



**CRIMINAL OFFENDER RECORD INFORMATION (CORI)
ACKNOWLEDGEMENT FORM**

TO BE USED BY ORGANIZATIONS CONDUCTING CORI CHECKS FOR EMPLOYMENT, VOLUNTEER,
SUBCONTRACTOR, LICENSING, AND HOUSING PURPOSES

The City of Holyoke is registered under the provisions of G. L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the Massachusetts Department of Criminal Justice Information Services (DCJIS). I hereby acknowledge and provide permission to the City of Holyoke to submit a CORI check for my information to the DCJIS. This authorization is valid for one (1) year from the date of my signature. I may withdraw this authorization at any time by providing the City of Holyoke with written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY: The City of Holyoke may conduct subsequent CORI checks within one (1) year of the date this Form was signed by me provided, however, that the City of Holyoke must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

SIGNATURE

DATE



City of Holyoke

Personnel Department

SUBJECT INFORMATION: (An asterisk (*) denotes a required field.)

*Last Name *First Name Middle Name Suffix

Maiden Name (or other name(s) by which you have been known)

*Date of Birth Place of Birth

* Last Six Digits of Your Social Security Number: XXX-____ -____

Sex: ____ Height: ____ft. ____in. Eye Color: ____ Race: ____

Driver's License or ID Number: ____ State of Issue: ____

Mother's Full Maiden Name Father's Full Name

Current and Former Addresses:

Street Number & Name City/Town State Zip

Street Number & Name City/Town State Zip

The above information was verified by reviewing the following form(s) of government issued identification:

VERIFIED BY:

Name and Title of Verifying Employee (Please Print)

Signature of Verifying Employee



City of Holyoke

Personnel Department

EMPLOYEE INFORMATION FORM

Date Received: _____

Employee Department: _____

Employee Job Title: _____

Employment Start Date: _____

(PRINT ONLY)

Name: _____

Date of Birth: _____

Social Security Number: _____ - _____ - _____

Home address: _____

Mailing address: _____

Home phone: _____

Cell Phone: _____

Personal email: _____

Please Check Answer:

▪Marital Status: Single Married ▪Veteran: Yes No ▪Sex: Male Female

IN CASE OF AN EMERGENCY NOTIFY:

(1) Name: _____ Relationship: _____

Home address: _____

Contact number: _____

(2) Name: _____ Relationship: _____

Home address: _____

Contact number: _____



Mayor Joshua A. Garcia

Director Kelly Curran

City of Holyoke

Personnel Department

Demographics Data Collection

First Name: _____ Middle _____ Last Name: _____

Department: _____ Employee ID: _____

Home Address (#/Street): _____ City: _____ State: _____ Zip code: _____

Phone number: _____ Personal email: _____

Please check:

Gender:

- ☐ Male
☐ Female
☐ Non Binary
☐ Prefer not to answer

Marital Status:

- ☐ Single
☐ Married
☐ Divorced
☐ Widow

Veteran Status:

- ☐ Veteran
☐ Non Veteran

Primary Language:

- ☐ English
☐ Spanish
☐ Other: _____

Ethnicity:

- ☐ Yes, Hispanic or Latino
☐ No, not Hispanic or Latino

Race:

- ☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White
☐ Two or More Races

Emergency Contact Name: _____ Phone #: _____

Level of Education/School/University Name	<input type="checkbox"/> Bachelor's (4-year) degree _____
<input type="checkbox"/> High school diploma or GED _____	<input type="checkbox"/> Master's degree _____
<input type="checkbox"/> Some college, no degree _____	<input type="checkbox"/> Doctorate degree _____
<input type="checkbox"/> Associate (2-year) degree _____	<input type="checkbox"/> Other _____

Certifications or licenses you wish to have on record: _____



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No.1615-0047
Expires 07/31/2026

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [Instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name)		First Name (Given Name)		Middle Initial (if any)	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number (if any)	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number <div></div>		Employee's Email Address			Employee's Telephone Number
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.		Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):				
		<input type="checkbox"/> 1. A citizen of the United States				
		<input type="checkbox"/> 2. A noncitizen national of the United States (See Instructions.)				
		<input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)				
		<input type="checkbox"/> 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any)				
		If you check Item Number 4. , enter one of these:				
		USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance
Signature of Employee					Today's Date (mm/dd/yyyy)	

If a preparer and/or translator assisted you in completing Section 1, that person **MUST** complete the [Preparer and/or Translator Certification](#) on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign **Section 2** within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

List A		OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)		Additional Information			
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority		Check here if you used an alternative procedure authorized by DHS to examine documents.			
Document Number (if any)					
Expiration Date (if any)					
Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.					First Day of Employment (mm/dd/yyyy):
Last Name, First Name and Title of Employer or Authorized Representative			Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name			Employer's Business or Organization Address, City or Town, State, ZIP Code		

For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

LISTS OF ACCEPTABLE DOCUMENTS

All documents containing an expiration date must be unexpired.

* Documents extended by the issuing authority are considered unexpired.

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

Examples of many of these documents appear in the Handbook for Employers (M-274).

