

Wendell Employment and Appointment Policy



Adopted:

Revised: 1992

Revised: October 1998

Revised: January 19, 2000 (Sexual Harassment Policy)

Revised: May 12, 2010

Revised: June 5, 2013

Revised: September 10, 2014 (Domestic Violence Leave Act)

Revised: April 3, 2019 (Highway hours only)

Revised: December 11, 2019

Revised: January 5, 2022 (Town Coordinator)

Revised: July 1, 2023

Note: Comp-time, Health Insurance Opt-Out and Over-time policies to be reviewed in one year.

Wendell Employment and Appointment Policy

I. TITLE

This document shall be known as the “Employment and Appointment Policies and Procedures, Town of Wendell, Massachusetts.” It may be referred to as the “Policy.”

II. EFFECTIVE DATE FOR APPLICATION OF POLICY

This Policy shall take effect upon adoption by the Wendell Selectboard after a public hearing, and a vote of Town Meeting as applicable, and shall repeal all other employment and appointment regulations in conflict herewith.

III. SCOPE OF THE POLICY

This Policy shall apply to all employees of the Town of Wendell, as listed in APPENDIX A, except those appointed or employed by the school committee and those who serve in offices filled by popular election. In addition, each board, commission, committee, Town official or other Town authority having any Town employee under its direction shall be, for the purposes of this Policy, referred to as a Department Head and/or Board. The Selectboard shall be responsible for setting the hourly wages for Town employees under its authority fixed in accordance with the job classifications set forth in this Policy. Salaried employees will have their salary set by Town Meeting. Any appointed employee may be reappointed at the end of their appointment period at the discretion of the Selectboard.

IV. DEFINITIONS

As used in this Policy, the following words and phrases shall have the following meanings unless a different meaning is clearly required by the laws of the Commonwealth:

Civil Service Law – Chapter 31 of the General Laws of the Commonwealth, as amended, and all rules and regulations made there under; and any special law enacted by the General Court relating to Chapter 31 and regulating the classifications, compensation, and conditions of employment of officers and employees of the Town.

Continuous Employment – Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, or other authorized leave of absence.

Compensation Rate – A sum of money designated as compensation for hourly, daily, weekly, monthly, or annual service.

Department – Any department, board, committee, commission, or other agency of the Town subject to this Policy.

Department Head and/or Board – The officer, board or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectboard, the officer, board, or other body responsible to the Selectboard for the administration of the department is considered a Department Head and/or Board.

Emergency Employment – Employment for a period of not more than two (2) weeks, made without prior approval of the Selectboard, to address an unforeseen emergency, and subject to extension upon approval of the Selectboard.

Full-time Employment – Employment for thirty (30) hours or more per week, with six months continuous service, minus legal holidays, authorized military leave, bereavement leave, vacation leave, court leave, sick leave, and leave of absence, beginning at the time of the vote of appointment by the Selectboard. All positions eligible for benefits shall have a detailed job description prepared by the Department Head and/or Board.

Grievance – A dispute between an employee and his/her supervisor arising out of the employee's course of employment or an exercise of administrative discretion by such supervisor.

Holiday Allotment – The annual number of hours an employee may use toward their holiday pay. Hours may vary per holiday until maximum annual allotment has been used. see Benefits

Overtime – Hours worked in excess of the regular work week of forty (40) hours. Vacation and Holiday time are considered "hours worked" and are included in the regular work week of forty (40) hours. "Hours worked" on a Sunday are included in the regular work week of forty (40) hours but are also automatically paid at the time and one-half rate. Sick leave or authorized time under Workers' Compensation, is not chargeable toward the regular work week of forty (40) hours. The Overtime rate is one and one-half times an eligible employee's hourly compensation rate. This definition is not intended to conflict with applicable state or federal law regarding overtime.

Part-time Employee – An employee hired to work less than thirty (30) hours per week.

Permanent Employee – Any employee hired in a permanent position for which the intent is more than six (6) months continuous employment.

Permanent Part-time Employee – An employee hired to work as a Part-time Employee for a duration greater than six (6) months.

Permanent Part-time Employee eligible for benefits – A Permanent Part-time Employee working at least twenty-four (24) hours per week but less than thirty (30) hours per week. **An employee may not combine multiple positions in excess of 20 hours per week without the prior approval of the Finance Committee and the Selectboard.**

Permanent Position – Any position in the Town services which requires, or which is likely to require, service without interruption for a period of more than six (6) calendar months, either on a full-time or part-time basis.

Employment and Appointment Board – The Wendell Selectboard is responsible for all personnel decisions regarding Town employees, unless designated otherwise in this Policy.

Probationary Period – The first ninety (90) days of an employee’s continuous service for newly hired or appointed employees, or employees whose employment status changes from part-time to full-time, or employees for whom there is a change in position. The probationary period may be extended for up to thirty (30) days at a time, not to exceed an additional ninety (90) days, upon approval of the Selectboard and written notification to the Employee and the Town Treasurer.

Selectboard – The Selectboard for the Town of Wendell, Massachusetts.

Sick pay – Shall be calculated by hours. See Benefit section for details.

Sexual Harassment Officer – The Town Coordinator – Refer to Sexual Harassment Policy

Temporary Position – Any position in the Town’s services for which the expected duration does not exceed six (6) months. This type of position is not eligible for benefits.

Town – Refers to the Town of Wendell, Massachusetts.

Town Meeting – Refers to the Town’s legislative body as defined by MGL Chapter 39, Section 9 et seq.

Vacation pay – The payment received for vacation time. It is based on years of employment and hours worked per week. See Benefit section for details.

