

## TOWN OF MEDWAY PERSONNEL POLICIES

This booklet provides you with general information about the Town as well as a ready reference to policies and benefits which should be of use during your employment here.

We will make every effort to keep it up-to-date by publishing new editions periodically. The updated Policy will always be available in the Human Resources Department. Please call the Human Resources Department when you have a particular question or item which needs clarification.

The policies stated in this manual are subject to change at the sole discretion of the Town as Municipal operations may so require. This handbook should not be construed as, and does not constitute, a contract of employment.

If your position is covered by or a part of a municipal collective bargaining contract or a salary and benefits agreement, the terms of those agreements (contracts) will be observed at all times if they are in conflict with specific provisions of this policy. However, where your contract or agreement is silent on a topic covered here, you are reminded that the terms of this policy shall be observed.

Thank you, and again please contact the Human Resources Department with any questions you may have.

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## GENERAL PROVISIONS

### **Authorization.**

These policies are promulgated by the Town Manager in accordance with the authority granted by the Medway Personnel By-law and Medway Charter.

### **Purpose.**

The purpose of these policies is to establish a system of personnel administration with policies and procedures governing employment with the Town of Medway which are consistent with the following merit principles:

- a. Employment shall be open to all segments of society.
- b. Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- c. Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.
- d. Retention of employees shall be determined on the basis of budgetary constraints and/or performance. A reasonable effort shall be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation can occur.

### **Application.**

These regulations apply to all Town employees except elected officials. Employees covered by labor contract are subject only to those provisions which are not specifically regulated by labor contract. Nothing in these regulations shall be construed to limit any rights of employees pursuant to Chapter 150E of the Massachusetts General Law.

### **Rules of Interpretation.**

These policies are intended to be in accordance with all applicable State and Federal laws, and collective bargaining agreements. In the event of inconsistencies in the applicable State or Federal law or collective bargaining agreement, the applicable law or collective bargaining agreement shall apply.

Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

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**Amendment of policies.**

Amendment to these Policies shall be in accordance with the Town of Medway's Charter.

**Definitions.**

The following definitions shall apply:

- a. "town" shall mean the Town of Medway.
- b. "employee" shall mean an employee of the Town of Medway occupying a position in the classification plan.
- c. "full-time employee" shall mean an employee working not less than forty (40) hours per week for fifty-two (52) weeks per year, minus authorized leaves provided for in these personnel policies.
- d. "regular part-time employee" shall mean an employee having established hours of work in an established position that are less than a full-time employee but, at minimum, fifteen (15) hours per week.
- e. "seasonal part-time employee" shall mean an employee working on an irregular basis determined by the workload within a respective department.
- f. "temporary/seasonal employee" shall mean an employee that is appointed for a fixed period of time; or for the summer season not to exceed six (6) months; to replace employees who might be absent for extended periods; or conditions caused by increased workload.
- g. "emergency employee" shall mean a non-competitive appointment to a position for a period of time not to exceed four (4) weeks to prevent stoppage of public business that was caused, or may be caused, by an emergency as declared by the Town Manager.
- h. "appointing authority" shall mean the Town Manager, or other elected or appointed officials.
- i. "department head" shall mean the officer responsible for supervising a department's operations and activities.

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- j. “continuous service” shall mean employment uninterrupted except by authorized leave.
- k. “seniority” shall mean the length of continuous service of an employee in the Town.

ADMINISTRATION OF POLICIES

**Policy.**

The Town Manager shall be responsible for the maintenance of the By-law and promulgation of policies:

The Human Resources Director and Human Resources Coordinator shall:

- a. Ensure that the Town maintains an effective personnel system and monitor the effectiveness of policies, procedures, and practices.
- b. Monitor the implementation of the Town’s personnel policies and procedures.
- c. Provide advice and assistance to department heads, supervisory personnel, elected officials, and employees on all aspects of personnel management.
- d. Ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of race, color, sex, national origin, or disabilities for entry level positions and promotional positions and provides equal treatment in all aspects of personnel management.
- e. Ensure that recruitment, selection, appointment, and removal of employees is consistent with the Personnel By-law, Federal Law, Massachusetts General Laws, and collective bargaining agreements.
- f. Annually review the classification plan, requests for reclassification, and the compensation plan as well as recommend any changes in the classification and compensation plan to the Town Manager.
- g. Supervise and maintain a centralized personnel record-keeping system.

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PERSONNEL RECORDS

**Centralized record-keeping.**

The Human Resources Department shall be responsible for establishing and maintaining personnel records as may be required by Law and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Human Resources Director and/or Coordinator.

**Contents of records.**

The Human Resources Department shall maintain an individual personnel file for each employee which may include, but not be limited to, the following:

- a. The employment application.
- b. A report of all personnel actions reflecting the original appointment, promotion, demotion, re-assignment, transfer, separation, or lay-off; as well as results of tests, history of employment and correspondence directly related to the employee's past employment record; reclassification or change in the employee's rate of pay or position title; commendations; records of disciplinary action; training records; performance evaluation; and other records that may be pertinent to the employee's employment record.

**Access to records.**

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Human Resources Director, Human Resources Coordinator or persons authorized by the Town Manager or designee. Any employee may, upon request to the Human Resources Department, have access to review their personnel file. The employee's review of the employment record shall be in the presence of the Human Resources Director or Coordinator.

**Release of information.**

No information shall be released unless written authorization is received from the employee.

RECRUITMENT AND APPOINTMENT

**Coverage.**

All employees.

**Policy.**

The Town shall make every effort to attract and employ qualified persons. Every person, regardless of age, race, creed, color, nationality, religion, sex, or disability applying for employment in the Town, will receive equal treatment. The recruitment, selection and promotion of candidates and employees shall be based solely on job-related criteria as established in the position descriptions and in accordance with proper personnel practices.

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**Recruitment.**

The Human Resources Department shall be responsible for the recruitment of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans. Recruitment of all positions shall comply with applicable Law.

**Notice of vacancies.**

The Human Resources Department shall, upon the notification of a vacancy or on the authorization of a new position, prepare a job posting. The job posting shall include: job title, major duties of the positions, qualifications, a closing date for applications, and application instructions. The Human Resources Director shall review and approve all job notices prior to advertisement and posting. Recruitment of a position shall not begin until the job posting is approved by the Town Manager.

**Posting and advertisement of job vacancies.**

Notices of vacant positions will usually be posted in the Town Hall, Highway Garage, Library, Police Station, both Fire Stations, and the Department location. Advertising should ensure that sufficient number of qualified applicants apply for vacancies.

**Applicants.**

All candidates applying for employment in the Town should complete an official employment application form (or other suitable method of application as deemed appropriate by the Town Manager) and return the form to the Human Resources Department prior to the end of the working day of the closing date specified for the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications. Applications will be accepted only for posted vacancies.

**Examinations.**

The Human Resources Department may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical, or any combination thereof, and shall be relevant to the requirements of the position.

**References.**

A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented. All reference checks and investigations shall be completed prior to the offer of employment.

**Application records.**

The application, documentation of reference checks, and related documents submitted shall be maintained by the Human Resources Director and/or Coordinator for the period required by law. The Town shall, to the extent possible and subject to applicable Law, maintain the confidentiality of any application.

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**Appointment.**

In the Town of Medway, the Town Manager serves as the Appointing Authority. No appointment, hiring or promotion of any employee shall occur until the Human Resources Department has ensured that all the terms of employment are consistent with the personnel rules and regulations, and union agreement, if applicable, including the classification and compensation plans. All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include salary, starting date, and any appropriate additional information. No appointment of any employee shall be made by, nor offer letter extended from, anyone other than the Town Manager. Copies of the notice of appointment shall be provided to the Human Resources Director and or/Human Resources Coordinator.