LIST A		LIST B	LIST C
Documents that Establish Both Identity and Employment Authorization	OR	Documents that Establish Identity	AND Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph	3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card	4. Native American tribal document
5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record	5. U.S. Citizen ID Card (Form I-197)
		6. Military dependent's ID card	6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		7. U.S. Coast Guard Merchant Mariner Card	7. Employment authorization document issued by the Department of Homeland Security For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central . The Form I-766, Employment Authorization Document, is a List A, Item Number 4. document, not a List C document.
		8. Native American tribal document	
		9. Driver's license issued by a Canadian government authority	
For persons under age 18 who are unable to present a document listed above:			
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		10. School record or report card	
		11. Clinic, doctor, or hospital record	
		12. Day-care or nursery school record	
Acceptable Receipts May be presented in lieu of a document listed above for a temporary period. For receipt validity dates, see the M-274.			
• Receipt for a replacement of a lost, stolen, or damaged List A document. • Form I-94 issued to a lawful permanent resident that contains an I-551 stamp and a photograph of the individual. • Form I-94 with "RE" notation or refugee stamp issued to a refugee.	OR	Receipt for a replacement of a lost, stolen, or damaged List B document.	Receipt for a replacement of a lost, stolen, or damaged List C document.

*Refer to the Employment Authorization Extensions page on [I-9 Central](#) for more information.



Supplement A, Preparer and/or Translator Certification for Section 1

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
Supplement A
OMB No. 1615-0047
Expires 07/31/2026

Last Name (<i>Family Name</i>) from Section 1 .	First Name (<i>Given Name</i>) from Section 1 .	Middle initial (if any) from Section 1 .
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Instructions: This supplement must be completed by any preparer and/or translator who assists an employee in completing Section 1 of Form I-9. The preparer and/or translator must enter the employee's name in the spaces provided above. Each preparer or translator must complete, sign, and date a separate certification area. Employers must retain completed supplement sheets with the employee's completed Form I-9.

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Date (<i>mm/dd/yyyy</i>)	
Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)		Middle Initial (<i>if any</i>)
Address (<i>Street Number and Name</i>)	City or Town	State	ZIP Code



Supplement B,
Reverification and Rehire (formerly Section 3)

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
Supplement B
OMB No. 1615-0047
Expires 07/31/2026

Last Name (<i>Family Name</i>) from Section 1 .	First Name (<i>Given Name</i>) from Section 1 .	Middle initial (if any) from Section 1 .
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Instructions: This supplement replaces Section 3 on the previous version of Form I-9. Only use this page if your employee requires reverification, is rehired within three years of the date the original Form I-9 was completed, or provides proof of a legal name change. Enter the employee's name in the fields above. Use a new section for each reverification or rehire. Review the Form I-9 instructions before completing this page. Keep this page as part of the employee's Form I-9 record. Additional guidance can be found in the [Handbook for Employers: Guidance for Completing Form I-9 \(M-274\)](#)

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (<i>mm/dd/yyyy</i>)	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (<i>mm/dd/yyyy</i>)	
Additional Information (Initial and date each notation.)		Check here if you used an alternative procedure authorized by DHS to examine documents.	

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (<i>mm/dd/yyyy</i>)	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (<i>mm/dd/yyyy</i>)	
Additional Information (Initial and date each notation.)		Check here if you used an alternative procedure authorized by DHS to examine documents.	

Date of Rehire (<i>if applicable</i>)	New Name (<i>if applicable</i>)		
Date (<i>mm/dd/yyyy</i>)	Last Name (<i>Family Name</i>)	First Name (<i>Given Name</i>)	Middle Initial
Reverification: If the employee requires reverification, your employee can choose to present any acceptable List A or List C documentation to show continued employment authorization. Enter the document information in the spaces below.			
Document Title	Document Number (if any)	Expiration Date (if any) (<i>mm/dd/yyyy</i>)	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented documentation, the documentation I examined appears to be genuine and to relate to the individual who presented it.			
Name of Employer or Authorized Representative	Signature of Employer or Authorized Representative	Today's Date (<i>mm/dd/yyyy</i>)	
Additional Information (Initial and date each notation.)		Check here if you used an alternative procedure authorized by DHS to examine documents.	



Mayor Joshua Garcia

City of Holyoke

Office of City Treasurer

Direct Deposit Agreement Form

Authorization Agreement

I hereby authorize City of Holyoke to initiate automatic deposits to my account at the financial institution(s) named below. I also authorize City of Holyoke to make withdrawals from this account in the event that a credit entry is made in error.

Further, I agree not to hold City of Holyoke responsible for any delay or loss of funds due to incorrect or incomplete information supplied by me or by my financial institution or due to an error on the part of my financial institution in depositing funds to my account.

Further it is understood that timing and dating of your files will determine when your monies will be available through your designated account. Monday holidays might cause deposits to be made on Friday instead of Thursday. Also if the Pay Date is a Holiday, direct deposits may not be available until the next banking day.

Further I understand that the city will pre-note my first pay and a live check will be issued to ensure the proper entry is made.

This agreement will remain in effect until City of Holyoke receives a written notice of cancellation from me or my financial institution, or until I submit a new direct deposit form to the Payroll Department.

Account Information #1

Name of Financial Institution: _____

Routing Number: _____

Account Number: _____

Checking

☐

Savings

☐

Account Information #2

Name of Financial Institution: _____

Routing Number: _____

Account Number: _____

Checking

☐

Savings

☐

Account Information #3

Name of Financial Institution: _____

Routing Number: _____

Account Number: _____

Checking

☐

Savings

☐

Signature

Employees Name (Print): _____ **SS#** _____

Authorized Signature: _____ **Date:** _____

Please attach a voided check(s) or deposit(s) slip and return this form to the Treasurers Department.



City of Holyoke Office of City Clerk
Brenna Murphy McGee, City Clerk

Irma Cruz, Assistant City Clerk

Dear Municipal Employee:

Attached is the State Ethics Commissions Conflict of Interest law that every Municipal Employee must sign to acknowledge that they have been provided with such a summary. **The written acknowledgement must be filed with the City Clerk.** This mandate requires the summary be provided to all municipal employees “within 30 days of the date on which they commence employment, and on an annual basis thereafter.”

