



## Personnel Manual

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# 1. INTRODUCTION

This Personnel Manual (Manual) is a guide for the Town of Cheshire (Town) and its employees, appointees, and volunteers. It establishes policies intended to provide a fair and equitable system of personnel administration, and it affirms the right of individuals to be treated with dignity, integrity, and respect. The Manual also provides a guideline for the Town's compliance with the applicable State and Federal laws or regulations. Should the referenced laws or regulations change in a manner inconsistent with the policy stated by the Town, the laws or regulations shall prevail if mandatory.

This Manual outlines the expectations and benefits maintained by the Town. All provisions of the Manual provide guidance and information. All Town departments, boards, and commissions, and their respective positions shall be subject to the provisions of these policies. The final interpretation of the provisions of the Manual is the exclusive responsibility of the Board of Selectmen, except to the extent that the provisions of these policies conflict with the provisions of any individual personal employment agreement authorized by law, and/or statutory provisions which shall prevail.

To the extent that a Town department, board, or commission is subject to the provisions of a specific state statute that provides such department, board, or commission with specific authority to set salaries or other terms and conditions of employment of employees within the jurisdiction of such department, board, or commission, the state statute shall prevail over the provisions of these policies under the provisions of Massachusetts General Laws (hereafter M.G.L.).

The language of these policies is not intended to create, nor does it constitute a contract or other employment obligation between the Town and any or all its employees. All employees for the Town are at-will employees. These policies are presented as a matter of information only and are not conditions of employment. The Town reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time.

All Town employees are responsible for familiarizing themselves with and adhering to the Town's Personnel policies. Accordingly, the Policies and all attachments will be available in handout format and electronically on the Town's website. Annually, employees will be given copies of the Discriminatory Harassment and Sexual Harassment Policy, Conflict of Interest Guide, and Affirmative Action/Equal Opportunity/Non-Discrimination policies. This information will also be provided to Supervisors for posting in the individual workspaces.

## 2. DEFINITIONS

The words and phrases defined here shall have the following meanings unless a different construction is clearly required by the content or by the laws of the Commonwealth.

**APPOINTEE** – A paid or unpaid position that performs duties, tasks, and/or services for the Town.

**AT-WILL EMPLOYEE** – Employment “at-will” means that the Board of Selectmen can end an employee’s employment with the Town any time for any reason. Conversely, an employee can leave his/her employment with the Town at any time for any reason.

**BENEFITED POSITION** – A position that has a regular weekly schedule of twenty (20) hours or more a week and is eligible for pro-rated benefits (based on a 40-hour work week) according to his/her regular weekly scheduled hours.

**BLOG** (abridgement of the term “web log”) – a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

**BULLYING** – Verbal assaults or efforts by others in the workplace to unfairly dominate an employee and includes misconduct that effectively prevents the targeted person from accomplishing his or her work. The definition includes such behaviors as spreading rumors or sabotaging another employee’s work.

**COMPENSATION RANGE** – The dollar difference between minimum and maximum rates of pay.

**COMPENSATION RATE** – A sum of money designated as compensation on an hourly, daily, weekly, monthly, annually, or another basis.

**COMPENSATORY TIME** – Time earned for hours worked which are in excess of the normal hours required for the proper functioning of the position.

**CONTINUOUS EMPLOYMENT** – Employment in a long-term position for an indeterminate period uninterrupted except for vacation leave, sick leave, or other authorized leave of absence.

**CYBER-BULLYING** – Bullying using technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electronic mail, internet communications, instant messages, or facsimile communications. Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person; the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying; and the distribution by electronic means of a communication to more than one person or posting of material on an electronic medium that may be accessed by one

or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**DEFAMATION** – Communicating false statements about a person that injures that person’s reputation (from the *Merriam-Webster Dictionary*).

**DEPARTMENT** – Any work area, department, board, committee, commission, or other agency of the Town subject to these policies.

**DEPARTMENT HEAD** – The individual within a department, board, committee, or commission with the authority to hire or recommend individuals to the Board of Selectmen or Appointing Authority for hiring and who supervises the other employees of the department or the appointing authority for that board, committee, or commission. When there is no Department Head in a Work Area, a supervisor oversees employees in that Area. Other responsibilities of a Department Head may be assigned to a supervisor on a case-by-case basis.

**DISCRIMINATORY HARASSMENT** – Verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, gender, gender identity, gender re-assignment, pregnancy, national origin, religion, age (40 or over), physical or mental disability, sexual orientation, or any other protected class under the law.

**EMPLOYEE** – A person who receives compensation from the Town for services rendered or who is appointed or otherwise serves as a volunteer for the Town.

**EXEMPT STAFF (SALARIED EMPLOYEE)** – An employee exempt under the Fair Labor Standards Act who does not receive overtime pay. Exempt employees are paid a fixed amount each pay cycle. **Exempt Staff is not entitled to “comp time” for additional hours worked.**

**HARASSMENT** – Any unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group as previously described; and

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

**HIRING AUTHORITY** – The entity authorized to create an employment contract.

**INTERMITTENT SERVICE** – Personnel service rendered by an employee in a position in which service, although constituting continuous employment, is not rendered during prescribed working hours, daily, weekly, or annually, but is rendered according to the demands for such service. Individuals who provide intermittent service to the Town are not provided benefits and may be paid at a different compensation rate than regular employees.

**INTRODUCTORY EMPLOYEE** – An employee filling a regular position who has been employed

less than three (3) months.

**NON-BENEFITED POSITION** – A position that has a regular weekly schedule of less than twenty (20) hours and is not eligible to receive benefits.

**NON-EXEMPT STAFF (HOURLY EMPLOYEE)** – An employee non-exempt under the Fair Labor Standards Act who is eligible for overtime for hours worked more than forty (40) hours during the work week or more than eight (8) hours in a day. Non-exempt employees are required to account for hours, and fractional hours worked. Non-exempt employees are paid for all hours worked either straight time or overtime

**ON-CALL POSITION** – A position in which service is not rendered during prescribed working hours, or on a daily, weekly, or annual basis, but is rendered according to the demands for such service. An individual who provides On-Call service to the Town is not provided benefits and may be paid at a different compensation rate than regular employees.

**POSITION** – An office or post of employment in the Town service with defined duties and responsibilities.

**REGULAR EMPLOYEE** – An employee retained on a continuing basis in the Town's service which has required, or which is likely to require the services of an incumbent without interruption for a period of more than six (6) calendar months, either on a full-time or part-time basis, and has successfully completed the introductory period.

**BOARD OF SELECTMEN** – The Board of Selectmen is responsible for approving and interpreting the provisions of the Personnel Policies and Procedures of the Town. The Board of Selectmen adopts policies and issues regulations as it deems necessary. The Board of Selectmen is the hiring and appointing authority for all employees with the following exceptions:

1. The Library Trustees appoint Library Personnel.
2. The Water Commissioners appoint Water Personnel.
3. The Fire Chief appoints Officers and Firefighters; and
4. The Board of Health appoints Health Agents.

**SEXUAL HARASSMENT** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**SOCIAL MEDIA** – All means of communicating or posting information or content of any sort on the Internet, including, but not limited to, a personal or public blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room, whether associated or affiliated with the Town, as well as any other form of electronic communication.

**SOCIAL MEDIA IDENTITY** – A specific user identity or account that has been registered on a third-party social media site.

**SOCIAL MEDIA SITES AND SOCIAL NETWORKING SITES** – websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as blogs, wikis, microblogging sites such as twitter; social networking sites such as Facebook and LinkedIn; video sharing sites such as YouTube, bookmarking sites such as Pinterest; and messaging applications such as Instagram.

