

# TOWN OF STONEHAM

## Personnel Policies



*February 23, 2024*

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## **1. INTRODUCTION**

The purpose of these Personnel Policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Stoneham, Massachusetts. As an employee of the Town of Stoneham, it is your responsibility to read and comply with the following personnel policies and any revisions made to these policies.

These policies do not constitute a contract between the Town and any one or more of its employees. All employees who are not subject to an individual employment contract or collective bargaining agreement are employees at-will.

### **1-1. Persons Covered Under These Policies**

The following personnel policies and procedures apply to all employees, volunteers and elected officials of the Town of Stoneham, except where specifically modified by an applicable collective bargaining agreement or individual employment contract. Employees of Stoneham Public Schools are not subject to these policies.

Employees that are members of a union may be subject to different rights and obligations under the terms of the collective bargaining agreement for their union. Certain employees may also be subject to specific state and federal laws. Where there is a conflict between a state or federal law and these Personnel Policies, the state or federal law shall apply.

### **1-2. Administration & Changes of Policy**

The Stoneham Select Board hereby grants the Town Administrator full authority to implement the policies of the personnel handbook. While this Authority is clearly stated in the Town Administrator-Selectmen Act the Select Board has submitted this statement to memorialize this further in these policies. The Town Administrator or their designee, in consultation with the Director of Human Resources and counsel as appropriate, shall review and update this personnel handbook biennially and as needed to comply with federal and state law.

The Town Administrator, in conjunction with the Human Resources Director, shall be responsible for developing and administering these Personnel Policies. The Human Resources Director will distribute these policies and any subsequent policy changes. Questions about these policies may be directed to the Human Resources Director.

The Town reserves the right to change any of its policies at any time with or without notice, in accordance with the Town of Stoneham Selectmen-Administrator Act and subject to applicable obligations under G.L. Ch. 150E. Changes will be effective on dates determined by the Town and you may not rely on policies that have been superseded.

### **1-3. Effective Date**

These Personnel Policies may be amended, revised or revoked by the Town at any time.

## 2. EMPLOYMENT

### 2-1. Definitions

- **Appointing Authority:** shall mean any Board or Official authorized by General Law, bylaw or otherwise to hire or fire employees.
- **Continuous employment:** Employment uninterrupted except for required military leaves and for jury duty, sick leave, bereavement leave, holidays and vacation and authorized leaves of absences.
- **Full-time employment:** Employees who are regularly scheduled to work a schedule of 35 hours or more per week. Generally, these employees are eligible for all benefits, subject to the terms, conditions, and limitations of each benefits program.
- **Part-time employment:** Employment for less than full-time employment as defined above. Employees who work 20 or more hours are eligible for benefits on a pro-rated basis, subject to the applicable collective bargaining agreement and the terms, conditions, and limitations of each benefits program. Employees who work less than 20 hours per week are not eligible for benefits.
- **Permanent employee:** An employee retained on a continuing basis in a permanent position as herein defined; an employee holding a permanent position or appointment under civil service law to a position deemed permanent within the meaning of such law.
- **Permanent position:** A position in the town's service which has required or is likely to require the services of an incumbent without interruption either on a full-time or part-time employment basis.
- **Position:** An office or post of employment in the town's service with duties and responsibilities calling for full-time or part-time employment of one person in the performance and exercise thereof.
- **Temporary, emergency, or seasonal position:** A position in the town's service which requires or is likely to require the services of an incumbent for a limited time and/or for a special purpose, either on a full-time or part-time employment basis.

### 2-2. Exempt and Non-Exempt Employees

All employees are designated as either non-exempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility.

- Non-Exempt Employees: Employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.
- Exempt Employees: Generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees

hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

### **2-3. Personnel Records**

All personnel records are considered confidential and are maintained by the Town in accordance with federal and state records management laws and regulations. The Town maintains a personnel file for each employee. These files contain documentation such as employment applications, rate of pay or other compensation information, employee evaluation documents, waivers signed by the employee, and any documents relating to disciplinary action against the employee. Employee medical information shall be maintained in a separate confidential file.

An employee may view their employment records by requesting access from the Town Administrator, Human Resources Director, or their designee. Such requests shall be subject to G.L. c. 149, §52C, which requires that the Town, after receiving a written request from an employee shall provide the employee with an opportunity to review such employee's personnel record within 5 business days of such request.

To ensure that your personnel file is up to date at all times, notify your supervisor or the Human Resources Department of any changes in your name, telephone number, home address, beneficiaries, scholastic achievements, and the contact person to notify in case of an emergency.

### **2-4. Probationary Period**

All newly appointed employees shall be subject to a twelve (12) month probationary period. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct and work habits.

During this probationary period, the employee may be terminated without benefit or recourse through any provisions of the laws of the Town of Stoneham or the Commonwealth of MA. Employees hired into positions covered by a collective bargaining agreement (union employees) should consult the applicable collective bargaining agreement for information regarding their probationary period.

### **2-5. Performance Evaluations**

All employees, regardless of their position on the Classification Plan, shall be subject to performance evaluations, which shall be prepared by the department head or appointing authority.

### **2-6. Promotions**

An employee who receives a promotion shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay or at a step that the appointing authority, subject to approval of the Town Administrator, believes the employee's qualifications and performance warrant. An employee who receives a promotion may be subject to pre-employment qualifications and processes, including but not limited to new CORI checks.

Unless specifically limited by an applicable collective bargaining agreement or applicable law, the Town reserves the right to promote the candidate most qualified for that position, regardless of seniority or other considerations.

## **2-7. Transfer between Departments**

Transfer from one department to another department within Town departments is subject to the approval of the Town Administrator including grade and step review. The effective date of the transfer shall be the employee's step date for the purposes of future satisfactory step increases.

## **2-8. Separation of Employment**

Separation of employment within an organization can occur for several different reasons. Employees who are separating from their employment for any reason shall receive payment for accrued but unused vacation leave.

### Resignation

Resigning employees are encouraged to provide at least two (2) weeks' notice, preferably in writing, to their department head and Human Resources. The two-week period should be exclusive of sick leave or vacation leave. The appointing authority, with the approval of the Town Administrator, may waive the need to work any or all of the two (2) week period. If the two (2) week period is waived, the employee will still be paid at their regular rate of pay for that time. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

### Retirement

Employees who wish to retire are encouraged to notify their department manager and the Human Resource department in writing at least one (1) month before the planned retirement date. Employees receiving additional payments linked to retirement through a collective bargaining agreement must comply with all notice requirements contained in that collective bargaining agreement.

Membership in the Stoneham Retirement System or other Town approved plans is provided for regular Town employees according to the provisions of G.L. Ch. 32 and its amendments as accepted by the Town.

### Termination

Termination or discharge is permanent separation from employment, initiated by the Town. The Town may discharge at-will employees at any time for any or no reason.

### Job Abandonment

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resources Director at the expiration of the third workday and initiate the paperwork to terminate the employee.

## **2.9 Return of Town Property**

When leaving employment with the Town, individuals must return all Town property at the time of separation, including uniforms, cell phones, keys, computers, files, identification cards and any other Town property. The separating employee shall contact the Human Resources Director as soon as notice is given to schedule an exit interview. The interview will be on the employee's last day of work or other mutually agreed upon date.