The State Ethics Commission also requires that “every municipal employee shall, within 30 days after becoming such an employee, and every two years thereafter, complete the online training program. Upon completion of the online training program, the employee shall provide notice of such completion to be retained for 6 years by the city or town clerk.”

There is a new online training site, which can be found here:

<https://MassEthicsTraining.skillburst.com> to access the online training program. It can be found under “Mandatory Education and Training Resources,” and then “Online Training Program.” **Employees will need to create a login account and you DO NOT have to print or submit your certificate**, as it will come to us automatically upon completion of the course. These certificates are public records.

You may use your home or office computers to access the online training program via the Commission’s website. You do not need to, and should not, travel to the Commission’s offices to do so. The current online training program should not take more than an hour to complete.

If you have any questions regarding these mandatory state mandates, please do not hesitate to contact me directly.

Sincerely,

Brenna Murphy McGee
City Clerk

Summary of the Conflict of Interest Law for Municipal Employees

This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation: A town administrator accepts reduced rental payments from developers.

Example of violation: A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions. There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation: A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation: A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation: A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation: A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation: A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation: A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation: A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example: A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation: An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation: A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation: A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example: A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation: A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation: A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectmen in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

Example of violation: Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation: A selectman buys a surplus truck from the town DPW.

Example of violation: A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation: A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation: A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example: An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example: While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example: A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, www.mass.gov/state-ethics-commission, contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 7: Revised November 14, 2016

Acknowledgement of Receipt of Summary of the Conflict of Interest Law for Municipal Employees

I, _____ ,
(first and last name)

an employee at _____ ,
(name of municipal dept.)

hereby acknowledge that I received a copy of the summary of the conflict of

interest law for municipal employees, revised November 14, 2016, on _____ .
(date)

Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.



City of Holyoke MA - Domestic Violence Leave Policy - December 2015

I. PURPOSE

This Policy describes the eligibility and procedural requirements relating to the administration of leave taken pursuant to the Massachusetts Domestic Violence Leave Act, G.L. c. 149, §52E ("DVLA").

II. APPLICATION

This Policy applies to all employees of the City of Holyoke, excluding those employees under the supervision and control of the School Committee. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

III. POLICY

The City is committed to complying with the DVLA. In the event of any conflict between the City's DVLA policy and the state law and any applicable regulations, the state law/regulations applicable to the City and its employees shall prevail.

IV. PROCEDURES

A. Eligibility

To qualify for domestic violence leave under the DVLA, an employee or a covered family member must be the victim of "abusive behavior," which includes domestic violence, stalking, sexual assault, or kidnapping.

Domestic violence is abuse against an employee or a covered family member by a current or former spouse, a person with whom the victim shares a child, a person cohabitating with or who has cohabitated with the victim in the past, a relative by blood or marriage, or a person with whom the employee or family member has or had a substantial dating or engagement relationship.

A Covered family member includes a spouse, parent, stepparent, child, stepchild, sibling, grandparent, grandchild, persons in a substantive dating relationship and who reside together, persons having a child in common, or persons in a guardian relationship. In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

B. Duration of Leave

If an employee or a covered family member of the employee is a victim of abusive behavior, he/she may take up to fifteen (15) days of unpaid leave in any 12-month period. Unless otherwise specified in collective bargaining agreement, employees are required to use personal or vacation leave before taking unpaid leave under the DVLA. Accrued sick leave may only be applied if medically documented as described below and according to contract or departmental sick leave rules.

C. Reasons for Requesting Leave

Employees may request leave to address issues directly related to the abusive behavior. This includes seeking medical attention, secure housing, counseling, or victim services, or to address other issues directly related to the abusive behavior against the employee or family member of the



employee. Leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law enforcement personnel. It is not a requirement of the Act that the employee maintain contact with the alleged abuser before being eligible for leave.

D. Notice

Employees must provide sufficient advance notice of the decision to use domestic violence leave unless there is a threat of imminent danger to the health or safety of the employee or a member of the employee's family. An employee who does not give advance notice must notify the employer within three (3) workdays that leave is being taken pursuant to the DVLA. The notice may be provided by certain specified individuals other than the employee.

If an unscheduled absence occurs, the employee has 30 calendar days to produce documentation of the need for leave, in accordance with paragraph E, below before negative action is taken.

E. Documentation

Employees taking leave pursuant to the DVLA may be required to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. If requested, an employee is required to provide such documentation within a reasonable period after the request be made. An employee can satisfy this requirement by providing any one of the following documents:

- A protective order issued by a court because of abusive behavior against the employee or family member;
- A document under the letterhead of the court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior;
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior;
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts in court, or has been convicted of an offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement provided by a counselor, social worker, or health care worker who has assisted the employee or the employee's family member; or
- A sworn statement from the employee attesting that the employee has been the victim of abusive behavior, or is the family member of a victim of abusive behavior.

F. Return to Work

Employees who take leave pursuant to the DVLA will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status. The City shall not retaliate against an employee for exercising his/her rights under the DVLA.

G. Confidentiality

With limited exceptions set forth by law, information related to the employee's leave shall remain confidential.



DOMESTIC VIOLENCE LEAVE ACT POLICY

I acknowledge that I have received and read the City of Holyoke Domestic Violence Leave Policy.

By signing this form, I agree to abide by the City of Holyoke Domestic Violence Leave Policy.

I understand that the City's Domestic Violence Leave Policy is subject to change at any time.