Wendell Employment and Appointment Policy Committee (WPPC) - comprised of Treasurer, Road Commissioner Representative, Finance Committee Representative, Library Trustee, (1) Community Member at large, Highway/WRATS (Wendell Recycling and Transfer Station) Clerk and Town Coordinator. **Work Week** – The regular work week for Town Employees is from Saturday to Friday.

WRATS – Wendell Recycling and Transfer Station

V. ROLE OF THE SELECTBOARD

It shall be the responsibility of the Selectboard to function as the Employment and Appointment Board and administer this Policy consistent with their duties and responsibilities as defined by the Massachusetts Constitution, Massachusetts General Laws, and the Charter and by-laws of the Town. Revisions can be made to this policy in accordance with the applicable requirements of law.

VI. EMPLOYMENT PRACTICES

a) Hiring

Subject to the provisions of this Policy, if a vacancy occurs, the Department Head and/or Board shall advertise the opening. If a new position is established, the Department Head and/or Board shall, subject to the approval of the Selectboard, advertise the opening. All open positions, for part-time and full-time employment in the Town, shall not be filled until they have been posted for seven days on the public bulletin board at the Town Office and Town website, except those positions filled on an emergency basis. In addition, all full-time positions shall be advertised locally in two (2) newspapers. Upon receipt of applications for a position, the Department Head and/or Board, shall conduct such personal interviews as he/she believes to be appropriate. The Department Head and/or Board shall choose the applicant best suited for the position. The choice of the Department Head and/or Board shall be subject to the review of the Selectboard. Prior to being hired, a prospective employee will be told what type of employee he/she is, e.g., part-time, full-time, permanent, etc.

b) Physical Examination

Prior to final appointment, every new full-time or part-time employee may be required to undergo a physical examination and/or drug testing at the employer's expense. Based on a signed report from the attending physician, the Selectboard may then decide upon their satisfaction with the report and act accordingly. By Federal and State law, CDL drivers shall be required to undergo random drug testing at the employer's expense.

c) Probation

The first ninety (90) days of an employee's continuous service shall constitute his/her probationary period. The probationary period may be extended for up to thirty (30) days at a time, not to exceed an additional ninety (90) days, upon approval of the Selectboard and written notification to the Employee and the Town Treasurer. During this period, said employee may be terminated with one week's written notice by the Department Head and/or Board, subject to any review the Selectboard may deem appropriate. The termination of an employee by the procedure described in this paragraph shall be done in a manner which provides due process and complies with the employee's constitutional and statutory rights.

d) Termination

Upon the expiration of the probationary period or extended probationary period an employee of the Town shall be terminated only for just cause as stated in writing by the Department Head and/or Board. The employee in question shall receive one week's written notice or one week's pay and shall have the right to appeal the Department Head and/or Board's decision to the Selectboard. This appeal shall follow the steps described in the second paragraph of the Grievance Procedures Section of this Policy. The only exception is in the case of summary dismissal of an employee due to gross insubordination or refusal to perform. In the case of a summary dismissal, the employee in question may appeal the decision by following the

grievance procedure. An employee may also be terminated at the completion of a Corrective Action/Performance Improvement Plan period with an unsatisfactory finding.

e) **Grievance Procedure**

There shall be a grievance procedure available to those non-probationary employees of the Town who feel their rights under this Policy have in any way been infringed upon and it shall also cover all other employee grievances (except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeals board). For grievances involving sexual harassment, see attached policy. Should any grievance arise between the Town and any employee, an effort shall be made to settle such difference as follows:

Step 1. An employee with a grievance shall speak to his/her Department Head and/or Board regarding the problem. The Department Head and/or Board will try to resolve the problem. If an employee is not satisfied, she/he shall submit the grievance in writing to the Department Head and/or Board, who shall answer it in writing within five (5) working days.

Step 2. If the employee is not satisfied with the Department Head's answer, she/he shall, within one (1) week, refer the grievance in writing to the Selectboard for resolution. The Selectboard shall, within twenty-one (21) days of receipt of the employee's written notice, hold a hearing. At this hearing, there shall be present the employee, a representative if she/he requests it, and the Department Head and/or Board. If the Department Head and/or Board involved in the grievance procedure is a member of the Selectboard, then outside mediation shall be sought.

Step 3. Within fourteen (14) days of the hearing, the Selectboard shall notify the employee in writing as to its decision. The decision of the Selectboard shall be final.

(f) **Employee Evaluations**

Employee evaluations for full-time and permanent part-time employees, as listed in APPENDIX B, will be conducted by the Department Head and/or Board or designee. Annual employee evaluations shall take place within the first three (3) months of the fiscal year. Evaluation template is attached. Both parties will complete an evaluation form prior to meeting to discuss evaluation. Upon completion of the meeting the employee has the right to respond in writing to the evaluator within (10) days. Both parties are encouraged to sign the completed evaluation form. The completed evaluation form will become a permanent part of the employee's file. All employees covered under this policy are eligible for an annual evaluation.

(g) **Corrective Action /Performance Improvement Plan**

A Performance Improvement Plan can be used when a Department Head and/or Board or designee identifies a performance problem with an employee.

Step 1: Verbal meeting with Department Head and/or Board or designee and employee. The nature of problem is identified, and an informal plan of action is agreed to. The informal

plan should include a definition of the problem, proposed solution, and timeline for completion. Minutes must be kept by Evaluator.

Step2: If the problem persists then a Performance Improvement Plan should be created with or without the employee's involvement. Upon establishment of a plan the employee must review and agree to the implementation of the plan.

