

PERSONNEL BYLAW

53 Attachment 1

Town of Sherborn

Personnel Administration Plan

[Added 1989; amended 1996, 1998, 2000, 2011, 2012, 2013, 2015; amended and restated 2009, 2017; amended 4-26-2022 ATM by Art. 19, 4-26-2022 ATM by Art. 20; 4-25-2023 ATM by Art. 16; 4-25-2023 ATM by Art. 22]

The Personnel Administration Plan for the Town of Sherborn, Commonwealth of Massachusetts originally approved by the Town of Sherborn at its Annual Town Meeting held on April 25-26, 1988, pursuant to § 53-4 of Chapter 53 of the General Bylaws of the Town of Sherborn, as amended, is now fully amended and restated as the Personnel Administration Plan approved by the Town of Sherborn at its Annual Town Meeting on April 25/27, 2017.

1. DEFINITIONS

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

- a. “Appointing Authority” has the meaning given in § 53-1 of the bylaw.
- b. “Bylaw” shall mean the Personnel Bylaw of the Town of Sherborn, as adopted and amended from time to time as Chapter 53 of the Bylaws of the Town of Sherborn.
- c. “Department” has the meaning given in § 53-1 of the Bylaw.
- d. “Department Head” has the meaning given in § 53-1 of the Bylaw.
- e. “Employee” has the meaning given in § 53-1 of the Bylaw.
- 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. “Fiscal Year” shall mean the 12-month period beginning on July 1 and ending on the following June 30.
- h. “Job Classification Plan” shall mean Appendix A to this plan, as amended from time to time by the Town Administrator with the consent of the Personnel Board.
- i. “Plan” shall mean this Personnel Administration Plan, as amended from time to time in accordance with the bylaw.
- j. “Supervisor” shall mean a department head or any other position that directs an activity or an employee.
- k. “Town” shall mean the Town of Sherborn, Commonwealth of Massachusetts.

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1. "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.

2. APPLICATION.

The plan shall apply to all departments and to all positions in the service of the Town to which the bylaw is applicable; provided, however, that (a) the terms and conditions of employment for any department head or Police Department superior officer with whom the Select Board has negotiated and entered into a written employment agreement or person covered by a collective bargaining agreement shall be governed by the terms of that employment agreement or collective bargaining agreement and (b) Sections 11, 12, 13, 14, 23, 24, 25, 27, 28 and 30 of the plan shall apply to all employees of the Town, including elected or appointed employees and employees subject to a collective bargaining agreement or who have entered into a written employment agreement with the Town. If the plan and a written employment or collective bargaining agreement conflict, the written employment agreement or collective bargaining agreement shall govern but solely to the extent of the conflict.

3. JOB CLASSIFICATIONS AND EMPLOYMENT CATEGORIES.

Employees of the Town shall be designated as working in one of the job classifications listed in the job classification plan and be assigned to one of the following employment categories:

a. REGULAR FULL-TIME.

Employees regularly scheduled to work at least 40 hours per work week are regular full-time employees.

b. 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 twelve-consecutive-month period are regular part-time employees.

c. SUPPLEMENTAL PART-TIME.

Employees regularly scheduled to work fewer than 20 hours per work week are supplemental part-time employees.

d. 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.

e. 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 twelve-consecutive-month period are temporary or seasonal employees.

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4. WORK HOURS AND PAY.

- a. **Work Schedule:** Employees are generally scheduled to work four or five days per work week with their allotted hours distributed over the work week, based on the needs of their departments. An employee who works six or more hours in any one day is 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, acting through the appointing authority, to meet the varying needs of the Town. An employee 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.
- b. **Fair Labor Standards Act (FLSA) Status:**
 - i. **Nonexempt:** Nonexempt employees will receive compensatory time for all hours worked in any single work week in excess of their regularly scheduled hours. A nonexempt employee will accrue one hour of compensatory time for every hour worked in excess of his or her regular 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 his or her termination.
 - ii. **Exempt:** 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.

Under the 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 or 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 or her sick days, and the employee is not eligible for short-term disability pay; or

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(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 (FMLA). In these circumstances, either partial day or full day deductions may be made. Nothing in this section would prevent an exempt employee from being demoted into another position or from having their employment terminated.

The Town's policy is to comply with the salary basis requirements of the FLSA. Therefore, any improper deduction 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 Finance Director/Accountant or designee.

