this personnel policy manual as Appendix C.

The U.S. Equal Employment Opportunity Commission
JFK Federal Office Building
Room 475 Government Center
One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200

The Massachusetts Commission Against Discrimination
Boston Office:
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

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

Worcester Office:
22 Front Street

Fifth Floor, P.O. Box 8038
Worcester, MA 01641
(508) 799-6379

16-7. *Cooperation and Liability*

- All employees shall cooperate in investigations of harassment and discrimination.
- All employees shall participate in the Town's efforts to prevent and eliminate harassment and discrimination.
- Employees may be ***personally liable*** if they engage in harassing or discriminatory behavior.

17.0 Workplace Violence

17-1. *Policy and Statement.* The purpose of this policy is to establish a standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence.

17-2. *Work Environment.* It is the policy of the Town to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Employees may also be subject to disciplinary action, up to and including termination.

The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is an employee. Supervisors and department heads who receive such reports should contact the Town Administrator immediately for a response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

The Town is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against employees or members of the public on town property, or during the performance of town business, regardless of location.

For the purposes of this policy, the word violence shall mean an act or behavior that:

- is physically injurious or abusive;
- a reasonable person would perceive as obsessively directed (e.g., an intensely focused grudge, grievance or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;
- is a behavior or action that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- consists of a communicated or reasonably perceived threat to destroy property.

17-3. *Firearms Policy.* Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on town property, in town vehicles, or in any personal vehicle which is used for town business, or during business hours, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm or has a Firearm Identification Card (FID). Use of other objects by employees, such as, but not limited to, pocketknives, razors, hammers, etc., in a dangerous or potentially dangerous manner is also prohibited.

Violent actions on town offices, work locations, or while on town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees or members of the public on town property, or while using town facilities, will be subject to prosecution, and/or banning from public Town buildings, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

Department heads and supervisors are responsible for receiving reports of incidents of workplace violence, assessing situations, making judgments as to appropriate responses, responding to reports of workplace violence, and initiating the investigation process. Department heads shall submit all reports to the Town Administrator.

18.0 Training and Education

18-1. *Policy.* The Town encourages employees to develop their job-related skills. Employees who have successfully completed their six-month introductory/probationary

period and who have received appropriate approval from their appointing authority should seek training opportunities, professional development, conferences, webinars, and any other development opportunities, to the extent their operational budget allows.

19.0 Safety

19-1. *Policy.* The Town shall provide and maintain safe working conditions. The Town has implemented a variety of policies designed to ensure a safe and healthy workplace. Employees are expected to act with the utmost regard for the safety and health of their co-workers and themselves at all times. Failure to comply with the Town's safety and health policies can result in disciplinary action, up to termination.

19-2. *Procedures.* As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

19-3. *Responsibilities of Department Directors and Employees.*

(a) Departments directors and supervisors shall: assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

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

19-4. *Disciplinary Action.* Employees violating safety rules, practices and policies may be subject to disciplinary action: osha.gov

19-5. *OSHA.* The Town of Fairhaven complies with the federal Occupational Safety and Health Administration's standards.

The Federal Occupational Safety and Health Act and state workers' compensation laws require employers to keep records and reports of illnesses and injuries on the job. All accidents, regardless of their severity, should be reported immediately to the Human Resources department.

Senior management is actively involved with employees in establishing and maintaining an effective safety and health program. Managers work with employees in ongoing safety and health program activities, including:

- promoting Safety and Health Committee participation;

- providing safety training and health education/training; and
- reviewing and updating workplace safety and health rules.

20.0 Personnel Records

20-1. *Centralized Record Keeping.* The Human Resources Director shall be responsible for assuring the establishment and maintenance of personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Human Resources Director. The Town complies with all federal and state records management laws and regulations, including those regarding personnel files and job references.

The Town of Fairhaven retains and can use records for employees and applicants through all phases of employment and as allowed under federal and state laws and regulations. When hired, an employee personnel file is created by the Town's Human Resources Department, where general employee records are kept. Employees can access certain record information anytime via the human resources department for individual employees. Applicants' recordkeeping files are kept separately from those of employees.

All medical records and files from employees and applicants are kept separately from all other records and are only available for in-person review.

Employee records that generally can be reviewed in person include: employment applications, including Form I-9; personnel action forms, including those for hiring, promotions, salary changes, and job title changes; Form W-4 and related tax withholding information; warnings, reprimands, and other documents related to disciplinary actions (excluding documents prepared in connection with ongoing investigations); medical records; and fringe benefit forms and pension and retirement enrollment and election forms.

20-2. *Contents of Records.* The Human Resource Department shall assure the establishment and proper maintenance of an individual personnel file for each employee, which shall include, but not be limited to, the following:

- (a) The employment application.
- (b) A copy of all background investigation reports.
- (c) A report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff. Results of proficiency 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, college transcripts, certifications, and other records that may be pertinent to the employee's employment record.

20-3. *Access to Records.* Any employee may upon 72 hours prior notice to the Personnel Officer have access to review their personnel file. The employee's review of their employment record shall be in the presence of the Human Resource Director or his/her designee. The employee may be charged the Town's approved rate for copies of any records contained in his/her personnel file.

Employee records that are exempt from in-person review include: pre-employment reference information, including letters, telephone notes, and memoranda secured from previous employers; records relating to ongoing investigations of policy violations, prohibited conduct, or criminal offenses; documents developed or prepared for use in grievance or court procedures; and documents related to staff planning or business planning, including management succession plans, management bonus plans, and job assignment plans.

20-4. *Release of Information.* No information contained in an employee's personnel file shall be released unless written authorization is received from the employee.