(h) **Writing a Performance Improvement Plan** (template attached)

Writing a Performance Improvement Plan constitutes a first written warning. If the employee does not achieve a satisfactory level of improvement within the timeline established by the Performance Improvement Plan a second written warning will be given. An unsatisfactory finding will result in the review of the Performance Improvement Plan with the establishment of a new timeline. At the completion of the timeline an unsatisfactory finding will result in suspension without pay or termination.

VII. HIGHWAY DEPARTMENT AND WRATS HOURS OF OPERATION:

Highway Department employees will work 40 hours per week. The hours worked per day will be determined by the Road Commission.

WRATS employees will work no more than 19 hours per week. The Road Commission will determine the workday.

VIII. HIGHWAY DEPARTMENT COMPENSATORY TIME POLICY

Highway Department employees may request compensatory time off in lieu of overtime pay. The request for compensatory time must be made in writing to the Road Supervisor immediately following working over 40 hours in a given week and prior to using compensatory time. Compensatory time will be equal to one and one-half times regular hours or equal time if used for hours that occur prior to accumulation of 40 hours. Compensatory time must be taken within one (1) year of the date of occurrence of overtime hours worked and may carry over to the next fiscal year. An employee may not bank or use more than forty (40) compensatory time hours at a time. See Overtime under Definitions for calculation of overtime.

IX. HIGHWAY DEPARTMENT APPARREL ALLOWANCE

Highway Department employees assigned to Road Crew work are entitled to receive up to \$500 per person per fiscal year as a clothing allowance for the purchase of work-related apparel. This is a reimbursable expense, and the employee must submit a receipt or other evidence of payment in order to receive the allowance.

X. APPOINTMENT AND EMPLOYMENT POLICY

- a) No person shall be appointed, employed, or paid as an employee, except on an emergency basis, in any position subject to the provisions of this Policy, under any title other than those of the classification schedule which may be developed by the Selectboard. (see Appendix A)
- b) All new employees shall be hired at the base pay for the position unless it has been determined by the Department Head and/or Board and the Selectboard that the qualifications of the person warrant a higher wage or salary.
- c) Wage or salary increases shall be based on merit and/or on Cost-of-Living Adjustments (COLA) as passed at Annual Town Meeting. Increases shall not necessarily be based on length of service and shall be made only on the recommendation of the responsible Department Head and/or Board and the approval of the Selectboard.
- d) Each Department Head and/or Board may, if conditions warrant, employ persons on an emergency basis, for a period not to exceed two (2) weeks without prior approval of the Selectboard. The Department Head and/or Board must defend this hiring at the next regular meeting of the Selectboard.
- e) The Selectboard will, before each Annual Town Meeting, develop a base pay schedule for all job classifications for Town employees for the following fiscal year.
- f) The Selectboard will negotiate a contract with the Town Coordinator. Hours, salary, and schedule for vacation hours will be provided to the Treasurer.
- g) The Wendell Employment and Appointment Policy Committee (WPPC) shall review this Policy every five (5) years or as needed or directed by the Selectboard. All meetings shall be posted on the Town's legal notice posting location. The WPPC shall be comprised of the Treasurer, one (1) member of the Road Commission, one (1) member of the Finance Committee, one (1) Library Trustee, one (1) Community member at large, the Highway/WRATS Clerk, and the Town Coordinator. After review, if changes to the Policy are recommended, the Policy with recommended changes will be distributed to all Department Heads and/or Boards via email or otherwise. The Department Heads and/or Boards will have two (2) weeks to request any changes. Upon completion, the revised Policy will be given to the Selectboard for their review. The Selectboard may make changes as needed and vote to accept the revised Policy at a public meeting. The Policy will be forwarded to Town Counsel for final legal review. Upon receiving the final legal review from Town Counsel, any clerical or form changes will be made without further review by the Selectboard. The final version will be made available to all Departments, Boards, and Town employees. All changes will be effective as of the time of the Selectboard vote.

XI. NON-DISCRIMINATION AND AFFIRMATIVE ACTION POLICY

No applicants for positions in the Town shall be discriminated against because of race, color, gender, sexual orientation, gender identity, age, religion, sex, national origin, or any other category or status protected by applicable law; and the foregoing prohibition shall apply to and include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other form of compensation. The Town supports the recruiting and hiring of persons who are identified as having a legally protected status, so as to develop a diverse workforce.

XII. PERSONNEL RECORDS

A personnel record of all Town employees shall be kept by the Selectboard. This record shall contain the employee's application for employment and any other pertinent data. It shall be the duty of each Department Head and/or Board to furnish the Treasurer with all information needed for the completion of this record.

Each Department Head and/or Board shall submit to the Town Treasurer, with the bi-weekly pay warrant, a timesheet for each employee. This time sheet shall specify the number of hours worked, any leave taken, as well as any pertinent information for the personnel records. The Department budget or appropriation account to be charged must also be included on the Payroll Schedule. The Town Treasurer shall be responsible for maintaining a permanent record of the time worked.

XIII. BENEFITS

To be eligible for fringe benefits an employee must be designated as full-time or a permanent part-time Employee. Benefitted Employees are eligible for benefits on the first day of employment. However, accrued sick time may not be used until the conclusion of the probationary period. The official work year shall be the same as the fiscal year, July 1 – June 30. The Department Head and/or Board is responsible for entering on the department payroll all amounts payable under this section. The Chair of any Board, Department or Commission, is required to be the signatory on all Payroll submissions.

a) Leave of Absence

Reasonable requests for leaves of absence may be granted by the Department Head and/or Board, with the approval of the Selectboard at their discretion.