- c. Improper Deductions: The Finance Director, or his or her designee, shall promptly investigate reports of improper deductions. Employees shall be promptly reimbursed for any improper deduction.
- d. Work From Home:
 - i. General Rule: The Town does not permit employees to self-determine a work-from-home schedule. Every employee is expected to perform his or her work at the designated workplace during their designated work hours.
 - ii. Exceptions to General Rule: From time to time, a department head may, however, determine that working from home may be appropriate, on a temporary basis, for a certain employee. 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. Approval to work from home in no way changes the terms and conditions of employment with the Town.
 - iii. Exception Request Procedure: If an employee's department head deems that working from home is warranted, the department head shall file a written request with the Town Administrator with as much advance notice as possible. The written 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, the written request must include a written explanation of how the security, confidentiality and privacy of the Town property will be maintained. The Town Administrator's written approval or disapproval of the request shall be final. If a department head does not follow the process described in the plan or does not accept the Town Administrator's final decision, the Town Administrator will send written notification of the plan violation to the Select Board and Personnel Board.

5. VACATIONS.

- a. All regular full-time and regular part-time employees shall be eligible for vacation days as follows:

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- Ten vacation days per fiscal year in each of the first five fiscal years of continuous employment;
- Fifteen vacation days per fiscal year in each of the next five fiscal years of continuous employment; and
- Twenty vacation days per fiscal year in each of the fiscal years of continuous employment after 10 fiscal years of continuous employment.

Vacation days shall be earned and accumulated pursuant to Appendix B.

b. Eligibility Computation:

- i. In determining vacation day credit pursuant to Appendix B, an employee shall be given vacation day credit for a full month of employment for the first month of employment if the date of commencement of employment was on or before the 15th day of that month. Likewise, the employee will be given a full month of vacation credit when determining his or her vacation day credit if the date of employment termination is after the 15th day of the month in which the termination of employment occurs. Except as provided in this subsection of the plan, 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. No employee is eligible to use any vacation day credit until the employee has been employed by the Town for a least six months.
 - iii. An employee who terminates his or her employment having earned and accumulated but not used vacation day credit shall be eligible for payment for the earned and accumulated vacation day credit at the time of his or her employment termination. If employment is terminated because of an employee's death, the Town shall pay his or her estate for the deceased employee's earned and accumulated vacation day credit as of the date of death. Employees who have not been in the Town's employment for at least six months shall not be eligible for any vacation credit or payment for any unused vacation days.
 - iv. Any employee who is involuntarily called to fulfill his or her military service duty shall receive payment for the vacation day credit on the date of his or her leaving the Town's active employment as if he or she had terminated employment on that date.
- c. Vacation day credit shall not be cumulative from fiscal year to fiscal year except as provided in the plan. Employees entitled to two weeks of vacation day credit may carry over up to one week of vacation day credit to the following fiscal year. Employees with three or more weeks of vacation day credit may carry over up to two weeks of vacation day credit to be taken in the following fiscal year. Vacation day credit 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 plan shall be forfeited. The Finance Director/Accountant or his or her designee will notify the employee's supervisor and

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each employee of his or her leave accumulation vacation day credit as of July 1 of each fiscal year. The annual vacation day credit notice also shall advise the employee of the amount of vacation day credit 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 use vacation days in accordance with a schedule mutually agreed upon by the employee and his or her supervisor or department head. Employees are encouraged to use vacation days in full week increments. Each supervisor or department head shall establish notice and scheduling requirements governing the scheduling of use of vacation days for the employees in his or her respective departments.
- e. A regular full-time employee shall be paid for vacation days at the per diem rate of pay received by the employee at the time a vacation day is used.
- f. A regular part-time employees shall be paid during vacation days at the per diem rate of pay received by the employee at the time the employee takes the vacation. The vacation day credit granted to part-time employees shall consist of the same percentage of the day or vacation day that his or her employment bears to full-time employment.

