

TOWN OF SHERBORN
PERSONNEL ADMINISTRATION PLAN

(Added 1989; amended 1996, 1998, 2000, 2009, 2011, 2012, 2013, 2015)

The following is the Personnel Administration Plan for the Town of Sherborn, which has been approved by the Town of Sherborn at its Annual Town Meeting held on April 28, 2009 pursuant to Section 4 of Chapter 20 of the By-Laws of the Town of Sherborn, as amended; and which fully amends and restates the Personnel Administration Plan approved by the Town of Sherborn at its Annual Town Meeting on April 25-26, 1988, as previously amended in 1996, 1998, 2001 and 2008.

1. DEFINITIONS

As used in this Personnel Administration Plan, the following terms shall have the following meanings:

- a. "Appointing Authority" shall mean an Appointing Authority as defined in Section 1 of the By-Laws.
- b. "By-Law" shall mean the Personnel By-Law of the Town of Sherborn, as adopted and amended from time to time as Chapter 20 of the By-Laws of the Town of Sherborn.
- c. "Department" shall mean a Department as defined in Section 1 of the By-Laws.
- d. "Department Head" shall mean Department Head as defined in Section 1 of the By-Laws.
- e. "Employee" shall mean an Employee as defined in Section 1 of the By-Laws.
- f. "Employment" shall mean the time during which an Employee is actively employed by the Town or is absent from active Employment as authorized pursuant to this Plan.
- g. "Job Classification Plan" shall mean Appendix A to this Plan.
- h. "Plan" shall mean this Personnel Administration Plan, as amended from time to time, including the Job Classification Plan.
- i. "Town" shall mean the Town of Sherborn.
- j. "Work Week" shall mean the period of time beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the next Saturday.
- k. "Year," "Annual," or "Yearly" shall mean the fiscal year commencing on July 1 and ending on the following June 30.

2. APPLICATION

This Plan shall apply to all Town Departments and to all positions in the service of the Town to which the By-law is applicable, provided, however, (1) that the terms and conditions of Employment for any Department Head or Police Department Superior Officer with whom the

Board of Selectmen has negotiated and entered into a written employment agreement shall be governed by the terms of that employment agreement; and (2) sections 12, 13, 14, 23, 24, 25, and 30 shall apply to all employees of the Town whether or not such employee is elected or appointed, is subject to a collective bargaining agreement or has entered into a written employment contract with the Town.

3. TYPES OF EMPLOYEES

a. JOB CLASSIFICATIONS

Employees of the Town shall be designated as working in one of the Job Classification/titles listed in Appendix A. Employees who work in Job Classifications I, II and III shall be deemed to be exempt Employees, as that term is defined under federal and state law. Employees who work in Job Classifications IV, V and VI shall be deemed to be non-exempt Employees, as that term is defined under federal and state law.

b. REGULAR FULL-TIME

Employees regularly scheduled to work at least 40 hours per Work Week are Regular Full-Time Employees.

c. REGULAR PART-TIME

Employees regularly scheduled to work at least 20 hours per Work Week but not more than 39 hours per Work Week for no less than 10 consecutive months in any Year are Regular Part-Time Employees.

d. SUPPLEMENTAL PART-TIME

Employees regularly scheduled to work fewer than 20 hours per Work Week are Supplemental Part-Time Employees.

e. CASUAL PART-TIME

Employees who work for the Town on an occasional basis and are paid an hourly rate for such work are Casual Part-Time Employees.

f. TEMPORARY OR SEASONAL

Employees employed on a full-time or part-time basis for a specific short and defined period of time not exceeding six consecutive months in any one Year are Temporary or Seasonal Employees.

4. WORK HOURS AND PAY

- a. Employees are generally scheduled to work four or five days per Work Week with their allotted hours distributed over those days, depending on the needs of their Department. Employees who work six or more hours in any one day are scheduled for a one-half hour unpaid meal period. Daily and weekly work schedules may be changed from time to time

at the discretion of the Town to meet the varying needs of the Town. Employees may be asked to work more or fewer than eight hours in any given day, and to work those hours consecutively or with a break of several hours, depending on the Town's needs. Changes in work schedules will be announced as far in advance as practicable.

- b. Non-exempt Employees will receive compensatory time for all hours worked in any single Work Week in excess of their regularly scheduled hours. Non-exempt Employees will accrue 1 hour of compensatory time for every hour worked in excess of their normal hours in any Work Week up to 40 hours and 1.5 hours of compensatory time for each hour worked in excess of 40 in any Work Week. Compensatory time must be approved by the employee's supervisor, and supervisors must maintain written records of all additional hours worked. Such compensatory time may be used in the same manner as vacation time. Employees must use accrued compensatory time, if any, before using vacation time. When an Employee's Employment terminates for any reason, the Employee will be paid for all accrued, unused compensatory time at the Employee's hourly rate in effect at the time of termination.