## **2-10. Rehire**

Former employees who left the Town in good standing and were classified as eligible for rehire may be considered for re-employment. An application must be submitted to the Human Resources department, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Supervisors must obtain approval from the Human Resources director or designee prior to rehiring a former employee. Rehired employees are subject to the same pre-employment procedures as other new employees and shall be eligible for benefits just as any other new employee. In limited circumstances, previous tenure may be considered in calculating longevity, leave accruals or any other benefits at the reasonable discretion of the Town Administrator in consultation with the Human Resources Director.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

## **3. EMPLOYEE CLASSIFICATION, COMPENSATION & HOURS OF WORK**

(Note: The following information may be inapplicable to employees who are members of a union. Employees should consult their collective bargaining agreement or speak with a union representative if they have a question regarding any right or benefit.)

### **3-1. New Employee Classification & Compensation**

Persons appointed to positions shall be paid at the minimum rate, provided, however, the appointing authority may recommend compensation at a higher rate on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate. Such a request shall be made to the Town Administrator in writing by the appointing authority at the time of employment or at the expiration of the probationary period. The Town Administrator shall approve or disapprove the request.

### **3-2. Hours of Work**

Work schedules are set by Town Administrator, Department Heads and/or Boards and may be changed to meet operation needs, subject to any applicable collective bargaining agreement.

### **3-3. Meal/Rest Periods**

The scheduling of meal and break periods is determined by the employee's immediate manager with the goal of providing the least possible disruption to Town operations. All breaks may only be taken with the approval of the employee's supervisor.

Employees who work at least six (6) consecutive hours will be provided an unpaid meal break of at least (thirty) 30 minutes. The meal period will not be included in the total hours of work per day and is not compensable.

Neither the lunch period nor the rest break(s) may be used to account for an employee's late arrival or early departure or to cover time off for other purposes—for example, rest breaks may not be accumulated to extend a meal period, and rest breaks may not be combined to allow one half-hour long break.

### **3-4. Overtime**

All overtime and/or compensatory time must be authorized in advance by the appropriate Department Head.

Employees are expected to work the hours that they are assigned. All positions are classified as either “Exempt” or “Non-Exempt,” as defined by the Fair Labor Standards Act (FLSA) and in Section 2-1 of these policies. Non-exempt employees who work over 40 hours in one week are eligible for overtime. Exempt employees, such as Department Heads and professional or administrative employees, are not eligible for overtime.

Non-exempt employees are paid 1½ times their regular rate for hours actually worked over 40 in a given workweek. A non-exempt employee who is required to work more hours than their regular schedule, but less than 40 hours during a given week, will be paid their regular rate for the additional hours worked.

### **3-5. Compensatory Time**

Depending on the needs of the department, non-exempt employees may be eligible to receive compensatory time in lieu of overtime pay. Compensatory time may be taken in lieu of overtime by mutual agreement of both the employee and their Department Head prior to the overtime hours being worked. Compensatory time is calculated at the rate of 1½ times the actual number of hours worked over 40 hours in a given workweek.

Employees shall not accrue more than 40 hours of compensatory time during a fiscal year. Compensatory time must be used within ninety (90) days of its accrual. Employees must track their accrual and use of compensatory time through the Town’s time tracking and payroll system. Accrued but unused compensatory time shall be paid out to the employee upon separation from employment. Exempt employees are not eligible for compensatory time.

### **3-6. Pay Periods/Payroll**

Employees are required to maintain accurate records of their time. All employees must complete their timesheets on a weekly basis, using the form provided by the Town, and must sign to verify its accuracy. Timesheets must be approved by the employee’s supervisor or Department Head. The Town reserves the right to track time through electronic or other means, as determined by the Town Administrator.

Employees are paid on Thursday on a weekly basis via direct deposit into an employee designated bank account. The work week starts on Saturday at 12:01 a.m. and ends on Friday 12:00 a.m. (midnight). Employees are paid on Thursday for the period that ended on the previous Friday. Please review your paycheck for errors. If you find a mistake, report it to Payroll/Human Resources immediately.

### **3-7. Travel and Expense Reimbursement**

Employees who are seeking reimbursement for work-related expenses, including expenses from approved work travel, must comply with the Town’s Fiscal Guidelines and Policies, which can be found at <https://www.stoneham-ma.gov/DocumentCenter/View/1691/Fiscal-Guidelines-May-1-2019>.

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and state wage payment laws. Work-related travel

must be authorized by the employee's department manager in advance. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements.

## 4. EMPLOYEE CONDUCT

### 4-1. Policy Against Unlawful Harassment, Sexual Harassment and Discrimination

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

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status. Prohibited behavior includes, but is not limited to, slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

To achieve the Town's goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this policy will not be tolerated. Because the Town of Stoneham takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, we will respond promptly to complaints of this type of conduct where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate up to and including termination.

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

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

#### Definitions

1. Discrimination: Discrimination is any decision that is made or action taken that is motivated by a bias because of an employee's:

- Age
- Disability
- Gender (including pregnancy)
- Gender Identity/Expression
- Genetics
- Military Status

- National Origin or Ancestry
- Race or Color
- Religion
- Retaliation
- Sexual Orientation

2. Harassment: Harassment is unwelcome conduct that is based on one or more of the above.

Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

3. Sexual Harassment: Sexual Harassment is specifically defined in Massachusetts law and means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

The legal definition of sexual harassment is broad. In addition to the above examples, 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 male or female workers may also constitute sexual harassment.

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

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- Comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town.

#### Applicability of Policy

It violates the policy of the Town of Stoneham for any employee to discriminate against and/or unlawfully harass another employee. Further, it is against the policy for an employee to discriminate against and/or unlawfully harass a non-employee and likewise for a non-employee to discriminate against and/or unlawfully harass an employee, provided the incident occurs in the workplace and within the jurisdiction of the Town.

The Town expressly prohibits any form of retaliatory action against an employee for filing a complaint of unlawful harassment and/or discrimination and for cooperating in an investigation of such a complaint.

#### Reporting and Investigation of Unlawful Harassment, Sexual Harassment, and/or Discrimination

The Town of Stoneham encourages employees who believe they are being unlawfully harassed, and/or sexually harassed to firmly and promptly advise the actor that their behavior is offense and/or unwelcome. The Town recognizes that in some instances such informal communications may be uncomfortable and/or ineffective. Therefore, the Town also has additional or alternative avenues of addressing concerns as follows: If an employee believes that they have been subject to unlawful harassment, sexual harassment, and/or discrimination of any type, they should report it immediately orally, or in writing to the Town Administrator at:

Dennis Sheehan, Town Administrator  
Stoneham Town Hall  
35 Central Street, 2nd Floor  
Stoneham, MA 02180

If an employee so chooses, due to the identity of the alleged offender and/or the circumstances of the alleged offenses, the employee has the option of making any report allegations of unlawful harassment, sexual harassment and/or discrimination to:

Donna Gaffey, Human Resource Director  
Stoneham Town Hall  
35 Central Street, 2nd Floor  
Stoneham, MA 02180.

All complaints will be investigated promptly under the direction of the Office of the Town Administrator. When the complaint is received, the Town will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

All information disclosed in the investigation will be held in the strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter. The Town's investigation will include a private interview with the person filing the complaint and with witnesses. The Town will also interview the person alleged to have committed unlawful harassment, sexual harassment, and/or discrimination. When the Town has completed its investigation, the Town, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct. Where it is appropriate, we will also impose disciplinary action up to and including termination.

#### Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of the Town's employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling, up to and including termination from employment, and may include other forms of disciplinary action as we deem appropriate under the circumstances. In the event that inappropriate conduct has been committed by an appointed official or volunteer of the Town, the Town reserves the right to vacate such appointment and/or end volunteer status.