I understand, hereby agree, and acknowledge that receipt of the City's Domestic Violence Leave Policy, in conjunction with employment with the City, shall serve as acknowledgment and acceptance of its terms.

DATE

EMPLOYEE NAME (Print/Type)

EMPLOYEE SIGNATURE

To be included in employee's personnel file.

Information Technology Resources Acceptable Use Policy

The City's Information Technology Resources Acceptable Use Policy concerns the acceptable uses of information technology resources provided by the City. This policy concerns, among other matters, the use of computers, electronic mail ("email"), and the Internet connection generally. This policy applies to the access and use of the City's information technology resources by any employee, independent contractor, student, intern, extern, volunteer, guest, or any other person who accesses or uses the City's information technology resources.

1. Definitions

"Information technology resources" refers to all of the City's information technology systems and accessories, including, but not limited to: local and wide area networks; the City-wide area network; the Internet; computers, workstations, and laptops; printers; fax machines; servers; access to research databases and services; City-owned cellular phones, smartphones, and other personal digital assistants (PDAs); software programs; email; data; and any other communications equipment or peripheral equipment.

"User" refers to City employees, independent contractors, students, interns, externs, volunteers, guests, and all other individuals who access or use the City's information technology resources.

2. Responsibilities of All Users

Use of information technology resources is conditioned upon and subject to the City's Information Technology Resources Acceptable Use Policy. In addition to the policy contained herein, usage must be in accordance with all other applicable City policies and all applicable Commonwealth and federal laws.

Users shall exercise reasonable care and precautions in using, transporting, securing, and otherwise handling City-owned information technology resources, including both hardware and software. Laptop computers ("laptops") may be easily damaged and stolen. A user traveling with a laptop shall take reasonable care and precautions to prevent damage and theft of the laptop. Users must immediately report any damage or theft of information technology resources to their supervisor or Department Head. Users must also exercise reasonable care and precautions to prevent the introduction of a computer virus into any of the City's networks.

All network communications, including Internet communications, identify the user to all sites accessed. City email addresses assigned to employees and other authorized users identify the sender as a member of the City. Internet access and email, like all other forms of communication, reflect upon the City. Thus,

users should maintain a professional and courteous tone, observing the rules and policies governing conduct of employees. A user should not use a City email account for personal, non-City purposes, including, but not limited to, using City email for social media websites such as Facebook and Twitter, unless properly authorized to do so. Signing up for newsletters and other emails that are not related to City work is also prohibited.

3. Software Piracy and Copyright Infringement

The City is committed to providing its employees and other users with the tools to do their work, including, if applicable, a computer and appropriate software. The City will only do so, however, in compliance with all of its vendors' licenses and applicable copyright laws. Computer programs are legally-protected intellectual property, and software publishers license their programs to protect their property rights from infringement. Under no circumstances may employees or other users unlawfully copy or distribute any software or copyrighted information. The use of software from unauthorized sources may also present security threats or interfere with the proper functioning of the City's networks. No unauthorized software or other executable programs shall be installed or used on any component of the City's information technology resources, particularly computers, workstations, and City-owned cellular phones and smartphones.

4. Monitoring and No Expectation of Privacy

City information technology resources, including Internet access and email, are the property of the City. As such, the City retains the right to inspect any user's computer and the files contained therein. The firewall between the Internet and the network automatically checks all data moving between the network and the Internet, identifying the sending and receiving destinations. Individual computer and workstation activity is logged and monitored, and any files created or received by users, any messages sent or received by users, and any Internet websites accessed by users are subject to monitoring at all times. In addition, any and all use of the City's information technology resources is subject to monitoring by the City at any time without notice and notwithstanding any password(s).

Therefore, users should have no expectation of privacy in any access or use of the City's information technology resources, including, but not limited to, data, incoming and outgoing emails and attachments, Internet websites accessed or viewed, and files downloaded. In fact, the mere deletion of emails, data, or files may not eliminate them from the system.

Use of the City's information technology resources constitutes consent to monitoring and is conditioned upon strict adherence to the City's Information Technology Resources Acceptable Use Policy.

5. Personal Software and Hardware

No personally owned software, peripheral device, or other accessory shall be used in, or attached to, any equipment or device that is part of the City's information technology resources. Flash drives may be used if approved in advance by a supervisor or Department Head. The flash drive should be empty when first used and must be used only for City- or work-related documents and other approved purposes.

6. Prohibited Conduct

No user shall access, use, or otherwise utilize any of the City's information technology resources:

- (1) in furtherance of any illegal act, including violation of any Commonwealth or federal laws or regulations;
- (2) for any political purpose or to make solicitations in violation of the Commonwealth's Campaign Finance Law, G. L. c. 55;
- (3) for any commercial purpose or solicitation, including, but not limited to, the offering, providing, leasing, or purchasing of products or services;
- (4) to access online gambling websites, or for any gambling or related activity whether or not such activity violates Commonwealth or federal law;
- (5) to violate any copyright laws or to infringe upon any intellectual property rights;
- (6) for visiting Internet websites with inappropriate adult content or pornography;
- (7) to send or display threatening or harassing images, emails, messages, or materials, including, but not limited to: messages, materials, or images of a sexual nature; racial, ethnic, sexual, religious, or gender-based slurs; or messages or images that offensively address someone's age, ancestry, color, creed, disability, ethnicity, family status, gender, genetic information, marital status, military status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or veteran status, including comments posted on, or messages sent via, blogs, social media websites (e.g., Facebook, Twitter), or any other websites;