Exempt Employees are salaried, and are expected to work the hours necessary to complete their assignments in a professional manner. Department Heads may exercise discretion in modifying schedules from time to time in recognition of excess hours worked, provided that such scheduling changes do not result in increased payroll expense.

- c. Under the Fair Labor Standards Act (FLSA), exempt Employees are paid on a "salary basis," meaning that the Employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the Employee's work. Subject to exceptions listed below, an exempt Employee must receive the full salary for any Work Week in which the Employee performs any work, regardless of the number of days or hours worked. Exempt Employees do not need to be paid for any Work Week in which they perform no work.

Deductions from the pay of exempt Employees will be made only in the following circumstances: (1) an exempt Employee is absent from work for one or more full days for personal reasons other than sickness or disability and has used all of his/her vacation and personal days; (2) an exempt Employee is absent from work for one or more full days due to sickness or disability, the Employee has used all of his/her sick days, and the Employee is not eligible for short term disability pay; or (3) to offset amounts Employees receive as jury duty fees, or for military pay. Also, the Town is not required to pay the full salary in the first or last Work Week of Employment or for Work Weeks in which an exempt Employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

It is the Town's policy to comply with the salary basis requirements of the FLSA. Therefore, any improper deductions may not be made from the salaries of exempt Employees. If an Employee believes that an improper deduction has been made from his or her salary, the Employee should immediately report this information to the Employee's direct supervisor, or to the Treasurer's Office.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, Employees will be promptly reimbursed for any improper deduction made.

- d. Every employee is expected to perform his or her work at the designated workplace during their designated work hours. The Town does not consider working from home to be a viable work plan for its employees.

From time to time, however, a department head may determine that working from home may be appropriate, on a temporary basis, for a certain employee/ job. Working from home in no way changes the terms and conditions of employment with the Town.

Procedure

If the department head deems that work from home is warranted, the department head shall file a work-from-home request with the Town Administrator.

The request shall detail the basis for, and the length of, the work-from-home request. The request must also explain how an employee working from home will perform all functions of his or her position. If working from home requires the use of Town property/documents, an explanation of how the security/confidentiality of the property/documents will be maintained must also be included. The Town Administrator's written approval or disapproval of the work-from-home request shall be final.

Work-from-home arrangements shall be assessed by the Town Administrator on a case by case basis, in a timely manner, focusing on the operational needs of the department.

5. VACATIONS

- a. Subject to the conditions in this section, all Regular Full-Time and Regular Part-Time Employees shall be eligible for vacation as follows: 10 days of vacation per year in each of the first five years of continuous Employment, 15 days per year in each of the next five years of continuous Employment, and 20 days per year in each of the years of continuous Employment after 10 years. Vacation shall be earned and accumulated in accordance with the schedule attached hereto as Appendix B.
- b. Eligibility Computation:
 - i. In determining an Employee's vacation day credit under the chart contained in Appendix B, the Employee will be given credit for a full month for the month of initial Employment if the date of initial Employment was on or before the fifteenth of that month. Likewise, the Employee will be given a full month of credit when determining his/her vacation entitlement if the date of Employment termination is after the fifteenth of the month in which the termination of Employment occurs. Except as provided in the preceding two sentences, the computation of an Employee's vacation entitlement shall be made counting only full calendar months of consecutive Employment toward the service required for eligibility.