Note on Massachusetts law: The Town generally must allow employees to review personnel files related to their employment qualifications, promotions, transfers, additional compensation, or disciplinary actions. The Town and employees can mutually agree to remove information from personnel files for any reason. The Town must allow employees to review their personnel files within 72 hours of receiving written requests, and employers must make personnel files available for review at workplaces during normal business hours. The Town can limit employees' review of their personnel files to two separate occasions in a calendar year; however, reviews of personnel files that occur because of notification of negative information placed in files cannot be counted as one of the two permitted reviews. If employees disagree with any information in their personnel files, the Town and employees can mutually agree to remove or correct the information; if such agreement can't be reached, employees can submit a written explanation for retention in their personnel files; the Town must include employee-submitted explanations of disputed information when releasing personnel files to third parties if the original information is still retained as part of their files.

See Massachusetts General Laws on Personnel Records:
<http://www.mass.gov/legis/laws/mgl/149-52c.htm>

21.0 Alcohol and Drug Testing Policy

21-1. *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.

21-2. *Applicability.* The policy applies to all employees employed by the Town of Fairhaven, unless other provisions exist within respective collective bargaining agreements.

21-3. *Drug/Alcohol Prohibitions.* It is impermissible for any employee to report for or to be found on duty while impaired or under the influence of alcohol, marijuana, illegal narcotics, prescription drugs (not prescribed by the employee's physician), or any combination thereof.

21-4. *Reporting.* Employees may be required to report to their supervisor the use of any drugs prescribed by a physician that may impact that employee's ability to carry out his/her duties.

21.5. *Reasonable Suspicion and Testing.* If a supervisor believes that an employee's behavior or actions may indicate drug and/or alcohol impairment, that employee may be subject to the discipline below. Observations by the employer must be made during work hours. Speech and behavior are factors in determining reasonable suspicion. The supervisor must directly observe the behavior in question, and may not rely solely on third party reports of alcohol or drug misuse.

A written, signed report must be completed by the supervisor who determines reasonable suspicion. In addition, the employee will be required to submit to drug and alcohol testing to be performed by a vendor retained by the Town to perform the drug and alcohol testing on employees. Employees ordered to submit for a drug or alcohol test shall comply. Failure to do so will constitute insubordination for the purpose of discipline. Employees at their own expense may have testing done as well.

- First positive test or finding of impairment – referral to the Town's Employee Assistance Program.
- Second positive test or finding of impairment – Thirty (30) day suspension without pay, unless the employee has accrued vacation leave, personal leave, or sick leave, in which case such suspension shall be with pay to the extent of total accrued time; such leave will be charged to the accrued time in the same order listed herein. The suspension with pay shall be contingent on the Employee completing the required treatment program mandated by the Town's employee assistance program.
- Third positive test or finding of impairment - discharge.

21.6. *Impairment Leading to Injury.* If an employee is found to be impaired by the use of alcohol, marijuana, prescription drugs (not prescribed by the employees physician), and/or an illegal narcotic, and said impairment is found to be related to an injury to that employee, a fellow employee, or any other person, that employee shall be subject to immediate discharge.

22.0 Drug Free Workplace

22-1. *Policy.* The Town of Fairhaven recognizes and acknowledge that substance abuse, including the abuse of alcohol and controlled substances, is serious and it has a detrimental effect on the professional and personal lives of its employees and the community. Because the Town of Fairhaven is committed to being part of the solution to such problems and in order to ensure the safety of the workplace, its employees and the public, this policy is hereby established. The Town of Fairhaven has established a Drug Free Workplace Policy to comply with the Drug Free Workplace Act:

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all Town workplaces. As a condition of employment, the terms of this policy must be adhered to, and the violation of this prohibition shall result in one or more of the following appropriate personnel actions against the employee:

- (a) Mandatory participation and successful completion of a substance abuse rehabilitation or assistance program approved by the Town.
- (b) Unpaid leave of absence pending successful completion of a program described under (a) above.
- (c) Suspension and/or termination from employment.

The severity of any personnel action shall be decided by the Town Administrator, with the approval of the Board of Selectmen in accordance with established personnel policies. Any employee who violates these prohibitions also risks legal prosecution.

As a further condition of employment, the employee must notify the Town Administrator of any criminal drug statute conviction for a violation occurring within the workplace no later than five days after such conviction.

The Town will, from time to time, update, amplify and reinforce its policy set out above through the dissemination of drug education and awareness material and programs, which may necessitate the employee's attendance at lectures, seminars, or films.

23.0 Americans with Disabilities Act

23-1. *Policy.* The Town of Fairhaven does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Town's ADA Coordinator has been designated to monitor compliance with the non-discrimination requirements in the Section 504 regulations and the Americans with Disabilities Act regulations as implemented by the Equal Employment Opportunity Commission and the Department of Justice.

23-2. *Dispute Procedure.* The following dispute procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by any employee who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, and benefits by the Town of Fairhaven.

(a) The complaint should be in writing and contain information about the alleged discrimination such as name, address, telephone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit in written complaint.

(b) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Fairhaven Town Administrator in his/her capacity as the ADA Coordinator.

(c) Within fifteen calendar days after receipt of the complaint, the ADA Coordinator will meet the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and where appropriate in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of Fairhaven and offer options for substantive resolution of the complaint.

(d) If the response of the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 days after receipt of the response to the Board of Selectmen.

(e) Within 15 calendar days after receipt of the appeal, the Board of Selectmen or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Board of Selectmen or designee will respond in writing, and where appropriate in a format accessible to the complainant such as audiotape, with a final resolution of the complaint.

(f) All complaints received by the ADA Coordinator, appeals to the Board of Selectmen/their designee and responses from the ADA Coordinator and the Board of Selectmen/their designee will be kept by the Town of Fairhaven for at least three years.

24.0 Fitness for Duty Evaluation Policy

24.1 *Purpose.* This policy establishes the standards, procedures, and safeguards under which the Town of Fairhaven may require an employee to undergo a fitness for duty evaluation, and the applicable process pertaining to such evaluations.

24.2 *Application.* This Policy shall apply to all employees of the Town of Fairhaven. Employees whose employment is governed by a collective bargaining agreement are subject only to the provisions of this policy that are not specifically regulated by law or their collective bargaining agreement. Situations governed by

G.L. c. 152 (workers compensation) or G.L. c. 41, §111F (injured on duty leave for police and fire) may have different requirements.