#### State and Federal Remedies

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

1) **The United States Equal Employment Opportunity Commission ("EEOC")**

1 Congress Street - 10th Floor  
Boston, MA 02114  
(617)- 565-3200

*300 Day Period for Filing*

2) **The Massachusetts Commission Against Discrimination ("MCAD")**

Boston Office:  
One Ashburton Place - Rm 601  
Boston, MA 02108  
(617) 727-3990

Springfield Office  
436 Dwight Street, Rm 220  
Springfield, MA 01103  
(413) 739-2145

## **4-2. Pregnancy Accommodations**

Under the Massachusetts Pregnant Workers Fairness Act (effective April 1, 2018), employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, including the right to reasonable accommodations for conditions related to pregnancy.

### Reasonable Accommodations

The Town of Stoneham will provide a reasonable accommodation for an employee's pregnancy or any condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child if the employee requests such an accommodation. However, the Town of Stoneham may deny such an accommodation if the accommodation would impose an undue hardship on the Town of Stoneham's programs, enterprise or business.

### Notice and Documentation

Upon receiving a request for an accommodation from the employee or prospective employee capable of performing the essential functions of the position involved, the Town of Stoneham will engage in a timely, good faith and interactive process with the employee or prospective employee to determine an effective, reasonable accommodation to enable the employee or prospective employee to perform the essential functions of the employee's job or the position to which the prospective employee has applied. The Town of Stoneham requires the employee or prospective employee to provide documentation from an appropriate health care or rehabilitation professional about the need for a reasonable accommodation; however, the Town of Stoneham will not require documentation for the following accommodations:

1. more frequent restroom, food or water breaks;
2. seating;
3. limits on lifting more than 20 pounds; and
4. private non-bathroom space for expressing breast milk.

The Town of Stoneham also requires documentation for an extension of the accommodation beyond the originally agreed to accommodation.

An employee who notifies the Town of Stoneham of a pregnancy or of a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child will receive an additional copy of this notice not more than 10 days after the notification.

### Enforcement and Retaliation

The Town of Stoneham will not:

1. take adverse action against an employee who requests or uses a reasonable accommodation in terms, conditions or privileges of employment including, but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for a reasonable accommodation ceases;
2. deny an employment opportunity to an employee if the denial is based on the need to make a reasonable accommodation to the known conditions related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child;
3. require an employee affected by pregnancy or a condition related to the pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, to accept an

- accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job;
4. require an employee to take a leave if another reasonable accommodation may be provided for the known conditions related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, without undue hardship on the Town of Stoneham's program, enterprise or business;
  5. refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child; provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation and that reasonable accommodation would not impose an undue hardship, demonstrated by the Town of Stoneham, on the Town of Stoneham's program, enterprise or business.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact the Human Resources Director.

### **4-3. Workplace Safety**

The Town intends to comply with all applicable health and safety laws, including G.L. c. 149 §6 ½ and 454 CMR 25.00, which apply Federal Occupational Safety & Health Administration (OSHA) standards to Massachusetts municipal workplaces.

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner, in compliance with all Town and department safety policies and procedures, as well as all local, state, and federal safety and health regulations and program standards. Employees shall be furnished with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

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

Each employee shall observe all safety rules, operating procedures, facilities, safety clothing or equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for their working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events, and medical crises.

Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow Town safety and health guidelines or engaging in conduct that places the employee, public or Town property at risk can lead to employee disciplinary action and/or termination.

#### **4-4. Drug & Alcohol-Free Workplace Policy**

It shall be the policy of the Town of Stoneham that the possession, use and distribution of alcohol and, or illegal substances shall be prohibited in all Town premises at all times. The Drug-Free Workplace Act requires all employers to make a good faith effort to maintain a drug-free Workplace.

The following conduct is prohibited while working, operating a Town vehicle, being present on Town-owned or operated premises, or conducting Town business off-site:

- The use, possession, manufacturing, distribution or dispensing of alcohol, illegal narcotics or marijuana (including drug paraphernalia).
- Being impaired when reporting for work or while on duty due to the use or misuse of alcohol, illegal narcotics, marijuana, prescription narcotics, or any combination thereof. Employees found to be impaired while on duty may be subject to immediate discharge.

This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty, and ability to work safely. Employees must promptly disclose any work restrictions to their supervisor or Human Resources.

All employees are advised that marijuana is still an illegal controlled substance under Federal Law and use or possession of marijuana while on duty may result in discharge, even if the employee is in possession of a valid Massachusetts Medical Marijuana card or permit. Employees testing positive for marijuana may be subject to disciplinary action when appropriate.

#### Crimes Involving Drugs

Each employee shall notify the Town of any criminal conviction for an alcohol or drug violation occurring in the workplace no later than five (5) days after the conviction in a Federal or State Court.

Within ten (10) days after receiving notice of any criminal conviction or an alcohol or drug violation occurring in the workplace, the Town will either take appropriate action against the employee or refer the employee to a rehabilitation program.

#### Employee Assistance

Town of Stoneham will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

#### Required Testing

The Town retains the right to require the following tests for those employees who have Commercial Driver's Licenses as a condition of employment or who are covered under the Department of Transportation Drug and Alcohol Testing Program:

#### **Pre-Employment**

All applicants may be required to pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

### **Reasonable Suspicion**

Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Town Administrator must be consulted before sending an employee for reasonable suspicion testing.

### **Post-Accident**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Town vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within four (4) hours following the accident, if not sooner.

### **Follow-Up**

Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, The Town may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete their rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

### Consequences

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be subject to discipline, up to and including termination.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include a member of management and Human Resources. Should the results prove to be negative; the employee will receive back pay for the times/days of suspension.

### Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from an employee's regular personnel file.

### Inspections

The Town of Stoneham reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

## **4-5. Policy of Zero Tolerance for Workplace Violence**

Workplace violence undermines the integrity of the workplace and the personal safety of the individual employee. Therefore, the Town maintains a zero-tolerance policy for workplace violence. Effective

immediately, it is the policy of the Town that all of its employees work in an environment free from workplace violence.

For the purposes of this policy, “workplace” is defined as:

- Any Town owned or leased property, including surrounding areas such as sidewalks, walkways, driveways and parking lots under the Town’s ownership or control.
- Any location where Town business is conducted;
- Town vehicles or private vehicles being used for Town business;
- In addition, workplace violence can occur at any location if the violence has resulted from an act or decision made during the course of conducting Town business.

“Workplace violence” includes but is not limited to the following:

- Physical assault and/or battery;
- Threats and/or acts of intimidation communicated by any means that cause an employee to be in fear of their own physical safety or that of a colleague;
- Disruptive or aggressive behavior that places a reasonable person in fear of physical harm and/or that causes a disruption of workplace productivity; and/or
- Property damage.

Violent behavior can include actions or communication in person, by letter or note, telephone, fax, electronic mail, social media and/or any other form of digital communication. Incidents of workplace violence may be acted out individually or take place between employees, employees and clients/customers, employees and acquaintances/partners and employees and the general public.

Under this Policy, Employees shall:

- Ensure that they do not participate in any form of workplace violence
- Cooperate in the investigation of alleged workplace violence; and
- Report behavior in the workplace they believe to be workplace violence to their supervisor or the Town Administrator, or the police when appropriate

The Town will not tolerate retaliation against any person who brings a complaint of workplace violence in good faith, or serves as a witness in the investigation of a complaint. No individual shall be penalized in any way for having participated in such investigation. Any allegations of retaliation should be reported immediately to department head or the Town Administrator. Anyone found to have engaged in retaliation will be subject to discipline, up to and including termination of employment.