**SUPERVISOR** – An employee with management responsibilities who may be responsible for managing specific staff. A Supervisor is not necessarily a Department Head, and when there is a Department Head in the Department/Work Area, the Supervisor reports to the Department Head.

**TEMPORARY EMPLOYEE** – An employee retained in the Town's service which requires, or which is likely to require the service of an individual for a period not to exceed six (6) continuous calendar months. The six-month period may be extended by the Select Board for up to another six months.

**TOWN** – The Town of Cheshire.

**TOWN ADMINISTRATOR** – The appointed individual who provides aid and guidance to the Board of Selectmen and Town Departments and Committees to facilitate the efficient operation of town business, also referred to as the Town Administrator.

**TOWN COUNSEL**- The appointed individual who provides attorney services to the Town.

**TOWN SYSTEMS** – any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, "smartphones"/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.

**TOWN TREASURER** – The appointed individual who handles all Town funds, payroll, benefits management, investments, collection of all revenue due to the Town, the tax title and foreclosure process, borrowing and human resources work.

**VOLUNTEER** – An unpaid position that performs services for the Town.

**WORK AREA** – A department or other location or group in which employees perform the duties of their positions.

**WORK WEEK** – The period, Friday to Thursday, utilized to determine overtime hours and other benefits for hourly employees.



### **3. POLICIES**

#### **3.1 AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination based on physical or mental handicaps. The Town does not discriminate against employees, job applicants, or recipients of Town services related to such disabilities.

##### Procedure for Complaints

See attached ADA Grievance Policy for procedure.

#### **3.2 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The FMLA entitles eligible employees to take unpaid, job protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12 month period for:

The birth of a child and to care for the newborn child within one year of birth;

The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;

To care for the employee's spouse, child, or parent who has a serious health condition;

A serious health condition that makes the employee unable to perform the essential functions of his or her job;

Any qualifying urgency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on „covered active duty“ or

Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent or next of kin.

#### **3.3 SMALL NECESSITIES LEAVE ACT**

Massachusetts General Law Chapter 149, Section 52D(b) the Small Necessities Leave Act law allows employees who qualify under the Federal Family and Medical Leave Act to take off up to 24 hours in a 12 month period for;

Your child's school activities, such as parent-teacher conferences

Your child's medical appointments

Your elderly relatives medical appointment or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes

### ***3.4 AFFIRMATIVE ACTION/EQUAL OPPORTUNITY/NON-DISCRIMINATION POLICY***

It is the policy of the Town to provide for and promote equal opportunity in all terms and conditions of employment. The Town recognizes the right of an individual to work and to advance based on performance, ability, and potential without regard to race, gender, color, gender identity, gender re-assignment, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, military background, age, or based on reporting of discrimination, or any other protected class under the law. The Town resolves to take necessary measures to ensure equal opportunity in the areas of hiring, pay equity, evaluation, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, and in-service or apprenticeship training programs.

The Town is committed to assuring equal employment opportunity and equal access to services, programs, and activities for individuals with disabilities. It is the policy of the Town to provide reasonable accommodation to a qualified individual with a disability to enable such individual to perform the essential functions of the position for which he/she is applying or in which he/she is employed. Further, it is the policy of the Town to provide reasonable accommodation for religious observers.

The policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, job application process, examination, and testing, hiring, training, disciplinary actions, rate of pay or other compensation, advancement, classification, transfer, reassignment, and promotions. The Town designated person for issues concerning Affirmative Action/Equal Employment Opportunity is the Town Administrator, who can be reached at 413-743-1690 extension 18, 80 Church St, Cheshire, MA 01225, or at [admin@cheshire-ma.gov](mailto:admin@cheshire-ma.gov).

#### **Procedure for Complaints**

See Discrimination Complaints Reporting and Investigating Procedure, Section 3.5.

### ***3.5 STANDARDS OF CONDUCT***

Employees of the Town shall always be required to conduct themselves in a manner consistent with appropriate professional standards, and in a way that will reflect favorably on the Town.

#### **Conduct**

A Town employee is expected to fulfill the responsibilities of his/her position in a manner that is consistent with the expectations of the employee's Supervisor and the needs of the Town. The employee is expected to conduct himself/herself in a professional manner in all aspects of work, formal and informal, including personal attire and presentation.

All employees of the Town are expected to always act in accordance with the standards, policies, and rules of the Town and to safeguard the Town's reputation and resources. These

expectations and standards of behavior extend to the use of Town's facilities, equipment, supplies, and technical resources.

The following are examples of conduct that may result in disciplinary action on the part of the Town, up to and including termination:

Any breach of conduct of any of the policies contained in this manual or any other statement of Town policy.

Behavior inconsistent with the standards and expectations of the Town.

Unethical, immoral, deceitful, or illegal conduct.

Behavior that infringes on the well-being of others; and

Any other conduct or performance that does not meet the expectations for employees of the Town.

Be aware that the Town may discipline, suspend, or terminate an employee for criminal, felonious, or other serious acts that occur off Town premises or outside of working hours.

### ***3.6 DISCRIMINATORY HARASSMENT AND SEXUAL HARASSMENT POLICY***

It is the goal of the Town to promote a workplace that is positive, productive, and respectful of residents, employees, vendors, volunteers, and board and committee members. A workplace that is free of harassment of any type, including sexual harassment and bullying, is mandatory. The Town prohibits harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment.

Be aware that while this manual sets forth the Town's goals of promoting a workplace that is free of harassment, the manual is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct that is deemed unacceptable, regardless of whether that conduct satisfies the definition of harassment.

#### **Definitions**

**"Bullying"** means verbal assaults or efforts by others in the workplace to unfairly dominate an employee and includes misconduct that effectively prevents the targeted person from accomplishing his/her work. The definition includes behaviors such as spreading rumors or sabotaging another employee's work.

**"Cyber-bullying"** is bullying using technology, social media or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electronic mail, internet communications, instant messages, or facsimile communications. Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person; the knowing impersonation of another person as the author of posted

content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying; and the distribution by electronic means of a communication to more than one person or posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**“Discriminatory harassment”** consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as race, gender, color, gender identity, gender re-assignment, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, military background, age, or based on reporting of discrimination, or any other protected class under the law.

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

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

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

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

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

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

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

- Unwelcome sexual advances – whether they involve physical touching or not.

Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess.

Displaying sexually suggestive objects, pictures, cartoons.

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.

Inquiries into one's sexual experiences; and

Discussion of one's sexual activities.

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or at work-sponsored events is prohibited. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and is prohibited.

All employees should take special note that, as stated above, retaliation against an individual who has complained about any form of harassment, including sexual harassment and bullying, and retaliation against individuals for cooperating with an investigation of a harassment complaint is unlawful and is prohibited.

The Town takes allegations of harassment seriously and will respond promptly to complaints of harassment according to the Town's Discrimination Complaints Reporting and Investigating Procedure, Section 3.5. When it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

### **Employee Responsibilities**

Each Employee is personally responsible for:

Ensuring that his/her conduct does not harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor.

Cooperating in any investigation of alleged harassment by providing any information he/she possesses concerning the matter being investigated.

Actively participating in efforts to prevent and eliminate harassment and maintain a working environment free from such discrimination; and

Ensuring that an employee who files a harassment claim or cooperates in an investigation, may do so without fear of retaliation or reprisal.

The Town's Sexual Harassment Compliance Officer and Discrimination Harassment Officer is the Town Administrator, or in the absence of the Town Administrator, the Town Treasurer.