**Medical Examination.**

All persons selected for employment with the Town, except emergency employees, after receipt of notice of such appointment by the appointing authority and prior to the starting date of employment, may be required to undergo and successfully pass a medical examination as a condition of employment. The examination shall be at the expense of the Town by a physician selected by the Human Resources Director in consultation with the Town Manager. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit for employment in the position identified. The appointing authority, at any time after an employee has commenced work with the Town may require a physical examination to determine an employee's fitness for employment.

**Failure to report.**

An applicant who accepts an appointment and fails to report to work or contact the appointing authority within three (3) working days after the date set by the appointing authority, shall be deemed to have declined the appointment, and the offer of employment shall be considered withdrawn.

**ORIENTATION AND PROBATION**

**Coverage.**

All employees.

**Policy.**

All new employees shall be informed of their rights, responsibilities, duties and obligations. Performance of all new employees must meet acceptable work standards.

**Orientation.**

The appointing authority or his/her designee shall:

- a. Notify the new employee of a date, time, and designated location for starting work. If the new employee is subject to provisions of a collective bargaining agreement, the employee shall be provided with a copy of such agreement.



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- b. Thoroughly explain all the benefits and options the employee is entitled to and shall assist the employee with completion of appropriate forms. The appointing authority shall provide the employee with a copy of the personnel policies and a copy of the job description for the position.
- c. Provide on-site training and orientation regarding specific rules, regulations, policies and procedure of the employee's assigned department including the safety policies and procedures.

### **Probationary period.**

All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion, and to continue for a six (6) month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct and work habits. Immediately prior to expiration of the probationary period, the appointing authority shall evaluate the employee in writing and shall notify the Human Resources Director in writing that:

- a. The employee's performance meets satisfactory standards and the individual will be retained in the position; or;
- b. The employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period should be extended an additional three (3) months. Extension requires agreement by the Town Manager and the employee; or;
- c. The employee's performance was unsatisfactory, stating specific reasons, and that termination of employment will occur. The employee may be terminated by an appointing authority at any time if it is revealed that the employee falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of the action. The employee may not appeal termination during a probationary period.

## CLASSIFICATION PLAN

### **Coverage.**

All employees (except emergency employees and elected officials).

### **Policy**

The policy of the Town is to establish and provide a uniform system for classifying all positions as well as to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of

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compensation may be applied to each class ensuring equal pay for equal work. (Exceptions – See 6.1 & 7.3)

**Contents of the classification plan.**

The Classification Plan shall consist of the following:

**Position Descriptions.**

Position descriptions for positions which are similar in duties, degree of difficulty, and level of responsibility so that each position in the class can:

- a. be given the same job title;
- b. require essentially the same training and experience;
- c. be filled by substantially the same methods of selection;
- d. be of same relative value, and, therefore, deserves the same range of compensation.

Each position shall have a written description. The description shall consist of a statement describing the essential functions of the position, examples of typical activities assigned to the position, the physical requirements of the position, the required minimum knowledge, skills, training/education, abilities, experience, and necessary special qualifications.

Descriptions are intended to be representative of the positions within a respective class and provide illustrations of the type of work performed. Descriptions are intended to be restrictive and the qualifications statements for each position shall establish the minimum requirements that are to be met by an individual before appointment, transfer, or promotion to a position in the class.

**Position Title**

The title of each class of position shall be the official title of every position allocated to the class and shall be used for all administrative purposes such as payroll, budget, and personnel records. No person shall be appointed or promoted to any position in the Town under a title not included within the classification plan.

**Administration of the classification plan.**

The Human Resources Director and Human Resources Coordinator shall have responsibility for the administration of the classification plan and is authorized to:

- a. Complete studies of new positions and make allocations to existing classes, establish a new class of positions or delete a class, all subject to approval of the Town Manager;
- b. Provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
- c. Conduct periodic studies to ensure the classification plan remains uniform and current; and

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- d. Develop procedures to classify positions and to determine the proper classification of each position.

**Classification of new positions.**

Department Heads proposing the creation of new positions shall provide the Human Resources Director and Human Resources Coordinator with a description of the essential functions, physical requirements, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Human Resources Department to develop a position description in accordance with the regulations and to appropriately classify the position. Positions shall not be reclassified without the recommendation and approval of the Human Resources Director and the approval of the Town Manager.

**Reclassification of positions and periodic reviews.**

Positions may not be reclassified without a recommendation of the Human Resources Director. The Human Resources Director shall review all positions at the professional discretion of the Director, subject to the classification plan and in accordance with proper personnel practices.

## COMPENSATION PLAN

**Coverage.**

All employees.

**Policy.**

The Human Resources Director shall establish a compensation plan for the existing classification plan. The compensation plan shall be directly related to the classification plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the town; and ratified labor agreements. Adjustments to the compensation plan shall be approved by the Town Manager. All employees shall be paid in accordance with the rates in the compensation plan, and subject to appropriation. Compensation, incentive or other such pay plans not part of the compensation plan, must be approved by Annual Town Meeting as a specific new line item.

**Starting rates for new appointments.**

Persons appointed to positions shall be paid at the minimum rate provided, however, the appointing authority may recommend compensation at a higher rate on the basis of exceptional qualifications, beneficial experience, or a lack of qualified applicants at the minimum rate. Such a request shall be made to the Human Resources Director in writing. The Town Manager shall approve or disapprove the request.

**Promotion.**

An employee who receives a promotion shall be compensated at the rate of pay that is closest to, but greater than, the employee's current rate of pay; or at a step rate that the appointing authority, subject to approval of the Town Manager, believes the employee's qualifications and performance warrants.

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**Notice of employment.**

The Human Resources Department shall notify prospective new employees with an offer letter indicating terms of employment, the position classification, and the rate of compensation.

**Travel and other official expenditures.**

Any travel and other official expenditures must be approved in writing, in advance by the Town Manager. Generally, reimbursement shall be made for properly documented expenses. Employees must submit the appropriate reimbursement form, approval, and receipts to the Accounting Department. Mileage reimbursement for all use of personally-owned automotive equipment on Town business shall be at the prevailing IRS rate.

**Amendment of Compensation Plan.**

From time to time, the Town Manager shall make such comparative studies, as he/she deems necessary, of the factors affecting the levels of compensation within the plan. On the basis of the information derived from such studies, the Manager may recommend such changes in the pay plan that are pertinent to the fairness and adequacy of the over-all salary structure.

## OVERTIME

**Coverage.**

All employees.

**Policy.**

The Town shall pay overtime in conformance with any collective bargaining agreement or in conformance with the Fair Labor Standards Act (FLSA). Except in the case of emergencies, overtime must be authorized by the Town Manager or designee prior to working any overtime. Upon the recommendation of a department head, and approval by the Town Manager compensatory time may be provided in conformance with the FLSA. The use of all non-FLSA compensatory time is subject to the approval of the department head, and non-FLSA compensatory time may never be used if overtime will have to be used to fill in for the individual seeking the use of compensatory time. Executive, administrative, and professional employees shall not be eligible for overtime.

## HOLIDAYS

**Coverage.**

Full-time and regular part-time employees.

**Recognized holidays.**

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts. On these days, employees, without loss of pay, shall be excused from all duty except in case where the Human Resources Director determines that the employee is required to maintain essential Town services: New Year's Day, Martin Luther King Day, Presidents' Day, Patriots' Day, Memorial Day, Juneteenth,

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Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

**Weekend holidays.**

If a legal holiday falls on a Saturday, the previous day shall be the legal holiday and shall be paid for. If a legal holiday falls on a Sunday, the following day shall be the legal holiday and shall be paid for.

**Working on a legal holiday.**

An employee who performs work on an hourly basis on a legal holiday shall be compensated for such additional hours of service at a rate of one and one-half (1/2) times the person's regular hourly compensation.