Such leaves of absence shall fall into one of two categories:

Personal – allowable only if the workload permits and the absence of the employee will not cause undue hardship to the department. The maximum leave is twelve (12) weeks. This leave will be taken as vacation and/or unpaid leave.

Fringe benefits will not be provided to employees during unpaid leaves of absence for personal reasons.

Medical or Maternity – Medical or Maternity leave may be taken for up to a maximum of twelve (12) weeks. This leave may be taken as sick or vacation leave or unpaid leave. Fringe benefits will be provided during such leaves of absence. In the case of prolonged illness or injury, consideration will be given to extensions of this twelve (12) week period. The employee will be responsible for premiums as stated in this Policy. The Town is subject to the federal law known as the Family Medical Leave Act (“FMLA”) and the state law regarding parental leave (G.L.c.149, §105D). It is intended that the leave policy described here be administered in a manner consistent with the provisions of those laws.

b) **Sick Leave**

1. Sick leave is available for full-time and permanent part-time Employees eligible for benefits only and is accrued as follows: for every twenty-six (26) hours worked (1) hour of sick leave will accrue. Maximum sick leave per fiscal year will be calculated on work hours per position. (See Schedule A) Sick leave hours may be carried forward up to a maximum of five hundred and twenty (520) hours. Any sick leave hours accumulated over the maximum will be forfeited. Unused sick leave hours accumulated at the time of retirement, providing all other requirements for retirement benefits are met, will be payable at the rate of 25% of the employee’s then current pay rate. Anyone requesting sick leave beyond four (4) working days may be required to provide a doctor’s certificate to receive sick pay and/or return to work. Sick leave may only be used in instances when an employee is out of work due to personal or family illness or for preventative medical treatment. Notification of absence due to illness must be made to the Department Head and/or Board prior to the beginning of the workday. Highway Department employees will report to the Road Superintendent. In instances where the Department Head and/or Board is the party who is sick, notification shall be made to the officer or body overseeing the Department. In the absence of all the above, notification shall be made to the Selectboard.

2. Sick leave will begin to accrue on the first day of employment but will not be available for use until after the completion of the probationary period.

3. Subject to payment at retirement as stated in 1. above, upon termination of employment with the Town, voluntary or involuntary, all sick leave benefits, accumulated or otherwise, shall cease.

c) **Vacations**

The vacation period shall be July 1 to June 30 and vacation pay shall be based on the following schedule. Unused vacation time will be forfeited. The accumulation of vacation hours will be as follows for employees working forty (40) hours per week:

<u>Years of employment plus up to 5 years' Time Served Credit</u>	<u>Eligible Hours</u>
0 to 6 months or end of fiscal year, whichever comes first	0 hours
6 months 1 day to one year or end of fiscal year, whichever comes first	40 hours
First through third year	80 hours
Fourth through ninth year	120 hours
Tenth year and over	160 hours

The accumulation of vacation hours will be calculated as follows for full and permanent part-time Employees eligible for benefits working less than forty (40) hours per week:

<u>Years of employment plus up to 5 years' Time Served Credit</u>	<u>Eligible Hours</u>
0 to 6 months or end of fiscal year, whichever comes first	0 X wkly hrs
6 months 1 day to one year or end of fiscal year, whichever comes first	1 X wkly hrs
First through third year	2 X wkly hrs
Fourth through ninth year	3 X wkly hrs
Tenth year and over	4 X wkly hrs

Vacations shall be granted by the Department Head and/or Boards at such times as, in their opinion, will cause the least interference with performance of the regular work of their departments. The Highway Department must always have two employees scheduled to work. This may be two full-time employees or one full-time and one part-time employee. Vacations must be taken in the year in which they are due and shall not accumulate from year to year. Employees shall give at least four (4) weeks' notice of desired vacation time to their Department Head and/or Board. Whenever the employment of any person subject to the provisions of this Policy is terminated by dismissal, layoff, resignation, retirement, or death, the employee or their estate, shall be paid at the regular rate of compensation payable to them at the termination of their employment, an amount in lieu of such vacation; provided that no monetary or other allowance has already been made.

New employees of the Town of Wendell who have prior full-time or part-time employment experience that is directly relevant to the job with the Town, may be eligible to receive credit for up to 5 year's time served.

In order to be eligible to receive such credit, the new employee must provide a letter from their previous employer(s), written on the employer's letterhead and sent directly to the Selectboard. The letter should state the nature of the employer's organization, the nature of the employee's position and the employee's status (full-time or part-time, temporary, or permanent) during the periods worked.

The service time may be credited to the employee for the purposes of vacation accrual. The Selectboard shall determine the relevance of the work in question and how many years of credit will be allowed, up to five (5).

d) Holidays

The holidays to which all Benefited employees are entitled with pay, whether or not an employee is scheduled to work on that day, are listed below:

- | | |
|------------------------------------|-------------------------|
| New Year's Day | Labor Day |
| Martin Luther King, Jr. Day | Columbus Day |
| President's Birthday | Veteran's Day |
| Patriot's Day | Thanksgiving Day |
| Memorial Day | Christmas Day |
| Juneteenth | Fourth of July |
| One Floating Holiday | |

If a holiday falls on a Saturday, the day off shall be Friday; if it falls on a Sunday, the day off shall be the next Monday.

If a holiday falls on a day outside of an employee's regularly scheduled hours, they are expected to take their holiday hours off during the week of the holiday.