### **Procedure for Complaints**

All employees (including volunteers), Supervisors, Department Heads, Administrative Authorities, and Board and Committee members of the Town share responsibility for avoiding, discouraging, and reporting any form of discriminatory harassment. In addition, residents, visitors, applicants, vendors, contractors, their agents, and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with the town using the procedures described in Section 3.5. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents, and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

See Discrimination Complaints Reporting and Investigating Procedure, Section 3.5.

### **Violation of Policy**

Any employee determined to have violated this policy will be subject to appropriate discipline up to and including termination.

## ***3.7 DISCRIMINATION COMPLAINTS REPORTING AND INVESTIGATING PROCEDURE***

If any Town employee believes that he/she has been subjected to harassment or discriminated against based on race, gender, color, gender identity, gender re-assignment, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, military background, age, or based on reporting of discrimination, or any other protected class under the law in employment practices of the Town, that employee has the right to file a complaint. The complaint may be made orally or in writing by following the reporting procedure below. Once a complaint is received or heard by any Supervisor, the Town is obligated to investigate the situation. Investigations shall follow the investigatory procedure below.

### **Reporting Procedure**

If any employee believes that he/she has been subject to sexual harassment, harassment of any kind, bullying, or other discrimination, the employee should initiate a complaint to the Town Administrator and/or Town Treasurer who handle Human Resources. The employee should file the complaint promptly following any incident of alleged harassment. The employee should be aware that the greater the time lapse between the occurrence and filing the complaint, the more difficult it will be to investigate what occurred. The Town Administrator and/or Town Treasurer will document in writing the complaint received and request the complainant either provide a written statement with details of the occurrence, or sign the investigative document

created by the Town Administrator and/or Town Treasurer. It should be noted, however, that the employee is not required to sign the investigative document.

If the complaint was made to a Supervisor, the Supervisor or Department Head, as applicable, shall inform the Town Administrator and/or Town Treasurer of the complaint as soon as practicable.

Complaints from residents or vendors should be reported to the Town Administrator.

Upon receipt of a complaint, the Town Administrator will conduct initial fact-finding and advise the Board of Selectmen or Appointing Authority and Town Counsel of the complaint. The Board of Selectmen or Appointing Authority will designate an Investigation Officer to conduct a thorough investigation of the complaint and compile a report.

In the absence of the Town Administrator, or if the Town Administrator is a party to the complaint, the employee or the Supervisor or Department Head, as applicable, shall report the complaint directly to the Town Treasurer.

#### **Investigatory Procedure**

The investigation shall begin within twenty-four (24) to forty-eight (48) hours after the complaint has been received.

As part of its investigation, the Investigation Officer will take these steps at a minimum:

1. Interview the complainant and inform the complainant of the investigation process, including that the accused will be informed of the complaint.
2. Inform the accused of the complaint and interview the accused.
3. Inform the accused and witnesses that retaliation is against the law.
4. Interview any witnesses to the situation that have been identified; and
5. Report in writing the charges, facts, and any other pertinent information to the Board of Selectmen or Appointing Authority.

This process will be confidential to the extent possible with an effective investigation. Additional interviews may be held with any of the parties if needed.

The preliminary investigation shall be completed as soon as possible, but no later than fourteen (14) days after initiation, unless legally mandated steps require more time.

Upon completion of the investigation, the Investigation Officer will report the findings to the Board of Selectmen or Appointing Authority. The complainant and the accused will be notified of the findings from the investigation. The Board of Selectmen or Appointing Authority shall choose what further action will be taken. The complainant and accused will be notified. If the Board of Selectmen or Appointing Authority deem it necessary to hold a hearing, the principles

will be notified according to the Open Meeting Law, M.G.L. Chapter 30A, Sections 18-25, not less than forty-eight (48) hours prior to any posted meeting.

Notwithstanding any provisions of this policy, the Town reserves the right to investigate and act on its own accord in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

All Personnel actions taken will comply with this manual, state and federal law, human resources best practices, and Open Meeting Law.

#### Contact Information

The Sexual Harassment Compliance Officer and ADA Coordinator is the Town Administrator, who may be contacted at 413-743-1690 extension 18, 80 Church St, Cheshire, MA 01225, or via email at [admin@cheshire-ma.gov](mailto:admin@cheshire-ma.gov)

#### State and Federal Remedies

In addition to the above, if the employee believes he/she has been subjected to discriminatory harassment of any type, the employee may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit the employee from filing a complaint with these agencies. Each of the agencies requires that claims be filed by a specific filing deadline.

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

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
1-800-669-4000

More information at the Federal level is available online by searching at <https://www.USA.gov>

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

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

Springfield Office:  
436 Dwight Street,  
Room 220



Springfield, MA 01103  
(413) 739-2145

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

More information at the Commonwealth level is available online by searching at  
<https://www.Mass.gov>.

### ***3.8 MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT***

The Town will follow M.G.L., Chapter 151B, Section 4, as amended, known as the Massachusetts Pregnant Workers Fairness Act and shall post a copy where employees have access to it.

### ***3.9 MASSACHUSETTS EQUAL PAY ACT***

The Town will follow M.G.L, Chapter 149, Section 105A, known as the Massachusetts Equal Pay Act (MEPA), and shall post a copy where employees have access to it.

### ***3.10 MASSACHUSETTS WHISTLEBLOWER PROTECTION ACT***

The Town will follow M.G.L., Chapter 149, Section 185, known as the Massachusetts Whistleblower Protection Act, 1992, (the Act) and shall post copies of the Act where employees can have access to them. For the purposes of Section (c) (1) of the Act, written notifications of violations of a law, rule or regulation promulgated pursuant to law shall be provided to the Supervisor. Section (c) (2) of the Act outlines the circumstances when notification to the Supervisor is not required.

### ***3.11 CONFIDENTIALITY***

Town employees may have access to sensitive personal or otherwise confidential material. This information shall be held in strict confidence and shall not be discussed outside of the workplace. Violation of confidentiality is cause for discipline up to and including termination.

Executive Sessions are allowable by Open Meeting Law under certain circumstances (MGL Chapter 30A, Section 21) The purpose of an executive session is to allow confidential discussion of matters that could be detrimental to the local government, its officer, or its employees, if they were to be discussed in public.

### **3.12 USE OF TOWN PROPERTY BY EMPLOYEES**

Town employees shall properly take care of and account for property of the Town within their control and shall not use such property for personal tasks or gain unless approved by a Department Head. Any violation of this policy may result in disciplinary action up to and including immediate termination for the employee .

The use of electronic devices such as cell phones, either personal or supplied by the town, while driving a town-owned vehicle or in private vehicles while driving on town business, is prohibited. Communications between emergency personnel when required for response operations are exempt from this paragraph.

\*Certain contracted employees have use of town vehicles and phones as part of their contract.

### **3.13 COMMUNICATIONS POLICY**

This Policy is intended to provide guidance on the appropriate use of Town electronic communication and information equipment and systems ("Systems"). Such Systems include, but are not limited to, computer workstations, laptops, tablets (such as iPads), hardware and software, electronic mail ("e-mail"), telephones, cellular phones, pagers, "blackberry"-style devices, Smartphones, facsimile machines, and the Internet.

Use of Town Systems by any employee, contractor, consultant, or other user ("user") shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Town.

Access to and use of Town Systems is intended for business-related purposes, including communicating with coworkers and colleagues, and researching topics relevant to Town business. All existing state, federal, and local laws and Town policies apply to your conduct while using Town Systems, particularly those that govern intellectual property protection, sexual or other harassment, misuse of Town resources, privacy rights, and confidentiality.