- ii. Employees will earn and accumulate vacation day credit in accordance with paragraph (b) of this section and will be eligible to use said leave as earned. However, no Employee will be eligible to take any vacation leave until the Employee has been employed by the Town for six months.
 - iii. An Employee who terminates his/her Employment having earned and accumulated vacation day credit by application of the schedule referred to in paragraph (b) of this section but who has not used it shall be eligible for payment for the earned and accumulated vacation days at the time of his/her Employment termination. In the event the Employment is terminated because of the Employee's death, the Town shall pay his/her estate for the unused but accumulated vacation credit of the deceased Employee. Employees who have not been in the Town's Employment for at least six months will not be eligible for any vacation credit or payment for any unused vacation days.
 - iv. Employees who are involuntarily called to fulfill their military obligation shall receive payment for the vacation credit on the date of their leaving the Town's active Employment as if they had terminated their Employment on that date.
- c. Vacation entitlement shall not be cumulative from year to year except as provided in this section. Employees entitled to two weeks vacation may carry over up to one week of vacation time to be taken in the following fiscal year, and Employees with three or more weeks of vacation may carry over up to two weeks of vacation time to be taken in the following fiscal year. Vacation time not taken in the fiscal year immediately following the fiscal year in which it was earned, or in the fiscal year to which it is carried over as provided in the section, shall be forfeited. The Town Treasurer will notify each Employee of his/her leave accumulation balance as of July 1 of each fiscal year. The notice will also advise the Employee of the amount of leave that may be carried over and the amount that will be forfeited if not taken within the fiscal year.
 - d. All Employees eligible for vacation days shall take their vacation leave in accordance with a schedule mutually agreed upon by the Employee and his/her supervisor or Department Head. Vacation days shall only be taken in whole day increments. Each supervisor/Department Head shall establish notice and scheduling requirements governing the scheduling of vacation days for the Employees in their respective departments.
 - e. Regular Full-Time Employees shall be paid during their vacation at the per diem rate of pay received by the Employee at the time the vacation is taken.
 - f. Regular Part-Time Employees shall be paid during their vacation at the per diem rate of pay received by the Employee at the time the Employee takes the vacation. The vacation day granted to Part-Time Employees shall consist of the same percentage of the day or vacation leave that his/her contracted Employment bears to full-time Employment.

6. HOLIDAYS

- a. Regular Full-Time Employees shall be paid for each of the holidays set out in paragraph (c) of this section. Payment shall be at the Employee's regular hourly rate or daily rate as applicable.

- a. Regular Part-Time Employees shall be paid for each of the holidays set out in paragraph (c). If the holiday does not fall on a Regular Part-Time Employee's regularly scheduled work day, the Regular Part-Time employee will be given compensatory time on a pro-rata basis in lieu of the holiday. The holiday granted to Part-Time Employees shall consist of the same percentage of a day that his/her contracted Employment bears to full-time Employment.
- c. Schedule of Paid Holidays:

New Years Day	Memorial Day	Veterans Day
Martin Luther King Day	Independence Day	Thanksgiving Day
Presidents Day	Labor Day	Christmas Day
Patriots Day	Columbus Day	

The above holiday schedule may be altered by the Town Board of Selectmen at the beginning of the calendar year provided that Employees are granted an equivalent number of paid holidays.

Holidays which fall on a day on which the Employee's Department is normally closed and on which Employees of the Department normally do not work shall be celebrated on the regular work day for that Department that is closest in time to the actual date on which the holiday falls.

- d. Holidays with pay shall not be granted to temporary, casual, or supplemental Employees whether Part-Time or Full-Time Employees.

7. SICK PAY

- a. Regular Full-Time and Regular Part-Time Employees who have completed 30 days of Employment shall accrue one sick day for each month of Employment completed. Employees may accumulate a maximum of 60 sick days. Regular Part-Time Employees shall be paid on a pro-rata basis, in the same proportion that their regularly scheduled weekly hours bears to Full-Time Employment, for sick days.
- b. Employees may use sick days for the following reasons: (i) absence due to an Employee's illness or injury; or (ii) absence to care for an Employee's spouse, child or parent, or to care for their spouse's child or parent, due to illness or injury.
- b. Employees who have exhausted their sick time and vacation time and need additional sick leave in any Year may apply to the Personnel Board for additional sick leave.
- c. Employees may be required to provide their supervisor or Department Head with a physician's certificate of incapacity due to illness or injury after three days of consecutive Employee absence or after a series of repeated Employee absences within 60 working days. Such certification shall include, at a minimum, the date the illness began or injury occurred and the probable date of the Employee's return to work. The Employee shall provide the requested certificate within five working days of the request.

- e. No payment will be made for accrued, unused sick pay at the end of any Year or upon termination of Employment.
- d. Supplemental, Casual, Temporary and Seasonal Employees shall not be entitled to paid sick days.

8. PERSONAL DAYS

Regular Full-Time and Regular Part-Time Employees shall be eligible for three days of paid personal time in any Year for the purpose of attending to personal business which unavoidably conflicts with the Employee's work schedule. Regular Part-Time Employees shall be paid on a pro-rata basis, in the same proportion that their regularly scheduled weekly hours bears to Full-Time Employment, for personal days.

9. JURY DUTY LEAVE

Employees who are summoned for jury duty shall be paid by the Town an amount equal to the difference between the compensation they would normally earn and the compensation paid by the court, for any days on which the Employee is summoned for jury duty.

10. FUNERAL LEAVE

Regular Full-Time and Regular Part-Time Employees are eligible for up to three days off with pay for the purpose of making arrangements and attending the funeral of their parents, parents-in-law, sister, brother, sister-in-law, brother-in-law, spouse, child, step-child, or their or their spouse's grandparent.