Highway Department only: If the 4th of July holiday falls on a Friday or Saturday, the day off will be observed on Thursday. Highway Department holiday hours will be prorated to eight (8) hours per holiday. (See Holiday Allotment)

Library only: Library Director holiday pay will be pro-rated to six and four-tenths (6 .4) hours per holiday, based on a thirty-two (32) hour work week.

Town Coordinator: Town Coordinator holiday pay will be pro-rated to five and six-tenths (5 .6) hours per holiday based on a twenty-eight (28) hour work week.

Compensation for the holiday will be applied in the pay period in which the holiday is observed.

Note: The pro-rated hours may be adjusted without an amendment to the Wendell Employment and Appointment Policy if the contracted hours for a position change. The person holding the affected position will be notified, in writing, of any changes to the pro-rated hours for holiday observance.

In the case where an employee is required to work on a paid holiday, the employee may either take off an equivalent amount of time another day or may receive the regular wage paid in addition to the holiday pay. The employee must state in writing to the Department Head and/or Board which of these two options they prefer within seven (7) days; if they do not, they will be paid, or a vacation day will be designated.

HOLIDAY ALLOTMENT: All holiday pay must be used from an employee's annual Holiday Allotment. The pro-rated amount per position based on hours worked per week, may be applied as needed for hours of work missed for each holiday until the annual Holiday Allotment has been depleted. For example, an employee may need to use 2 hours for one holiday to achieve their weekly hours to be worked and 10 hours for another holiday.

e) Jury Duty

A Full-Time employee called for jury duty, or to testify as a witness in a matter before a legal tribunal which involves the Town of Wendell, shall be paid his or her regular wages for any work missed for the first three (3) days of service. If jury service is cancelled prior to scheduled service, the employee is required to report for his/her scheduled hours. Failure to do so will result in loss of pay. Jury service that extends beyond three (3) days will be compensated at the regular rate of pay minus any compensation received by the employee from the court system.

f) Military Training

Full-Time employees who are required to report for temporary summer or like period of training in the military forces of the Nation or the Commonwealth shall be paid an amount equal to the difference between compensation for a normal working period of two weeks and the amount paid for military training. An employee, on request, may combine his/her military leave with a regular vacation period.

g) Bereavement Leave

In the event of a death in the family of a Full-Time employee, the employee shall be granted three days leave without loss of pay. Funeral leave shall in no way be related to regular vacation time or sick leave. The employee in question shall be responsible for notifying the Department Head and/or Board. Family shall be defined as follows: Married couple, children, or an acknowledged domestic partner with whom the employee is living. Extended family includes siblings, and any relative two (2) generations above and two (2) generations below an employee.

h) Insurance

Group life insurance and group health insurance, as provided under Chapter 32B of the General Laws, shall be provided for all employees hired to work no less than twenty (20) hours per week. Insurance premiums shall be paid as follows:

Group Life Insurance – 100% by Employee

Group Dental Insurance – 100% by Employee

Group Health – 75% Town/25% Employee

Group Health – Retiree – 50% Town/50% Retiree

Subject to qualification under Chapter 32B of Massachusetts General Laws, a retiree is entitled to the type of insurance coverage carried at the time of retirement. The Town of Wendell will not increase its plan coverage contribution amount if a retiree remarries and seeks a change in coverage type. Any increased cost due to such a status change will be the sole responsibility of the retiree. A Retiree is responsible to notify the Town of Wendell if there is any change in status.

In accordance with MGL Chapter 32B, Section 18A, retirees, their spouses and/or dependents must enroll in Medicare as soon as they are eligible. Failure to enroll in Medicare Part A and Part B when first eligible will jeopardize future participation in the Town's insurance plans.

If a retiree chooses not to participate in the health insurance program offered by the Town of Wendell, at the time of their retirement, they have the option to enroll during the open enrollment period annually. They will be entitled to the plan level they would have been entitled to at their time of retirement.

If a retiree has an active health insurance plan with the Town of Wendell at the time of their death that includes a spouse and or dependent, the spouse and/or dependent (as long as they remain eligible) will continue to be provided coverage if they so choose, with the Town of Wendell paying 50% of the premium and the employee spouse paying 50% of the premium.

i) Health Insurance Opt In/Opt Out Option

Employees meeting the eligibility requirements under MGL c. 32B and who are active or retired employees, may choose to accept compensation in place of health insurance coverage through the Town of Wendell. MGL c. 32B s.4 allows an employee to decline coverage offered by the Town. An active employee eligible for health insurance coverage may opt to receive a stipend in the amount of 25% of an individual HMO

insurance plan. A retired employee eligible for health insurance coverage may opt to receive a stipend in the amount of 17% of the retiree Senior plan or comparable. The stipend will be paid at the end of the fiscal year or when an employee leaves employment with the Town of Wendell at a prorated amount based on the number of months worked in the fiscal year. Proof of credible health insurance coverage must be provided. The Opt-Out Stipend will be treated as additional wages. It is the responsibility of the employee to request the Opt-Out stipend by June 30.

j) Retirement

The retirement system and pensions as provided under Chapter 32 of the Massachusetts General Laws shall be applicable to all eligible Town employees. Eligible employees who have over ten (10) years' continuous tenure with the Town of Wendell or eligible time-served upon retirement from the Town at a minimum age of 62, shall be eligible to receive a fifty percent (50%) contribution to their health insurance premium at the time of their retirement, for as long as they are enrolled in Town-provided health insurance.

XIV. REPEAL AND AMENDMENT OF THIS POLICY

This Policy may be altered, repealed, or amended following a hearing, at any Selectboard meeting specifically called for that purpose, an article for such purpose having been included in the agenda for such meeting.