This policy sets forth general guidelines and examples of prohibited uses of Town Systems for illustrative purposes but does not attempt to identify all required or prohibited activities by users. Questions regarding whether an activity or use is acceptable should be directed to the Systems Administrator, and/or a supervisor. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of Town Systems. Furthermore, this policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the Town.

#### **Privacy**

Users should not expect any right of privacy in said Systems, including electronic communications and information made or stored on Town Systems. The Town retains the right to inspect its Systems, including any Town-owned or leased computer or electronic

communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The Town will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any equipment.

All electronic files and documents originating from or passing through Town Systems are the property of the Town.

### Security

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is responsible and accountable for all activities carried out under his/her username and should take all reasonable precautions to protect his/her password. The password associated with a particular username must not be given or divulged to another person (except for the Systems Administrator). No one may use, or attempt to use, a username or password assigned to another person, or pose as another user.

### Internet Guidelines

The Internet is a valuable tool in the workplace, however, misuse or abuse of the Internet can result in wasted time, as well as potentially violate laws, bylaws, ordinances, regulations, or other Town policies. Therefore, users should adhere to the following Internet Guidelines.

1. **Use for Official Business:** It is Town policy to restrict Internet access to official Town business. Use of the Internet for personal matters is prohibited.
2. **Authorization:** Authorization for Internet access must be obtained through the Systems Administrator. Once authorization is approved, each user is responsible for the security of his/her account password and will be held responsible for all use or misuse of such account (see Section III, Security, above).
3. **Compliance with Laws:** Users must not utilize the Internet to knowingly violate any state, federal or local law, or the laws of any other nation. United States copyright and patent laws may apply to information and material(s) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through use of the Internet.
4. **Viruses:** All appropriate precautions should be taken to detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the Internet before installation or execution of such files/attachments. Users should direct any questions regarding the proper use of virus detection software to the Systems administrator prior to downloading and/or opening any computer files/attachments.

5. **Town Monitoring:** As noted above, users should not have any expectation of privacy as to their computer or Internet usage, including the receipt and sending of e-mail. It is possible for the Town to monitor Internet usage histories and/or patterns, and the Town may inspect, without limitation, any portion of its Systems, including files stored either on the computer hard drive or the Town server, to the extent necessary to ensure compliance with this Policy or any other applicable state, federal, or local law or Town policy.
6. **Prohibited Practices:**
- a. Users shall not use Town computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.
  - b. Users shall not make an unauthorized attempt to enter another employee's computer (commonly referred to as "hacking").
  - c. All computer hardware and software shall always remain the property of the Town and may not be removed from their respective sites or downloaded onto personal computer equipment without the express written approval of the Systems Administrator. The installation or upgrade of computer software programs on computer hardware, without the express written approval of the Systems Administrator, is strictly prohibited.
  - d. Users must not utilize the Internet to deliberately propagate any virus, worm, "Trojan horse," trapdoor or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
  - e. Users shall not disclose confidential information or promote personal beliefs (including but not limited to personal political beliefs), discrimination, sexual harassment, and any unlawful activity; nor shall the Town computers be used for private financial gain, or commercial, advertising or solicitation purposes.
  - f. Use of Town Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit, or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using a Town network, printing, or computing resources.
  - g. Users shall not utilize Town Systems for the purpose of sending "chain-letters", unsolicited mass e-mails, or other "spam;"
  - h. Users shall not maliciously use or disrupt Town computers, networks, or Internet services; nor breach the Systems' security features; nor misuse or damage Town equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use Town Systems after such access has been denied or revoked; nor

attempt to delete, erase, or otherwise conceal any information stored on any portion of the Town Systems; and

- i. Users shall not access the Internet for non-work-related purposes, including but not limited to social networking sites such as Facebook, Twitter, and LinkedIn, non-work-related blogs or websites, or personal shopping sites, for example, during work hours and/or using Town Systems.

#### Electronic Mail ("Email") Guidelines

1. The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records," as defined in Chapter 4, Section 7(26) of the M.G.L. Therefore, all e-mail sent by or received through Town Systems shall be archived by the Systems Administrator.
2. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect Town Systems, and thus should only open such attachments from anticipated and trusted sources.
3. Employees shall not broadcast messages to all employees via e-mail without permission from the Town Administrator.
4. All official town emails must be sent and received via town issued email addresses if one is assigned.
5. All emails with the exception of SPAM, Junk, Marketing etc, must not be deleted.

#### Telephone Usage

Telephones (including cellular phones, "Smartphones," and blackberry-style devices) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Supervisors are responsible for monitoring their employees' telephone usage. Excessive usage for non-business-related purposes, as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment.

Employees are reminded that text messages or other similar messages sent via cell phones, Smartphones, and blackberry-style devices may constitute public records, and therefore, any such messages pertaining to official business of the Town should be maintained as public records, in the same manner as e-mail messages (see Email Usage Section above).

#### Violation of Policy

Violation of this Policy may result in either the suspension or permanent loss of the privilege to use Town Systems. It may also result in disciplinary action being taken against the employee, up to and including termination from employment. Additionally, users shall be personally liable for any losses, costs or damages incurred by the Town related to violations of this Policy. Similarly, the illegal use of Town Systems may result in referral to law enforcement authorities.

Employees shall report violations of this Policy to their Supervisor, or in the case of Department Heads, directly to the Town Administrator. Retaliation against another user for reporting a violation or violations of this Policy, including the use of e-mail or the Internet in a retaliatory manner, is strictly prohibited by the Town.

### **3.14 SMOKING POLICY**

This policy is enacted under the authority of MGL Chapter 270 § 22J.

- Smoking use is prohibited within 50 feet of any public building in the Town of Cheshire.
- Employees of the Town are prohibited from smoking while working regardless of location or circumstance (excluding during break, provided the smoking during a break does not violate this policy)

Notes (defined in the MGL):

- No smoking in town buildings (MGL Chapter 270, §22. b.2)
- No smoking in town owned vehicles (MGL Chapter 270, § 22 b.3)
- Smoking includes both tobacco and non-tobacco substances (MGL C. 270, § 22.a)
- Public Building includes sheds and garages or any other town building (MGL C. 270 §270.22. a)
- Employees include anyone being compensated by the Town, including contractors, temporary employees, and public officials (MGL C. 270 § 22.a)
- Chewing tobacco is not allowed in public buildings, in town owned vehicles or in the presence of other individuals.

*3.14 Smoking policy – revised by vote of Board of Selectmen November 1, 2022*

### **3.15 WORK SCHEDULE**

The regular workday for the Town employees will be the schedule as posted by the employees' department. Supervisors are to record all absences, tardiness, and early departures and the reason(s) (excluding use of vacation or personal leave). Absences, tardiness, and early departures for unsatisfactory reasons shall be grounds for disciplinary action up to and including termination. Supervisors/Department Heads shall communicate employee work schedules to the Treasurer.

### **3.16 CONFLICT OF INTEREST/FINANCIAL DISCLOSURE**

Town employees are required to comply with Chapter 268A of the M.G.L., which governs conduct as a public official or public employee. ***If it appears that there is a conflict of interest, employees, volunteers, and appointees must contact the Massachusetts State Ethics Commission individually to obtain an opinion.*** For an opinion on conflict, appearance of conflict, or general ethics questions, please call the main number at ***(617) 371-9500*** and ***ask for the Attorney of the Day.***

### **3.17 Mileage Reimbursement Policy – approved August 10, 2021**

The Town will reimburse Town Officials and employees for reasonable travel costs incurred in carrying out of official duties. Expenditures are to be planned so that costs do not exceed budgetary limitations.