**Terms of holiday pay.**

Holiday pay shall be granted as follows:

- a. An employee paid on an hourly basis shall receive one day's pay at the regular rate of the employee, based on the number of hours regularly scheduled on the day on which the designated holiday occurs; or in the case of the library employees, if a full-time or regular part-time employee is not regularly scheduled to work on the holiday, the Director will schedule an equivalent paid holiday during that pay period; and
- b. Provided an employee satisfies subparagraph (a) above, holiday pay shall be granted to an employee further provided that the employee shall have worked on the employee's last scheduled working day prior to the next regularly scheduled working day following such holiday; or was in full pay status on such preceding and following days in accordance with other provisions of these regulations; or was appropriately excused.

**Additional holidays.**

Additional days for holidays may be approved by the Town Manager.

**VACATION LEAVE**

**Coverage.**

Full-time and regular part-time employees working a minimum of 20 hours per week.

**Full-time employees.**

Vacation leave shall accrue beginning on the first date of employment at the rates outlined below. The length of the vacation is determined by the employee's length of service and employment status.

Full-time employees shall earn vacation leave at the following rate for continuous service:

**Length of Service**

0-5 years  
6-10 years

**Vacation Allowance**

.8333 days per month (to maximum of 10 days/yr.)  
1.250 days per month (to maximum of 15 days/yr.)

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11-15 years	1.666 days per month (to maximum of 20 days/yr.)
16 years	1.750 days per month (to maximum of 21 days/yr.)
17 years	1.833 days per month (to maximum of 22 days/yr.)
18 years	1.916 days per month (to maximum of 23 days/yr.)
19 Years	2.000 days per month (to maximum of 24 days/yr.)
20 years	2.083 days per month (to maximum of 25 days/yr.)

Vacation leave may be taken in one hour increments provided that vacation leave shall not be taken in less than ½ day increments unless the leave will begin or end with the employee's scheduled work day (e.g. , an employee who wishes to take 2 hours of vacation leave may do so only during the first two or last two hours of his/her scheduled work day), except when vacation leave is used to attend a doctor's appointment.

**Regular part-time employees.**

Regular part-time employees who work year-round and who qualify for benefits shall receive vacation leave in accordance with the schedule of vacation for full-time employees, with the exception that: for regular part-time employees, "one (1) day" shall mean one-fifth (1/5) of the average number of hours actually worked per week during the preceding calendar year, or in the case of new employees, during the period of time employed by the Town in accordance with the above-referenced tenure schedule.

**Accumulated vacation.**

Employees may carry over up to ten (10) days' vacation from any one fiscal year up to a maximum accumulation of ten additional days provided the request for carry over has been approved by the Town Manager.

**Scheduling of vacation.**

All vacation leave requests must be made in writing or through our online timesheet system except in the event of an emergency that prohibits the employee from completing the written request or a documented request, in which case the request may be made orally (and later reduced to writing as soon as is practical). Vacation leave shall be taken at the convenience of the Department, in arrangement with the Department Head, for such time or times as shall best serve the public interest or not cause a significant interruption in performance of regular work of department.

**Waiving of vacation.**

No employee shall be permitted to waive vacation for the purpose of receiving pay in lieu of vacation.

**Vacation benefits upon termination.**

Any employee shall be compensated for vacation leave accrued and unused to date of separation. Employees who are eligible for vacation under these rules shall be paid an amount equal to the vacation allowance as earned and not used. However, if the employee has used more vacation days than he/she had actually earned through the date of his/her separation, he/she agrees that the

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Town may deduct from his/her final paycheck the money tied to however many used but not yet accrued vacation days he/she has taken to that date.

**Vacation benefits upon death.**

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation allowance accrued prior to the employee's death but which had not been granted.

**Use of vacation leave for sick leave.**

At the employee's notification to the Human Resources Director, sick leave used in excess of that authorized may be charged to vacation leave. Such requests require the approval of the Town Manager.

**Holidays during vacation leave.**

An employee shall be granted another day of vacation if, while on vacation leave, a Designated holiday occurs. This excludes half-day holidays.

**SICK LEAVE**

**Coverage.**

Full-time and regular part-time employees who work year-round.

**Use of sick leave.**

Sick leave with pay is a benefit provided by the Town for all full-time and regular part-time employees who work year-round and who qualify for benefits (pro-rated) for employees' bona fide illness or non-work connected accident or recovery from surgery; provided the employee remains incapable of performing the essential functions of his/her position when recovering from surgery.

**Notification of illness.**

Sick leave will commence on the date and time that notification of the employee's sickness, injury or quarantining is given to the Department Head. The employee, his/her family or attending physician shall report the facts to the immediate supervisor before the assigned starting time, but not later than one (1) hour after the regularly appointed starting time. Notice should include the length of anticipated absence and expected date of return.

**Certification of illness.**

The employer may require any employee returning to work after a sick leave of more than three (3) consecutive days or after a series of repeated absences during the year to produce a doctor's certificate attesting to the employee's illness, condition and fitness to return to work. After ten (10) consecutive working days, a physician's statement is mandatory.

**Sick leave accrual.**

Employees shall accrue one and one-quarter (1 1/4) days of sick leave per month. Regular part-time employees shall receive sick leave on a pro-rata basis based on the number of hours scheduled for each work week. Sick time will not be paid out upon separation of employment.

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### **Worker's compensation.**

In the event an employee is eligible to receive worker's compensation payments, compensation shall be limited to the benefits provided under the Worker's Compensation law; however, an employee has the option of utilizing any accrued sick leave or vacation leave in order to be paid the difference between the disability benefits and their full salary. Employees on any job related injury leave shall not begin to accrue new vacation, personal, or sick leave until returning to full duty.

## BEREAVEMENT LEAVE

### **Coverage.**

Full-time and regular part-time employees who are qualified to receive benefits.

### **Policy**

The Department Head, upon request of an employee, shall grant bereavement leave without loss of pay upon the death of such employee's immediate family to be taken at the time of death or funeral as follows:

- a. Four (4) working days, at regular rate of pay, for scheduled time lost due to the death of employee's lawful spouse, mother, father, child, brother, sister, grandparents, father-in-law, mother-in-law, son-in-law, daughter-in-law, step child, and step parent.
- b. Two (2) working days for bereavement in the event of loss of a grandchild.
- c. One (1) working day for bereavement in the event of loss of sister-in-law, brother-in-law, aunt uncle, niece, nephew or cousin.

## MILITARY LEAVE

### **Coverage.**

Full-time and regular part-time employees.

### **Policy.**

Employees who are members of the military reserves will receive the difference between military pay and regular pay for the annual two (2) week tour of duty in the military reserves.

Employees shall be entitled to the difference between their normal wages and those paid for from the Commonwealth during the time of their service in the Armed Forces of the Commonwealth, or during their annual tour of duty not exceeding fifteen (15) days as a member of a reserve component of the Armed Forces of the United States, and shall also be entitled to vacation with pay to which they are entitled under the vacation provisions of these policies. The foregoing provisions are in accordance with Massachusetts General Laws, Chapter 33, Sections 59 and 59A.

## MISCELLANEOUS TIME OFF



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**Coverage.**

Full-time and regular part-time employees who qualify for benefits.

**Religious holidays.**

Employees may observe religious holidays without loss of pay by using vacation or personal days. They may also arrange to observe a religious holiday as unpaid absence, subject to the approval of their Department Head.

**Jury duty.**

If an employee is called to jury duty on their regular work days, he/she shall be paid for the difference between the jury service fee and their regular pay provided that reasonable prior notice of the call to jury service is submitted to the employer and the proper documentation is submitted attesting that the employee reported for or performed jury duty during the time for which the employee claims payment. The employee must report to work in the event that jury service is canceled for a certain day.

**Voting time.**

Employees should vote either before or after working hours.

**Family emergencies.**

Absence due to illness or other emergency in the immediate family is generally charged to leave of absence without pay. It may, however, be charged to vacation or personal days at the discretion of the Department Head. Leave will be allotted in accordance with State and Federal Laws.