6. HOLIDAYS.

- a. Regular full-time employees shall be paid for each of the holidays set out in this subsection of the plan. Payment shall be at the employee's regular hourly rate or daily rate as applicable. Paid holidays shall not be granted to temporary, casual part-time, supplemental part-time, or seasonal employees.
- b. Regular part-time employees shall be paid for each of the holidays set out in Subsection c. If a holiday does not fall on a regular part-time employee's regularly scheduled workday, the regular part-time employee will be given compensatory time on a pro rata basis in lieu of the paid holiday. The paid holiday granted to part-time employees shall consist of the same percentage of a day that his or her employment bears to full-time employment. A paid holiday that falls on a day which an employee's department is normally closed and employees of the department normally do not work shall be celebrated on the regular workday for that department that is closest in time to the actual date on which the paid holiday falls.
- c. Schedule of paid holidays: New Year's Day, Memorial Day, Veterans Day, Martin Luther King Day, Presidents Day, Patriots Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day. The paid holiday schedule may be altered by the Select Board at the beginning of a calendar year, provided that employees are granted an equivalent number of paid holidays.

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.

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Employees may accumulate a maximum of 60 sick days. Regular part-time employees shall be paid for sick days on a pro rata basis, in the same proportion that their regularly scheduled weekly hours bears to full-time employment.

- b. An employee may use sick days for the following reasons: (i) absence due to an employee's illness or injury; (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; or (iii) absence up to three days per fiscal year for an uncategorized reason with the prior written approval of his or her department head and the Town Administrator (a copy of such approval shall be placed in the employee's personnel file).
- c. An employee may be required to provide his or his supervisor, department head, or the Town Administrator with a physician's certificate of incapacity due to illness or injury after three consecutive working days of absence or after a series of repeated absences within 60 calendar 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 physician's certificate within five working days of the Town's request. The Town Administrator shall also have the right to require that an employee be examined by a Town-designated physician at the Town's expense to determine an employee's fitness for duty, and to ensure that he or she can safely perform the essential functions of his or her position with or without a reasonable accommodation.
- d. No payment will be made for accrued but unused sick pay at the end of a fiscal year or upon termination of employment.
- e. Supplemental part-time, casual part-time, 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 fiscal year for the purpose of attending to personal business that unavoidably conflicts with the employee's work schedule. Regular part-time employees shall be paid for personal days on a pro rata basis, in the same proportion that their regularly scheduled weekly hours bears to full time employment.

9. JURY DUTY LEAVE.

An employee who is summoned for jury duty shall be paid by the Town an amount equal to the difference between the compensation he or she would normally earn and the compensation paid by the court for any day on which the employee is summoned for jury duty.

10. BEREAVEMENT LEAVE.

Any regular full-time employee or regular part-time employee is eligible for up to three paid days off with pay for the purpose of making arrangements for and attending the funeral of a parent, parent-in-law, sister, brother, sister-in-law, brother-in-law, spouse, child, grandchild, stepchild or

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his or her spouse's grandparent or in special situations by obtaining the prior written approval of the department head and the Town Administrator.

11. MILITARY LEAVE.

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

12. FAMILY MEDICAL LEAVE ACT (FMLA) AND SERVICE MEMBER FAMILY LEAVE.

- a. FMLA Leave: The Town will grant a leave of absence to employees who meet the eligibility requirements described in this section of the plan for: (1) the care of a child after birth or adoption or placement with the employee for foster care; (2) the care of a spouse, child, or parent (each a "family member" for purposes of this section of the plan) with a serious health condition; (3) an employee's own serious health condition; or (4) a "qualifying exigency" arising because a family member is on or is called to active duty in the Armed Forces in support of a military contingency operation ("FMLA Leave"). FMLA leaves will be granted for a period of up to 12 work weeks in any rolling twelve-month period, which is measured backward from the date of an employee's qualifying FMLA event. Any FMLA leave used during the previous 12 months is subtracted from the employee's twelve-week FMLA allotment.

To be eligible for an FMLA 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 twelve-month period preceding the FMLA leave.

If an employee's FMLA leave is planned in advance, the employee must provide the Town Administrator with at least 30 days' notice prior to the anticipated FMLA leave date, using the Town's official FMLA leave forms. FMLA leave forms must be obtained from the Town Administrator. If the FMLA leave is unexpected, the employee should notify the Town Administrator as far in advance of the anticipated FMLA leave date as is practicable.

All Town benefits that operate on an accrual basis will continue to accrue during the paid FMLA leave period. However, such accruals will cease once the employee is on unpaid leave status. Employees will be required to use all available paid leaves during the FMLA leave period. Once such benefits are exhausted, the balance of the FMLA leave will be without pay. All group health benefits will continue during the FMLA leave for so long as the employee continues regular employee contributions to these plans.