#### **4-6. Weapons-Free Workplace Policy**

To ensure that the Town maintains a safe workplace for all employees, the Town prohibits the possession or use of dangerous weapons at the workplace.

All Town employees are subject to this provision, including contract workers and temporary employees. Police Department personnel who carry weapons as part of their job function are excluded from this policy.

A license to carry a weapon does not supersede Town policy. Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

For the purposes of this policy, “workplace” is defined as:

- Any Town owned or leased property, including surrounding areas such as sidewalks, walkways, driveways and parking lots under the Town’s ownership or control.
- Any location where Town business is conducted;
- Town vehicles or private vehicles being used for Town business.

“Dangerous weapons” includes firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm. Weapons that are needed for a legitimate job function are excluded from this policy.

Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

Searches of Personal Property

The Town reserves the right at any time and at its discretion to search with reasonable suspicion all Town owned or leased vehicles and all packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy. The Stoneham Police Department will be notified and will assist as necessary.

Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including termination.

**4-7. Tobacco-Free Workplace Policy**

The purpose of this policy is to ensure that the Town of Stoneham offers a smoke-free and tobacco-free environment for its workers and citizens in and around any buildings or vehicles owned, leased or operated by the Town.

Tobacco products prohibited in this policy include but are not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization.

It shall be prohibited for employees utilize any and all tobacco products in the following areas:

1. In any Town owned or Town operated building;
2. Within 25 feet of any entrance to any Town owned or operated building;
3. Any Town worksite or Town work location;
4. Any vehicle owned, operated, leased or utilized by the Town for Town business;

Any employee having a complaint that they are being exposed to tobacco may object in writing to their Department Head. The Department Head must respond to the employee within ten (10) working days after receipt of the complaint.

The tobacco-free workplace policy applies to:

- All areas of Town buildings;
- All Town-sponsored off-site conferences and meetings;
- All vehicles owned or leased by the Town;
- All visitors on Town premises;
- All contractors and consultants and/or their employees working on Town premises;
- All employees, temporary employees and student interns;

Any employee who continues to knowingly violate this policy may be subject to disciplinary action up to and including termination. Police officers and firefighters hired after January 1, 1988 are subject to immediate termination for smoking any tobacco product.

#### **4-8. Confidentiality**

Our clients, taxpayers, and other parties with whom we do business entrust the Town with important information relating to their businesses. It is our policy that all information considered confidential will not be disclosed to external parties or to employees who do not have a business need to receive the information. Employees who are uncertain whether certain information is considered confidential should ask their immediate supervisor.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

All inquiries from the media must be referred to the Town Administrator.

#### **4-9. Conflicts of Interest**

Respecting and honoring the public trust placed in those who work in municipal government is an issue of paramount importance. In order to ensure that you are cognizant of your obligations and have full understanding of the implications of your actions and/or omissions all new employees are required to complete on-line conflict of interest law and ethics training within 30 days of beginning public service. Existing employees are required to complete this training every two years. The conflict of interest law, Chapter 268A of the General Laws, applies to all municipal employees, whether elected or appointed, full-time or part-time, paid or unpaid.

The municipal online training program is available at [www.mass.gov/ethics](http://www.mass.gov/ethics). Once you have completed the training program, print your completion certificate and submit to the Town Clerk's office. Please retain a copy for your records.

To electronically save your completion certificate, you must convert it to a pdf and then save it to your computer or network. You can also print and scan the completion certificate or save it to your computer as a screenshot. Either way, the completion certificate can then be emailed to the Town Clerk as an attachment.

#### **4-10. Prohibited Employment Relationships**

The Town of Stoneham wants to ensure that Town practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. The Town will not permit close relatives, those in a dating relationship or members of the same household to be in positions that have a reporting responsibility to one another. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in law, grandfather, grandmother, son, son-in-law, daughter, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins, and domestic partners.

If employees who are in a reporting situation described above become close relatives, members of the same household, or establish a dating relationship after employment, it is the responsibility and obligation

of the supervisor involved in the relationship to disclose the existence of the relationship to Human Resources.

The Town of Stoneham reserves the right to apply this policy to situations where there is a conflict of interest or the potential for a conflict of interest because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

#### **4-11. Attire and Grooming**

It is important for all employees to project a professional image while at work by being appropriately attired. Town employees are expected to be neat, clean and dressed according to the requirements of their positions. Some employees may be required to wear uniforms or safety equipment/clothing. Employees who do not have a specific uniform shall dress in “business casual.” Business casual dress is less formal than traditional business clothing, but still neat and professional. Examples of business casual dress include, but are not limited to: collared shirts, button-down shirts, blouses, khakis, skirts, or dresses. Examples of clothing that is not business casual include, but are not limited to: clothing with rips or tears, flip-flops, or t-shirts with advertisements or slogans. Please contact your supervisor for specific information regarding acceptable attire for your position.

The Town of Stoneham is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, up to and including termination.

#### **4-12. Vehicle Policy**

This policy is to set forth the guidelines under which Town vehicles will be authorized to employees and the guidelines under which Town vehicles may be used. The provisions of this policy apply to all general government employees, excluding the Police Chief and the Fire Chief. Employees whose employment is regulated by collective bargaining agreements are subject only to those provisions not specifically regulated by agreement.

It is the policy of the Town that certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of the Town and are assigned solely for the purposes consistent with providing services to those citizens.

The assignment of municipal vehicles during work time is based upon job description. Appointing authorities who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The assignment of vehicles may be rescinded at any time by the Department Head and/or Town Administrator.

For information regarding reimbursement for work-related use of an employee’s personal vehicle, please refer to the Town’s Fiscal Guidelines and Policies, which can be found at <https://www.stoneham-ma.gov/DocumentCenter/View/1691/Fiscal-Guidelines-May-1-2019>.

#### Rules Governing Use of Town Vehicles

1. Municipal vehicles must have the Town seal affixed on the drivers and passenger side doors and may only be used for legitimate municipal business.

2. Municipal vehicles will not be used to transport passengers who are not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Town vehicles.
3. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
4. Employees are expected to keep municipal vehicles clean, and to report any malfunction or damage to their supervisor immediately.
5. Employees' assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.
6. Employees and passengers must wear seatbelts in vehicles so equipped during operation of the vehicle.
7. Employees shall not operate municipal vehicles under the influence of alcohol, illegal drugs, marijuana or prescription drugs or medication that may interfere with effective and safe operation of the vehicle. Possession or transportation of alcohol, marijuana and/or illegal drugs in a municipal vehicle is prohibited.
8. In accordance with the Town's Tobacco-Free Workplace Policy and Massachusetts law, employees are prohibited from smoking in municipal vehicles.
9. The use of cell phones is prohibited while driving, except for emergency purposes. Texting while driving is strictly prohibited. All employees must comply with any and all applicable state laws regarding prohibitions on electronic devices and/or cell phones while driving including, but not limited to, the Massachusetts Hands Free driving law.
10. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once every six (6) months.
11. An employee who operates Town vehicles and is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of their motor vehicle license must notify their supervisor as soon as is practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
12. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
  - a. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the payment of such fines by the town is approved by the Town Administrator.
  - b. Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice may be grounds for disciplinary action.
13. Whenever a municipal vehicle is involved in a motor vehicle accident, or subject to damage, or in the event an employee's personal vehicle is damaged during an approved, work-related trip, the employee operating the vehicle is required to immediately notify their immediate supervisor. When the estimated damage exceeds \$1000.00, a Registry of Motor Vehicles Crash Report shall be filed with the Stoneham Police Department and/or police department with jurisdiction.