11. MILITARY LEAVE

Employees will be granted military leave in accordance with federal and state law.

12. FMLA AND SERVICEMEMBER FAMILY LEAVES OF ABSENCE

The Town will grant a leave of absence (called an "FMLA Leave") to Employees who meet the eligibility requirements described below: (1) for the care of a child after birth or adoption or placement with the Employee for foster care; (2) for the care of a spouse, child, or parent (called a "Family Member" in this policy) with a serious health condition; (3) in the event of an Employee's own serious health condition; or (4) because of a "qualifying exigency" arising out of the fact that a Family Member is on or is called to active duty in the Armed Forces in support of a military contingency operation. FMLA Leaves will be granted for a period of up to twelve Work Weeks in any rolling, 12-month period.

The Town will also grant a leave of absence (called a "Servicemember Family Leave") to Employees who meet the eligibility requirements described below to care for a Family Member or next of kin who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list, for a serious injury or illness which was incurred in

the line of duty and which renders the service member unfit to perform the duties of the service member's office, grade, rank or rating. Employees may take up to 26 Work Weeks of Servicemember Family Leave in one single, 12-month period (but during that single, 12-month period, the Employee may take a total of 26 Work Weeks of FMLA and Servicemember Family Leave combined.)

To be eligible for an FMLA Leave or Servicemember Family Leave, an Employee must have completed at least one full year of service with the Town and have worked a minimum of 1,250 hours in the 12-month period preceding the leave.

If an Employee's FMLA Leave (other than one related to a service member) is planned in advance, the Employee must provide the Town with at least thirty days' notice prior to the anticipated leave date, using the Town's official FMLA Forms. The Town's official FMLA forms necessary to comply with the notice requirements may be obtained in the offices of either the Town Clerk or the Board of Selectmen. If the FMLA Leave is unexpected, the Employee should notify his/her supervisor by providing notice to the Town as far in advance of the anticipated leave date as is practicable. (Normally, this should be within two business days of when the Employee become aware of his/her need for the leave.)

Employees who intend to take an FMLA Leave because of a "qualifying exigency" related to a service member or because of a Servicemember Family Leave shall provide notice to the Town of the need to take such leave as soon as is reasonable and practicable under the circumstances.

All Town benefits that operate on an accrual basis (e.g., vacation, sick, and personal days) will cease to accrue during the FMLA or Servicemember Family Leave period. Employees will be required to use all accrued, unused vacation and personal days during the FMLA or Servicemember Family Leave period. Once such benefits are exhausted, the balance of the FMLA or Servicemember Family Leave will be without pay. All group health benefits will continue during the FMLA or Servicemember Family Leave for so long as the Employee continues regular Employee contributions to these plans.

Employees requesting a leave to care for a covered family member with a serious health condition may be required to provide medical certification from the Family Member's physician attesting to the nature of the serious health condition, probable length of time treatment will be required, and the reasons that the Employee is required to care for the family member. Employees may also be required to provide additional physician's statements at the Town's request. Employees' requests for a Servicemember Family Leave shall be supported by a certification of the need for such Leave.

Any time that an Employee expects to be or is absent for more than five consecutive workdays as a result of the Employee's own serious health condition (including pregnancy), the Employee will be required to submit appropriate medical certification from the Employee's physician. Such certification must include at a minimum, the date the disability began or is expected to begin, a diagnosis, and the probable date of the Employee's return to work. During an FMLA Leave, Employees may also be required to provide the Town with additional physician's statements on request from the Town attesting to the Employee's continued disability and inability to work.

Before an Employee will be permitted to return from FMLA Leave given due to the Employee's serious health condition, the Employee will be required to present the Town with a note from the Employee's physician indicating that the Employee is capable of returning to work and performing the essential functions of his/her position with or without reasonable accommodation. Where required, the Town will consider making reasonable accommodation for any disability the Employee may have in accordance with applicable laws.

FMLA Leave taken to care for a child after birth, adoption, or placement in the Employee's home for foster care must be taken in consecutive Work Weeks. Leave taken for any other reason may be taken consecutively, intermittently, or on a reduced work/leave schedule based on certified medical necessity. In such instances, the Town will follow applicable laws in reviewing and approving such leave requests.

Upon return from FMLA or Servicemember Family Leave, eligible Employees are entitled to be reinstated to their former position or an equivalent position with equivalent Employment benefits, pay, and other terms and conditions of Employment. Exceptions to this provision may apply if circumstances have changed (e.g., if the Employee's position is no longer available due to a job elimination).