Employees requesting a FMLA leave to care for a covered family member with a serious health condition may be required to provide medical certification to the Town Administrator 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 Administrator's request.

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If 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 to the Town Administrator 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 Administrator with additional physician's statements on request from the Town Administrator attesting to the employee's continued disability and inability to perform the essential functions of their position with or without reasonable accommodation.

Before an employee will be permitted to return from FMLA leave due to the employee's serious health condition, the employee will be required to present the Town Administrator 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 or her position with or without reasonable accommodation. If required, the Town Administrator will consider making reasonable accommodation for any disability the employee may have in accordance with applicable laws. FMLA leave taken to care for a newborn child, an adopted child, or for a child placed 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 Administrator will follow applicable law in reviewing and approving such leave requests.

- b. Service Member Family Leave: The Town Administrator acting on behalf of the Town will also grant a leave of absence 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. Eligible employees may take up to 26 work weeks of service member family leave in any rolling twelve-month period (calculated the same way as FMLA leave). Employees cannot exceed a combined total of 26 work weeks of FMLA and service member family leave in any twelve-month period.

Employees who intend to take an FMLA leave because of a qualifying exigency covered by the service member family leave shall provide notice to the Town Administrator as soon as is practicable. Employee requests for a service member family leave shall be supported by a certification of the need for such leave.

- c. Return from Leave: Upon return from FMLA or service member family leave, an eligible employee is entitled to be reinstated to his or her former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this reinstatement requirement may apply if circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination.)

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To the extent any provision in this plan conflicts with the provisions of the FMLA, the terms of the FMLA shall prevail.

13. SMALL NECESSITIES LEAVE.

Employees who are eligible for FMLA leave are also eligible for small necessities leave. An eligible employee (as defined in the FMLA leave policy described above) is entitled to a total of 24 hours of small necessities leave during a rolling twelve-month period, which is measured backward from the date of an employee's small necessities leave event. Any small necessities leave used during the previous 12 months is subtracted from the employee's twenty-four-hour small necessities leave allotment. In addition to FMLA leave, small necessities leave may be granted for the following purposes:

- 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;
- Accompanying a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- 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 available paid leaves during the small necessities leave period. Once exhausted, the balance of the small necessities leave will be without pay. Employees may take small necessities leave intermittently or through a reduced work schedule.

If the necessity for small necessities leave is foreseeable, the employee must provide the Town Administrator with not less than seven calendar days' advance written notice before the date on which small necessities leave is to begin. If the necessity for small necessities leave is not foreseeable, the employee shall provide such notice as is practicable.

14. PARENTAL 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 parental leave of absence for the purpose of giving birth, adopting a child under the age of 18, or adopting a child under the age of 23 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.

Parental leaves of absence will be unpaid and may be taken for up to eight work weeks. However, an employee may elect to use available paid leave time. Employees will not accrue additional paid leave time during a parental leave of absence.

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An employee on parental leave must give the Town Administrator written notice of his or her intention to return to work, at least two calendar weeks before the end of the eight-work-week leave period. An employee who returns from parental leave by the end of the eight-work-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.

When applicable, FMLA leave and parental leave may be applied and used concurrently.

15. ADMINISTRATIVE LEAVE.

An employee may submit a written request for up to three days of unpaid administrative leave during each fiscal year. The Town Administrator may grant the employee administrative leave for reasons that are jointly determined to be in the best interest of the Town. An employee may submit a written request for up to three days of unpaid administrative leave during each fiscal year. The Town Administrator may grant the employee administrative leave for reasons that are jointly determined to be in the best interest of the Town.

16. GROUP INSURANCE.

The Town offers regular full-time employees and regular part-time employees a group life insurance plan and group health insurance plan.

17. RETIREMENT.

Pursuant to and in accordance with the applicable sections of MGL Chapter 32, all regular full-time and certain regular part-time employees who are under age 65 are required to join the Middlesex County Retirement System (MCRS). This contributory benefit is funded jointly through a mandatory payroll deduction and the Town.