#### Special Circumstances

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of Stoneham, and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy must contact their Department Head and the Town Administrator for clarification and authorization of exceptions to the policy under mitigating circumstances.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination of employment.

#### **4-13. Discipline**

Town employees are expected to follow Town policies and applicable laws, and act in a professional, respectful manner at all times. Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform their duties to the best of their ability and to the standards as set forth in their job description or as otherwise established.

The Town of Stoneham will address issues such as poor work performance or misconduct with appropriate disciplinary actions. The Town's discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

The Town reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion, and discharge. The foregoing shall not limit the Town's right to discharge an at-will employee at any time and for any reason, or for no reason, as permitted under Massachusetts law.

### **5. TECHNOLOGY & INTERNET USE POLICY**

The Town of Stoneham provides employees with access to technological devices, software, email accounts, internet access and other technology in order to provide efficient, accurate, and timely services to the public. These resources are the property of the Town of Stoneham and should be used for appropriate business purposes only. Department Heads are responsible for determining which employees are authorized to use or access Town devices or technology for the performance of their job duties.

The following policy applies to all Town-owned devices, systems, networks, software, emails, voicemails, text messages and electronic files or data. For the purposes of this policy, "devices" includes all Town-owned computers, laptops, tablets, cell phones and any other technological devices granted to employees for the performance of their job.

Documents and data files stored on the Town's network are the property of the Town and may be accessed by authorized personnel for the purposes of, but not limited to, system maintenance, back-up, recovery, virus checking and adherence to this policy.

The Town may monitor and access Town-owned devices, systems, networks, software, emails, voicemails, text messages and electronic files or data within the Town's system, without notice to users of the system, in the ordinary course of business when the Town deems it appropriate to do so. Employees are advised that they have no legitimate expectation of privacy in regard to their use of Town-owned devices, software, email or internet access.

Town employees have an obligation to use electronic mail and their access to the Internet in a responsible and informed way, conforming to proper etiquette, customs, and courtesies.

Questions regarding acceptable use can be referred to the Human Resources or Information Technology (IT) Department. Department Heads may supplement this policy to accommodate their specific departmental circumstances.

#### Prohibited Activities

Employees are prohibited from using Town devices, email, software or internet for any of the following activities:

- Any illegal activity, including, but not limited to, the transmission of copyrighted or trade secret material, obscene or threatening materials, or the participation in any type of criminal activity.
- Transmission of materials used for commercial promotion, product endorsement or political lobbying.
- Attempts to violate the Town of Stoneham computer system or the computer system of any other municipality, institution, organization, company or individual.
- Software piracy, or the downloading and transferring of software for which the user does not have proper licensing.
- Downloading, copying or installing software programs without prior approval of their Department Head or IT Department
- To violate any of the Town's Personnel Policies

Any employee who violates this policy or uses the Town's computer system for inappropriate purposes shall be subject to disciplinary action, up to and including discharge.

#### Security & Use of User Accounts and Passwords

No user shall violate the computer security systems or procedures implemented by the Town, the Director of Information Technology (IT) or their designee, including proper use of passwords, security systems and virus detection programs. Personal cell phones or devices should not be connected to or synchronized with Town devices unless authorized by the Director of IT for business purposes.

Employees are expected to use caution before downloading or opening emails or files from unknown senders or websites. Employees must comply with policies and directives from the IT Department regarding security precautions. Employees must properly log off and secure Town electronic devices when they are not in use.

User accounts are unique and assigned to authorized individuals for Town business. The sharing or unauthorized use of a user account is strictly prohibited and a violation of this policy.

Passwords should be kept confidential at all times. Employees should endeavor to create passwords that are unique and not easily discoverable. The most secure passwords have a minimum of 6 characters and contain both letters and numbers.

Users should periodically change their passwords. Users needing instructions for changing their password should contact their Department Head or the IT Department.

#### Additional Considerations for the Use of Email

Email is an effective way to communicate with Town employees and other job-related contacts. Email is to be used for Town business only. Email and any related electronic files, software and services are the property of the Town of Stoneham.

Employees are reminded that email messages are considered public record. All provisions of the Massachusetts Open Meeting Law apply to email communication.

Email (particularly Internet email) should be viewed as an unsecured mode of communication. When it is necessary to send confidential information via email, employees must use encryption software. The Director of IT can provide instructions and information about how to use the Town's encryption software to send confidential emails. Employees should never assume that email messages or Internet postings are personal or confidential. All messages sent or received by electronic mail can be tracked and monitored by the Town's computer system.

## **6. SOCIAL MEDIA POLICY**

The Town utilizes social media to provide pertinent information to residents quickly and to educate the public concerning town events, public emergencies, and other news. For the purposes of this policy, "social media" should be broadly understood to include social networking platforms, blogs, wikis, microblogs, message boards, chatrooms, electronic newsletters, online forums, and other sites and services that permit users to share information with others in a contemporaneous manner.

The Town permits authorized users to utilize social media on behalf of the Town to further enhance communication with its residents and various stakeholders in support of Town goals and objectives.

The purpose of this policy is to define standards for authorized users of the Town's social media accounts, as well as standards for the personal use of social media by Town employees.

The Select Board reserves the right to modify or amend the above Policy or to adopt such other, additional Policies, as said Board may deem necessary.

Questions regarding this Policy should be directed to the Town Administrator's Office. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued.

Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Stoneham.

### **Business Use**

1. The Town of Stoneham's official website, <https://www.Stoneham-ma.us/>, remains the Town's primary and predominant manner of sharing official Town information. Whenever appropriate, content posted on the Town's social media accounts shall also be available on the Town's main website. Content posted on the Town's social media sites should contain links directing users to the Town's official website for additional information, forms, documents, or online services necessary to conduct business with the Town.
2. All Town profiles, accounts and sites must be presented and maintained in a professional manner which will not discredit the Town, its mission, or employees. The Town's social media profiles shall clearly indicate that they are maintained by the Town and shall prominently display necessary Town contact information. All Town social media sites shall include the prominent placement of the official town seal, if available, along with the following notification:

"This is the (Facebook, Twitter, Instagram, etc.) page for the Town of Stoneham, Massachusetts. For more information, please visit the Town's official website at <https://www.Stoneham-ma.us/>. The purpose of the Town page is to provide general

public information only. Should you require a response from the Town or wish to request town service, visit the website or call (781) 279-2600.”