24.3. *Policy.* It is the Policy of the Town to promote a safe and productive work environment for its employees and the citizens it serves by ensuring that its employees can safely perform the essential functions of their positions. This policy is to be construed in a manner consistent with applicable law, including the Americans with Disabilities Act.

24.4. *Procedures.*

- A. Introduction – A fitness for duty evaluation constitutes a medical examination and therefore, in compliance with the Americans with Disabilities Act, any such examination is strictly limited to determining whether an employee can perform the essential functions of his or her position. Any such inquiry must be made with reference to the actual job duties of the individual who is to be examined. Any decision with respect to fitness must be made with consideration of whether the employee can perform the essential functions of the job.

- B. Grounds for Requiring a Fitness for Duty Evaluation – A department director or supervisor may submit a request to the Town Administrator, requesting a fitness for duty evaluation be conducted when: (1) an employee’s conduct creates a reasonable belief that a threat to health or safety of the employee or others, or to Town property, exists; or (2) there is objective evidence that the employee cannot perform the essential job functions. The grounds for seeking a fitness for duty evaluation may become evident from a department director’s or supervisor’s observations and/or receipt of a reliable report of an employee’s possible lack of fitness for duty. Observations may include, but are not limited to, difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent behavior, suicidal or self-harm statements, change in personal hygiene, and/or reasonable suspicion (via odor or observation) of drug or alcohol abuse.

- C. Medical Evaluation – Fitness for duty evaluations are performed by a Town-selected physician, paid for by the Town, and may include, without limitation, a health history, physical and/or psychological examination, alcohol and drug testing, and any medically indicated diagnostic studies. The purpose of the evaluation is to determine if the employee can perform the essential functions in a safe manner and if there is need for restrictions or accommodations. If it appears that the employee’s condition constitutes a disability, the Town will address any requested accommodations/modifications and whether there is a likelihood that the employee can perform the essential functions of the job with or without reasonable accommodations.

- D. An employee's medical information obtained by the Town shall be maintained in a confidential manner in accordance with applicable law. When conducting a fitness for duty evaluation, the Town-selected physician will require the employee to sign appropriate consent forms that permit appropriate reporting as to the employee's fitness, recommendations with respect to fitness, and any limitations and restrictions placed on the employee arising from the employee's health condition. The Town shall not disclose information about any health condition of the employee to third parties without the written consent of the employee, or where disclosure is otherwise permitted by law.

25.0 Pregnancy Workers Fairness Act

25.1. *Policy and Statement.* The Town does not discriminate based on pregnancy or related conditions, including lactation and the need to express breast milk for a nursing child, unless this discrimination is based on a bona fide occupational qualification. The Town also does not discriminate based on sex, which can include pregnancy, childbirth, and the need for maternity leave, unless this discrimination is based on a bona fide occupational qualification (BFOQ).

The Town shall provide reasonable accommodations requested by employees for their pregnancy or related conditions, unless these accommodations would impose undue hardship on the Town's business. The Town also does not reject applicants because of their pregnancy or related conditions if they can perform their essential job functions with reasonable accommodations, unless these accommodations would impose undue hardship on the Town's business.

The Town shall provide written notice to employees about their rights under the pregnancy discrimination prohibitions and reasonable accommodation requirements in the employee handbook or by other means. Specifically, the Town shall provide this notice to new employees at or before the start of their employment and to existing employees within 10 days after they provide notice of their pregnancy or related conditions.

25.2. *Lactation Policy.* Employees who are nursing mothers can take reasonable break periods during the workday to express breast milk for their children. Such nursing mothers can take breaks each time they need to express milk beginning from the date of the nursing child's birth and for up to one year.

25.3. *Lactation Room.* For the convenience and privacy of nursing mothers, the Town provides a lactation room that is located off the Human Resource Office. The lactation room is cleaned daily and regularly stocked with supplies by our cleaning staff.

25.3. *Scheduling.* To ensure privacy, nursing mothers can reserve the lactation room at a convenient break time via the human resource office.

25.4. *Equipment.* The Town asks that all nursing mothers provide and use their own breast pumps and milk bottles. Contact human resources office or EAP for more information about purchasing or renting appropriate lactation-related equipment.

26.0 Holidays

26-1. *Coverage.* Regular full-time and regular part-time employees. Seasonal, full-time temporary, and part-time temporary employees are not eligible for holiday compensation. Part-time employees hired after December 31, 2019 working under 20 hours per week are not eligible.

26-2. *Recognized Holidays.* The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

The following shall be deemed paid holidays:

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

On the day before Christmas, the day before New Year's and on Good Friday, an employee will work one-half of the employees' workday with no time off for lunch, as long as it does not interfere with the operation of the office. When Christmas and New Years are on a Thursday, the following Friday is a full day off. When Christmas and New Year's fall on a Tuesday, the preceding Monday is a full day off.

As is customary for municipal offices in the Commonwealth of Massachusetts, holidays falling on Sunday are legally observed on the following Monday. Holidays falling on a Saturday are legally observed on the preceding Friday.

26-3. *Terms of Holiday Pay.* Non-exempt employees who are scheduled to work on a holiday, or who are requested by their supervisor to work on a holiday, shall receive their regular hourly rate in addition to an extra day's pay for the first eight (8) hours and shall be compensated at a one and one-half rate for hours in excess of eight (8) hours, or shall

have compensatory time off scheduled by their department director for all holidays worked. For the New Year’s Day, Thanksgiving Day, and Christmas Day holidays, non-exempt employees shall be compensated at a one and one-half hourly rate for all hours worked in addition to an extra day’s pay.

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

26.4. *Office Closure for Occasional Holidays.* When Independence Day falls on a Thursday or a Tuesday, the Town Administrator may elect to close the Town Hall on the following Friday or preceding Monday. If the Town Hall offices are closed, any affected employee shall be required to use a vacation or personal day to take the time off. If the employee does not have vacation or personal time, or does not want to use accrued vacation or personal time, he/she shall be afforded the opportunity to work under the supervision of his/her department head.