**Weather Related Closings.**

In the sole discretion of the Town Manager or designee that all or a portion of Town offices and facilities are to be closed as a result of safety concerns related to weather emergencies, employees shall be provided with leave time for the duration of the closing without loss of pay. Employees on previously scheduled vacation, personal or sick time shall not be charged for said leave for the duration of the closing. Essential employees, as may be so designated or ordered by the Town Manager, who report for duty during said closing, shall not be provided with additional compensation.

## MATERNITY LEAVE

**Coverage.**

Full-time and regular part-time employees who qualify for benefits who have completed the initial probationary period.

**Policy.**

A full-time or part-time employee who has completed his/her probationary period is eligible for a leave of absence without pay for up to eight (8) weeks for the purpose of giving birth, for adopting a child under eighteen (18) years of age, or adopting a child under the age of twenty-three (23) if the child is mentally or physically disabled. Employees who qualify for FMLA leave (see section

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16.0) may be entitled to a total of twelve weeks unpaid leave. The employee shall make every attempt to provide at least two (2) weeks' notice of the anticipated date of departure and intention to return. In the event proper notice of departure cannot be given due to unforeseen circumstances, the employee shall notify his/her supervisor as soon as is practicable that they are taking unpaid leave.

**Return to employment.**

Employee shall be restored to previous, or similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of the leave. An employee returning from maternity leave shall not be entitled to his/her previous or a similar position if other employees of equal length of service credit and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such maternity leave; provided, however, that such employee on maternity leave shall retain any preferential consideration for another position to which he/she may be entitled as of the date of his/her leave.

**Benefit coverage.**

In accordance with MGL Chapter 149, such maternity leave shall not affect the employee's right to receive vacation time, sick leave, advancement, seniority, length of service credit, benefits, plans or programs for which he/she was eligible at the date of the leave, and any other advantages or rights of employment incident to employment position; provided, however, that such maternity leave shall not be included, when applicable, in the computation of such benefits, rights, and advantages; and provided, further, that the employer need not provide for the cost of any benefit plan, or programs during the period of maternity leave. Health and basic life insurance coverage will continue during the unpaid leave period if the employee desires and arranges full payment of all premiums in advance on a monthly basis for payment of regular premiums. No retirement contributions will be made during the period of unpaid leave.

**Use of accrued leave for maternity.**

An employee on maternity/paternity leave will use any accrued vacation, sick and personal time while on leave.

**FAMILY LEAVE**

**Coverage.**

Full-time and regular part-time employees qualified or receiving benefits who have completed one year of service to the Town. To be eligible, an employee must have worked for the Town for at least one (1) year and must have worked at least one thousand, two hundred and fifty (1,250) hours in the previous year.

**Policy.**

In accordance with the Town of Medway's FMLA policy, the Town allows eligible employees who need to take time off from work due to serious medical or family issue to have up to 12 weeks per year, without pay, as provided under Federal Law (FMLA). The Town's calculation of FMLA is based on a rolling calendar year.

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To apply for Family and Medical Leave, the employee must contact the Human Resource Department as soon as possible once he/she has knowledge that a leave may be required or **In order to be entitled to the leave, the employee must provide thirty (30) days advance notice of the intended date the leave is to begin unless prevented by medical emergency from doing so.** Notice shall provide sufficient information to permit the Town to determine whether the leave qualifies for FMLA. The employee may be requested to provide written medical certification. Spouses employed by the Town are jointly entitled to a combined total of 12 work weeks of leave.

### **Position upon return to work.**

Employees granted leave will be restored to the position held when the leave commenced, or to a position with equivalent status, pay and other terms and conditions of employment as the position held at the commencement of the leave.

### **Use of accrued leave.**

The Town will require any accumulated benefits to be applied to leave period. Sick leave may only be used if the employee is absent from work due to an illness/injury of the employee.

## PERSONAL DAYS

### **Coverage.**

Excludes any employees who are not regularly scheduled to work twenty (20) hours or greater per week. Employees hired prior to July 1, 2009, are not subject to the twenty (20) hours per week exclusion.

### **Policy.**

Regular full-time employees shall be allowed five (5) personal days per year; regular part-time employees shall receive four (4) personal days per year with one day equal to one-fifth (1/5) the regular hours actually worked per week during the previous six (6) months. Personal days may be taken in one (1) hour increments. Unused personal days cannot be carried over to next calendar year nor will payment be made for any unused days. Employees are encouraged to request personal leave as far in advance as possible, and should expect that, except in the event of an emergency, requests made less than 24 hours in advance may be denied. Further, the parties specifically acknowledge that a request for personal leave that will pose a significant interruption in work is likely to be denied. Personal time will not be paid out upon separation of employment.

## LEAVE OF ABSENCE

### **Coverage.**

Full-time and regular part-time employees who are qualified or receiving benefits.

### **Policy.**

The Town Manager, at his/her discretion, may grant an employee a request for a leave of absence without pay for medical or other good and sufficient reasons. Such leave, if granted, shall not exceed three (3) months. Any additional leave must be approved by the Town Manager.

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**Request for leave of absence.**

An employee seeking a leave of absence shall submit a written request to the Human Resources Director or designee stating the reasons why a leave of absence is requested and for how long a leave the employee is requesting. Any employee wishing a leave of absence must notify the Human Resources Director, except in a case of emergency, in writing twenty-eight (28) calendar days prior to the start of the requested leave. Response shall be to the employee in writing within seven (7) working days of the receipt of the request. The Town Manager shall have the discretion as to whether to approve a request for a leave of absence and as to the duration of any leave approved. The decision shall be final.

**Leave of absence longer than three (3) months.**

An approved leave of absence of over three (3) months duration, except military leave, shall be considered a break in service, and upon return to work, the employee shall have the status of a new employee unless an extension of leave beyond the three (3) month period has been authorized in advance by the Town Manager. An employee shall not accrue seniority or other benefits for any period of the leave. An employee on approved leave will not be entitled to any benefit but can continue group health insurance coverage by paying the full premium COBRA costs in advance on a monthly basis.

**Salary upon return to work.**

An employee returning to work after an approved leave of absence of three (3) months or less will be placed at that step of the salary schedule at which the employee was paid prior to said leave of absence.

**SEXUAL HARASSMENT POLICY**

**Coverage.**

All employees.

**Policy**

The Town of Medway is committed to the provision of a safe and non-discriminatory workplace for all of its employees. Pursuant to this commitment, the following policy and its adjunct procedures are implemented to educate employees, to comply with statutory mandates, to address real and potential incidents and to strive to secure a harassment-free work environment.

1. It is illegal and against the policies of the Town of Medway for any employee or Town Official, male or female, to sexually harass another employee by:
  - a. Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of the employee's continuing employment, or
  - b. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee, or
  - c. Creating an intimidating, hostile or offensive working environment.

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2. Examples of conduct, which may constitute sexual harassment include but are not limited to:

- a. Using one's position or authority, either implicitly or explicitly, to coerce an employee into complying with sexual favor;
- b. Unwanted touching, fondling, patting, hugging, pinching, kissing, cornering or brushing,
- c. Questions and compliments about a person's sexual behavior, sexually oriented jokes, or comments about a person's body or conversations filled with sexual innuendo and double meanings, and
- d. Displaying sexually suggestive pictures or objects in the work place, leering or ogling in a sexually explicit manner, or gesturing and making lewd motions with one's body.
- e. Viewing sexually explicit websites, sending sexually explicit emails or voicemails.

3. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act(s) and/or behavior to his or her department head and/or Michael Boynton, Town Manager, Allison Potter, Assistant Town Manager, or Jessica Sinclair, Human Resources Coordinator at Medway Town Hall, 155 Village Street, Medway, MA 02053, (508) 533-3264. Complaints should be made within a timely manner. Complaints may also be made through contacting either of the two government agencies below:

Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108 (617) 994-6000  
Web site [www.mass.gov/mcad/hours.html](http://www.mass.gov/mcad/hours.html)

Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203 (800) 669-4000 or (617) 565-3200  
Web site [www.eeoc.gov/boston/index.html](http://www.eeoc.gov/boston/index.html)

4. An investigation of all complaints will be undertaken immediately and in compliance with the Sexual Harassment Complaint Procedure. Any supervisor, agent or other employee who has been found by the Administration after appropriate investigation to have sexually harassed another employee will be subject to appropriate sanctions, which range, depending upon the circumstances, from remedial training up to and including termination.