- (8) to libel or otherwise defame any person, group, business, or other entity;
- (9) to access, display, or share sexually explicit, obscene, or otherwise inappropriate materials, messages, or images;
- (10) to distribute chain letters or other similar communications;
- (11) to distribute confidential City information that would violate City policy or Commonwealth or federal law;
- (12) to intercept, or attempt to intercept, a communication intended for another person;
- (13) to gain, or attempt to gain, unauthorized access to any computer or network;
- (14) for any use that causes interference with, or disruption of, network users and/or any of the City's information technology resources, including propagation of computer viruses or other harmful programs;
- (15) to misrepresent either the City or a person's role with the City;
- (16) to download and/or install non-City supported and licensed software applications or programs;
- (17) to connect unauthorized or unapproved computers, printers, or other peripherals or devices to any of the City's networks;
- (18) to develop or use programs that harass other users or infiltrate a computer, computing system, or network and/or damage or alter the software components of a computer, computing system, or network;
- (19) to establish unauthorized connections that create routing patterns that are inconsistent with the effective and shared use of any of the City's networks;
- (20) to modify or access any City records, unless such records are within the user's scope of authorized access and responsibility;
- (21) to access, display, or disseminate material that advocates violence or discrimination toward other people (i.e., hate literature); or

- (22) in any manner that is prohibited by this policy or any other policy of the City, or in any unprofessional manner.

The foregoing list is not intended to be an exhaustive list of prohibited conduct. All questions regarding what may constitute an acceptable use or prohibited conduct under the City's Information Technology Resources Acceptable Use Policy should be addressed to the City Solicitor.

7. Email

Word processing software documents, portable document format ("PDF") files, and other similarly formatted files related to the user's work for the City are allowed to be sent, received, and downloaded as attachments.

No personal pictures, screensavers, executable programs, videos, or other potentially malicious files shall be downloaded. Video and audio unrelated to a user's work for the City shall not be streamed over the Internet while using a networked computer. These types of streaming can slow down the network and prohibit users from being able to complete work-related tasks. The City strives to protect the security of its networks. Therefore, if a user has any doubt about the source, nature, or potential hazard of a file or attachment, the user shall not download the file or attachment from the Internet or via email.

A user shall only access his City email account from the user's home or other non-City-owned location upon the express prior permission of his Department Head or applicable supervising authority.

No user may send a City-wide email or other broadcast for any reason unrelated to the user's work for the City without the express prior permission of the City Solicitor.

8. Public Records

Emails and other messages created or received by a user utilizing the City's information technology resources, including any associated attachments, may constitute a public record under G. L. c. 4, § 7(26) and therefore may be subject to public disclosure under the Commonwealth's Public Records Law, G. L. c. 66. Additionally, emails and other messages may be discoverable in litigation and may be admissible in court. Therefore, users should not expect that emails or other messages, including those marked "personal" and/or "confidential," are private or confidential.

Users shall not read email and other messages that are received by another employee when there is no work-related purpose for doing so. Users shall not send emails or other messages, or access the Internet under another user's name or password without prior authorization. A user shall not change any

portion of a previously sent email or other message without prior authorization from the author of the previously sent email or other message; however, a user may delete, in its entirety, a previously sent email or other message that is part of a subsequent email or other message (e.g., a forwarded email).

The records of emails and other messages created or received by a user utilizing the City's information technology resources, including any associated attachments, are subject to the same rules regarding record retention and disposition as are paper records.

9. Conflicts of Interest and Political Activities

An employee's or other user's use of the City's information technology resources must not conflict with the Commonwealth's Conflict of Interest Law, G. L. c. 268A, or the Commonwealth's Campaign Finance Law, G. L. c. 55. All questions regarding conflicts of interest and political activities should be addressed to the City Solicitor.

10. Data Confidentiality

In the course of providing services to the public, to City departments, and to other government agencies, users often have access to confidential information, such as personal data about identifiable individuals. Under no circumstances is it permissible for any user to access, or to acquire access to, confidential data, unless such access is required by the user's job. Under no circumstances may users disseminate any confidential information, unless such dissemination is required by their jobs, or if prior permission has been granted by the owner(s) of the confidential information.

11. Security

Users must take particular care to avoid compromising the security of all City networks. All passwords must be kept confidential. Users who will be leaving their personal computers, workstations, or other hardware unattended for extended periods of time should log off or lock their device so as to prevent unauthorized access to the device and/or to any City network.

All messages of any kind, including, but not limited to, emails created, sent, or retrieved via the Internet or any City network, are the property of the City and should be considered public information. The City reserves the right to access and to monitor all messages and files on any City network or system as deemed necessary and appropriate, including, but not limited to, blocking website software.

12. Consequences of Violation of Policy

Use of the City's information technology resources is a privilege that may be revoked at any time by the City, including, but not limited to, for any conduct that violates the City's Information Technology Resources Acceptable Use Policy. Any employee or other user who violates the City's Information Technology Resources Acceptable Use Policy shall be subject to disciplinary action, up to and including termination. In appropriate circumstances, the City may refer the matter to law enforcement officials for possible prosecution.

13. Receipt and Acknowledgment

The Personnel Administrator shall provide annually to all employees and other users, and to new employees and other users upon their employment or other association with the City, an individual written copy of the City's Information Technology Resources Acceptable Use Policy. The Personnel Administrator shall also provide all employees and other users with an individual written copy of an updated Information Technology Resources Acceptable Use Policy.