XV. SEVERABILITY

If any provisions of this Policy shall conflict with any Civil Service law or regulation applicable to any position, or any other law, it shall be deemed modified by the law or regulation. The invalidity of any provision thereof shall not be construed to invalidate any other provision of the Policy.

XVI. SEXUAL HARASSMENT POLICY See attached.

XVII. DRUG AND ALCOHOL POLICY See attached.

XVIII. DOMESTIC VIOLENCE LEAVE ACT POLICY See attached.

XIX. EMPLOYEE EVALUATION FORM AND TEMPLATE-PERFORMANCE IMPROVEMENT PLAN See Attached.

XX. CODE OF CONDUCT AND ETHICS See Attached.

TEMPLATE – PERFORMANCE IMPROVEMENT PLAN

Framework for establishing a Performance Improvement Plan:

- 1) Define the Problem. Determine if the problem is a performance problem or a behavior problem.
- 2) Define the duties or behaviors where improvement is required.
- 3) Identify the standards upon which performance will be measured for each of the duties identified.
- 4) Establish short-range and long-range goals, timetables, and method of accountability for addressing the problem.
- 5) Develop an action plan:
 - a) What will the Department Head and/or Board (or other applicable manager) do to help the employee accomplish the goals within the desired time frame?
 - b) What will the employee do to facilitate improvement of the product or process?
 - c) Are the items reasonable?
 - d) Can the items be accomplished?
 - e) Are items flexible?
- 6) Put the Performance Improvement Plan in writing:
 - a) Has plain and simple language been used?
 - b) Have specific references been used to identify areas of deficiency?
 - c) Have specific examples been used in periodic reviews which clearly identify accomplishments or continuing deficiencies?
 - d) Have you chosen an easy-to-read format such as a table or a duty-by-duty listing?
 - e) Have the terms of any agreement been included in the Performance Improvement Plan?
- 7) Include Performance Improvement Plan in employee file.
- 8) See Termination.

TOWN OF WENDELL – SEXUAL HARASSMENT POLICY

All employees have the right to work in an environment free from all forms of discrimination and harassing conduct. Sexual harassment in the workplace is unlawful under the terms of Chapter 151B of the General Laws, as it may be amended or revised from time to time.

The Town of Wendell believes that sexual harassment is a form of misconduct which undermines the integrity of the employment relationship and demeans all persons. The Town expects all employees to conduct themselves in a professional manner with concern and respect for their colleagues, members, and the public.

Verbal or physical behavior towards an employee of the Town which constitutes unsolicited and unwelcome sexual overtures or conduct is unlawful and is forbidden by the Town. Such behavior may also take the form of visual materials such as cartoons, pictures, or photographs.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or 4) such conduct has the purpose or effect of creating an intimidating, hostile, humiliating or offensive working environment.

The range of conduct that can constitute sexual harassment is broad and, in addition to the description above, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to an individual may also constitute sexual harassment. As a further example, 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.

Employees who believe they are the subject of sexual harassment should immediately report the conduct in writing to the Sexual Harassment Officer. The written complaint should state the nature of the claim, the names of the parties involved, and the relief requested. The Sexual Harassment Officer shall be appointed by the Selectboard. The Sexual Harassment Officer shall be responsible for promoting awareness of the Town's sexual harassment policy and related issues and shall be available to all staff to receive reports of sexual harassment, and to help facilitate investigation of complaints. The Sexual Harassment Officer, also the Town Coordinator, can be reached in the Selectboard Office at 978-544-3395 or at PO Box 41, Wendell, MA 01379. If the Sexual Harassment Officer is the source of the alleged harassment, the employee should report the problem to the Selectboard.

All reports of harassment will be investigated promptly and in an impartial and as confidential a manner as possible, under the supervision of the Sexual Harassment Officer, to ensure prompt and appropriate action. Any employee who is found, after appropriate investigation, to have engaged in sexual harassment of another employee will be subject to disciplinary action by the Selectboard, which may include a verbal warning, a written warning, suspension or termination of employment or appointment, depending on the circumstances.

If the principals are not satisfied with the handling of a report or action taken, then either party may file a written grievance with the Selectboard. The Selectboard will take appropriate action within 14 days to investigate the complaint and consider the proposed relief for further investigation and action.

No employee will be subject to any form of coercion, intimidation, retaliation, interference, or discrimination for filing a sexual harassment report or for cooperating in an investigation of such a complaint. Any such behavior is unlawful.

In addition, the Town reserves the right to investigate and take action in response to behavior and conduct which may constitute sexual harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

Appropriate State and Federal employment discrimination enforcement agencies are:

- * Massachusetts Commission Against Discrimination
(413) 739-2145 (Springfield office)
436 Dwight Street, Room 220
Springfield, MA 01103

- * U.S. Equal Employment Opportunity Commission
(800) 669-4000 (Boston office)
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203

Wendell Selectboard,

DocuSigned by:
Laurie DiDonato
AB1E2C2643944C3...
Laurie DiDonato, Chair
Reaffirmed 7/1/2023

DocuSigned by:
Gillian Budine
01835399F3E74B4...
Gillian Budine

DocuSigned by:
Paul Doud
B7CD1C3535BC4C8...
Paul Doud

TOWN OF WENDELL
SEXUAL HARASSMENT POLICY
SIGNATURE PAGE

This acknowledges that I have received and reviewed the Town of Wendell Sexual Harassment Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding Sexual Harassment are continually evolving. Therefore, I understand that my regular review of the Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee’s personnel file.