3. Social media accounts shall:
  - a. Serve as channels for disseminating time-sensitive information as quickly as possible;
  - b. Serve as marketing/promotional channels for Town activities, functions, and notices;
  - c. Comply with the administrative rules, regulations and policies of the Town, as well as state and federal laws, including Massachusetts Ethics and Conflict of Interest laws.
4. The approved administrators of the Town’s social media accounts are the Town Administrator, the Select Board’s Administrative Assistant, the members of Select Board, or their designee(s). The Fire Chief and Police Chief are the designated administrators for their departments’ social media pages. Additional social media administrators and/or accounts may be approved by the Select Board or its designee. All departments must maintain a list of personnel with access to Town social media pages and accounts and must ensure that access is properly transferred. No employee shall create, maintain, or contribute to any social media site representing the Town of Stoneham unless authorized to do so. Should an employee authorized to post on behalf of the Town violate any provision under the Business Use portion of this policy, their privileges to post in this capacity may be revoked, and the employee may be subject to discipline.
5. Social media and other types of online content may result in press and/or media inquiries. Employees should refer these inquiries to the Town Administrator or Select Board.
6. Social media accounts shall not be used for deliberation or decision-making amongst members of any board or committee. Social media may be used for the purpose of sharing information with the public, but under no circumstances shall social media be used to violate or evade the requirements of Massachusetts Open Meeting Law. Discussion of a pending matter by more than one (1) member of a board or a committee may be construed to be a violation of the Open Meeting Law.
7. Users of Town social media accounts are expected to communicate in a respectful and civil manner, and are expected to act in accordance with all Town policies. Users should not post profane, obscene, threatening or harassing content and should not post content that promotes discrimination on the basis of protected class such as race, color, sex, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, genetic information or military status. Posts on the Town’s social media accounts shall not be of a personal or political nature and shall not constitute as an endorsement for any business, public figure, or other entity.
8. The Town’s social media accounts may accept comments from the public. The Town retains the right to moderate these accounts and restrict speech that is obscene, threatening, discriminatory, harassing, or off topic. Authorized users of the Towns social media accounts may not moderate Town social media pages to restrict speech with which the employee or Town merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.
9. When an authorized user responds to a comment in their capacity as a Town employee, the employee should do so in the name of the Town and or Town department, and the employee shall not share personal information about themselves or other Town employees except as required for

Town business. Employees shall not disclose unauthorized, confidential or sensitive information and/or materials using electronic devices or social media.

10. Authorized users of the Town's social media accounts must get appropriate permission before posting images of current or former employees, members, vendors, or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
11. Authorized users of the Town's social media accounts must keep the Town's social media accounts separate from personal accounts.

**Personal Use:**

The behavior of Town employees is a reflection of the Town, including activities on personal social media accounts. Employees are expected to behave in a responsible manner. Employees should be aware that the Town may observe content and information made available by employees through social media. Employees have the right, as citizens, to comment on matters of public concern, however, the Town, as the employer, also has the right to ensure the efficiency of the public services it provides through its employees. Employees should be particularly careful about posting content that could undermine public confidence in the Town, and our ability to professionally serve our citizens.

Employees should use their best judgment and refrain from posting material that is inappropriate or harmful to the Town, its employees, and citizens. Subject to applicable law, online activity outside of work that violates the Town's Personnel Policies may subject an employee to disciplinary action, up to and including termination.

1. Employees should not publish, post or release any information that is considered confidential, private or is otherwise not available to the public.
2. Employees should not engage in activities that are unlawful or in violation of Town policies. Employees should not post, publish or share content that interferes with their ability to perform their duties or constitutes conduct unbecoming a municipal employee. Posting, publishing or sharing the following content may constitute conduct unbecoming a public employee, and may subject that employee to disciplinary action, up to and including termination:
  - Harassment, including sexual harassment or content that creates a hostile work environment
  - Photos, video, or other depictions of other employees without their permission
  - Discriminatory statements (racial, sexual, sexual orientation, religion, national origin, disability, or any other demographic)
  - Threats of violence
  - Conduct in violation of any federal, state, or local law, rule, or regulation
3. Employees who publish content related to the Town must make it clear that their personal statements, opinions, and/or beliefs are their own, and that they do not represent or speak on behalf of the Town.
4. Computer systems are to be used for business purposes only. Personal use of social media networks during work time is discouraged and may result in disciplinary action.

5. The Town prohibits retaliation against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another for reporting a possible violation or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Violations of this policy should be reported to the Town Administrator or Human Resources.

## 7. TIME OFF/LEAVES OF ABSENCE

### 7-1. Holidays

Employees will be paid for the following Town holidays that are observed on their regularly scheduled workdays:

New Year’s Day	Independence Day
Martin Luther King Day	Labor Day
Presidents Day	Columbus Day
Patriot’s Day	Veteran’s Day
Memorial Day	Thanksgiving
Juneteenth	Christmas Day

Holidays which fall on a Saturday will be observed on the proceeding Friday and those falling on a Sunday will be observed on the following Monday.

Permanent full-time employees shall receive holiday pay at their regular hourly rate.

Permanent part-time employees who work a scheduled minimum of twenty (20) hours per week shall receive holiday pay on a pro-rata basis, based on the based on the number of hours regularly scheduled on the day on which the designated holiday occurs.

### 7-2. Vacations

Full-time employees are eligible for paid vacation time according to the following schedule, unless otherwise noted in an applicable collective bargaining agreement. The Town Administrator has the authority to provide additional vacation leave to a new employee based on their level of experience and qualifications.

Eligible employees shall be credited with vacation accruals in January of each calendar year, in accordance with this policy, or as specified by contractual agreement. For payroll purposes, vacation leave shall be converted into hours in accordance with the employee’s regular weekly scheduled hours.

Effective May 11, 2022, employees will earn vacation leave in accordance with the following:

After Continuous Service (in Years)	Vacation Leave
Less than 1 year	Pro-rated
1 year through 4 years	2 weeks
5 years through 9 years	3 weeks
10 years through 19 years	4 weeks

20 years through 29 years	5 weeks
30 years or more	6 weeks

Employees are paid their regular base rate for vacation weeks. Vacation schedules must be approved in advance by Department Heads and must be taken within 12 months of being granted. Employees may carryover a maximum of fifteen (15) vacation days into the next calendar year, with the approval of their Department Head and the Town Administrator. Carried over vacation time must be used by June 30<sup>th</sup> or the vacation time will be forfeited.

Employees who are out of work on January 1 for any reason other than vacation are not eligible to receive vacation benefits until they return to work.

If a designated holiday, as outlined in Section 7-1 above, occurs during an employee's approved vacation leave, the employee shall receive holiday pay and shall not be charged a vacation day.

### **7-3. Sick Leave**

Unless otherwise noted in an applicable collective bargaining agreement, full-time, non-probationary employees shall accrue 1.25 days of sick leave per month of service. No employee shall accrue more than one hundred and twenty (120) sick days.

The intent of the sick day policy is to provide salary continuation during an employee's reasonable period of absence due to bona fide illness or injury. While sick days are intended to cover an employee's own illness or injury, a maximum of five (5) sick days may be used for an immediate family member's illness each fiscal year. Immediate family for the purpose of this section shall, except in unusual circumstances, include husband, wife, domestic partner, children, parent, brothers or sisters. If leave beyond five (5) days is needed to care for an immediate family member, the employee should refer to the FMLA policy.

#### Notice & Certification

Sick leave will commence on the date and time that notification of the employee's sickness, injury or quarantining is given to the department head by the employee or the employee's family or physician. Notification shall be made to the employee's supervisor prior to starting time, unless emergency circumstances cause delay.

The department head or Human Resources Director may request a physician's certificate of illness after three (3) days absence or after a series of repeated absences during the year.

#### Sick Leave Abuse

The Town retains the right to discipline any employee who evidences a pattern or practice of sick leave abuse. Sick leave abuse includes but is not limited to the following: absences before or after vacation periods, holidays, or other scheduled days off.

### **7-4. Personal Days**

All regular full-time and part-time employees who have completed their probationary period will receive three (3) personal days per fiscal year. Unused personal time cannot be carried over into the following fiscal year and is not paid out upon separation from the Town.