18. PERFORMANCE EVALUATIONS.

- a. Annual Performance Evaluations: All regular full-time and regular part-time employees of the Town shall be evaluated annually on or before July 1 of each fiscal year. Department heads shall use the employee performance evaluation form issued by the Town Administrator and shall submit completed performance evaluation forms on or before September 1 of each fiscal year to the Town Administrator.
- b. Probationary Performance Evaluations: A newly hired employee shall be evaluated, in writing, by his or her department head after the completion of the applicable probationary period (as defined and described in this plan). If the probationary period (or any extension thereof approved by the town administrator) ends between April 1 and July 1 of the fiscal year, the first annual performance evaluation will take place the following fiscal year on or before July 1. All completed performance evaluation forms shall be submitted to the Town Administrator within 30 days following the applicable probationary period.
- c. All Performance Evaluations: The employee and department head will each sign the performance evaluation form after the employee's evaluation is complete to signify

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their agreement that the evaluation has been conducted. The department head shall give the employee a signed copy of the performance evaluation form, retain a copy of the signed performance evaluation form, and forward a copy of the signed performance evaluation form to the Town Administrator for the employee's personnel file.

- d. Performance evaluations forms shall be locked and maintained under the control of the Town Administrator, acting as Human Resources Director. The Town Administrator's personnel file (including performance evaluation forms) shall be maintained in a locked file at Town Hall under the control of the Select Board.

19. POSITION RECLASSIFICATION.

- a. All position reclassifications and related job description changes and pay rate adjustments shall be documented in an approved personnel action form.
- b. No position may be reclassified either higher or lower, until:
 - i. The Town Administrator has determined that such a reclassification will be consistent with the Bylaw, the Job Classification Plan, and the operational needs of the Town; and
 - ii. The Personnel Board has approved the reclassification.

20. HIRING.

- a. All new hires must be initiated by submitting the Town's personnel requisition form. A job description approved by the Appointing Authority, the Town Administrator, and the Personnel Board must be attached to the personnel requisition form prior to the announcement of the job opening. Compensation for the position must be consistent with Section 21 of this plan. Failure to complete the Town's personnel requisition form may delay or nullify an applicant's employment.
- b. Job openings must be published at least once in a local paper of general circulation and/or a municipal publication and posted on the Town's website and Town Hall bulletin board at least 14 calendar days prior to the job being filled, unless exigent circumstances require that the position be filled in a shorter timeframe. The announcement will include at least job title, pay range, summary of job duties, application deadline, and instructions on how to apply.
- c. An applicant shall complete the Town's application for employment prior to being interviewed. For a period of no less than 12 months after the job has been filled, the appointing authority shall retain all materials submitted by the applicant, all of the applications for employment and associated records concerning the position and filling of the position. The applications for employment and related records shall be available for review at any time by the Town Administrator upon request during the twelve-month period after the job has been filled.

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- d. Prior to offering employment to an applicant on behalf of the Town, the appointing authority shall submit a copy of the applicant's application for employment and a draft employment offer letter to the Town Administrator utilizing the personnel action form. With this submission, the appointing authority shall: report the number of responses received; the number of applicants determined to be qualified; the number of applicants interviewed; and, where/when and by whom the interviews were conducted.
- e. All hires must be in compliance with MGL Chapter 268A, Conduct of Public Officials and Employees.
- f. The Town reserves the right to conduct layoffs or eliminate positions due to budget constraints, reorganization, or other operational needs. Under such circumstances, the employee will be given written notice from the Town Administrator. In the event that a position is restored within one fiscal year, the employee will be notified of the callback opportunity. The employee must notify the Town whether he or she will accept the callback within three business days. For a period of one fiscal year, an employee who had had his or her position eliminated or is involved in a layoff will be given preference in hiring processes involving Town positions for which the employee meets minimum qualifications.

21. PAY AND SALARY SCHEDULE.

- a. The Town endeavors to set competitive pay rates for each Town job that are comparable to pay rates for comparable work in similarly situated towns. Pay rates also take into consideration comparable Town positions and the Town's budgetary constraints.
- b. The job classification for each job covered by the plan is set forth in the Job Classification Plan.
- c. The pay rate for each classification or job within a classification shall be determined by the Personnel Board in conjunction with the Town's budgetary process.