TOWN OF WENDELL DRUG & ALCOHOL POLICY

- 1) Town of Wendell Drug & Alcohol Policy will apply to the Highway Department as outlined under CDL regulations Part 382.¹
- 2) Highway Department Personnel should contact the Town Coordinator with questions Regarding the Town of Wendell's Drug & Alcohol Policy.
- 3) Conduct prohibited by Highway Department Employees when working: Alcohol consumption, Use of illegal drugs as per Part 382 of the CDL regulations.²
- 4) All Highway personnel will be tested for alcohol use and illegal drugs under the following Circumstances. Pre-employment, reasonable suspicion, random testing, post-accident and Return-to-duty and follow-up.³
- 5) Procedure for drug and alcohol testing is attached.⁴
- 6) All Highway Department Personnel will be required to comply with the Town of Wendell Drug & Alcohol Policy.
- 7) Any Highway Department Personnel who refuses to comply with testing practices will be dismissed immediately and his/her employment will be terminated.
- 8) Town of Wendell will follow CDL recommendations for a positive test result of alcohol under .04. Testing above .04 for alcohol or testing positive for illegal drugs will result in immediate termination.
- 9) An employee terminated for a first violation of the Drug & Alcohol Policy will be eligible to reapply for any open position on the Highway Department after successful completion of CDL required rehabilitation.
- 10) All Highway Department Employees will be provided with the DOT document "What Employees Need to Know About DOT Drug & Alcohol Testing."

¹ See attached – Part 382 CDL regulations

² See attached – Part 382 CDL regulations

³ See number 9

⁴ CDL publication "What Employees Need to Know About DOT Drug & Alcohol Testing"

TOWN OF WENDELL – DOMESTIC VIOLENCE LEAVE ACT POLICY

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” or “the Act”).

II. APPLICATION

This Policy applies to all employees of the Town of Wendell, excluding those employees under the supervision and control of the School Committee (if applicable).

III. POLICY

The Town is committed to complying with the DVLA, as it may be amended from time to time. In the event of any conflict between the Town’s DVLA policy and the state law and any applicable regulations, the state law/regulations applicable to the Town 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” as defined in the DVLA “Abusive behavior” includes any of the following behaviors: domestic violence, stalking, sexual assault, or kidnapping. The following description is based on the language in the Act.

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 dating or engagement relationship.

A covered family member includes a spouse, parent, stepparent, child, stepchild, sibling, grandparent, grandchild, persons in a substantive dating relationship or 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.

C. Reasons for Requesting Leave

Employees may request leave to address issues directly related to the abusive behavior. This includes seeking medical attention, counseling, or victim services. 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 advance notice of the decision to use domestic violence leave to the Town Coordinator 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 Town Coordinator 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 thirty calendar days to produce documentation of the need for leave, in accordance with paragraph E, below.

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 is made. An employee can satisfy this requirement by providing any one of the following documents:

- A protective order issued by a court as a result of abusive behavior against the employee or employee's 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 against the employee or family member of the employee has admitted to sufficient facts in court, or has been convicted of any offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior; 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 Town shall not retaliate against an employee for exercising rights under the DVLA.

G. Confidentiality

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

TOWN OF WENDELL
DOMESTIC VIOLENCE LEAVE ACT POLICY
SIGNATURE PAGE

This acknowledges that I have received and reviewed the Town of Wendell Domestic Violence Leave Act Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Domestic Violence Leave are continually evolving. Therefore, I understand that my regular review of the Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee’s personnel file.

APPENDIX A

FULL AND PART TIME POSITIONS SUBJECT TO THE POLICY

ADMINISTRATIVE ASSESSOR (***CURRENTLY FILLED BY CONTRACTED SERVICES***)
ASSISTANT BUILDING INSPECTOR
ASSISTANT TAX COLLECTOR
ASSISTANT TREASURER
ASSISTANT TOWN CLERK
BOARD OF HEALTH CLERK
BUILDING INSPECTOR
CEMETERY EMPLOYEES
CUSTODIANS
FINANCE DIRECTOR
FIRE DEPARTMENT
HIGHWAY DEPARTMENT – FULL AND PART-TIME
HIGHWAY CLERK
LIBRARY DIRECTOR
LIBRARY EMPLOYEES
MULTI-BOARD CLERK
PLANNING BOARD CLERK
PLUMBING INSPECTOR
POLICE DEPARTMENT (***CURRENTLY FILLED BY CONTRACT WITH TOWN OF LEVERETT***)
PROJECT COORDINATOR
SELECTBOARD CLERK
TOWN COORDINATOR
WIRING INSPECTOR
WRATS (Wendell Recycling and Transfer Station)

APPENDIX B

POSITIONS REQUIRING ANNUAL EVALUATIONS

FINANCE DIRECTOR
FIRE CHIEF
HIGHWAY DEPARTMENT EMPLOYEES/WRATS EMPLOYEES
LIBRARY DIRECTOR
PROJECT MANAGER
TOWN COORDINATOR
ADMINISTRATIVE ASSESSOR (CURRENTLY FILLED BY CONTRACTED SERVICES)
POLICE CHIEF (CURRENTLY GOVERNED UNDER TOWN OF LEVERETT POLICY)

TOWN OF WENDELL

EMPLOYEE EVALUATION SIGNATURE PAGE

EVALUATOR(S):

NAME DATE

NAME DATE

NAME DATE

EMPLOYEE:

NAME DATE

DATE OF NEXT EVALUATION:

****Individual responses to be attached to completed evaluation form.**

TOWN OF WENDELL

Employee Evaluation

Employee _____ Evaluator _____

Date of Hire _____ Date of Evaluation _____

The goal of supervision and evaluation of all personnel is improvement in their work and assurance of the effective operation of the department. Additional goals are the identification and recognition of employee strengths, areas for improvement, and employee effectiveness. Prior to the evaluation meeting between employee and evaluator, each will draft the “Strengths” and “Areas for Improvement” sections of this form. Differences may be negotiated at the meeting and a mutually agreeable final draft, with performance summary and comments of evaluator and employee, will be signed by both. If agreement is not achieved, the evaluator’s judgment will prevail. Copies of the evaluation will be made for each party and the file.