27.0 Vacation

27-1. *Coverage.* Vacation pay is granted to all regular full-time and regular part-time employees regularly working twenty or more hours per week. Part-time employees shall accrue vacation on a pro-rated basis. Seasonal full-time, temporary full-time, seasonal part-time, and temporary part-time are not eligible for vacation pay.

27-2. *Vacation Policy.* Vacation pay is granted to all full-time employees for each vacation year (12 months) completed in accordance with the following plan:

Time Employed:	Length of Vacation:
0-6 months	0 days
6 months to year 2	10 days (for the entire 18 months covered)
After 2 nd year	10 days each year
After five years	15 days each year
After ten years	20 days each year
After fifteen years	25 days each year

27-3. *Scheduling and Accrual.* Vacations may only be taken with prior approval of the department directors. Vacation time shall have the prior approval of the Appointing Authority. Total accrued vacation shall not be in excess of twice the employee’s annual accrual rate. Vacation pay will not be granted in lieu of vacation.

Employees who leave the Town's employ for military service and return to the Town's employ at the completion of such service shall be given credit towards vacation for the time in service.

Supervisors will make every effort to allow employees to take their vacation when they wish. However, the Supervisor reserves the right to deny vacation for a specific period if it is not deemed to be in the best interest of the Town. When an employee requests vacation leave, the supervisor and/or appointing authority will approve vacation requests for such time(s) that best serves the public interest. An employee must take all accrued vacation time within one year of its accrual. Vacation time cannot be carried over to the next year.

Employees who resign or retire in good standing will receive compensation equivalent to earned vacation allowance, provided they have been in the continuous service of the Town for six (6) months. An employee cannot receive pay in lieu of taking vacation time, unless the employee is retiring or resigning from their position.

The Town Administrator has the authority to provide additional vacation to an employee as part of an onboarding or retention package. The Town Administrator also has the authority to allow employees to carryover vacation balances, as requested in writing prior to the employee's anniversary date, on a case-by-case basis.

28.0 Sick Leave

28-1. *Coverage.* Regular full-time and regular part-time employees regularly working 20 or more hours per week. Seasonal full-time, temporary full-time, seasonal part-time, and temporary part-time are not eligible for sick leave.

28-2. *Policy.* The intent of the sick day policy is to provide salary continuation during an employee's reasonable period of absence due to bona fide illness or injury. An employee shall be entitled to sick leave only when the employee is incapable of performing duties due to personal sickness, injury or a quarantine by public health authorities. A maximum of five (5) sick days in any fiscal year may be used for illness in the immediate family. If leave beyond five (5) days is needed to care for an immediate family member, the employee refer to the FMLA policy.

28-3. *Full-time employees.* Each full-time employee shall accumulate sick pay at the rate of one-and-one-quarter (1.25) days for each month of employment, not to exceed a total accumulation of 120 (one hundred and twenty) days.

28-4. *Part-time employees.* Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be prorated according to the number of hours of work per full-time week in which such employee is required to work.

28-5. *Extension of Sick Leave.* Extended sick leave may, at the discretion of the Town Administrator or Appointing Authority, shall be granted to an employee after all of an employee's sick leave and vacation leave has been used.

28-6. *Notification.* Sick leave will commence on the date that notification of the employee's sickness, injury or quarantining is given to the department head by the employee or the employee's family or physician.

28-7. *Certification of Illness.* After four consecutive days of absence or after a series of repeated absences during the years of employment, a department head may request a physician's statement, which certifies the employee's inability to perform normal work duties. Additionally, the department head may arrange for a Town-retained physician to examine an employee and submit a medical evaluation.

28-8. *Bonus Incentive.* Bonus for not using sick time during the Town's fiscal year will be awarded as follows:

Zero (0) days absent:	\$400
One (1) day absent:	\$325
Two (2) days absent:	\$250
Three (3) days absent:	\$175
Four (4) days absent:	\$125
Five (5) days absent:	\$75
More than five (5) days absent:	\$0

Payment will be made via payroll in the week ending June 30 of each year. Use of sick leave pending a determination of a worker's compensation claim will not be considered sick leave use, if the worker's compensation claim has been approved for payment and the employee has been approved for payment and the employee has been reccredited with his/her sick leave. An employee is eligible for sick leave incentive after one full year of employment.

28-9. *Sick Time Buy-Back.* As of June 30 of each year, an employee shall be paid one-half of his sick leave credit earning during that year which is in excess of 120 (one hundred and twenty) days. Payment shall be determined by the employee's basic daily salary or wage and shall not include any recognition for overtime compensation which the employee may have received for the year.

29.0 Personal Days

29.1. *Policy.* A regular, full-time employee in continuous employment who has completed six (6) months of service, shall be entitled to three (3) personal days each fiscal year. Personal days may be taken in one (1) hour increments (21 hours for employees typically working 35 hours a week; 24 hours for employees typically working 40 hours a week). Unused personal time cannot be carried over into the next fiscal year. Employees must give their supervisor 48 hours notice, when requesting personal time. Regular part-time, seasonal full-time, temporary full-time, seasonal part-time, and temporary part-time are not eligible for personal days.

30.0 Longevity Policy

30-1. *Policy and Coverage.* This policy applies to all non-represented, regular full-time, and regular part-time employees. To be eligible, an employee must have completed his/her continuous length of service before December 1. Longevity payments are as follows:

After:	5 years of service	\$350
	6 years of service	\$350
	7 years of service	\$350
	8 years of service	\$400
	9 years of service	\$450
	10 years of service	\$500

Employee longevity payment continues beyond 10 years, increasing by \$50 each year.

For part-time employees working 20 or more hours per week, any longevity payments granted under the terms of this policy will be pro-rated on the basis that their part-time service bears to full-time service.