Generally, allowable reimbursable expenses are those that employees must incur due to their normal work assignments and responsibilities for the Town, including conferences, meetings, inspections and trainings, and shall be conducted in the most reasonable, cost-effective manner.

Employees must document their travel on the Mileage Reimbursement Form. Receipts for parking and tolls must be submitted with the request for reimbursement. Employees will not be reimbursed without proper documentation. Employees may submit their reimbursement requests on the bi-weekly warrant scheduled, but in no event less than quarterly. Mileage needs to be verified with MapQuest or Google Maps.

The Department Head must approve all travel reimbursements in advance for employees.

The Town will reimburse mileage for the round trip between the employee's usual municipal work site and the business function attended.

The mileage rate for reimbursement shall be the Internal Revenue Service code mileage allowance in effect on the dates the travel occurred.

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Current IRS Mileage rate effective January 1, 2022 is \$.585.

Current IRS Mileage rate effective January 1, 2023 is \$.655

### **3.18 Town Vehicle Parking Policy & Town Employee Time Clock Policy**

The following will apply to all Town Employees both non-exempt (hourly) and exempt employees (salaried).

Town owned vehicles shall be kept in the following locations:

Council on Aging Van-	Highway Garage
Highway Department-	Highway Garage
Water Department -	Pumphouse
Police Cruisers-	Police Station
Fire Apparatus/Equipment -	Fire Station

In Emergency Situations or at the discretion of the Chief of the Department, Fire and Police vehicles may be exempt from the above.

Employees are expected to clock in and out at their regularly scheduled times using the time clocks in within the department \* (unless noted below). Under certain conditions (such as trainings at an off-site location, etc.) when an employee cannot clock in and out at their designated location, the employee should hand write hours worked on the timecard upon their return.

Council on Aging Van Drivers will use the time clock located at the Old Highway Garage.

Employees are required to clock out any time they leave the work site for any reason other than assigned work duties. This does not include break times, restroom breaks or other work-related breaks.

Time recorded for exempt employees must equal the total hours scheduled, consisting of actual time worked, personal time/vacation time/sick time, holiday time. If the employees work week does not equal the total hours, then time accumulated, leave or payroll reduction will automatically be made by the treasurer office to account for the total hours.

Any adjustments to the recorded time must be approved by the employee's supervisor and made on the submitted time sheet. Department Heads will be accountable for any manual changes submitted.

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Non-Exempt Employee - Employees who are paid hourly, and overtime is regulated by the Fair Labor Standards Act or by contract.

Exempt Employee - Employees who are not covered by the Fair Labor Standards Act and do not receive overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week.

The only exception to the above policies is based on employee contracts.

Adopted: January 12, 2022 – Board of Selectmen



## **WEATHER/EMERGENCY CLOSURE POLICY**

The following will serve as the policy regarding how the closing of Town Buildings will be determined during a winter storm/emergency for all employees who work for the Town of Cheshire except for Emergency Services (Police & Fire) and the Highway Department.

The Town Administrator in consultation with the Board of Selectmen Chair and Highway Superintendent will determine if the storm conditions warrant a delay or closure of town buildings

“State of Emergency” declared by the Governor (and/or similar Federal Declaration) may constitute a closure of town buildings dependent on the circumstances.

The Council on Aging Chair, Council on Aging Director and Library Director will be notified right way. There may be times when the Council on Aging cancels only the meals program and the Center is still open or may close entirely due to inclement driving conditions. All closures will be posted to the Town Website, Facebook pages and local radio stations. All attempts will be made to decide as early in the day as possible or the evening before.

Town employees will be notified of delays and closures as soon as possible by the Town Administrator or Board of Selectmen Chair.

A closure of delayed opening (the duration of the delay) of the Town Buildings shall be documented as an “Administrative Absence” which is not charged against the employees. Employees who chose to come to work regardless of the declared closure or delay can do so at their own choosing and will not be awarded compensated time or other leave time.

In instances where employees do not report to work when the Town Office is open or after a delay, will have such time count against their accrued vacation and/or personal time. Those unbenefited will not receive pay. If employees have a scheduled vacation or personal day which occurs on a storm day in which a closure or delay is declared the, they will still be charged the appropriate time (vacation or personal) as the employee was not going to have to report to work due to a planned vacation and/or personal day. If a Town Building Closure or delay is called on a day in which an employee is not normally scheduled to work, that employee will not be credited with Administrative Absence time.

Adopted: January 26, 2022 - Board of Selectmen

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*In cases that Town Buildings have been closed according to the Winter/Emergency Closure Policy all Board and Committee meetings will be cancelled.*

Adopted: March 21, 2023 – Board of Selectmen

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## **4. EMPLOYMENT PRACTICES**

### **4.1 HIRING**

Subject to the provisions of this policy, if a vacancy occurs or a new position is established, the Town Administrator shall, subject to the approval of the Board of Selectmen or Appointing Authority, post the opening. Except for those positions filled on an emergency basis, all open positions (full and part-time) for employment in the Town shall not be filled until they have been posted for at least seven (7) days on the public bulletin board at the Town Hall and on the Website. Applications shall be received, and interviews conducted as agreed to by the Board of Selectmen or Appointing Authority, Town Administrator, and Supervisor and/or Department Head, as applicable. All hiring shall be done in accordance with Cheshire's Affirmative Action/Equal Opportunity/Non-Discrimination Policy as outlined in Section 3.1. Prior to notification of vacancy, a job description will be approved for publication along with notice of vacancy. The employment notice will include a general description of duties, any special requirements/qualifications, whether the position is full or part-time, benefited, regular or temporary, salaried, or hourly compensation, where to find the job description and employment application, to whom the application should be submitted, and the deadline for submission. For purposes of transparency, a complete step-by-step hiring guide is provided as an Appendix.

Prospective employees will be given a copy of the benefit package pertaining to his/her prospective position. Prospective employees may have to complete a pre-employment medical exam as outlined in Section 4.4 and may have to complete a Criminal Offender Record Information (CORI) check and/or a Commercial Driver's License (CDL), according to state and federal regulations, respectively.

### **4.2 REFERENCE AND BACKGROUND CHECKS**

It is the policy of the Town to check references of potential employees prior to appointment. The Town Administrator may conduct reference checks on the final candidates considered for a position. Reference checking may include CORI (post offer), driving history, calling references and former employers and other background investigation as appropriate to the position.

All information received during a background investigation is confidential.

### **4.3 OFFERS OF EMPLOYMENT**

Upon direction of the Select Board or Appointing Authority, the Town Administrator shall provide a contingent offer of employment to a prospective employee that contains the rate of pay, hours of work, starting date for employment and other relevant information, including the necessity for a pre-placement statement of medical condition, CORI check, and other pre-placement checks, if so required. If accepted, the Town Administrator shall refer the prospective employee to the Board of Selectmen or Appointing Authority for appointment.

Each new employee shall be directed to consult with the Town Treasurer during the first week of employment to ensure compliance with all legal requirements and facilitate enrollment in benefit plans, as appropriate.

#### **4.4 MEDICAL EXAM – PRE-EMPLOYMENT**

For certain positions, paid or unpaid, the Town may require a complete medical examination and/or psychological test, by a medical practitioner designated by the Town, to certify the newly hired employee as fit to perform the duties of the position. The Town will pay the cost of the pre-employment examination for all hires whose positions are described as benefited in the job description. Positions that require a pre-employment examination conducted at the health facility designated by the Town include:

1. All Highway Department positions.
2. Water Department positions (non-clerical)
3. All Police Department positions; and
4. All Fire Department positions (paid and volunteer)

If the medical practitioner determines in the pre-employment examination the applicant cannot perform the job duties as specified in the job description, then the Town reserves the right to rescind its offer of employment.