13. SMALL NECESSITIES LEAVE

Employees who are eligible for FMLA Leave are also eligible for Small Necessities Leave. An eligible Employee (see FMLA Leave policy above) is entitled to a total of 24 hours of leave during a rolling 12-month period, in addition to FMLA Leave, for the following purposes:

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

Employees will be required to use all accrued, unused vacation and personal days during the leave period. Once such benefits are exhausted, the balance of the leave will be without pay. Employees may take leave intermittently or on a reduced leave/work schedule.

If the necessity for leave is foreseeable, the Employee must provide the Town with not less than seven days' notice before the date the leave is to begin. If the necessity for leave is not foreseeable the Employee shall provide such notice as is practicable.

14. MATERNITY LEAVES OF ABSENCE

Full-time Employees who do not qualify for an FMLA Leave or who have used all of their FMLA leave and who have been employed by the Town for at least three consecutive months may request a

leave of absence for the purpose of giving birth, adopting a child under the age of eighteen or adopting a child under the age of twenty-three if the child is mentally or physically disabled.

Leave requests must be made in writing at least two weeks in advance of the date the Employee would like the leave to begin or, in emergency situations, with as much advance notice as is practicable. (Normally, this should be within two business days of when the need for the leave becomes known to the Employee.)

Maternity Leaves of Absence will be unpaid and may be taken for up to eight Work Weeks. During a Maternity Leaves of Absence, Employees may use all unused, accrued vacation and sick time. Employees will not accrue additional vacation or sick time during a maternity leave of absence. Employees will be continued on the Town's benefit plans, so long as the Employee continues to pay his/her share of premium contributions.

An Employee on maternity leave must give the Town written notice of his/her intention to return to work, at least two weeks before the end of the eight week leave period. An Employee who returns from maternity leave by the end of the eight week period, will be reinstated to the same position in which he/she worked prior to leave, or a similar position with similar status and pay.

15. ADMINISTRATIVE LEAVE

The Town may grant Employees up to three days of unpaid leave during each Year for reasons that are determined to be in the best interest of the Town.

16. GROUP INSURANCE

The Town offers each Regular Full-Time Employee and Regular Part-Time Employee a plan of group life and health insurance.

17. RETIREMENT

Pursuant to and in accordance with the applicable sections of G. L. c. 32, all Regular Full-Time and certain Regular Part-Time Employees who are under age 65 are required to join the Middlesex Country Contributory Retirement System.

18. PERFORMANCE EVALUATIONS

All Employees of the Town shall be evaluated annually, between August 1 and September 30 of each Year, in writing by their immediate supervisor. Newly hired Employees will be evaluated, in writing, by their supervisor, upon completion of 6 months of Employment, using the Probationary Review Form (which can be obtained from the Board of Selectman's Office). Continuing Employees will be evaluated, in writing, by their supervisor, annually, using the Employee Performance Appraisal Form (which can be obtained from the Board of Selectman's Office). Copies of the completed Evaluation Forms shall be given to the Employee and a copy shall be placed in the Employee's personnel file. The personnel file of Employees who report to Department Heads shall be maintained in their Departments. The personnel file of Employees who report to a Board or committee shall be maintained in a locked file in the Town Administrator's office with the exception of the Town

Administrator file which shall be maintained in a locked file under the control of the Board of Selectmen in Town Hall.

19. NEW POSITION ALLOCATION AND RECLASSIFICATION

No Employee may be reclassified to a position in another group, either higher or lower, until the Personnel Board shall have determined that such a reclassification will be consistent with the By-Law and the Job Classification Plan.

20. HIRING

- a. The following procedure shall be followed when hiring Employees covered by this Plan.
- b. A job description agreed to by both the Appointing Authority and the Personnel Board must be completed prior to the announcement of the job opening.
- c. The hiring rate and pay rate for the job must be in accord with Section 21 of this Plan and based upon the previous pay rate for the job or be developed with and agreed to by the Personnel Board prior to announcement of the job opening.
- d. Except for positions classified as Casual Part-time, the job opening must be announced at least once in a local paper of general circulation and posted on the Bulletin Board located in the Town offices, at least seven calendar days prior to the job's being filled. The announcement will include the following information: (*Amended 2012*)

Job Title

Pay rate

Summary of job duties

Direction on where and how applications may be filed.

Deadline for filing applications (minimum of two days after notice publication).

- e. The Appointing Authority will retain all applications and records concerning the position and filling of the position for a period of one year after the job has been filled.
- f. A payroll change authorization with the required approvals must be submitted to the Town Treasurer before a voucher for a new Employee or a voucher for a pay rate change for an existing Employee can be paid.
- g. Relatives of existing Town Employees may be hired by the Town only if such Employment does not result in a violation of Chapter 268A of the General Laws.