Payments under this provision will be made in a lump sum payment on the first payroll of December. Upon separation of service, employees eligible for a longevity payment shall receive a pro-rated amount of said payment.

Employees eligible to receive longevity who leave the Town in good standing and return to work within two years will be entitled to receive credit for prior service for the purpose of calculating continuous service for longevity. The length of the absence shall not be included in the calculation of continuous service.

Interruption of employment for the purpose of performing military service under orders shall not be deemed a break in continuous employment with the Town for the purpose of determining longevity eligibility.

30-2. *Early Retirement Incentive.* Upon written notice of intent to retire, an employee who has or will have had at least twenty (20) years with the Town on the effective retirement date, will receive additional compensation added to their base salary according to the following schedule:

With three (3) years advance notice: \$2,500 each year

With two (2) years advance notice: \$2,500 each year

With one (1) year advance notice: \$2,500 each year

Written notice of intent to retire must be accepted by the Board of Selectmen and Retirement Board no later than February 1 of the first, second, or third year preceding retirement. Payment will become effective in July of the fiscal year following notification and will be added to the regular base pay in the number of paychecks for that specified fiscal year.

If the employee fails to retire on the specified date, the stipend will be returned to the Town of Fairhaven by withholding amounts of money from regular paychecks until the total amount of monies advanced are repaid to the Town.

Non-represented employees hired after January 1, 2020, shall not be eligible for early retirement incentive payments.

31.0 Compensatory and Flex Time

31.1 *Overtime/Compensatory Time.* Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act. If an assignment requires work in excess of forty hours per week, overtime work must be authorized in advance by the employee's supervisor.

Non-exempt employees shall be paid 1½ times their regular hourly rate for the hours worked in excess of the normal work day or work week in the same work period (used vacation/sick/personal time does not count towards 40 hour total). Compensatory time may be taken in lieu of overtime pay, at a rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such an agreement is made, then compensatory time should be taken within five (5) months of being earned. An employee is eligible to be paid for any unused compensatory time upon termination or retirement.

Certain supervisory, professional and administrative employees are exempt employees and are not eligible for overtime pay. Exempt employees are eligible for compensatory time off, which will accumulate at straight time.

31.2 *Flexitime Policy.* Fairhaven's policy is to give exempt employees the opportunity to request occasional adjustment of their schedules, depending on individual and departmental needs, and with the prior consent of their department heads, with the understanding that the average workweek will include 40 hours of work, and that work schedules must meet the demands and needs of the department.

31.3 *Flexitime Eligibility.* Full-time employees who have completed at least six months of employment are eligible to work flexitime. Employees who have been disciplined within the last 12 months cannot participate in a flexitime arrangement.

31.4 *Flexitime Requirements.* Employees interested in flexitime must discuss such arrangements with their supervisors. If flexitime is feasible and employees are eligible, employees must propose specific arrangements using a “Flexitime Scheduling Request and Evaluation Form,” which is available from the Human Resource Department.

Flexitime arrangements are approved by the supervisor and the Town Administrator on a case-by-case basis. Flexitime arrangements might not be feasible within some departments or for certain positions within departments. Seasonal or cyclical changes in workloads also might restrict the ability of departments to offer flexitime during certain times of the year. Supervisors initially determine feasibility of specific flexitime arrangements, with final approval by the Town Administrator.

32.0 Bereavement Leave

32-1. *General Policy.* Regular full-time and regular part-time employees, who are eligible, shall be entitled to be excused from duty with pay for not more than three days to attend a funeral and for other personal business caused by death in the immediate family. The members of the immediate family shall include the following: parent, child, spouse, brother, sister, step children, grandparent, grandchild, parent-in-law, or other person residing in the same household as the employee. For the death of a current brother-in-law, current sister-in-law, current daughter-in-law, current son-in-law, two (2) days shall be granted. For the death of a niece or nephew, one (1) day shall be granted. No payment shall be made for any day’s absence during the bereavement period in which the employee is not regularly scheduled to work, e.g. Saturday, Sunday, or holidays. Portion of unused bereavement leave may be used for probate court hearings, or will readings, as long as two (2) days advance notice is given to the department director. If requested in writing, the Town Administrator may grant one day of bereavement leave for relatives or family members not previously listed.

33.0 Military Leave

33-1. *General Policy.* Federal and state laws require that veterans and reservists be granted certain employment rights. The Town of Fairhaven will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long-term active duty. The Town has accepted MGL Chapter 33 Section 59 for governance in Military Leave matters for all Town employees.

The Town’s complete Military Leave Policy and Procedures is available to employees through the Human Resources office. MGL Chapter 33, Section 59 is available here: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleV/Chapter33/Section59>

34.0 Jury Leave

34-1. *General Policy.* Employees called for jury duty shall be paid for the amount equal to the difference between the compensation paid for the normal working period and the amount paid by the court excluding allowance for travel. The amount due the employee shall be certified by the Payroll Administrator upon presentation of proper evidence for monies received for jury duty.

35.0 Family and Medical Leave Act

35-1. *Coverage.* In Massachusetts, to be eligible for family and medical leave, employees must be eligible for leave under the federal Family and Medical Leave Act. Eligible employees can take up to 24 hours per year of family and medical leave to accompany a son, a daughter, or an elderly relative to routine medical or dental appointments, such as office visits for checkups or vaccinations, or accompany an elderly relative to appointments for other professional services related to the relative's care, such as interviews at nursing or group homes. Employees can take family and medical leave on an intermittent basis or reduced work schedule. Employees must give at least seven days' advance notice of an anticipated need for leave; if the need for leave is unexpected, employees must give as much notice as practicable. The Town can require employees to supply signed, written certifications of their need for leave.

All employees who have worked for the Town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested (eligible part-time employees' leave will be prorated). If a female employee does not satisfy these eligibility requirements, such female employee, if she has completed the initial probationary period, shall be eligible instead for an eight (8) week maternity leave for the purpose of giving birth or adopting a child, in accordance with Massachusetts law.