22. LONGEVITY.

- a. Purpose. The purpose of this policy is to implement systems and procedures to reward longevity service to the Town of Sherborn benefited employees as set out below.
- b. Policy. The compensation is based on years of service to the Town. Any such employee with the following service levels shall be awarded:

Years of Service	Award
5 to 9	\$500
10 to 14	\$650
15 to 19	\$800
20 to 24	\$1,000
25 to 30	\$1,200

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30 +	\$1,300
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This stipend will begin in FY24. It will be divided into two biannual payments following the employee's anniversary on September and March 1 dates. The above-listed amounts of award shall be adjusted by a cost of living increase percentage each fiscal year after FY24, subject to appropriation. Employees on disability leave will receive longevity pay on the same date as active employees. Employees on unpaid leaves of absence will receive their longevity pay one month after they return to work. Employees who retire during the year between the September and March 1 payout dates will receive prorated amounts for the year in which they retire.

- c. Eligibility. Effectively July 1, 2023, benefited employees, who have been employed by the Town continuously for at least five years are eligible for the longevity stipend. A "benefited employee" is one whose position is included in the approved Town pay plan and who is eligible for all employee benefits, including health insurance. Employees under collective bargaining agreement, contract, seasonal employees, supplemental part-time, casual part-time, and temporary and elected employees are not eligible. For the purposes of longevity calculations, all paid leave, unpaid temporary layoffs, and authorized leave without pay periods of up to three months are included. An elected benefit eligible employee who moves to a nonelected benefited position with the Town will have all time serving in benefited employment counted toward longevity.
 - 1) Periods of disability where some sick or annual leave is used to supplement disability payments are credited to service. If an employee leaves Town employment and then is reinstated or rehired, service time is adjusted to account for the period not worked. The adjusted service date is used to calculate longevity. The employee must have been in pay status for at least half of the calendar year in order to receive longevity pay for the year.
 - 2) Time spent in a supplemental part-time, casual part-time, temporary, or seasonal position and those positions covered by contract or collective bargaining agreements are not eligible to be counted toward longevity. Leave without pay for periods greater than three months is also not eligible to be counted toward longevity.
 - 3) Twelve eligible calendar months make up a year of service. Four weeks will be counted as one month after all complete years and calendar months have been calculated. Military leaves of absence (including extended tour) will not affect the longevity date.
- d. Administration. The Town Administrator, along with the Director of Human Resources and the Personnel Board, is responsible for the administration, revision, interpretation, and application of this policy.
- e. Amendments. This policy may, from time to time, be amended by Town Meeting.

23. PROBATIONARY PERIOD FOR NEW HIRES.

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- a. New Hires: The probationary period for newly hired employees shall be six months. A probationary period may be extended for up to an additional six months upon request to and approval by the Town Administrator using the personnel action form. A copy of the approved probationary period extension shall be provided to the employee in writing. A probationary period may be established for up to one fiscal year from the date of employment at the discretion of the appointing authority.
- b. Other Actions: A six-month probationary period shall also be implemented when an employee's job is combined or reclassified, or an employee is reassigned or voluntarily transfers to a new job.

24. EQUAL EMPLOYMENT OPPORTUNITY.

- a. Equal Employment Opportunity Policy: 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 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 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 equal employment opportunity policy is not to regulate employees' personal morality but rather to ensure that interference with the ability of a Town employee to perform his or her expected job duties is not tolerated and may be cause for termination by the appointing authority.

- b. Equal Employment Opportunity Complaint Procedure: Supervisors and department heads are 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 or 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 report the incident in writing to the Town Administrator.

When the Town Administrator receives a complaint, the Town Administrator shall report to the Chair of the Personnel Board that a complaint has been made. The Chair and the Town Administrator shall jointly determine, on a case-by-case basis, whether the Town Administrator will conduct the investigation. The complaint will be promptly investigated 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

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circumstances. The investigation will include a private interview with the complainant, the person about whom the complaint has been made and with witnesses as necessary.

When the investigation is completed, the Town Administrator may seek additional advice as appropriate. The Town Administrator or designee shall present the findings and conclusions about the facts of the matter in writing to the employee and to the Chair of the Personnel Board. Thereafter, the appropriate department head will, to the extent appropriate, be informed of the complaint and the investigation results by Town Administrator. The Town Administrator will review recommended personnel actions, up to and including termination, with the department head and appropriate parties.

If the complaint filed pursuant to this section involves the Town Administrator, the employee will report the matter to the Chair of the Personnel Board. The Chair shall then consult with Town Counsel and the Chair of the Select Board on a proper course of action, which may include designating Town Counsel, an outside party, or other member of the Personnel Board to promptly investigate the matter in a manner consistent with the procedures set forth in the previous subsections of this section. The findings of the investigation shall be submitted to the Chair of the Personnel Board and to the Chair of the Select Board.