5. Any retaliation for filing a complaint or cooperating in an investigation is unlawful and is prohibited by the Town. Retaliatory action shall be regarded as a separate and distinct cause for complaint under the Sexual Harassment Complaint Procedure, and as a basis for disciplinary action against the offending employee should investigation validate said complaint.

6. The complaint procedure shall be implemented in instances of the alleged sexual harassment of employees by non-employees and on non-employees by employees occurring in the workplace and within the jurisdiction of the complaint procedure of the Town of

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Medway. Alleged occurrences, which are not within the jurisdiction of the complaint procedure, will be referred to an enforcement agency, if applicable. If there is no available enforcement agency, administration will take reasonable steps to prevent such conduct.

7. The Town of Medway affirms its responsibility to provide a work environment free of sexual harassment and recognize that such an environment is the result of continued responsible action and behavior by all employees. Any employee is encouraged to raise questions regarding sexual harassment or other barriers to equal employment opportunity with the Assistant Town Manager.

### 8. Sexual Harassment Complaint Procedure:

Any employee who believes that he or she has been the subject of sexual harassment should report the alleged charge immediately in accordance with the following procedure. (All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.)

#### STEP 1

The individual alleging sexual harassment will report the incident to his or her department head and/or the Town Manager, Assistant Town Manager or Human Resources Coordinator as soon as possible and will be interviewed to discuss the nature of the allegations. If said allegations are made to another person, the matter must be immediately directed to the Assistant Town Manager. The Assistant Town Manager will discuss the matter separately with the complainant and alleged harasser, in an attempt to mediate and resolve the matter.

#### STEP 2

If the matter cannot be resolved, the individual alleging sexual harassment will be informed.

- a. That in order to pursue the complaint further, he or she must, with assistance if requested, detail the nature of the complaint, and
- b. That there are external procedures, administrative and judicial (MCAD, EEOC and personal legal counsel) which are also available recourse.

If the complainant does not detail the allegations, the specific complaint cannot be further investigated by the Town of Medway Officials unless circumstances clearly indicate otherwise. Upon receipt of the details of the complaint, the Town Manager will be notified. The Town Manager shall determine involvement of legal counsel.

#### STEP 3

Within five days after receiving the details of the complaint (if at all possible), the alleged harasser will meet with the Assistant Town Manager and be informed of:

- a. The charge being made,
- b. Town policy regarding sexual harassment, and
- c. The seriousness of the charge made.

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The respondent will be provided with the details of the complaint and given the opportunity to refute the allegation by responding verbally or in writing, providing all specifics in support of rebuttal.

The Assistant Town Manager shall investigate the allegations. This investigation can include, but is not limited to:

- interviews with respondent/complainant,
- interviews with supervisor,
- interviews with witnesses, and
- review of any documents on file

Upon the commencement of Step 2 of complaint, the Assistant Town Manager will report findings of fact to the Town Manager. In all cases, the thorough investigation and thoughtful consideration are paramount, however, timely resolution remains the objective. The Town Manager will determine the action to be taken and it will be based on the facts on a case-by-case basis with whatever consultation the Town Manager may require.

Any retaliatory action taken by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

## ALCOHOL AND DRUG ABUSE POLICY

### **Coverage.**

All employees.

### **Policy**

The purpose of the Town of Medway's Drug-free Workplace Policy is to emphasize prohibitions against the use or possession of illegal drugs or alcohol and to make employees and managers aware of the penalties for substance abuse on the job.

All employees are forbidden to use or possess illegal drugs or alcohol at any time during the work day or anywhere on the employer's premises. Workers also are forbidden to engage in any sale, manufacture, or other transactions and activities involving illegal drugs on the employer's premises. Violators will be subject to immediate discipline (suspension or termination) consistent with existing state and federal labor laws and union-approved policies. Disciplinary action will be taken consistent with the procedures established under current collective bargaining agreements, if any. Additionally, employees who are under the influence of drugs or alcohol while on the job will be subject to discipline.

The employer may seek the right to search handbags, containers, or other personal effects of workers at any time in compliance with federal and state laws and collective bargaining agreements governing such actions. If deemed necessary, and allowable by law, employees may be asked to submit to physical search. At no time will any employee be searched by or in the presence of a

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member of the opposite sex. Refusal to cooperate may be treated as insubordination warranting immediate discipline.

Employees who appear to be impaired while on the job may be asked by their supervisor to submit to a test to determine whether they are under the influence of illegal drugs or alcohol. Tests that may be used include blood tests, urinalysis, or breathalyzer.

Any sale of illegal drugs during the workday or on the employer's premises will be treated as gross misconduct, punishable by immediate discipline (suspension or termination). Any off-duty employee convicted of selling drugs may also be subject to discipline by the employer.

Employees who must use a prescription drug that causes adverse side effects (e.g. drowsiness, or impaired reflexes or reaction time) should inform a supervisor that they are taking such medication or are under a physician's advice to do so. Such employees are responsible for informing supervisors of the drug's possible effect on performance and the expected duration of use. If a worker is using a drug that could cause safety problems, the supervisor may grant the employee sick leave or temporarily assign the employee different duties.

All employees, as a condition of employment, must notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

**Certification of Drug Free Workplace.**

The Town of Medway certifies that it will provide a drug free workplace by:

Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

Establishing a drug-free awareness program to inform employees about:

- a. The dangers of drug abuse in the workplace.
- b. The applicant's policy of maintaining a drug-free workplace.
- c. Any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Notifying the employee in the statement required by paragraph one (1) that, as a condition of employment the employee will:

- a. Abide by the terms of the statement, and;
- b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.



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Taking one of the following actions, within thirty (30) days of receiving notice, with respect to any employee who is so convicted:

Taking appropriate personnel action against such an employee, up to and including termination; or Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Making a good faith effort to continue to maintain a drug-free workplace through implementations of paragraphs one through four.

The place of performance shall be the Town of Medway, Town Hall and all other municipally owned facilities and their immediate area.

### TRAINING AND EDUCATION

#### **Coverage.**

All employees.

#### **Policy.**

The Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided by the Town. The Human Resources Director shall, through consultation with the Department Heads and employees, develop a comprehensive training strategy to meet the specific needs of the Town. All training and education is subject to appropriation at Town Meeting.

#### **Tuition reimbursement.**

At least one year of continuous employment is required for an employee to be considered for tuition reimbursement; and, at least one year of continuous employment is expected upon completion of the course of study. Employees are limited to 2 courses per fiscal year with the funding source for reimbursement coming from the budget of the department in which the employee works. In order to be reimbursed, an employee must achieve a 3.0 GPA on a 4.0 GPA grading system for undergraduate studies; a “pass” in a “pass/fail” grading system or minimum grade of B for graduate studies. The institution must be accredited and the course must be job-related. Requests for reimbursement must be submitted for pre-approval by the Human Resources Director and Town Manager a minimum of 30 days prior to course registration deadline. Approval will be granted on a first-come, first-served basis until appropriated funds are exhausted. Any exception to this may be negotiated with the Town Manager as part of the appointment process.

### SAFETY

#### **Coverage.**

All employees.

#### **Policy**

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The Town shall provide and maintain safe working conditions.

**Procedures.**

As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

**Responsibilities of Department Heads and employees.**

Department Heads and Supervisors shall:

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

Each employee shall:

Observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

**Disciplinary action.**

Employees violating safety rules, practices and policies may be subject to disciplinary action, up to and including termination.

**STANDARDS OF CONDUCT**

**Coverage.**

All employees.