### **7-5. Unpaid Leave of Absence**

Employees may request a leave of absence without pay. The request shall be in writing to the Department Head stating the reason the leave of absence is being requested and the beginning and ending dates. The Department Head will submit the request with their recommendations to the Town Administrator for approval. The Town Administrator may grant the unpaid leave of absence for a maximum of thirty (30) calendar days.

### **7-6. Leave Accrual during Absence**

An employee shall continue to accrue sick time during vacation and paid sick leave but shall not accrue any paid time off after three (3) months of absence and/or when receiving Workers' Compensation benefits.

### **7-7. Outside Employment**

Employees shall not engage in any other employment or occupation while on paid sick leave, Workers Compensation leave or injured on duty status pursuant to G.L. c. 41, §111F.

### **7-8. Family & Medical Leave Act**

Upon hire, Town of Stoneham provides all new employees with notices required by the U.S. Department of Labor (DOL) on [Employee Rights and Responsibilities under the Family and Medical Act](#) .

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Any employee that is absent due to illness or injury for more than five (5) consecutive days will receive notice of FMLA rights and an application for FMLA leave.

#### General Provisions

Under this policy, Town of Stoneham may grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

#### Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the Town for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the Town within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

#### Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (Under the FMLA, a “spouse” means a husband or wife as defined under the law in the state where the employee resides, including same-sex marriages in states that legally recognize such civil unions).
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A “serious health condition” is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the Town’s sick leave policy are encouraged to consult with the Town Administrator or Human Resources Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the Town may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

***Covered active duty means:***

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (*Son* or *daughter* for this type of FMLA leave is defined the same as for *child* for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

*Next of kin* is defined as the closest blood relative of the injured or recovering service member.

***The term covered service member means:***

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

***The term serious injury or illness means:***

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

#### Amount of Leave

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The Town will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the Town will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Town and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### Employee Status and Benefits during Leave

While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

#### Employee Status after Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

#### Use of Paid and Unpaid Leave

**All paid vacation, personal, and sick leave runs concurrently with FMLA leave.**

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

#### Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under limited circumstances, subject to Town approval, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

#### Certification for the Employee's Serious Health Condition

The Town will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### Certification for the Family Member's Serious Health Condition

The Town will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### Certification of Qualifying Exigency for Military Family Leave

The Town will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

The Town will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### Recertification

The Town may request recertification by the health care provider as often as every thirty days. However, if the initial certification indicates that the minimum duration of the serious health condition will be more than thirty days, the Town will wait until that minimum duration expires before requesting recertification.

Recertification may also be required in the following instances:

- The employee requests an extension of leave;
- Changed circumstances occur regarding the illness or injury;
- The Town's reception of information which casts doubts upon the continuing validity of the certification.

If the initial medical certification indicates that the employee will need intermittent or reduced schedule leave for longer than six months, including cases where the serious health condition has no anticipated end, the Town may request a recertification every six months, but only in connection with an absence by the employee.

#### Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide the Human Resources Director with written notice of the need for the leave. Within five business days after the employee has provided this notice, Human Resources will provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the Town with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Town's usual and customary notice and procedural requirements for requesting leave.

#### Designation of FMLA Leave

Within five (5) business days after the employee has submitted the appropriate certification form, Human Resources will provide the employee with a written response to the employee's request for FMLA leave.

### Intent to Return to Work from FMLA Leave

The Town may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **7-9. Small Necessities Leave**

The Town will grant employees who have worked for the Town for at least twelve (12) months and have provided at least 1,250 hours of service in the preceding twelve (12) month period with up to twenty-four (24) hours of unpaid leave during any twelve (12) month period, in addition to any FMLA leave, to participate in various activities.

These activities include: attending a parent-teacher conference, accompanying a son or daughter to routine medical appointments or accompanying an elderly relative, related by blood or marriage, to routine medical or dental appointments or appointments for other professional services related to the relative's care, such as interviewing at nursing homes. Employees must provide seven (7) days' advance notice of their need for leave. If the need was not foreseeable, the employee must provide the Town with as much notice as possible. An eligible employee first must substitute any accrued paid time off for this leave.

### **7-10. Parental Leave**

An employee who has completed three (3) consecutive months of full-time employment may be entitled to eight (8) weeks of parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child or for the placement of a child with an employee pursuant to a court order. An employee who either has multiple births or adopts more than one (1) child at the same time is entitled to eight (8) weeks of leave for each child. If two (2) employees seek to take parental leave in connection with the same child, then they are entitled to a total of eight (8) weeks of parental leave in the aggregate for the birth or adoption of that child.

In order to be eligible for this leave, an employee must give notice of the anticipated date of departure and intention to return to work to the Human Resources Department at least two (2) weeks in advance, or as soon as practicable if the delay is for reasons beyond the employee's control.

Parental leave will be without pay, but an employee must use accrued vacation or personal time for the period of leave covered by this policy if available. Employees giving birth to a child may also use accrued sick time for the period deemed by the physician as unable to work. Parental leave runs concurrently with FMLA leave when an employee is eligible for both.

Employees with questions or concerns regarding this policy can contact the Human Resources Department.

### **7-11. Domestic Violence Leave**

Employees are entitled to up to 15 days of unpaid leave from work in any 12-month period if, as defined by applicable law:

1. The employee, or a family member of the employee, is a victim of abusive behavior;
2. The employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court;

- appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
3. The employee is not the perpetrator of the abusive behavior against such employee's family member.

Except in cases of imminent danger to the health or safety, an employee seeking leave from work under this policy must provide to the Town with appropriate advance notice of the leave. If there is a threat of imminent danger to the health or safety of the employee or the employee's family member, the employee is not be required to provide advanced notice of leave; provided, however, that the employee must notify the Town within three (3) workdays that the leave was taken or is being taken pursuant to this policy.

Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

If an unscheduled absence occurs, no negative action will be taken against the employee if the employee provides any of the documentation described in (1) to (7) below within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences.

Employees must provide documentation that the employee or employee's family member has been a victim of abusive behavior and that the leave taken is consistent with this policy. However, an employee will not be required to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. Employees must provide such documentation within a reasonable period after the Town requests documentation relative to the employee's absence. An employee may satisfy this documentation requirement by providing any of the following documents:

1. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
2. 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 against the employee or the employee's family member.
3. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
4. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
5. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
6. A sworn statement, signed under the penalties of perjury, 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.

7. A sworn statement, signed under the penalties of perjury, 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.

Information related to the employee's leave under this policy will be kept confidential and will not be disclosed, except to the extent that disclosure is:

1. Requested or consented to, in writing, by the employee;
2. Ordered to be released by a court of competent jurisdiction;
3. Otherwise required by applicable federal or state law;
4. Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
5. Necessary to protect the safety of the employee or others employed at the workplace.

An employee seeking leave under this policy must exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking leave under this policy, unless otherwise provided by the Town. Domestic Violence Leave shall be taken in increments of not less than two (2) hours.

The Town will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided under this policy or to make leave requested or taken hereunder contingent upon whether or not the victim maintains contact with the alleged abuser. The Town will not discharge or in any other manner discriminate against an employee for exercising the employee's rights under this policy. The taking of leave under this policy will not result in the loss of any employment benefit accrued prior to the date on which the leave taken under this policy commenced. Upon the employee's return from such leave, to the extent required by applicable law, the employee will be entitled to restoration to the employee's original job or to an equivalent position.