The Town prohibits any form of retaliation against an employee for filing a bona fide complaint under this equal employment opportunity policy or for assisting in a complaint investigation. However, if, after investigating any complaint of unlawful discrimination or harassment, the Town Administrator determines that an employee has knowingly provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who knowingly provided false information. Disciplinary action may be taken, up to and including termination.

25. SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURE.

- a. Introduction: The Town's goal is 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 the Town. 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 the Town has provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

The Town takes allegations of sexual harassment seriously. The Town will respond promptly to complaints of sexual harassment, and where it is determined that such inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. An employee may be placed on administrative leave pending investigation.

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This sexual harassment policy sets forth the Town's goals of promoting a workplace that is free of sexual harassment. The sexual harassment policy is not designed or intended to limit its authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment set forth below.

- b. Definition of Sexual Harassment: In Massachusetts, the following legal definition applies:

"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 any person employed by the Town 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.

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 the Town's employee or employees 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 related to sexual harassment;
- Inquiries into one's sexual experiences; and

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- 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.

- c. Complaints of Sexual Harassment: If any Town employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the Town. The complaint should be in writing and submitted to the Town Administrator.

The Town Administrator is 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.

- d. Sexual Harassment Investigation: When the Town Administrator receives a complaint, the Town Administrator shall report to the Chair of the Personnel Board that a complaint has been made. The Chair and the Town Administrator shall jointly determine, on a case-by-case basis, whether the Town Administrator will conduct the investigation. The complaint will be promptly investigated 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 with witnesses as necessary.

When the investigation is completed, the Town Administrator may seek additional advice as appropriate. The Town Administrator or designee shall present the findings and conclusions about the facts of the matter in writing to the employee and to the Chair of the Personnel Board. Thereafter, the appropriate department head will, to the extent appropriate, be informed of the complaint and the investigation results by the Town Administrator. The Town Administrator will review recommended personnel actions, up to and including termination, with the department head and appropriate parties involved in the complaint.

In the event the complaint filed pursuant to this section involves the Town Administrator, the employee will report the matter to the Chair of the Personnel Board. The Chair shall then consult with Town Counsel and the Chair of the Select Board on a proper course of action, which may include designating Town Counsel, an outside party, or other member of the Personnel Board to promptly investigate the matter in a manner consistent with the procedures set forth in the previous subsections of this section. The findings of the investigation shall be submitted to the Chair of the Personnel Board and to the Chair of the Select Board.

If it is determined that the Town Administrator is in violation of the Town's sexual harassment policy, the Select Board will act promptly to eliminate the offending

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conduct, and if appropriate, the Select Board may also impose disciplinary action up to and including termination.

- e. **State and Federal Remedies:** In addition to the above, if an employee believes 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. Contact each agency directly to get information on time constraints for filing a claim.

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

For more information visit:

<https://www.eeoc.gov/employees/charge.cfm/>

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

For more information visit:

<https://www.mass.gov/file-a-complaint-of-discrimination>

26. INDIVIDUALS WITH DISABILITIES.

The Town complies with the Americans with Disabilities Act (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 disability laws. Qualified individuals with disabilities may make requests for reasonable accommodation to the Town Administrator.

27. ABSENTEEISM AND TARDINESS

If an employee is unable to work as scheduled, the employee must notify his or her supervisor prior to the start of the workday whenever possible. Failure to properly notify your supervisor results in an unexcused absence. If an employee is absent for more than three consecutive workdays, a statement from the employee's physician may be requested by the Town Administrator before the employee will be permitted to return to work.

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

28. SUBSTANCE ABUSE POLICY.

No employee may work or be on Town premises in an official capacity if he or she is using or is under the influence of alcohol, marijuana or drugs, unless such use involves prescription medication determined by the Town Administrator to be legal and permissible under the

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circumstances. Employees also may not use alcohol, marijuana, or drugs when conducting Town business away from the workplace. No employee may possess, purchase, sell or distribute drugs or marijuana during work hours, on Town property, or while representing the Town in any manner.

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

29. 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.