35-2. *Policy.* The Town will grant leave of up to a total of twelve (12) workweeks during any twelve (12) month rolling period to an eligible employee for:

- (2) the birth, placement for adoption or foster care for a child and to care for such child;
- (3) the care of the employee's spouse, child or parent who has a serious health condition;
- (4) the employee's own serious health condition.

Employees can take FMLA leave for their biological, adopted, or foster children, stepchildren, legal wards, or children for whom they stand in place of a parent (*in loco parentis*). For example, employees stand in loco parentis if they provide day-to-day financial support for their same-sex partner's adopted child or if they provide daily care for their grandchild. Children must be under age 18, unless they are incapable of self-care because of mental or physical disabilities (as defined under the federal Americans with Disabilities Act) at the time that FMLA leave begins.

Employees can take FMLA leave for their biological, adoptive or foster parent or stepparent or a person who stood in place of their parent (*in loco parentis*) for them when they were children. Employees cannot take FMLA leave for parents-in-law.

FMLA leave for serious health conditions doesn't cover short-term illnesses that are normally covered by the Town's sick leave programs. Conditions such as the common cold, flu, ear infections, upset stomach, minor ulcers, and headaches (other than migraines) are not considered serious health conditions. Restorative dental or plastic surgery after injuries or removal of cancerous growths, mental illnesses, or allergies can be considered serious health conditions under certain circumstances.

Maternity Leave runs concurrently with FMLA leave.

36.0 Parental Leave

36-1. *Policy.* Eligible employees can take parental leave for the birth of their child and to care for their newborn child; or the placement of a child with them for adoption or foster care.

36-2. *Amount of Leave.* Employees can take up to three (3) months of parental leave in a 12-month period for the birth of a child or placement of a child for adoption or foster care. If two spouses or domestic partners work for the Town, they can take a combined total of six (6) *months* of parental leave.

If employees are eligible to take paid parental leave and unpaid family leave under the federal Family and Medical Leave Act, the paid parental leave runs concurrently with the FMLA leave.

36-3. *Requesting Parental Leave.* Employees requesting parental leave must give 30 days' advance notice to their supervisors. Employees who can't provide at least 30 days advance notice of their need for leave (for example, because of a change in circumstances or a medical emergency) must notify their supervisors as soon as practicable.

Employees taking parental leave must provide medical certification of the need for leave for the birth of a child or provide certification of adoption or foster care of a child. Employees must complete and submit certifications to Human Resources within seven (7) calendar days from the date leave begins.

36-4. *Scheduling Parental Leave.* Parental leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is parental leave taken in separate blocks of time. A parental leave reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for parental leave.

Employees who request intermittent leave or a reduced leave schedule must arrange medical treatments and appointments to minimize work disruptions. The Town can transfer such employees temporarily to positions that permit them to take intermittent leaves or reduced leave schedules with limited work interruptions.

36-5. *Pay/Benefits.* The Town recognized holidays are paid as holiday leave if they occur during parental leave. Employees accrue vacation, sick, and personal time during parental leave. If an employee files for FMLA leave while on parental leave, the employee may elect to use paid time off for the purposes of continuing wages. In the event that the employee uses paid time off, the employee shall use sick time first, then vacation and personal time if he/she exhausts his/her paid sick time.

The Town maintains group health plan benefits for employees on parental leave. Employees must pay their premium copayments while they are on parental leave. Employees who do not return to work from parental leave and those who lose coverage due to nonpayment of premium copayments can continue their group health insurance coverage under COBRA.

Employees who return from parental leave will be reinstated to their former positions or to positions with equivalent pay, benefits and other employment terms and conditions.

Taking parental leave does not count as a break in service for pension or retirement plan purposes.

37.0 Small Necessities Leave

37-1. *Policy and Coverage.* Employees who have worked for the Town for at least twelve months and provided at least 1250 hours of service during the twelve months before the leave is requested.

37-2. *Definitions.*

- (a) "Twelve-month period: shall mean "rolling period" measured backward from the date an employee uses any small necessities leave.
- (b) "Intermittent leave" shall mean time away from the job taken in separate blocks of time due to a single incident covered by the law.
- (c) "Son or daughter" shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The son or daughter must either be under eighteen (18) years of age, or older and incapable of self-care because of mental or physical disability.
- (d) "Elderly relative" shall mean an individual of at least sixty (60) years of age who is related by blood or marriage to the employee.
- (e) "School" shall mean a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a children's day care facility licensed under M.G.L. Chapter 28A.

37-3. *Leave Entitlement.* The Town will provide all eligible employees up to twenty-four (24) hours unpaid leave in the twelve-month period for any of the following purposes:

- (1) to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school; or
- (2) to accompany the son or daughter of the employee to routine medical or dental appointments, such as checkups or vaccinations; or
- (3) to accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Leave may be taken on an intermittent basis, but no in increments of less than one (1) hour.

Employees utilizing leave shall be entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

37-4. *Notice.* If the necessity for leave is foreseeable, the employee shall provide his/her department head with not less than seven (7) calendar days' written notice prior to the date the leave is to begin, indicating the date, the number of hours of leave, and the purpose for which the leave is requested. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practical under the circumstances of the particular case. Where leave is not foreseeable and the employee's notice is verbal, the employee shall complete and submit a written notice as soon as possible.

38.0 Worker's Compensation

38-1. *Policy.* The Town of Fairhaven is committed to providing a work environment that is safe for all employees. If a work-related injury occurs, the procedures contained within must be followed to ensure compliance. This policy applies to all Town employees, excluding public safety employees (full-time police officers and firefighters).

38-2. *Procedure.* The first priority after an accident or injury is to assure that the employee involved receives the first aid that is necessary. If medically appropriate, 911 should be called immediately. Employees with life threatening work-related injuries should be taken to the nearest emergency room at the hospital. After an employee is released from the emergency room, employees must schedule an appointment with the Town's medical provider. Employees may elect to see their own medical provider instead; if the employee elects to see his/her own medical provider, the employee must inform the provider that he/she is being seen for a work-related injury.