**Policy.**

The purpose of this policy is to:

- a. ensure, along with the State Conflict of Interest Law ("COIL"), that private financial interests and personal relationships of persons serving the Town, whether as paid employees or elected or appointed volunteers, ("TOWN Employees") do not conflict with their public obligations,
- b. inform Town Employees of the importance of acting in ways that do not create either actual conflicts or the appearance of conflicts,
- c. inform Town Employees of the ways in which conflicts or the appearance of conflicts may lawfully be avoided or, if having occurred, may be cured, and
- d. inform the public in non-technical terms of certain important provisions of the "COIL" as it may apply to matters of local concern.
- e. This policy is not intended to replace or to contradict the provisions of state law. It is a summary of certain provisions of the "COIL" which the Town of Medway believes should be part of the basic knowledge about town government of all Town Employees as well as Boards &

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Committees volunteers. It is not meant to serve as formal advice or as a substitute for either private legal counsel or for the methods provided by the “COIL” by which Town Employees and volunteers can obtain opinions or guidance from Town Counsel or the Ethics Commission. Town Employees or volunteers who are uncertain how the COIL applies to them or what their responsibilities under that law may be are encouraged to seek such guidance. Town Employees should take particular note of the provisions of this policy that appear in large bold face type. Those provisions are summary statements of basic principles to be observed by all Town Employees.

2. References

- a. Massachusetts General Law, Chapter 268A (Conflict of Interest Law)
- b. Section 17: Receiving gifts or compensation from someone other than the Town, or acting for others than the Town.
- c. Section 19: Participating for the Town in matters in which Town Employee has a financial interest.
- d. Section 20: Having a financial interest in a Town contract.
- e. Section 21: Canceling official actions influenced by Town Employee misconduct, and other sanctions.
- f. Section 23(b) (3): Avoiding giving reasonable grounds for belief that improper conduct has occurred.
- g. Massachusetts General Law, Chapter 268B (Public Disclosure by Public Officials and Employees)
- h. Section 3 (g): Advisory Opinions of State Ethics Commission

State Ethics Commission Rules of Practice and Procedure, 930 CMR and Section 1.03 Advisory Opinions to Municipal Employees.

3. Special Terms

- a. Town Employee: A person performing services for or holding an office, position, employment, or membership in a Town agency, whether by election, appointment, employment, whether serving with or without compensation, on a full, regular, part-time or consultant basis.
- b. Participate: To act on behalf of the Town as a Town Employee in any of the following ways: approving, disapproving, deciding, recommending, advising, investigating or otherwise.
- c. Immediate Family: The Town Employee or the employee’s spouse, parents of the employee or employee’s spouse, children, brothers and sisters.
- d. Special Town Employee: A Town Employee who has been expressly classified by the Select Board and who is eligible for such classification under the COIL.

4. Policy Description

a. **THREE COMMON TYPES OF CONDUCT THAT MUST BE AVOIDED**

The Conflict of Interest Law (“COIL”) is concerned primarily with conduct which may affect the ability of persons who are serving the Town as Town Employees to

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render such services with undivided loyalty to the interests of the Town and its residents. In addition, the law requires such persons to not engage in conduct that could reasonably lead objective observers to believe that a violation of the law might occur, the so-called prohibition against “the appearance of conflict.”

In some situations conduct that might violate the law can be made harmless by the person making a public disclosure of the circumstances. In some cases the disclosure alone is sufficient.

In other cases a person holding an appointed position may receive permission to proceed in the matter after disclosure to the appointing authority.

If a person is uncertain whether the “COIL” applies to a proposed action, an opinion may be obtained from Town Counsel or the State Ethics Commission. A favorable opinion that is based on an accurate disclosure of the circumstances will protect the person against disciplinary action by the Ethics Commission and possible criminal prosecution. If a violation occurs, depending on its nature and severity, the person may be subject to civil or criminal penalties including fines and imprisonment. In addition, if the violation has harmed the financial interests of the Town in its dealings with others, the action taken in violation of the law may be cancelled.

The types of conduct that most frequently are likely to violate the law can be summarized as follows:

**1) YOU MAY NOT RECEIVE PAYMENT FROM SOMEONE ELSE OR ACT FOR SOMEONE OTHER THAN THE TOWN IN PERFORMING YOUR DUTIES FOR THE TOWN.**

A person subject to the law may not receive or ask for compensation from any person other than the Town in connection with the person’s performance of duties for the Town. In plain terms, a person may not accept or solicit a bribe or a gift, or be paid by anyone other than the Town for participating in one’s official duties for the Town. Similarly, a person subject to the law may not act for anyone other than the Town in any matter in which the Town is a party or has a direct or substantial interest, whether or not the person has any official responsibility in connection with the matter

**2) YOU MAY NOT ACT FOR THE TOWN IN A MATTER IN WHICH A YOU HAVE A FINANCIAL INTEREST**

A Town Employee may not act for the Town in any matter in which the person has a financial interest. (*C. 268A, Sec.19*)

**3) YOU MAY NOT HAVE A FINANCIAL INTEREST IN A TOWN CONTRACT**

A Town Employee may not have a financial interest in a contract made by the Town even if the person had no official responsibility in connection with making the

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contract. A contract of employment between a Town Employee and the Town is permitted. (C. 268A, Sec. 20)

4) YOU MAY NOT ACT IN A WAY THAT WOULD CAUSE A REASONABLE PERSON WHO IS AWARE OF THE CIRCUMSTANCES TO THINK YOU COULD BE IMPROPERLY INFLUENCED OR SHOW FAVORITISM IN PERFORMING YOUR DUTIES AS THE RESULT OF FAMILY RELATIONSHIPS OR UNDUE INFLUENCE OF ANOTHER PERSON. C. 268A, Sec. 23(b)(3).

A Town Employee may violate this section even if the employee's conduct does not amount to an actual violation of another section. This section cautions against acting in a way that would give a reasonable person, not one who is unduly suspicious or distrustful of anyone in public office, reason to conclude from the way you act, or from your relationship to someone having an interest in the outcome of your official actions, that your performance could be the result of improper influence or family, business or professional relationships. The three types of conduct summarized above are not the only provisions of the law with which the "COIL" and this policy are concerned. They are, however, among the most common sources of difficulty and are basic to an understanding of the law.

5. Special Town Employees

The COIL authorizes the Select Board in its discretion to designate certain Town Employees (other than the Select Board) as Special Town Employees. Special Town Employees may be exempt from certain provisions of the COIL depending on the nature of the responsibilities of their position. If any member of a board or committee receives the designation all must receive it. The COIL establishes minimum requirements for eligibility that includes unpaid volunteers and certain part time paid Town Employees. The Select Board has not designated any position as a Special Town Employee, but may do so in appropriate circumstances in particular cases.

6. Three Principles That Occur Throughout The "COIL"

a. THE "COIL" PROHIBITS YOU FROM TAKING ACTION THAT WOULD IMPROPERLY BENEFIT NOT ONLY YOU PERSONALLY, BUT OTHERS WITH WHOM YOU MAY HAVE FAMILY OR OTHER RELATIONSHIPS.

The "COIL" prohibits you from participating in matters in which you know that any of the following have a financial interest:

- 1) your spouse and your (and your spouse's) parents, children, brothers and sisters,
- 2) your partner,
- 3) a business in which you are an officer, director, trustee, partner or employee,
- 4) a person or organization with whom you are negotiating for or have any arrangement concerning future employment.

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b. IF YOU ARE PROHIBITED FROM PARTICIPATING IN A MATTER BECAUSE OF A CONFLICT OR THE APPEARANCE OF A CONFLICT, YOU MAY NOT ACT IN ANY WAY IN CONNECTION WITH IT.

The “COIL” uses the term “participate” to include a wide variety of activities that commonly take place when a matter is under consideration for action or decision. As a result, if you have a conflict or to avoid the appearance of a conflict you are prohibited from:

- 1) voting on the matter or on action relating to it,
- 2) expressing in your official capacity your approval or disapproval,
- 3) making a recommendation,
- 4) giving advice, or
- 5) investigating the matter.