#### **7-12. Bereavement Leave**

In the event of a death in the immediate family of a full-time or part-time employee, the employee shall be paid up to four (4) day's pay for otherwise working time within the period from the date of the death through the day after the funeral service. Immediate family shall include only the employee's spouse, child, mother, father, sister or brother, as well as in-laws and close relatives residing with the employee.

A full-time or part-time employee will be paid up to two (2) day's pay for otherwise scheduled working time for the purpose of attending the funeral of an in-law other than stated above, or aunt, uncle or grandparents. In-law is interpreted to mean the mother-in-law, father-in-law, sister-in-law and brother-in-law of an employee, but is not intended to include the brothers-in-law or sisters-in-law of the employee's wife or husband.

With the approval of the Town Administrator, department heads are authorized, on a case-by-case basis, to grant bereavement leave in unique or extraordinary situations not currently covered by this article.

#### **7-13. Jury Duty**

The Town will provide the difference between an employee's base wage/salary and jury duty pay for a maximum of 30 calendar days when an employee is called to serve on a jury. When an employee is called to jury duty, the employee must notify their supervisor as soon as possible. In order to receive the difference in pay, the employee must provide the Town Accountant with the court's verification voucher.

The employee must be full-time benefit eligible. In the event that a Town employee is called to serve on the grand jury, the employee is required to report to work on any regular work days that they are not called to serve on the grand jury.

#### **7-14. Military Leave of Absence**

Town of Stoneham is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Town's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised their rights under applicable law or Town policy. If any employee believes that they have been subjected to discrimination in violation of Town policy, the employee should immediately contact the Town Administrator or the Human Resources Director.

Employees taking part in a variety of military duties are eligible for leave under the Town's bylaws. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

**Employees seeking a Military Leave of Absence should consult Human Resources.** A written request for leave and a copy of the employee's military orders must be presented to the employee's Department Head and Human Resources as soon as the employee is informed of their schedule.

A permanent employee activated for full-time service by the National Guard, Reserves, other federal or state military or civil defense organization or by a federal or state emergency service organization or by federal or state emergency service organization shall, if their total compensation for serving in said federal and/or state position is less than the regular compensation they received in their Town employment, receive from the Town the difference between said amounts.

A permanent employee who is activated for part-time service by the National Guard, Reserves, other federal or state military or civil defense organization or by a federal or state emergency service organization shall, if their Town compensation for serving in said federal and/or state position together with their total compensation for continuing to work as a town employee is less than the compensation they received in their Town employment prior to said service, receive from the Town the difference between said amounts.

Compensation for purposes of this Section shall be defined and calculated as "base pay" for both the employee's Town position and their position with the National Guard, Reserves, other federal State military or civil defense organization or by federal or state emergency service organization. The employee's bay pay shall include any subsequent automatic step increase in salary and/or any cost of living increase said employee would receive if they had been in their regular employ of the Town during such period of time.

## **8. HEALTH & DENTAL BENEFITS**

For more information regarding benefits programs, please contact the Human Resources Department.

### **8-1. Medical, Dental, and Vision Insurance**

Permanent employees who work a minimum of twenty (20) hours per week are eligible to enroll in the Town's medical, dental and vision insurance coverage options.

New employees will receive plan and enrollment information from Human Resources. Once plan elections are made, they are fixed for the remainder of the plan year unless there is a qualifying event such as marriage, birth of a child, loss of employment, or divorce, to name a few. For a full list of qualifying events please contact the Benefits Coordinator. Premiums may be deducted from employees' payroll.

At the end of each fiscal year during open enrollment, employees may change medical and dental elections for the following fiscal year. Open enrollment is generally in April and changes are effective July 1<sup>st</sup> of given year. The Human Resources Department is available to answer benefits plan questions and assist in enrollment as needed.

Employees and eligible dependents may be eligible to continue health insurance under the provisions of Section 9-2.

### **8-2. Continuation of Health Insurance (COBRA)**

When an employee who is a member of the Town's group health insurance plan ceases their employment, the employee and their eligible dependents may be eligible to continue health insurance under the provisions of COBRA.

Former employees and their covered dependents will have the opportunity to continue medical and/or dental benefits for a period of up to 36 months under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical and/or dental coverage for employees or covered dependents would otherwise end due to:

- Death of the employee
- Termination of employment, for a reason other than gross misconduct; or
- Change in employment status due to a reduction in hours; or
- A child's loss of dependent status under the terms of the medical and/ or dental plan; or
- Divorce or legal separation; or
- The employee becomes entitled to Medicare.

In the event of divorce, legal separation, or a child's loss of dependent status, the employee or a family member must notify Human Resources within thirty (30) days of the occurrence of the event.

Human Resources will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

For more information regarding COBRA, you may contact the Human Resources Director.

### **8-3. Group Life Insurance**

Full-time employees and part-time employees with at least twenty (20) hours per week are eligible for basic and voluntary life insurance.

### **8-4. Workers' Compensation**

In accordance with Chapter 152 (Sections 1-86) 52E of the Massachusetts Laws, all employees (except Police and Fire) are entitled to the benefits and provisions of this law. While an employee is placed on Workers' Compensation leave, the employee's benefit accruals (i.e. sick, vacation, personal, other) as well as payment of stipends are suspended. Benefit accruals and payment of stipends will be reinstated effective upon the date an employee returns to active work. An employee returning to work on a full-time basis will begin accruing benefits at 100%; an employee returning to work on a less than full-time basis will begin accruing benefits on a pro-rated basis based on the percent of time they are working.

An employee who is out on Workers' Compensation leave is responsible for the continued payment of their share of health insurance, life insurance and any voluntary insurance premiums. Leave benefits should be coordinated with the Human Resources Department, Treasurer's Office and Accountant's Office.

During the initial five (5) day waiting period, while the workers' compensation claim is being evaluated and before any loss wages benefits may be paid, the employee may use their available paid leave accrual. If an employee is placed on Workers' Comp leave and loses more than twenty-one (21) days of lost work time as calculated by the Town's insurance carrier, the employee may request to buy back the leave used within the initial five (5) day waiting period. Specified requirements and procedures for requesting buy back of leave and a description of this buy-back provision are available in Human Resources.

Employees shall not engage in any other employment or occupation while on paid sick leave, Workers Compensation leave or injured on duty status pursuant to G.L. c. 41, §111F.

### **8-5. Employee Assistance Program (EAP)**

Eligible full-time and part-time, regular employees may participate in our Employee Assistance Program immediately upon hire.

Our Employee Assistance Program (EAP) helps eligible employees and their immediate families with a wide range of problems, 24 hours per days, and 7 days per week. Situations addressed by the EAP include marriage and family problems, emotional problems, alcoholism and alcohol abuse, drug abuse and dependency, financial problems, compulsive gambling and eating disorders. Your conversations and all records are strictly confidential. The administrative cost of this program is fully paid by the Town. You can reach the MIAA EAP at (800) 451-1834. Employees who are enrolled in the Town's health insurance may also contact the Mass4You EAP at (844) 263-1982.

## **9. EMERGENCY CLOSURES**

In the event of severe weather, power failures, or other emergencies, the Town may need close or delay Town operations. In such cases, employees will be notified via an automated message and/or email. New

employees should register for Town email alerts in order to receive such messages. Essential employees may be required to report to work even when certain Town operations are closed. Employees who fail to report to work due to poor weather conditions while Town operations remain open must use their accrued paid leave or they will be unpaid.