21. PAY AND SALARY SCHEDULE

- a. The Town endeavors generally to set pay rates for each position competitively with the rates paid by comparable towns for comparable work.
- b. The job classification for each job or position covered by the Plan is set forth in Appendix A to this Plan.

- c. The pay rate for each classification or position within a classification shall be determined by the Personnel Board in conjunction with the Town's budgetary process.

22. INTRODUCTORY PERIOD FOR NEW HIRES

The introductory period for newly hired Employees shall be six months and may be up to one year from the date of Employment, at the discretion of the Employee's supervisor.

23. EQUAL EMPLOYMENT OPPORTUNITY

The Town provides equal employment opportunities to all Employees and applicants for Employment without regard to race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, status as a veteran or as a member of the military or status in any group protected by applicable federal or state laws. This policy applies to all terms and conditions of Employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

The Town expects that all Employees will treat one another with respect and cooperation. The Town's policy is quite simple: the Town expressly prohibits any form of unlawful Employee discrimination or harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, status as a veteran or a member of the military, or status in any group protected by applicable federal or state law. The purpose of this policy is not to regulate our Employees' personal morality. It is to assure that, in the workplace, improper interference with the ability of the Town's Employees to perform their expected job duties is not tolerated.

Equal Employment Opportunity Complaint Procedure

Each supervisor is responsible for creating an atmosphere free of discrimination and harassment, and Employees are responsible for respecting the rights of their coworkers.

If an Employee experiences any job-related discrimination or harassment based on his/her race, color, religion, sex, sexual orientation, national origin, age, disability, veteran or military status, or status in any group protected by applicable law, or believes that he/she has been treated in an unlawful, discriminatory manner, the Employee should promptly report the incident to any one of the following individuals, whose contact information can be found on the Town's website: the Town Administrator, any individual member of the Board of Selectmen, or any individual member of the Personnel Board.

When the Town Administrator, a member of the Board of Selectmen or a member of the Personnel Board receives a complaint, the individual to whom the complaint was made will report to the Chair of the Personnel Board that a complaint has been made. The Chair of the Personnel Board will appoint an appropriate citizen of the Town (usually a member of the Personnel Board) to investigate the matter on behalf of the Town. That investigator 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. The investigation will include a private interview with the person filing the complaint, the person about whom the complaint has been made, if possible and if appropriate, and with witnesses as necessary. When the investigation is completed, the investigator will present his or her findings and conclusions about the facts of the matter to the appropriate supervisory entity or person or to the Board of Selectmen, or may seek additional advice

regarding this or her recommendation from Town Counsel, as the investigator deems appropriate. Thereafter, the appropriate supervisory entity or person will, 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 the Town determines that an Employee has engaged in inappropriate conduct, appropriate disciplinary action will be taken against the offending Employee, up to and including immediate termination of Employment.

The Town prohibits any form of retaliation against any Employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of unlawful discrimination or harassment, the Town determines that an Employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

24. SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURE

Introduction

It is the Town's goal to promote a workplace that is free of sexual harassment. Sexual harassment of Employees occurring in the workplace or in other settings in which Employees may find themselves in connection with their Employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated, and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by Employees.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and 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.

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

Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

“sexual harassment” 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 and 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 this organization.

Complaints of Sexual Harassment

If any Town Employee believes that he or she had been subjected to sexual harassment, the Employee has the right to file a complaint with the Town. This may be done in writing or orally.

If an Employee would like to file a complaint, the Employee may do so by contacting any one of the following individuals, whose contact information can be found on the Town's website: the Town Administrator, or any individual member of the Board of Selectmen, or any individual member of the Personnel Board. These individuals are also available to discuss any concerns the Employee may have and to provide information to the Employee about the Town's policy on sexual harassment and its complaint process.

Sexual Harassment Investigation

When the Town Administrator, a member of the Board of Selectmen or a member of the Personnel Board receives a complaint, the individual to whom the complaint was made will report to the Chair of the Personnel Board that a complaint has been made. The Chair of the Personnel Board will appoint an appropriate citizen of the Town (usually a member of the Personnel Board) to investigate the matter on behalf of the Town. The investigator 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. The investigation will include a private interview with the person filing the complaint, the person about whom the complaint has been made, if possible and appropriate, and with witnesses as necessary. When the investigation is completed, the investigator will present his or her findings and conclusions about the facts of the matter to the appropriate supervisory entity or person or to the Board of Selectmen, or may seek additional advice regarding his or her recommendation from Town Counsel, as the investigator deems appropriate. Thereafter, the appropriate supervisory entity or person will, 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, through the appropriate supervisory entity or person, will act promptly to eliminate the offending conduct, and where it is appropriate the Town will also impose disciplinary action.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by an Employee, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of Employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if an Employee believe that he or she has been subjected to sexual harassment, the Employee 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 Employees from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD – 300 days).