Every employee and other user must read the City's Information Technology Resources Acceptable Use Policy, familiarize himself with the material therein, and sign the Acknowledgment Form distributed by the Personnel Administrator. All employees and other users must submit to the Personnel Department, within thirty (30) days of their date of hire and within thirty (30) days of the date of receipt of an updated Information Technology Resources Acceptable Use Policy, a signed Acknowledgment Form certifying that they have received a copy of the City's Technology Resources Acceptable Use Policy and that they understand that they are required to abide by the City's Technology Resources Acceptable Use Policy.

No employee or other user shall receive authorized access to any of the City's information technology resources until the employee or other user has submitted a signed Acknowledgment Form to the Personnel Administrator.

**ACKNOWLEDGMENT OF RECEIPT OF CITY OF HOLYOKE TECHNOLOGY
RESOURCES ACCEPTABLE USE POLICY**

I hereby acknowledge that I have received a copy of the City of Holyoke's Technology Resources Acceptable Use Policy.

I understand that I am required to abide by the City's Technology Resources Acceptable Use Policy and all other policies of the City of Holyoke throughout the time that I am employed by, or otherwise work for, the City of Holyoke.

I understand that the City's Technology Resources Acceptable Use Policy and other policies of the City of Holyoke are subject to change at any time.

I agree to read the City's Technology Resources Acceptable Use Policy thoroughly. I agree that I will seek clarification from the Personnel Administrator or from the City Solicitor if there is any policy, provision, procedure, or any other term or language in the City's Technology Resources Acceptable Use Policy that I do not understand.

I understand and hereby agree and acknowledge that receipt of the City's Technology Resources Acceptable Use Policy, in conjunction with employment with the City, shall serve as acknowledgment and acceptance of its terms.

DATE

EMPLOYEE NAME (Print/Type)

EMPLOYEE SIGNATURE



City of Holyoke MA - Sexual Harassment Policy

It is the policy of the City of Holyoke to maintain and promote a work environment free from all forms of sexual harassment. In addition, the City of Holyoke affirms its commitment to maintain and promote a work environment free from all forms of harassment and discrimination, including, but not limited to, discrimination based upon age, ancestry, color, creed, disability, ethnicity, family status, gender, genetic information, marital status, military status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or veteran status.

All employees are expected to conduct themselves in an appropriate manner with courtesy and respect for others. No harassment of any kind will be tolerated by the City.

Procedures and policies set forth in this Sexual Harassment Policy should also be utilized for claims of all types of discrimination or harassment.

1. What Is Sexual Harassment?

(A) Sexual harassment is a form of sex discrimination. Sexual harassment in the workplace and retaliation for reporting sexual harassment or cooperating with a sexual harassment investigation are unlawful under both Commonwealth and federal law and will not be tolerated by the City.

(B) In Massachusetts, "sexual harassment" means sexual advances, requests for sexual advances, and verbal or physical conduct of a sexual nature when:

(1) Submission to, or rejection of, such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment, or as a basis for employment decisions; or

(2) Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Thus, 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, constitute sexual harassment.

(C) Sexual harassment is not limited to conduct by a male employee toward a female employee. The victim of sexual harassment may be male or female. Likewise, a harasser may be male or female.



(D) Sexual harassment is not limited to prohibited conduct by a supervisor toward a subordinate employee. Sexual harassment can also involve conduct by one employee toward a coworker. In some circumstances, sexual harassment may even involve a non-employee as the harasser or the victim of harassment.

2. Examples of Conduct That May Constitute Sexual Harassment

Although the definition of sexual harassment is broad, other sexually oriented conduct, whether intended or not, that is unwelcome and that has the effect of creating a workplace that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment.

The City's Sexual Harassment Policy prohibits conduct or behavior of an offensive or sexual nature that may go beyond what is prohibited by law. While it is not possible to list all additional circumstances that may constitute sexual harassment, the following are some examples of conduct that violate the City's policy and that may also constitute sexual harassment under the law, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

- A supervisor indicates to a subordinate that the subordinate's performance review will be affected by whether the subordinate is willing to date the supervisor.
- A supervisor tells an employee that he/she could be promoted if he/she grants certain sexual favors to the supervisor.
- A manager demotes an employee because the employee refuses to share a bed with the manager during an out of town conference.
- Sexual advances, whether or not they involve physical touching.
- Sexual epithets, jokes, or oral or written references to sexual conduct.
- Gossip regarding one's sex life, comments about an individual's body, or comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects or materials, including, but not limited to, photographs, drawings, cartoons, postcards, or calendars.
- Leering, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments.
- Inquiries into one's sexual activities or experiences.
- Discussion of one's sexual activities or experiences.
- Transmitting or accessing sexually explicit materials by computerized or other means.
- Touching, pinching, groping, kissing, or patting the body of another person.
- Repeatedly asking a person for a date or to socialize outside of work after being informed that such conduct is unwelcome.
- Exerting pressure on another person for sex or a romantic relationship.
- Following, shadowing, or stalking a person.



Retaliation against an individual who has complained about sexual harassment and retaliation against an individual for cooperating with an investigation of a sexual harassment complaint are both unlawful and will not be tolerated.

3. Responsibilities of Department Heads and Supervisors

Department Heads and supervisors should ensure that all employees refrain from all forms of discrimination or harassment. Any Department Head or supervisor who witnesses, receives a report of, or otherwise acquires knowledge of conduct prohibited by the City's Sexual Harassment Policy shall intervene and stop such harassment by citing the City's Sexual Harassment Policy and, when necessary, by instituting disciplinary action.