#### **4.5 CRIMINAL OFFENDER RECORD INFORMATION ACT (CORI)**

The Town under M.G.L. Chapter 6, section 167-178B, is certified to request a CORI check through the Department of Criminal Justice Information Services (DCJIS) for all employees and volunteers. At the Town's discretion, post-hire and pre-employment checks may also be requested.

Police Department applicants and employees follow a different procedure for CORI/DCJIS investigations. These checks will occur at the time of hire and prior to reappointment for all Police Department employees.

CORI investigations on individuals shall be requested as a final part of the applicant screening process. The applicant must sign and complete the "CORI Acknowledgement Form" (available online) and provide the appropriate documentation. Failure to authorize a CORI investigation will disqualify the applicant for consideration for the position.

The person on whom the CORI was received may upon request obtain a copy of the CORI results.

CORI investigations may periodically be conducted during an employee's employment.

CORI reports are not part of an employee's personnel file. CORI reports are confidential and shall be maintained in a separate locked file in the Town Administrator's office.

The authorized Town recipient of the CORI shall document all actions taken regarding each CORI search. All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. The Town shall track by name, address, and date any dissemination of CORI outside of the Town, at the request of the subject. CORI forms may be obtained from the Town Administrator or online.

Detailed information on CORI regulations may be found online by searching "CORI information and regulations" at <https://www.Mass.gov>.

The CORI Acknowledgment Form is available online by searching specifically for example, for "CORI Acknowledgment Form" at <https://www.Mass.gov>.

#### **4.6 HIRING DOCUMENTATION**

On or before the first day of employment, the employee will meet with the Town Treasurer to complete or receive the following documents:

- Employment Eligibility Form (I-9) with a document from List A, or a document from List B **AND** List C.

- M4 state withholding.

- W-4 or W-4A tax withholding.

- Berkshire Retirement Board New Member Enrollment Form (if applicable) with:

  - a copy of a Birth Certificate,

  - a copy of a Marriage Certificate, if married, AND

  - Beneficiary information including Social Security Number.

  - Basic life insurance enrollment form or waiver.

  - Health/dental insurance enrollment forms or waivers.

  - Annuity/deferred compensation enrollment form (optional).

  - OBRA form (if applicable) with the beneficiary information, including Social Security Number.

  - Direct deposit authorization.

  - Clearance from any Conflict-of-Interest issues regarding employment; and

  - Discriminatory Harassment and Sexual Harassment Policy, Conflict of Interest Guide, and Affirmative Action/Equal Opportunity/Non-Discrimination policies.

Information about other voluntary coverages such as disability and additional life insurance may be available through an outside vendor.

All documentation will be maintained with the employee's Application for Employment/Résumé by the Town Treasurer in a personnel file.

#### **4.7 INTRODUCTORY PERIOD**

The first ninety (90) days of an employee's continuous service shall constitute his/her introductory period. During this period said employee may be terminated with or without cause. A performance review shall be completed toward the end of the introductory period. The Supervisor or Department Head, as applicable, may extend an employee's introductory period. This process does not apply to temporary employees.

#### **4.8 PERFORMANCE EXPECTATIONS**

##### **Attendance and Punctuality**

Employees of the Town serve the needs of the town's residents. Punctuality and attendance are important elements for meeting these needs. Consequently:

An employee who is unable to report for work or will be delayed is personally responsible for notifying his/her supervisor. Each supervisor has the discretion to set minimum notice requirements based on operational needs.

Supervisors shall provide written notice to the Town Administrator when an employee is absent without notice three (3) or more consecutive workdays.

An employee who is absent due to illness five (5) or more consecutive workdays may be required to submit a current physician's certification to his/her Supervisor upon returning to work; and

In the case of continued absences (three (3) or more workdays), undocumented employee absence or tardiness, the Supervisor will issue a written warning to the employee and deliver a copy to the Town Administrator. Further incidents of absence or tardiness will be grounds for further disciplinary action, up to and including termination, as determined by the Board of Selectmen or Appointing Authority, in consultation with employee's Supervisor.

##### **Work Location**

An employee must be present at his/her assigned place of work during scheduled work hours. If an employee is not present during his/her regularly scheduled work hours, he/she must use a vacation, sick, or personal day. If that is not possible, the employee will not be compensated for the time missed.

Work Offsite – Occasionally, an employee may be granted permission, *for good cause*, to complete tasks away from the workplace. This is an exception to the expectation that an employee must be present at his/her assigned place of work during scheduled work hours.

Work Offsite requires:

Approval of the employee's Supervisor (and Department Head, if different from Supervisor); and

Lunch Period – There is a daily, unpaid lunch period of thirty (30) minutes.

Break/Rest Periods – Break/rest periods are paid time and are scheduled by the employee's supervisor. Time is allowed in accordance with state labor laws. Time allowed but not taken for break/rest periods is neither accrued nor compensatory, also in accord with state labor laws.

Employee Time Records

All employees are required to submit a signed, written record, on an approved form, of time worked for each pay period. These timesheets include regular hours worked, vacation, personal and sick time for tracking purposes. Forms may be obtained from the Town Treasurer or Town Administrator.

#### **4.9 PERFORMANCE EVALUATIONS**

The performance evaluation process is intended to foster greater communication between the employee and his/her supervisor and to outline the expectations that the Supervisor may have for each employee's individual performance. To support achievement of these goals:

All Supervisors will be trained in the appropriate way to conduct a performance review.

Performance reviews are initiated by the Supervisor using the Town's approved forms.

A formal performance evaluation for new employees shall be completed prior to the end of the introductory period.

Annual performance evaluations shall be completed by June 30<sup>th</sup>.

A "less than satisfactory" Performance Evaluation rating shall result in a follow-up performance evaluation in three (3) months; and

Performance Evaluations will constitute a permanent part to the employee's work record and will be kept in his/her personnel record.

#### **4.10 PERSONNEL FILES**

Personnel files are in the Town Hall and are maintained by the Town Treasurer. Personnel files contain information regarding an individual's employment with the Town. These files are confidential. Employees should notify the Town Treasurer promptly of any changes in status, such as change of name or address, so that personnel files are kept up to date.

The Town Treasurer is the primary custodians of personnel files for Town employees. Any employee wishing to examine the contents of his/her personnel file must submit a written request to the custodian at least two (2) working days in advance. An employee is entitled to

review the contents of his/her personnel file only in the presence of a custodian.

A custodian shall make one copy of requested material for the employee or his/her counsel. No employee or his/her agent shall be permitted to remove material from a personnel file.

The Town Administrator, Department Head or Supervisor (if no Department Head in the Work Area), and Town Treasurer may access personnel files routinely to carry out their duties. The Town may provide copies of personnel files to Town Counsel, its insurance provider, or other specialized consultants to support its defense in a legal or other special situation. A record will be kept of the name, date, and reason for accessing a personnel file.

If a Town employee disagrees with any information contained in his/her file, he/she may submit a written statement explaining his/her position, which shall become part of the permanent record.

Medical records or medical information are not included in personnel files. All medical records or medical information submitted to the Town for Town employees, elected, or appointed, will be retained in a separate, secure file maintained by the Town Treasurer.

If negative information is placed in a personnel file, the employee must receive written notice prior to its inclusion. The notice will include the date on which the negative information will be placed in the file and will also inform the employee of his/her right to submit a statement explaining his/her position regarding information in the file with which he/she disagrees (see paragraph above).

#### **4.11 SEPARATION (END OF EMPLOYMENT)**

Separation of employment is an inevitable part of personnel activity with any employer. Either the Town or the employee may initiate the separation of the at-will employment relationship. The following are the most common circumstances under which employment is separated:

Resignation: Voluntarily initiated by employee: a minimum of 14 days' notice is recommended.