This Policy requires that a person who is prohibited from participating in a matter coming before a board or committee of the Town because of a conflict or the appearance of a conflict must not be involved in any action of the sort described above, must be physically absent during the part of any meeting or proceeding at which such action is to be taken, and must state before departing the reason for such departure.

c. VIOLATIONS OF THE CONFLICT OF INTEREST LAW MAY HAVE SERIOUS CONSEQUENCES FOR THE PERSON INVOLVED AND FOR THE TOWN.

The “COIL” is enforced by both civil and criminal penalties that are administered by the State Ethics Commission and by law enforcement agencies. The Ethics Commission has the power to impose civil penalties up to \$2000 for violations of the law. Section 17 which involves bribes or gifts offered or received carries a penalty of a fine up to \$3,000 and imprisonment for not more than three years, or both. Section 19 which involves participating in a matter in which a prohibited financial interest is involved carries a similar fine and imprisonment for not more than two years, or both. Section 20, which involves having a financial interest in a town contract, carries a fine of \$3,000 and imprisonment for not more than two years or both.

A violation of Section 23, which involves avoiding the appearance of a conflict, does not carry criminal penalties. However, a person who is found to have violated that section may be subject to appropriate administrative action by the head of the Town agency in which the person is serving.

In addition to any other remedies provided by law for violations of Sections 17, 129, and 20, the following may apply:

- 1) If a violation has influenced an action taken by the Town, the Town may cancel the action upon appropriate terms, and
- 2) The Ethics Commission, the District Attorney of the Town may sue the person who committed the violation and received an economic benefit to recover the amount of such benefit or \$500 whichever is greater or in some circumstances two times the amount of such benefit.

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7. Disclosure of Actual Or Potential Conflicts

a. If a Town Employee believes there may be a violation of the prohibition (Section 17) against having a financial interest in a matter in which the employee may act, the employee must fully disclose the circumstances to the appointing authority and may receive a written decision that the interest is so insubstantial as to not be likely to affect the integrity of the employee's action.

b. If a Town Employee intends to participate in a matter in which the employee has a financial interest, in order to avoid violating the COIL, the employee must in advance fully disclose the circumstances to the employee's appointing authority. After making such a disclosure, the employee may receive a written decision that the interest is so insubstantial as to not be likely to affect the integrity of the employee's action and the employee's participation will not violate this section.

c. If a Town Employee in good faith and within 30 days after learning of an actual or prospective violation of the prohibition (Section 20) against having a financial interest in a contract with the Town makes full disclosure of the interest to the contracting agency and disposes of his interest there will be no violation of this section.

d. If a Town Employee in advance of taking official action that may create the appearance of a conflict (Section 23(b)(3) discloses to the appointing authority or, if no appointing authority exists, discloses in a public way, the facts that would otherwise lead to such an appearance, there will be no violation of this section.

e. In each instance in which the "COIL" provides for disclosure as a method of curing or avoiding a violation of the law, the Town Manager acting as the relevant appointing authority will review directly or through its designee, the content of the disclosure to ensure that it complies with the purpose of the "COIL" and this policy. The Town Manager may designate a qualified and disinterested person to review such disclosure statements and to report to the appointing authority. The appointing authority will act when necessary to require the employee to supplement the disclosure so as to adequately inform the public of the circumstances and to enable the appointing authority to decide what further action, if any, may be necessary to ensure such compliance. Further action by the appointing authority, depending upon the circumstances of each case, may include a direction to the employee to not participate or to limit the employee's involvement. A full disclosure for the purpose of this policy must include, as appropriate to the particular circumstances:

- 1) The nature of the relationship: familial, employment, contractual, whether compensation is involved, if the relationship concerns financial matters the amounts involved and the nature of the relationship, for example, if debtor/creditor the amounts involved and current status of the debt.

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- 2) Whether the relationship is current or has been concluded. If concluded when it was concluded.
- 3) If the relationship is with an entity, such as a corporation, trust or estate, in which the disclosing party has an interest, the nature and value of the interest.
- 4) If the relationship involves the giving or receipt of political contributions, the period of time during which such contributions were made, the amounts thereof, and a description of any aspects of the political relationship other than that of financial support.
- 5) If the relationship is that of attorney/client whether the relationship is current or past and the nature of the matter(s) to which the relationship pertains.
- 6) If any person identified by name or general description in the disclosure statement has any interest in the particular matter to which the disclosure statement relates, whether direct or indirect, immediate or through family or business relationships, past, present or contemplated, include the nature of the interest and a description of the relationship between the person making the disclosure and such other person.
- 7) Whether the person making the disclosure has had any communication at any time with any person identified by name or general description in the disclosure concerning the particular matter to which the disclosure statement relates, including the time of such communication(s) and the details thereof.

8. Filing of Disclosure Statements and Related Documents

Each disclosure statement submitted by a Town Employee and related documents will be filed and indexed as follows:

- a. Statements filed with the Town Manager and the Town Clerk will be indexed under the name of the individual Town Employee making the disclosure statement.
- b. Statements will be filed with the Clerk and other person responsible for maintaining the records of any board, committee or other agency of the Town on which the Town Employee making the disclosure serves. They will be filed with and indexed to refer to the particular matter to which the disclosure relates so that a person having an interest in the particular matter may readily have access to the disclosure statement and related documents.

9. Attendance at Ethics Seminars



## TOWN OF MEDWAY PERSONNEL POLICIES

The Town will offer the opportunity to all Town Employees, full or part time, paid or volunteer, to attend any seminar held in Town Hall on the requirements of the Conflict of Interest Law as applicable to Town Employees. Compensated employees may be mandated to attend said training if so determined by the Town Manager.

### 10. Opinions of Town Counsel or State Ethics Commission

Opinions of Town Counsel to Town Employees that are rendered under the “COIL” become public records (Sec. 22) and are to be filed with the Town Clerk. Town Counsel must file with the Ethics Commission a copy of each such opinion for review. In order to provide the public with convenient access to those opinions, Town Counsel will notify the Office of the Town Manager when such opinions have been filed with the Town Clerk. The Office of the Town Manager will maintain a current listing of those opinions and of the response, if any, of the Ethics Commission indexed according to the name of the person to whom such opinion has been rendered and the office, board, committee or agency of the Town in which such person is serving.

Town Employees may also directly request the Ethics Commission to issue a formal advisory opinion on a written statement of facts. Such a formal advisory opinion and an opinion of Town Counsel that has been submitted to the Ethics Commission to which no exception has been taken will be binding on the Ethics Commission so long as the facts have been accurately presented.

The Town Manager may request Town Counsel to provide to the Town Manager an opinion based upon the provisions of C. 268A and other relevant materials as to whether the past or prospective conduct of a Town Employee serving in an office, board, committee or other agency constitutes an actual conflict of interest or gives rise to the appearance of a conflict under the provisions of that statute. Such a request and an opinion rendered upon it will not have the status of an opinion rendered under Section 22 and will be intended for the information and guidance in the administration of government of the Town of Medway.

At the time of requesting such an opinion the Manager shall inform the person whose conduct is the subject of the request that the request has been made, shall provide the person with a copy of the request and shall afford the person the opportunity, within a specified time, to supplement the information contained in such request. The Town Manager shall receive and forward any supplemental information to Town Counsel and shall provide the person with a copy of the opinion when rendered by Town Counsel. The request and the opinion will be subject to the provisions of the Public Records Law.

TOWN OF MEDWAY  
PERSONNEL POLICIES

**DISCIPLINARY POLICY**

**Coverage.**

All employees.

**Policy.**

All employees are responsible for observing regulations necessary for proper operation of departments in Town. Disciplinary action shall be the responsibility of the Supervisors, Department Heads, and Appointing Authorities, who shall exercise their responsibilities with discretion and concern for the employee.