Sample Criteria for Employee Strengths and Areas for Improvement

- Execution of job responsibilities
- Productivity / quality
- Attendance / readiness
- Reliability
- Cooperation /communication
- Knowledge
- Judgment
- Initiative /motivation
- Equipment care and use
- Courtesy
- Safety
- Specific achievements

EMPLOYEE STRENGTHS

1. _____

2. _____

3. _____

EMPLOYEE AREAS FOR IMPROVEMENT

1. _____

2. _____

3. _____

EVALUATOR SUMMARY:

____ Satisfactory Performance

____ Corrective Action / Performance Improvement Plan

EVALUATOR COMMENTS:

EMPLOYEE SUMMARY COMMENTS:

For a description of Employment Practices, including Hiring, Probation, Employee Evaluation, Corrective Action / Performance Improvement Plan, Grievance Procedure, and Termination, please see the Town of Wendell Employment and Appointment Policy § VI.

DEPARTMENTAL LIST OF RESPONSIBILITY FOR EVALUATIONS

SELECTBOARD:

- TOWN COORDINATOR
- PROJECT COORDINATOR
- FINANCE DIRECTOR
- FIRE CHIEF

ROAD COMMISSION

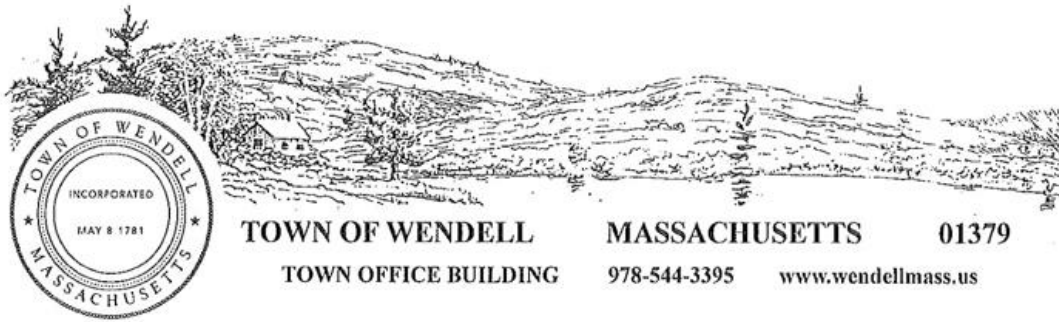
- HIGHWAY DEPARTMENT EMPLOYEES
- WRATS EMPLOYEES

ASSESSORS

- ADMINISTRATIVE ASSESSOR

LIBRARY TRUSTEES

- LIBRARY DIRECTOR



Town of Wendell Code of Conduct and Ethics for Elected and Appointed Officials
Adopted by the Selectboard, September 29, 2010
Reaffirmed, October 19, 2022

Honesty and Integrity

Honesty and integrity shall be the primary values in all issues. The public trust in elected and appointed officials of the town can be a reality only when public officials are truthful.

Fairness and Respect

All issues and citizens shall be handled with fairness, impartiality and respect. Elected and appointed officials, including committee and various board members have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting and acting with respect toward everyone they interact with in the course of their duties.

In reviewing, discussing and deciding issues, elected and appointed officials have an obligation to be accessible, open and direct, not only with the other town officials, but also to the citizens and business representatives who they interact with in as part of their official duties.

Discrimination and Harassment

Public decision-making must be fair and impartial and shall not be discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state, and town laws and ordinances.

It is the policy of the Town of Wendell that its elected and appointed officials conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, gender identification or religious persuasion.

In addition, it is the policy of the Town that the elected and appointed officials strive to create an operating environment between officials and the public that is productive and free from intimidation, hostility or other adversity. Harassment of any sort – verbal, physical, visual or otherwise – including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment relationship, by any elected or appointed official is prohibited and is considered a violation of this Code of Ethics.

General expectations for all elected and appointed officials:

- Remember that they represent the Town of Wendell at all times
- Accept their position as a means of unselfish public service, not to benefit personally, professionally or financially from his/her position
- Treat all other officials with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Work and act in good faith and with other officials, taking into consideration the fact that other people may be waiting for action or information from you in order to complete other tasks.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people
- Honor confidential information, seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest
- Conduct themselves so as to maintain public confidence in their local government and in their performance of the public trust
- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government, encourages the participation of others and maintains full compliance with the Open Meeting Law (MGL Chapter 39, Section 23B)

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WENDELL EMPLOYMENT AND APPOINTMENT POLICY
SIGNATURE PAGE

This acknowledges that I have received and reviewed the following list of documents. By signing this form, I agree to abide by these Policies and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policies are continually evolving. Therefore, I understand that my regular review of these Policies, as it may be amended, is required.

List of Policies and Guidelines:

- Town of Wendell Employment and Appointment Policy**
- Town of Wendell Sexual Harassment Policy**
- Town of Wendell Drug and Alcohol Policy**
- Town of Wendell Domestic Violence Leave Act Policy**
- Town of Wendell Code of Conduct**

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.