In addition, any Department Head or supervisor who witnesses, receives a report of, or otherwise acquires knowledge of conduct prohibited by the City's Sexual Harassment Policy shall report the conduct or incident immediately to the Personnel Administrator. The Department Head or supervisor shall submit a written statement to the Personnel Administrator within twenty-one (21) days of the alleged sexual harassment or alleged inappropriate conduct of a sexual nature detailing and including the following:

- (a) Specific conduct objected to;
- (b) Date(s) and time(s) such conduct took place;
- (c) Party/Parties against whom such conduct was directed;
- (d) Name(s) of the alleged harasser(s);
- (e) Location(s) where the conduct occurred; (f) Name(s) of any witnesses;
- (g) Any documentation (cards, notes, photographs, pictures, etc.) or other corroboration of the harassment; and
- (h) Any other relevant details or information, including information requested by the Personnel Administrator.

Department Heads and supervisors are required to cooperate fully in any investigation of alleged sexual harassment.

4. Responsibilities of All Employees

Each employee is personally responsible for ensuring that his/her conduct does not in any way sexually harass any other employee or non-employee with whom he/she has contact in the performance of his/her duties. Each employee is required to cooperate fully in any investigation of alleged sexual harassment.

Any employee who witnesses, receives a report of, or otherwise acquires knowledge of conduct prohibited by the City's Sexual Harassment Policy shall report the conduct or incident immediately to his/her supervisor or to the Personnel Administrator.



5. Procedure for Reporting Sexual Harassment

The following sexual harassment complaint procedure has been established to ensure prompt and effective investigation into allegations of sexual harassment.

If an individual believes that he/she is being sexually harassed or subjected to inappropriate conduct of a sexual nature, the individual should:

- (1) Immediately report the situation to his/her supervisor or Department Head, or to the Personnel Administrator; and
- (2) Submit a written complaint to the Personnel Administrator within twenty-one (21) days of the alleged sexual harassment or alleged inappropriate conduct of a sexual nature detailing and including the following:
 - (a) Specific conduct objected to;
 - (b) Date(s) and time(s) such conduct took place; (c) Name(s) of the alleged harasser(s);
 - (d) Location(s) where the conduct occurred; (e) Name(s) of any witnesses;
 - (f) Any documentation (cards, notes, photographs, pictures, etc.) or other corroboration of the harassment; and
 - (g) Any other relevant details or information, including information requested by the Personnel Administrator.

6. Investigation of Complaints

The Personnel Administrator shall investigate and act upon complaints of sexual harassment in a prompt and timely manner. The Personnel Administrator shall answer, in writing, a written complaint within ten (10) days of the date the written complaint was received by the Personnel Administrator.

The Personnel Administrator will inform the alleged harasser(s) of the complaint, interview the alleged harasser(s) regarding the circumstances of the complaint, and require the alleged harasser(s) to submit a detailed written response to the complaint within ten (10) days of informing the alleged harasser(s) of the complaint. The Personnel Administrator will also interview and obtain written statements from potential witnesses.

If the Personnel Administrator concludes that sexual harassment has occurred, the matter shall be referred immediately for appropriate disciplinary action. Moreover, the Personnel Administrator will act promptly to eliminate the offending conduct.

The Personnel Administrator shall also provide a written decision detailing the results of his/her investigation and the determination whether sexual harassment occurred to all



interested parties within twenty-one (21) days of the date the written complaint was received by the Personnel Administrator.

(a) Appeal to City Solicitor

If an employee is not satisfied with the handling of a sexual harassment complaint by the Personnel Administrator, the employee may submit a written appeal to the City Solicitor within ten (10) days of receiving the decision of the Personnel Administrator. The employee shall explain in the written appeal why he believes the decision of the Personnel Administrator was in error.

The City Solicitor shall investigate the appeal and conduct a hearing within twenty-one (21) days of receiving the written appeal with all interested parties to discuss the matter. The City Solicitor shall provide his/her decision, including an explanation of his/her reasoning therefore, to all interested parties within ten (10) days after the hearing.

(b) Appeal to Mayor

If dissatisfied with the decision of the City Solicitor, the aggrieved employee retains the right to appeal the Solicitor's decision directly to the Mayor. The employee shall submit a written appeal to the Mayor within ten (10) days of receiving the decision of the City Solicitor. The employee shall explain in the written appeal why he believes the decision of the City Solicitor was in error.

The Mayor, at his/her discretion, may investigate the written appeal or may rely upon the investigation conducted by the City Solicitor. The Mayor shall conduct a hearing within twenty-one (21) days of receiving the written appeal with all interested parties to discuss the matter. The Mayor shall provide his/her decision, including an explanation of his/her reasoning therefore, to all interested parties within ten (10) days after the hearing.

7. Consequences of Violation of Sexual Harassment Policy

Any employee who violates the City's Sexual Harassment Policy shall be subject to disciplinary action, up to and including termination. In appropriate circumstances, the City may refer the matter to law enforcement officials for possible prosecution.

8. Confidentiality

Investigations of complaints of sexual harassment shall be conducted in such a manner as to disclose information only to those with a need to know or to those who may have information pertinent to the investigation. The City shall endeavor to keep such information as confidential as possible without compromising the thoroughness of the investigation.



9. Retaliation

Retaliation against an individual who has complained about sexual harassment and retaliation against an individual who has cooperated with an investigation of a sexual harassment complaint are both unlawful and will not be tolerated by the City.

10. Commonwealth and Federal Authorities

In addition to the procedures outlined in the City's Sexual Harassment Policy, an individual who has a complaint concerning sexual harassment or any other type of discrimination may file a formal complaint with the following authorities:

- Massachusetts Commission Against Discrimination (MCAD)

436 Dwight Street

Springfield, MA 01103

Telephone: (413) 739-2145

- Equal Employment Opportunity Commission (EEOC) One Congress Street, Room 1001

Boston, MA 02114

Telephone: (617) 565-3200

11. Receipt and Acknowledgment

The Personnel Administrator shall provide annually to all employees, and to new employees upon their employment with the City, an individual written copy of the City's Sexual Harassment Policy. The Personnel Administrator shall also provide all employees with an individual written copy of an updated Sexual Harassment Policy.