Termination: Employer initiated.

Retirement: Voluntary by employee; and

Layoff: Involuntary employer initiated for non-disciplinary reasons.

As stated above, all employment in Cheshire is "at-will," which means that Town employees may be terminated from employment with or without cause and are free to leave the employment of the Town with or without cause.

For any adverse employment action, other than lay off or termination, the employee may follow the Grievance Procedure outlined in 4.14. Employees who are terminated are eligible to

receive vacation pay accrued until the time of termination. Individuals may have the right to continue insurance coverage (COBRA) by paying their own premium for a period not exceeding 18 months or as provided by federal or state law.

#### **4.12 DISCIPLINARY PROCEDURE**

It is the responsibility of all employees and officials, hired or appointed, to observe the rules and regulations necessary for the proper operation of the Town. Employees are expected to conduct themselves in a manner which in no way discredits the Town, public officials, or fellow employees. Employees must abide by all applicable Federal, State, and Local laws and regulations. Supervisors are responsible for the proper and efficient discharge of their duties, and for observing and complying with these policies.

The Town reserves the right to use any or none of the disciplinary measures outlined in the Personnel Manual.

The Board of Selectmen and other Appointing Authorities are responsible overall for disciplinary actions involving Town employees. Reasons for disciplinary action may arise from conduct or action that interferes or prevents the Town from effectively and efficiently discharging its duties to the public. When discipline is necessary, the Town is responsible for ensuring that such discipline is fair and consistent. Factors generally considered are:

- Seriousness of the offense.
- Circumstances surrounding the incident(s); and
- A current employee's documented record.

Notwithstanding the fact that Town employees are at-will, depending on the severity and frequency of the circumstances, this may include, but are not limited to the following disciplinary measures:

- Verbal reprimand;
- Written reprimand;
- Disciplinary probation.
- Suspension; and/or
- Termination.

Listed below are actions representative of unacceptable behavior. These are presented as a guide, not as an exhaustive list, and will result in disciplinary action up to and including termination:

- Failure or refusal to follow Town policies and/or comply with direct orders by a supervisor that constitute performance of the duties of the position.



- Unprofessional conduct, such as failure to conform to the minimal standards of acceptable behavior in the workplace.
- Insubordination, such as willful or intentional disobedience, and/or disrespect or harassment of a Supervisor, conduct that may be harmful to the health, safety, and welfare of the public, or that may reflect negatively on one's fitness to perform the duties of the position or appointment ;
- Misuse or unauthorized use, and or deliberate abuse or damage of Town Property.
- Excessive absenteeism/tardiness.
- Absence without leave.
- Disclosure of Confidential Information.
- Use of, possession of, or being under the influence of alcohol, or unlawful drugs during work hours.
- Deliberately falsifying information on an employment application, production records, timecard, or other record.
- Possession of firearms or other explosives.
- Discriminatory or sexual harassment.
- Bullying of any type.
- Dishonesty.
- Conviction of a felony or other unlawful activity; and
- Any other conduct found to be unprofessional or unacceptable to the Appointing Authority and/or Select Board.

#### **4.13 GRIEVANCE PROCEDURE**

In employment relationships, there will be conflicts and misunderstandings the require clarification or resolution. The best way to resolve such problems is to address them directly and fairly. The Town therefore follows the grievance procedure outlined:

1. If an employee shall feel aggrieved by any provision of disciplinary action other than termination, he/she shall first discuss the matter with his/her Supervisor in a mutual effort to clear up any problem or misunderstanding.
2. If, after conference, a satisfactory understanding and solution of the problem has not been reached, either the Supervisor or the employee may file a grievance with the Town Administrator. Such a grievance must be filed within 21 calendar days of the date of the disciplinary action. The Town Administrator shall hear the parties and make a recommendation to the Board of Selectmen within thirty (30) days of receipt of the grievance; and

3. The Board of Selectmen shall review the Town Administrator's recommendation and render its decision within thirty (30) days of receipt of the Town Administrator's recommendation. The Board of Selectmens decision shall be final.

All Hiring/Appointing Authorities shall comply with the Open Meeting Law while going through this process.

#### ***4.14 RETURN TO WORK MEDICAL EXAM***

If an employee is injured and is unable to perform his/her duties, whether the injury is due to work for the Town, then medical verification may be required from the employee's treating physician. The Town reserves the right to send the employee to a medical facility of its choice and at its cost for a second opinion.

When an employee is ready to return to work following an injury or illness, a statement from his/her personal physician verifying fitness to perform the essential functions of the position will be required.

#### ***4.15 EXIT INTERVIEW POLICY***

It is the policy of the Town to offer all employees terminating employment with the Town an opportunity to have an Exit Interview with the Town Administrator, Town Treasurer and/or designee. The intent of an exit interview is to give the employee an opportunity to provide feedback on his/her work-related experiences with Town employment to strengthen what is going well and resolve problems or patterns that are identified through this process.

If an Exit Interview occurs, it shall be scheduled and completed during the employee's last week of employment with the Town. Completed Exit Interviews are confidential, are not part of an employee's personnel file, are stored in a separate place, and may be reviewed periodically by the Town Administrator. The Town Administrator may consult with Supervisors and/or Department Heads, as applicable, and/or the Select Board as appropriate or necessary.

## 5. TOWN-OFFERED BENEFIT PACKAGE

Employee benefits will accrue for any person working in a regular position at 1,040 hours per year, a minimum average of twenty (20) hours per week. Any person employed in a combination of regular positions totaling a minimum of 1,040 hours per year will be eligible for employee benefits starting when qualifying employment begins. Employees who work fewer than 1,040 hours per year, temporary employees, and on-call employees are not eligible for benefits. Employees who move from a non-benefited part-time position to a benefited part-time or full-time position start accrual of benefits when qualifying employment begins.

Health and life insurance, vacation, holidays, personal days, and disability become effective on the first day of qualifying employment. Sick, vacation, and personal days are awarded at the beginning of the fiscal year.

\* Please note that Union Highway Workers and Contracted Employees may have alternative benefits to those listed below.

### 5.1 PAID HOLIDAYS

The Town allows the paid holidays listed below based on an employee's standard workday. They are:

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

A paid holiday that falls on a Saturday will be observed on the preceding Friday, and a paid holiday falling on a Sunday will be observed on the following Monday. A new employee is entitled to holiday pay during the introductory period.

Standard Workdays are days scheduled to work by the Supervisor/Dept. Head. For example if an employee is scheduled to work Monday – Thursday and the holiday falls on a Friday the employee is not entitled to paid time off.

### 5.2 VACATION

Vacation benefits are based on the fiscal year. Records are maintained by the Town Treasurer and all calculations are made based on those records. They are calculated using the employee's projected annual, regular hours, and his/her tenure in a benefited position with the Town.

<b>Tenure in Benefited Position</b>	<b>Annual Vacation Hours</b>
0-6 Months Employment	0 Hours
6 Months – 1 Year Employment	One Week
2-5 Years Employment	Two Weeks
5-15 Years Employment	Three Weeks
16-20 Years of Employment	Four Weeks
21-25 Years of Employment	Five Weeks

Vacations must be taken in the fiscal year in which it was earned. Vacation time of up to one week can be carried over to the next fiscal year with prior approval of the Board of Selectmen.

Employees should request vacation time as far in advance as possible. All vacation requests require the approval of the employee's Supervisor. The Supervisor will schedule vacations to ensure that the regular work of the Town can be performed and will consider employee seniority and preference.