1. **The United States Equal Employment Opportunity Commission (“EEOC”)**
10 Congress Street - 10th Floor, Boston, MA 02113 (617) 565-3200
2. **The Massachusetts Commission Against Discrimination (“MCAD”)**
Boston Office: Springfield Office:
One Ashburton Place - Rm 601 424 Dwight Street, Rm 220
Boston, MA 02108 Springfield, MA 01103
(617) 994-6000 (413) 739-2145

25. INDIVIDUALS WITH DISABILITIES

The Town complies with the Americans With Disabilities Act (the “ADA”) and applicable state law providing for nondiscrimination in employment against qualified individuals with disabilities. The Town also provides reasonable accommodation for such individuals in accordance with these laws. Qualified individuals with disabilities may make requests for reasonable accommodation to their supervisor or to the Town Administrator.

26. ABSENTEEISM AND TARDINESS

If an Employee is unable to work because of illness or injury, the Employee must notify his or her supervisor or Department Head by 9:00 A.M. on each day of absence. Failure to properly notify your supervisor results in an unexcused absence. If Employees are absent for more than five consecutive workdays, a statement from the Employee’s physician may be required before the Employee will be permitted to return to work.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the Town is grounds for disciplinary action, up to and including dismissal. An Employee’s absence from work without contacting his or her supervisor or Department Head for three consecutive days may be considered job abandonment and result in termination.

27. SUBSTANCE ABUSE POLICY

No Employee may work or be on Town premises in an official/work capacity if he or she is using or is under the influence of alcohol or illegal drugs, unless such use involves prescription medication determined by the Town to be legal and permissible under the circumstances. Employees also may not use alcohol, except when authorized, or illegal drugs when conducting Town business away from the Town’s premises. No Employee may possess, purchase, sell or distribute illegal drugs during work or while on Town premises.

Violations of this policy are grounds for disciplinary action up to and including termination.

28. EMPLOYEE CONDUCT POLICY

All Employees must abide by the policies, practices and instructions of the Town and its supervisors and Department Heads. The Town expects Employees to treat co-workers and supervisors with respect. The Town does not tolerate conduct that is illegal or dishonest.

It is impossible for the Town to anticipate every form of misconduct that might call for discipline or dismissal. The following list gives some examples of such unacceptable conduct. Although the Town reserves the right to decide what discipline is appropriate, misconduct of the following nature generally results in termination of Employment.

1. Theft, destruction, misuse or willful abuse of property belonging to the Town or another Employee.

2. Possession of weapons (or other objects of any kind) which could be used to harm other Employees.
3. Possession, sale of, consumption of, or being under the influence of illegal drugs while working.
4. Sexual harassment or violation of the Town's Equal Employment Opportunity policy.
5. Insubordinate conduct (refusal or deliberate failure to comply with job-related requirements given by an Employee's supervisor or Department Head).
6. Falsification of any records or
7. Abandoning one's job.

29. IMPROVEMENT PROCESS

Although the Town maintains the right to terminate an Employee's Employment at any time and to select the form of discipline it considers most appropriate at the time, the Town believes that its Employees generally deserve the opportunity to improve their performance to a satisfactory performance level if their supervisor or Department Head has determined that their performance is unsatisfactory. The improvement process adopted by the Town consists of a Written Warning memorandum, which will be given to the Employee and which will outline the areas(s) where improvement is needed. The form Written Warning memorandum can be obtained from the Board of Selectman's Office.

If a supervisor or Department Head believes that an Employee's performance is unsatisfactory and determines to use the improvement process, the Employee usually will be informed of the circumstances which are viewed as unsatisfactory, have an opportunity to discuss the situation with the supervisor or Department Head, and be given approximately 60 days to demonstrate improvement.

If, after such counseling, the Employee's performance is still unsatisfactory or does not show significant improvement, the Employee's Employment may be terminated.

In some situations, termination of Employment may be warranted at any time during the Improvement Process or without implementation of the Improvement Process.