The most local hospital is:

St. Luke's

101 Page Street
New Bedford, MA 02740

38.3. *Reporting.* An employee injured on the job must report the injury to their supervisor and fill out an accident report (see Human Resources for the accident report). The accident report begins the claims process and should be done immediately. Accident reports must be submitted to the Human Resources office within 24 hours of the emergency, unless the incident caused loss of consciousness, death, or dismemberment; in that case, reporting should be done as immediately as possible (within eight [8] hours). If the employee is unable to fill out the accident report due to the injury, the employee's supervisor is responsible for filling out the accident report and submitted it to Human Resources. The Human Resources department will not be able to process worker's compensation claims or lost wages without an accident report.

38.4. *Lost Time.* Each department will designate an employee who will communicate any and all lost time to Human Resources. Once an employee is absent five (5) days due to an industrial accident, and once said employee will be out of work as determined by a medical provider for a longer period of time, the employee will be placed on worker's compensation benefits in accordance with MGL Ch. 152. These five (5) days will be paid out of the employee's accrued sick leave benefit. If the employee remains out of work for a continuous twenty-one (21) days, those five days will be reinstated to the employee's leave bank.

In accordance with MGL Chapter 152, the employee may supplement their regular weekly worker's compensation wage with accrued benefit leave (sick, vacation, personal time), up to, but not exceeding, typical weekly wages.

39.0 Retirement

39-1. *Policy.* All eligible employees (as defined by the Fairhaven Contributory Retirement System) must join the System, pursuant to Mass. General Laws and other Special Acts of the General Laws. This is a contributory retirement system. Retirement age is mandated by the System for its member.

40.0 Travel

40-1. *Policy.* In the event employees are required to use their own vehicle to conduct business for the Town, they must obtain authorization from their supervisor or department head. Once that authorization has been given, the employee will be reimbursed for mileage at the current rate approved by the Internal Revenue Service, as well as tolls, hotel stays, parking fees, and cost of meals. In order for an employee to receive such reimbursement, a travel voucher and a "monthly Mileage Expense Report" containing all information about mileage, destination, date, reason for travel and signature of supervisor or department head must be completed before reimbursement can be made. Any proposed travel out of state is subject to prior approval and authorization

by the Town Administrator or other appointment authority, in the case of employees under the jurisdiction of elected boards or commissions.

41.0 Acceptable Use Policy – Computer, Technology, Email, Cell phone, Internet, Social Media.

41-1. *Policy.* The Town of Fairhaven may provide email and/or Internet access to employees who are connected to the municipal network server at the Town Offices and, additionally, to various employees in other town buildings. The purpose of providing these services to employees is to improve communication between departments and to provide the means to communicate and obtain information via the Internet. These services shall be used to improve the efficiency and effectiveness of municipal operations. Access and Control of the Town’s technology resources, equipment and information shall be as follows:

The Town has these established policies to set the standards for the proper and allowed uses of the Town’s telecommunications systems including telephones, email, facsimile machines (faxes), cell phones, and the Internet, including social media. The use of these capabilities and equipment is subject to the same management oversight as any other employee activity.

Email: Email is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c 66). Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act.

Appropriate Use: E-mail and related online services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town’s objective to provide efficient, complete, accurate, and timely services.

Users shall act professionally, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

The telecommunications systems (including Town office Wi-Fi access) shall not be used for:

- personal gain or to conduct personal business, political activity, non-Town-related fundraising activity, or charitable activity;
- the transmission of materials used for commercial promotion, product endorsement or political lobbying;
- to promote discrimination based on race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; to promote, resulting in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs;

- for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any criminal activity.

No user shall violate the computer security systems implemented by the Town.

No user shall pirate software or download and transfer software for which the user does not have the proper licensing, and without the written approval of the Information Technology Director.

All users are expected to undertake precautions to prevent infection of town computers by computer viruses. Executable programs imported from other sites to town computers may not be used unless they have been authorized by the Town Administrator or Director of IT, or designee, and have been subjected to the virus detection procedures approved by the Director of IT, or designee. Additional restrictions or regulations on the importing of remote files may from time to time be imposed, and such restrictions or regulations shall be considered part of this policy.

Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources. For security purposes, employees should either log off or revert to a password screen saver when leaving their computer for an extended period. When leaving for the day, employees should log off and power down all electronic equipment.

Personally-owned devices used to ‘officially’ access town email and/or data will be subject to the same security-related regulations.

Open Meeting Law Compliance: All provisions of the Massachusetts Open Meeting Law apply to email communication.

41-2. *Social Networking*. Employees are encouraged to use professional judgment at all times concerning personal and professional use of social networking sites. In using social networking sites, employees should at all times be respectful to co-workers, residents, or persons seeking assistance from the Town. Employees should not disclose confidential information, engage in any unlawful activity, or convey information that is disparaging or defamatory while using social networking sites, and must refrain from making comments or statements based upon race, color, gender, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetics, active military status, or another basis prohibited under state or federal anti-discrimination statutes. Such statements or comments occurring online and/or through the use of social networking sites will not be tolerated and may be subject to disciplinary action, if severe enough to cause disruption in the workplace.

Use of social media during work hours, except as related to town business or postings, is prohibited.

Violation(s) of this policy may result in disciplinary action being taken against the employee, up to and including termination from employment.

41-3. Mobile Devices Provided by the Town. Employees whose work requires the issuance of a mobile device will be provided such device at the recommendation of the Department Head and the approval of the Town Administrator. Employees who do not accept a Town mobile device, and instead opt to use their own device, shall be eligible to receive a \$300 annual stipend, paid monthly in \$25 increments upon furnished proof of cell phone invoice paid. Such proof shall be provided to the Town Accountant's office, along with any reimbursement/payable cover sheets, and shall be signed by the Town Administrator for reimbursement. Employees may opt to use their own mobile devices for Town business, but should be advised that their device may be subject to records access laws. Cell phone stipends must be included in the annual departmental budget and are subject to Town Meeting appropriation.