Vacation Time is prorated for part-time benefitted employees based on their weekly schedule.

If an employee voluntarily terminates employment with the Town, the Town will reimburse the employee for any unused vacation entitlement on a monthly pro-rated basis.

### **5.3 SICK LEAVE**

For benefitted employees, the following sick time schedule shall apply:

Each employee will be credited with five (5) sick days beginning July 1<sup>st</sup>. Five (5) additional days will be granted with a note from the doctor. Up to five (5) sick days will roll over to the next fiscal year if unused accumulating no more than thirty (30) days total.

Accrued sick leave is not paid to an employee at separation or termination of employment.

### **5.4 PERSONAL DAYS**

Benefitted employees earn two (2) personal days per year. Personal days may be taken in hourly increments. Personal days must be taken in the year in which they are earned. Unused personal days expire at the end of the year. A new employee will be awarded one (1) prorated

personal day during his/her first year of employment. Personal days may not be used by a new employee during his/her introductory period.

Employees should provide as much notice as possible when requesting personal time.

Accrued personal days are not paid to an employee at separation or termination of employment.

### **5.5 BEREAVEMENT DAYS**

Benefited employees are entitled to five (5) consecutive days, prorated, because of a death in their immediate family. Immediate family is defined as spouse, parents (including step-parents), child (including step-children).

In the event of the death of an employees sibling (including step-sibling), Mother in-law, father in-law, grandmother, grandfather, brother in-law, sister in-law or grandchild, three (3) consecutive days shall be granted.

In the event of the death of an aunt, uncle or a person living in the employee's immediate household, one (1) working day shall be granted.

### **5.6 HEALTH AND LIFE INSURANCE FOR ACTIVE EMPLOYEES**

#### Health

The Town offers health, dental, and life insurance policies to all eligible employees. Please contact the Treasurer for plan options and rates. For health and dental insurance, the Town pays seventy-five percent (75%) of the insurance premium, with the Employee responsible for the remaining thirty-five percent (25%). These percentages are subject to change at any time by the Board of Selectmen, last voted October 31, 2017.

Plan	Employee Contribution %	Town Contribution %
BCBS Network Blue Deductible	20%	80%
BCBS Dental Blue	20%	80%
BCBS PPO	50%	50%

**Eligible employee** shall be in accordance with MGL Chapter 32B, §2, as follows: to be eligible to participate in the Town's group health and dental insurance plans, a Town employee, whether elected, hired, or appointed, shall work not less than 1,040 hours per year/20 hours per week,

**Regularly**, shall be defined as actively working no less than 1,040 hours in service to the Town annually and an average of 20 hours or more hours per week during that 12-month period.

\*Due to contracts percentages may be slightly different for eligible employees.

### **Life**

A \$10,000 life insurance policy administered by Boston Mutual Life Insurance is available to all town officials (full time, elected and part-time). For Life Insurance the Town pays fifty percent (50%) of the premium. The Employee is responsible for fifty percent (50%) of the premium. This program is not available to non-compensated volunteers.

### **Supplemental**

Supplemental insurance such as long-term disability, flexible spending accounts, and other policies may be purchased in group offerings to all eligible employees from private vendors working with the Town at one hundred percent (100%) cost to the employee.

### **General**

The employee share for all benefits is deducted from his/her regular paychecks.

All insurance benefit payments normally made by the Town continue during the period of authorized leave. Employees are responsible for their share of the cost of benefits during the leave.

## ***5.7 BERKSHIRE COUNTY RETIREMENT SYSTEM & OBRA***

Benefitted Employees who are regularly employed and who work at least 1040 hours per year/20 hours per week in One (1) town or district and earn \$5,000 or more annually are required to join the Berkshire County Retirement System.

Elected Officials who earn more than \$5,000 annually have the option whether they will join the system. Elected officials who earn less than \$5,000 annually will be enrolled in OBRA.

Vested means that you have earned the right to a retirement allowance later. You must have the equivalent of 10 years of creditable services to be considered vested.

Non-Benefitted Employees who work less than the 20 hours per week must enroll in the Town's deferred compensation plan in lieu of Social Security deductions. The current administrator of the State's deferred compensation system is Great West Retirement Solutions.

Please see the Treasurer for information regarding the Berkshire Retirement System and OBRA.

## **5.8 HEALTH AND LIFE INSURANCE FOR RETIRED EMPLOYEES**

### **Health**

Benefitted Employees have the option of continuing health insurance upon retirement if they qualify for County Retirement and have worked in a benefitted position for a qualified institution for at least ten (1) years. The Town will contribute fifty percent (50%) toward the cost of the retiree's and spouse network plan health insurance under the Town's group coverage. The employee is responsible for the balance and any additional premium if he/she chooses to insure dependents. The retiring/retired employee shall give the Town sixty (60) days' notice before his/her desired start date of coverage.

When a retired employee receiving health benefits through the Town reaches sixty-five (65) years of age he/she will remain eligible for fifty percent (50%) coverage of his/her MEDEX insurance premium. If the employee has a spouse who becomes eligible for MEDEX, he/she may elect to pay one hundred percent (50%) of the spouse's premium through the Town's group coverage. If the retiring employee chooses not to participate in the health insurance program available at the time of retirement, he/she may be eligible to enroll under the Town's group carrier in the future if he/she can demonstrate that he/she has had continuous group coverage through another provider until the time of the request to the Town.

### **Life**

If the retiree chooses to continue the life insurance policy, he/she was receiving through the Town at the time of his/her retirement, the Town will contribute fifty percent (50%) of the cost of the insurance. The employee is responsible for the other fifty percent (50%).

### **General**

The retired employee is responsible for paying his/her premiums prior to the first day of the month for which he/she will be covered. If the retiree's premiums are in arrears more than thirty (30) days, the Town will notify the retiree by certified first class mail that his/her insurance will be terminated for non-payment. The Town may terminate a retiree's insurance coverage for a retiree ten (10) days from the date of this notice. Termination will be effective from the last date coverage was paid by the retiree.

The Town will notify the retiree in writing by first class mail of any changes in his/her benefits or premiums.

## **Employee Definitions**

Town of Cheshire employee categories are defined as follows:

a) **Elected Officials:**

Town of Cheshire employee benefits and policies as described above apply to those duly elected (or temporarily appointed), and receiving a salary, to the following offices:

Board of Selectmen (5)	Tax Collector
Moderator	Town Clerk
Board of Assessors (3)	Cemetery Committee (3)
Board of Health (3)	
Water Commissioners (3)	

b) **Appointed:**

Town of Cheshire employee benefits and policies as described (above) apply to those duly appointed or hired by the Board of Selectmen or other authorized elected officials, for terms of from one to three years to the following offices:

Town Administrator(BOS)*	Emergency Management Director(BOS)
Town Treasurer (BOS)*	Fire Chief (BOS)
Health Agents (BOH)	Assessors Administrator (BOA)*
Police Department (BOS)	Water Superintendent (WATER)*
Building Department (BOS)	Highway Superintendent (BOS)*
Volunteer & Stipend Boards/Committees	

c) **At-Will (Hired)**

Council on Aging Staff  
Transfer Station Attendant  
Custodian  
Clerical Staff (Water, Planning, ZBA, BOH, Conservation Commission)

d) **Highway Employees:**

The Highway Department has a separate contract with the municipality.

Exempt Employees \*



**Town of Cheshire  
80 Church Street  
Cheshire, MA 01225**

Employee handbook receipt:

By signing below, I am acknowledging that I have received the employee handbook for the Town of Cheshire.

\_\_\_\_\_  
Name of employee

\_\_\_\_\_  
Date