Every employee must read the City's Sexual Harassment Policy, familiarize himself with the material therein, and sign the Acknowledgement Form distributed by the Personnel Administrator. All employees must submit to the Personnel Department, within thirty (30) days of their date of hire and within thirty (30) days of the date of receipt of an updated Sexual Harassment Policy, a signed Acknowledgment Form certifying that they have received a copy of the City's Sexual Harassment Policy and that they understand that they are required to abide by the City's Sexual Harassment Policy.



ACKNOWLEDGMENT OF RECEIPT OF CITY OF HOLYOKE SEXUAL HARASSMENT POLICY

I hereby acknowledge that I have received a copy of the City of Holyoke's Sexual Harassment Policy.

I understand that I am required to abide by the Sexual Harassment Policy of the City of Holyoke throughout the time that I am employed by, or otherwise work for, the City of Holyoke.

I understand that the City's Sexual Harassment Policy is subject to change at any time.

I agree to read the City's Sexual Harassment Policy thoroughly. I agree that I will seek clarification from the Personnel Administrator if there is any policy, provision, procedure, or any other term or language in the City's Sexual Harassment Policy that I do not understand.

I understand and hereby agree and acknowledge that receipt of the City's Sexual Harassment Policy, in conjunction with employment with the City, shall serve as acknowledgment and acceptance of its terms.

DATE

EMPLOYEE NAME (Print/Type)

EMPLOYEE SIGNATURE

Statement Concerning Your Employment in a Job Not Covered by Social Security

Employee Name

Employee ID# SS#

Employer Name City of Holyoke

Employer ID# 046-001-393

Your earnings from this job are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from this job. If you do, and you are also entitled to a benefit from Social Security based on either your own work or the work of your husband or wife, or former husband or wife, your pension may affect the amount of the Social Security benefit you receive. Your Medicare benefits, however, will not be affected. Under the Social Security law, there are two ways your Social Security benefit amount may be affected.

Windfall Elimination Provision

Under the Windfall Elimination Provision, your Social Security retirement or disability benefit is figured using a modified formula when you are also entitled to a pension from a job where you did not pay Social Security tax. As a result, you will receive a lower Social Security benefit than if you were not entitled to a pension from this job. For example, if you are age 62 in 2005, the maximum monthly reduction in your Social Security benefit as a result of this provision is \$313.50. This amount is updated annually. This provision reduces, but does not totally eliminate, your Social Security benefit. For additional information, please refer to Social Security Publication, "Windfall Elimination Provision."

Government Pension Offset Provision

Under the Government Pension Offset Provision, any Social Security spouse or widow(er) benefit to which you become entitled will be offset if you also receive a Federal, State or local government pension based on work where you did not pay Social Security tax. The offset reduces the amount of your Social Security spouse or widow(er) benefit by two-thirds of the amount of your pension.

For example, if you get a monthly pension of \$600 based on earnings that are not covered under Social Security, two-thirds of that amount, \$400, is used to offset your Social Security spouse or widow(er) benefit. If you are eligible for a \$500 widow(er) benefit, you will receive \$100 per month from Social Security (\$500 - \$400=\$100). Even if your pension is high enough to totally offset your spouse or widow(er) Social Security benefit, you are still eligible for Medicare at age 65. For additional information, please refer to Social Security Publication, "Government Pension Offset."

For More Information

Social Security publications and additional information, including information about exceptions to each provision, are available at www.socialsecurity.gov. You may also call toll free 1-800-772-1213, or for the deaf or hard of hearing call the TTY number 1-800-325-0778, or contact your local Social Security office.

I certify that I have received Form SSA-1945 that contains information about the possible effects of the Windfall Elimination Provision and the Government Pension Offset Provision on my potential future Social Security benefits.

Signature of Employee

Date

Information about Social Security Form SSA-1945

Statement Concerning Your Employment in a Job Not Covered by Social Security

New legislation [Section 419(c) of Public Law 108-203, the Social Security Protection Act of 2004] requires State and local government employers to provide a statement to employees hired January 1, 2005 or later in a job not covered under Social Security. The statement explains how a pension from that job could affect future Social Security benefits to which they may become entitled.

Form SSA-1945, **Statement Concerning Your Employment in a Job Not Covered by Social Security**, is the document that employers should use to meet the requirements of the law. The SSA-1945 explains the potential effects of two provisions in the Social Security law for workers who also receive a pension based on their work in a job not covered by Social Security. The Windfall Elimination Provision can affect the amount of a worker's Social Security retirement or disability benefit. The Government Pension Offset Provision can affect a Social Security benefit received as a spouse or an ex-spouse.

Employers must:

- Give the statement to the employee prior to the start of employment;
- Get the employee's signature on the form; and
- Submit a copy of the signed form to the pension paying agency.

Social Security will not be setting any additional guidelines for the use of this form.

Copies of the SSA-1945 are available online at the Social Security website, www.socialsecurity.gov/form1945. Paper copies can be requested by email at oplmsoswm.rqct.orders@ssa.gov or by fax at 410-965-2037. The request must include the name, complete address and telephone number of the employer. Forms will not be sent to a post office box. Also, if appropriate, include the name of the person to whom the forms are to be delivered. The forms are available in packages of 25. Please refer to Inventory Control Number (ICN) 276950 when ordering.