30. SOCIAL MEDIA/SOCIAL NETWORKING POLICY

The Town recognizes that social networking sites, such as Facebook, MySpace, Twitter, LinkedIn and the like, as well as other online social media, such as blogs, web sites, YouTube, wiki, and other online forums, have become an integral part of how we communicate, both personally and professionally. Although these forms of communication may appear to be private, they have become, for the most part, public media, like radio and television. While the Town does not intend to infringe on your personal interaction or commentary online or restrict your First Amendment

rights, we have an interest in protecting the reputation of the Town, its employees and our residents.

Employees are expected to comply with the Town's Personnel Administration Plan when posting online. For example, commentary, content or images that are pornographic, harassing or discriminatory, which are sent to co-workers and which could create a hostile work environment for co-workers, even when used in the context of a personal posting, may violate the equal employment or sexual harassment policies contained in the Town's Personnel Administration Plan, and may be grounds for disciplinary action.

Appendix A
Positions Within Job Classifications*

Exempt Positions

Job Classification I

Chief of Police
Fire Chief
Director of CM&D

Job Classification II

Deputy Assessor
Town Accountant
Deputy Fire Chiefs
Library Director
Health Director
Police Lieutenant

Job Classification III

Facilities Manager
Clerk of the Works
Assistant Town Officers
Town Planner
Fire Captains & Lieutenants
Inspectors
Board of Health Administrator
Librarians
COA Director
Conservation Agent
Water Front Director

Non Exempt Positions

Job Classification IV

Administrative Assistants
Viewing/Assessors
Animal Control

Job Classification V

Head Life Guard
Life Guards
Reservation Ranger
Swim Instructors
Elder Advocate COA
Program Coordinator COA
Volunteer Coordinator COA
Library Senior Assistants

Job Classification VI

Clerks
Financial Clerks
Tax Clerk
Library Junior Assistants
Library Aides
Gate Guards
Farm Pond Aides

Appendix B

TOWN OF SHERBORN DAYS OF VACATION ACCUMULATION PER MONTH FOR EACH FISCAL YEAR (BEGINNING WITH THE YEAR OF HIRE) BASED ON MONTH OF HIRE

MONTH OF HIRE	←-----FISCAL YEAR----->											
	1	2,3,4	5		6		7,8,9	10		11		12+
	(a)		(b)	(c)	(b)	(c)		(b)	(c)	(b)	(c)	
Jul	0.8334	0.8334	1.2500	0.8334	1.2500	1.2500	1.2500	1.6667	1.2500	1.6667	1.6667	1.6667
Aug	0.8182	0.8334	1.2500	0.8334	1.2500	1.2500	1.2500	1.6667	1.2500	1.6667	1.6667	1.6667
Sep	0.8000	0.8334	1.1667	0.8334	1.2500	1.1667	1.2500	1.5834	1.2500	1.6667	1.5834	1.6667
Oct	0.7778	0.8334	1.1667	0.8334	1.2500	1.1667	1.2500	1.5834	1.2500	1.6667	1.5834	1.6667
Nov	0.8750	0.8334	1.0834	0.8334	1.2500	1.0834	1.2500	1.5000	1.2500	1.6667	1.5000	1.6667
Dec	0.8572	0.8334	1.0834	0.8334	1.2500	1.0834	1.2500	1.5000	1.2500	1.6667	1.5000	1.6667
Jan	0.8334	0.8334	1.0000	0.8334	1.2500	1.0000	1.2500	1.4167	1.2500	1.6667	1.4167	1.6667
Feb	0.8000	0.8334	1.0000	0.8334	1.2500	1.0000	1.2500	1.4167	1.2500	1.6667	1.4167	1.6667
Mar	0.7500	0.8334	1.0000	0.8334	1.2500	1.0000	1.2500	1.4167	1.2500	1.6667	1.4167	1.6667
Apr	0.6667	0.8334	0.9167	0.8334	1.2500	0.9167	1.2500	1.3334	1.2500	1.6667	1.3334	1.6667
May	1.0000	0.8334	0.9167	0.8334	1.2500	0.9167	1.2500	1.3334	1.2500	1.6667	1.3334	1.6667
Jun	1.0000	0.8334	0.8334	0.8334	1.2500	0.8334	1.2500	1.2500	1.2500	1.6667	1.2500	1.6667

Vacation must be taken in full days which are determined by rounding accumulated days up or down. (.5 rounded up, less than .5 rounded down). For contracted employment at less than 40 hours per week, vacation days are determined by multiplying days above by the ratio of contracted employment to 40 hours.

(a) Month of hire for which employee receives credit per Section 5(c)(i).

(b) Accumulation for determination of next July 1 entitlement. This entitlement will be reduced by any days earned and taken in accordance with (c).

(c) Accumulation for determination of days earned since date of last July 1 entitlement and eligible to be taken and/or paid in accordance with Section 5(c).