The Town cannot anticipate every form of misconduct that might call for discipline or dismissal. In addition to the other sections of the plan related to misconduct, the following are unacceptable conduct:

- i. Theft, destruction, misuse or willful abuse of property belonging to the Town or another employee.
- ii. Possession of a weapon or misuse of an object of any kind in a manner to harm, threaten, or intimidate other employees.
- iii. Insubordinate conduct (refusal or deliberate failure to comply with job-related requirements given by an employee's supervisor or department head).
- iv. Falsification of any records or making a misrepresentation of authority.
- v. Job abandonment.
- vi. Violating the public trust to the extent that adversely affects the operation of the Town.

Although the Town reserves the right to decide appropriate discipline, any of the misconduct listed above generally results in termination of employment.

30. PERFORMANCE 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 each employee generally deserves the opportunity to improve his or her performance if his or her department head has determined that his or her performance is unsatisfactory but has a likelihood of improvement. The improvement process adopted by the Town consists of a written warning memorandum, which will be given to the employee and will outline each job duty that requires improvement. A written warning memorandum must include the personnel action form to ensure it is added to the employee's personnel file.

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If a department head believes that an employee's performance is unsatisfactory and determines to use this performance improvement process, the employee will be informed of the unsatisfactory performance, have an opportunity to discuss the situation with the department head, and be given an appropriate time period (not to exceed 90 days) to demonstrate improvement.

If the employee's performance is still unsatisfactory after the end of the applicable time period, the employee may be terminated.

In some situations, termination of employment may be warranted at any time during the performance improvement process or without implementation of the performance improvement process.

Nothing in this plan should be construed to change an employee's status as an at-will employee whose employment may be terminated at the will of the appointing authority.

31. SOCIAL MEDIA/SOCIAL NETWORKING POLICY.

The Town recognizes that Facebook, Twitter, LinkedIn, blogs, websites, YouTube, wiki, and other social networking and online forums (collectively, "social media") are an integral part of how we communicate, both personally and professionally. The Town does not intend to infringe on its employees' personal interaction or commentary using social media or restrict First Amendment or other legal rights but the Town has an interest in protecting its reputation, employees and residents.

Employees are expected to comply with the plan when using social media. For example, an employee's use of social media violates the plan when the employee purposely posts misleading commentary or misrepresentations; displays content or images that violate community standards or are pornographic; or posts harassing or discriminatory comments that are sent to or discovered by other employees and could create a hostile work environment. Employees must know that their social media activity, even when used personally, may violate the Town's equal employment opportunity policy or sexual harassment policy set forth in this plan and may be grounds for disciplinary action up to and including termination.

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Appendix A
Positions Within Job Classifications*

Exempt Positions

Job Classification I

Chief of Police
Fire Chief
Director of DPW

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 and 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

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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

FISCAL YEAR												
MONTH OF HIRE	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	1.250 0	0.8334	1.2500	1.2500	1.2500	1.6667	1.2500	1.6667	1.6667	1.6667
Aug	0.8182	0.8334	1.250 0	0.8334	1.2500	1.2500	1.2500	1.6667	1.2500	1.6667	1.6667	1.6667
Sep	0.8000	0.8334	1.166 7	0.8334	1.2500	1.1667	1.2500	1.5834	1.2500	1.6667	1.5834	1.6667
Oct	0.7778	0.8334	1.166 7	0.8334	1.2500	1.1667	1.2500	1.5834	1.2500	1.6667	1.5834	1.6667
Nov	0.8750	0.8334	1.083 4	0.8334	1.2500	1.0834	1.2500	1.5000	1.2500	1.6667	1.5000	1.6667
Dec	0.8572	0.8334	1.083 4	0.8334	1.2500	1.0834	1.2500	1.5000	1.2500	1.6667	1.5000	1.6667
Jan	0.8334	0.8334	1.000 0	0.8334	1.2500	1.0000	1.2500	1.4167	1.2500	1.6667	1.4167	1.6667
Feb	0.8000	0.8334	1.000 0	0.8334	1.2500	1.0000	1.2500	1.4167	1.2500	1.6667	1.4167	1.6667
Mar	0.7500	0.8334	1.000 0	0.8334	1.2500	1.0000	1.2500	1.4167	1.2500	1.6667	1.4167	1.6667
Apr	0.6667	0.8334	0.916 7	0.8334	1.2500	0.9167	1.2500	1.3334	1.2500	1.6667	1.3334	1.6667
May	1.0000	0.8334	0.916 7	0.8334	1.2500	0.9167	1.2500	1.3334	1.2500	1.6667	1.3334	1.6667

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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
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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).