Usage Guidelines:

- Detailed records of the use of Town mobile devices are public records and may be requested at any time.
- Mobile devices provided by the Town are to be used predominately for work-related purposes. Personal use that incurs charges must be paid for by the employee.
- In addition to this policy, the use of mobile devices is governed by personnel policies which relate to the use of all Town computing equipment.

Security Guidelines:

Mobile devices with access to email and other data services are part of the Town's technology infrastructure, and as such, will be subject to the security guidelines outlined in the Town's technology security plans.

Users are responsible for the physical safety of their Town provided devices and must report lost/stolen/damaged equipment immediately to the technology staff.

42.0 Severe Weather Policy

42.1. Policy and Statement. This policy establishes guidelines for operations during periods of extreme weather and similar emergencies. The Town offices remain open in all but the most extreme circumstances. Unless an emergency closing is announced, all employees are expected to report to work, although all employees are urged to use their own discretion in deciding whether they can safely get to work. When an emergency closing hasn't been declared, employees who don't report to work because of inclement weather have the option of taking vacation, personal leave, or in the case of nonexempt employees, leave without pay.

42.2. Designation of Emergency Closing. Only by authorization of the Town Administrator does the Town cease operations because of emergency circumstances. If severe weather

conditions develop during working hours, department managers can allow their nonessential employees to leave work early with approval of the Town Administrator.

42.3. Emergency Operations Team. An Emergency Operations Team, consisting of the Town Administrator, Public Works Director, Police Chief, Fire Chief, and Human Resource Director, and appropriate representatives from their departments is responsible for monitoring weather and emergency conditions for the purposes of communicating and implementing emergency plans. The Town Administrator or his designee is responsible for coordinating snow removal efforts and other steps necessary to maintain the safety and security of the Town premises during severe weather and other emergency conditions.

42.4. Procedures for all employees. If weather or other emergency conditions prevent employees from reporting to work on time, they are responsible for notifying their supervisor, within the first hour of the workday. If direct contact is not possible, leaving a detailed voice mail message or message with another employee is acceptable. Employees should leave a phone number where they can be reached.

42.5. Essential Personnel. If the Town officially is closed, essential functions must be maintained and essential personnel must report to work unless otherwise instructed. A roster of essential personnel is maintained by each department manager. An up-to-date copy of each department's roster is kept on file in the Human Resources Department.

42.6. Pay and Leave Practices. When a partial- or full-day closing is authorized, the following pay and vacation practices apply:

- Non-exempt employees in nonessential operations are granted administrative leave and compensated at their regular rate of pay for the hours they were scheduled to work.
- Non-exempt employees who are designated as essential are compensated at 1 1/2 times their regular rate of pay during the emergency closing period. Such employees are not given time off at a later date for hours worked during the period of closing.
- Exempt and non-exempt employees on sick leave on a day when a partial-day closing occurs are charged with sick leave for that day. Exempt and nonexempt employees already on personal leave or vacation during emergency closings are charged with whatever type of leave they had scheduled.
- Exempt employees who are in nonessential operations are granted administrative leave.
- Exempt employees in essential operations are eligible for compensatory time-off (“flextime”) for hours worked during the period of the closing. (See Section 24-2 for flextime policy).

42.7. Announcements. Modifications to normal operations are announced as early as possible through the following media: www.Fairhaven-MA.gov, Twitter and Facebook; telephone calls to employees; cable television.

ATTACHMENTS:

- Appendix A: Personnel Bylaw Ch. 61**
- Appendix B: Town Administrator Special Act**
- Appendix C: Harassment Complaint Form**
- Appendix D: Harassment Policy Receipt Form**
- Appendix E: ADA Forms**
- Appendix F: Employee Application Form**
- Appendix G: FMLA Forms**
- Appendix H: Performance Appraisal Form**

EMPLOYEE ACKNOWLEDGMENT FORM

I understand that the Personnel Policies and Procedures contains important information about the Town of Fairhaven and that I should consult with Human Resources or the Town Administrator's Office to field inquiries on personnel matters if I have any questions concerning the Personnel Policies or the Town of Fairhaven's policies, procedures, benefits, or programs.

I affirm that I have reviewed the contents of the Personnel Policies and Procedures in its entirety and that I will act in conformity with it, including all policies and procedures it contains. I understand that violations of the Personnel Policies and Procedures may result in disciplinary action, up to and including termination.

I further understand and agree that no part of the Personnel Policies and Procedures constitutes or is intended to create a contract of employment. I also understand that the Personnel Policies and Procedures do not create any implied contract between me and the Town of Fairhaven. My employment with the Town of Fairhaven is solely at-will, and I understand that I or the Town of Fairhaven can terminate our employment relationship at any time, with or without advance notice and with or without cause. I affirm that I have entered into my employment relationship with the Town of Fairhaven voluntarily and understand that my employment does not have any specific length or term.

I further understand and agree that the information contained in the Personnel Policies and Procedures supersedes any prior handbooks, policies, promises, practices, or representations from the Town of Fairhaven, whether written or oral. No person other than the Board of Selectmen and the Town Administrator have authority to bind the Town of Fairhaven concerning terms and conditions of employment or has authority to make any agreement that alters or varies any of the policies, procedures, benefits, or programs contained in the Personnel Policies and Procedures, or any terms or conditions of my employment, including my status as an at-will employee, and that any such agreement must be in writing. The Town of Fairhaven reserves the right to amend, supplement, modify, or eliminate any of its policies and procedures at its sole discretion, including policies and procedures relating to my compensation, work hours, or any other terms or condition of my employment.

By signing below, I acknowledge receipt of a copy of the Town of Fairhaven's Personnel Policies and Procedures. I understand that this form will be retained in my personnel file.

Employee Name: _____

Employee Signature: _____

Date: _____

Name of Employer Representative: _____

Signature of Employer Representative: _____

Date: _____