**Reasons for disciplinary action.**

Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. The following shall be sufficient cause for disciplinary action, but shall not be limited to:

- a. Incompetence or inefficiency in performing assigned duties.
- b. Inability to perform one or more essential elements of the position.
- c. Refusal to perform what the Town determines to be a reasonable amount of work, or violation of any order or directive, or failure to carry out any lawful and reasonable directions made by a Supervisor.
- d. Habitual tardiness or absence from duty.
- e. Use or possession of illegal narcotics or alcohol while on duty.
- f. Misuse or unauthorized use of Town property.
- g. Fraud in securing appointment.
- h. Disclosure of confidential information.
- i. Abuse of sick leave or absence without leave.
- j. Conviction of a felony.
- k. Violation of safety rules, practices and policies.
- l. Engaging in sexual harassment.
- m. Falsification of time sheets.
- n. Any situation or instance of such seriousness that disciplinary action is warranted.
- o. Any action, inaction or conduct that potentially brings discredit upon the employee, the Department or the Town.
- p. Any action, inaction or conduct that the Town determines is conduct unbecoming an employee of the Town of Medway.
- q. Any failure to provide complete and truthful information when requested by a supervisor, department head, Director of Human Resources and/or Town Manager.

**Disciplinary procedures.**

TOWN OF MEDWAY  
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Department Heads and Supervisors shall be responsible for enforcing rules and regulations. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspension, demotion and discharge. Depending upon the severity of the violation, the Town reserves the right to choose the appropriate disciplinary action.

a. Oral reprimand.

A Department Head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.

b. Written reprimand

If an oral warning shall fail to correct an action warranting a disciplinary action, or if the Department Head believes the offense is of sufficient gravity, the Department Head shall issue a written warning including reasons for the warning, and an offer of assistance on the part of the Department Head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and carry a specific period in which the behavior shall be improved.

c. Disciplinary probation with pay.

If a written warning fails to correct the situation, the employee may be placed on disciplinary probation for a period of up to three (3) months by the Department Head or Appointing Authority.

d. Suspension.

At the discretion of a Department Head, and with sufficient cause and approval of the Town Manager, a Department Head may suspend an employee without pay for a period(s) not to exceed thirty (30) days in any twelve (12) month period. Suspension may be in lieu of oral reprimand, written reprimand, and disciplinary probation, and may be effective immediately. Within forty-eight (48) hours of the effective date of the suspension, the employee shall be provided with a written notice stating the reasons for, and the length of the suspension.

e. Discharge.

An employee may be discharged for unsatisfactory job performance, violation of Town regulations, or after the exhausting of other disciplinary procedures. The Department Head shall provide the employee and the Human Resources Director with a written notice stating the reason(s) for the requested discharge to the Town Manager for consideration and hearing as required. The decision on any discharge shall be solely made by the Town Manager in accordance with applicable laws, regulations, and contractual provisions.

## TOWN OF MEDWAY PERSONNEL POLICIES

The following shall be sufficient cause for immediate discharge, without recourse:

- Use, possession, or being under the influence of, illegal narcotics or alcohol during work hours
- Fraud in securing appointment
- Conviction of a felony
- Falsification of time sheets
- Theft of Town property
- Physical assault

## GRIEVANCE PROCEDURE

### **Coverage**

All employees, excluding probationary

### **Definition and steps to resolution**

A grievance which is a dispute that might arise concerning the application, meaning, or interpretation of these regulations, shall be resolved in the following manner:

**Step #1:** The aggrieved employee shall present the matter informally to the employee's immediate supervisor for adjustment, not later than five (5) working days after the occurrence of the event giving rise to the grievance.

**Step #2:** If no satisfactory resolution is made in Step #1 within three (3) working days, the aggrieved employee shall, within five (5) working days, file the grievance in writing to the Department Head with a copy to the Human Resources Director. The Department Head shall, upon receipt of the written grievance, consider the same and notify the employee within twenty-one (21) working days of a decision.

**Step #3:** If the aggrieved employee is not satisfied with the decision of the Department Head, then the employee shall, within five (5) working days, file a copy of the written grievance to the Town Manager. The Town Manager shall, within twenty-one (21) days, hold a hearing with the aggrieved employee and the employee's Department Head, and shall make a determination within fourteen (14) days of said hearing. The issues of classification and compensation are not grievable. The decision of the Town Manager shall be final.

## WORKER'S COMPENSATION

### **Coverage.**

All employees except Police, Fire and EMT covered under MGL 111F.

### **Policy.**

Worker's compensation claims shall be processed in accordance with MGL Chapter 152.

TOWN OF MEDWAY  
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**Benefit continuation.**

Employees on worker's compensation leave shall be responsible for maintenance of their benefits, including health and life insurance. Continuation of benefits should be coordinated with the Treasurer/Collector's office. It shall be the employee's responsibility to make the necessary arrangements to ensure benefits are not suspended during worker's compensation leave. Employees on worker's compensation leave shall not accrue vacation, personal or holiday time. Based on the circumstances of a situation, the Town reserves the right to replace individuals who are absent from work on workers compensation. Should the Town take such action the employee will first be notified of the Town's contemplated action in writing, the employee (if removed) will have the right to seek reemployment if the same or a similar position opens after the employee has notified the Town in writing that the employee is cleared to return to full duty and the employee applies for the position. A decision to replace an employee shall not impact an employee's right to collect Workers Compensation benefits.

**CUSTOMER SERVICE POLICY**

**Coverage.**

All employees OF the Town of Medway

**Policy.**

The following conduct shall be observed at all times:

1. Receiving Telephone Calls: All phone calls will be answered with a "Good Morning" or Good Afternoon", or "Good Evening", followed by the department name, your name, and an offer to help that person. An example to be followed: "Good Morning, Medway Town Manager's Office, this is Liz, may I help you". The image and attitude projected by the tone of our voices will likely set the tone for the whole conversation.
2. Returning Phone Calls & Voice Mail: it is essential that messages left on voice mail or calls where messages are taken by other staff, are returned promptly. For the most part, promptly means within minutes where possible, but absolutely during the same business day. A return phone call, preferably one made shortly after the message was left, goes a long way to satisfy the customer on the other end.
3. Responding To Customer Needs Or Complaints: When a person who is at the counter, in the office, or on the phone, brings a complaint, question, problem, suggestion or need to our attention, he or she often wants that issue to be addressed immediately. At that moment, it is the responsibility of staff to try and address the concern or need immediately, and to be sure that the customer/resident senses that the efforts being made are genuine. Issues must be resolved as soon as possible.

4. Addressing The Need Or Complaint: More often than not, when someone asks a question, likely an answer is readily available or it is known where one may be found. In these circumstances, answering the question immediately is the best advice. Referring customers to other departments or offices should take place to ensure the accuracy of the information to be relayed. However, it is the responsibility of all staff to be as well informed as possible. There will be instances where accurate information is not immediately at hand because the technical expertise that another office has is required. Put the customer on hold, contact the appropriate official on the other line and identify the customer and need to the other staff person, and then connect them with an introduction.
5. Dealing With Other Staff – Communicate!: The way in which staff deals with each other is very clear and obvious to the public. How staff communicates between departments and staff is as important, if not more so, than how they interact with the public at large. Project a positive and professional image at all times.
6. Saying “No” & Delivering “Bad” Information: While “what” is said is very important, “how” it is said is just as important. On occasions, staff will find themselves in a position where he/she has to say “no” to a resident request or will have to deliver less-than-popular information. Being sympathetic to the problem or concern is a must. Showing compassion is vital. And being professional at all times is demanded. Also, when saying no, it is a must to have researched all avenues before delivering the final answer. If the resident does find out “no” really could have been “yes” from someone else, then a larger credibility problem will result.
7. Positive & Professional Image – Appearance: In addition to being professional in what is “said”, staff must always be professional in appearance, which in turn lends itself to a higher level of respect from the public we serve.