



Town of North Andover

Personnel Policy

Board of Selectmen:

Adopted August 20, 2007

Revised April 14, 2008

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About the Personnel Policy and Procedure

This Personnel Policy is intended to serve as general guidance to all employees, managers, and Town officials. Where negotiated terms of collective bargaining agreements differ, the terms of the collective bargaining agreement will take precedence. The Town of North Andover and the North Andover Board of Selectmen reserve the right to exercise its discretion at any time to amend, modify, revoke, rescind or add to any section contained in this Personnel Policy. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment.

I. INTRODUCTORY POLICIES

A. RECITALS

Pursuant to the authority contained in Section 108A of Chapter 41 of the Massachusetts General Laws as amended by Article 11 of the Town of North Andover Special Town Meeting, dated December 12, 2002, there shall be established plans, which may be amended from time to time by vote of the Town through its Board of Selectmen.

(1) These plans specifically exclude any employees covered under collective bargaining agreements, and appointed employees covered under contractual agreements.

(2) This Policy shall be reviewed annually by the Town Manager, or his designee, and any additions, deletions, or modifications presented to the Board of Selectmen for review and approval. Any personnel question not specifically covered by the provisions of this Policy shall be addressed in accordance with the discretion of the Town Manager.

(3) In the event that any provision of this Policy is in conflict with any federal or state law or regulation, or any order, determination, ruling or regulation of a federal or state executive or administrative agency or court, this policy shall be modified to conform to the law, regulations, or order existing at that time. Such law, regulation, order, determination or ruling will be considered to supersede this policy if timely action is required.

B. DEFINITIONS

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

Complaint Resolution Procedure: The complaint resolution procedure is a process for resolving disputes between an employee and the Town over the interpretation or application of the specific terms of this Policy.

Continuous Employment: Employment uninterrupted except for any authorized leaves of absence including required military service.

Department Director: The managerial employee appointed by the Town Manager, and approved by the Board of Selectmen, for the purpose of exercising immediate supervision and control of a division sub-function.

Division Director: The managerial employee appointed by the Town Manager, and approved by the Board of Selectmen, for the purpose of exercising immediate supervision and control of a Division.

Employee: An employee of the Town occupying a position in the classification plan.

Evaluation: Scheduled periodic review of an employee's performance.

Exempt Employees: Employees who are paid a salary and are not subject to the minimum wage and overtime provisions of FLSA.

Full-Time Employee: An employee retained in full-time employment.

Hearing Officer: A person designated by the Town Manager to preside at a pre-termination hearing as provided for in this Policy.

Introductory Period: The first six months of employment in a position, or extensions thereof, as provided for in this Policy.

Longevity Pay: Compensation to an employee occupying a position in the classification plan in full-time continuous employment or regular part-time employment of five years or longer pursuant to the schedule as appearing in this Policy.

Non-exempt Employees: Employees who are paid a fixed wage and are eligible for overtime pay in accordance with the provisions of FLSA.

Permanent Employee: Subject to the provisions of at-will employment, an employee retained on a continuing basis in an ongoing, funded position.

Permanent Employment: Subject to the provisions of at-will employment, employment for the Town that has required or which is likely to require the services of an incumbent without interruption for a period of more than six calendar months, either on a full-time or part-time employment basis.

Promotion: A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

Regular, Part-Time Employment: Employment for the Town for a minimum of 20.0 hours to a maximum of 37.4 hours per week for fifty-two weeks per year, less any authorized leaves of absence. Any person so employed is a regular, part-time employee.

Temporary Employee: An employee who is hired as an interim replacement, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration for a period not exceeding six (6) calendar months or less than 20 hours/week.

Temporary Employment: Employment for the Town which requires or is likely to require the service of one incumbent for a period not exceeding six calendar months, either on a full-time or part-time basis or less than 20 hours a week if more than six calendar months.

Town: The Town of North Andover.

Town Manager: The Town Manager is the Chief Administrative Officer of the Town appointed by the Board of Selectmen, as defined herein.

C. HUMAN RESOURCES ADMINISTRATION

(1) The Town Manager shall administer the plans and shall establish such procedures as he or she deems necessary for the proper administration thereof, and, subject to the approval of the Selectmen, may designate a Human Resources Director and assign him/her such duties as the Town Manager deems necessary.

(2) The Town Manager, or his/her designee, may employ assistance and incur expenses in conjunction with the implementation of this policy, as he or she deems necessary, subject to the appropriation of funds therefore.

(3) The Town Manager, or his/her designee, shall maintain adequate personnel records of all employees occupying positions subject to the Classification and Compensation Plans; said records are to be kept in his or her custody. Department/ Division Director shall provide such information as the Town Manager may request.

(4) The Town Manager, or his/her designee, from time to time, shall investigate the work, features, and rates of salaries or wages of any or all positions subject to the provisions of this Policy. Such reviews shall be made at such intervals as the Town Manager or his/her designee deems necessary.

II. GENERAL EMPLOYMENT PROVISIONS

A. Employment-at-Will

Employment with the Town of North Andover is voluntarily entered into, and the employee is free to resign at will at any time, with or without reason. Similarly, the Town of North Andover (“the Town” or “the Employer”) may terminate its employment relationship with any employee at-will at any time, with or without notice or reason, provided there is no violation of applicable federal or state law.

The provisions of this Personnel Policy do not and are not intended to create a contract of employment between the Town and any of its employees, managers, and town officials, nor are they to be construed to constitute contractual obligations of any kind. Rather, they are provided for guidance purposes only. The provisions of this Policy have been developed at the discretion of Town management and, except for its policy of employment-at-will, may be amended, modified, revoked, rescinded or added to at any time, in the Town's sole discretion. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Town Manager and the Board of Selectmen.

B. Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions are based on merit, qualifications, and abilities. The Town of North Andover does not discriminate in employment opportunities or practices on the basis of race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or on any other basis protected by federal, state, or local law or ordinance. This policy governs all aspects of employment, including selection, job assignment, compensation, advancement, workforce reduction or transfer, leaves of absence, discipline, termination, and access to benefits and training.

Town management will make reasonable accommodations for qualified handicapped individuals with known handicaps, unless doing so would result in an undue hardship.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Town Manager or the Assistant Town Manager/Director of Human Resources. Employees can raise concerns and make reports without fear of reprisal or retaliation of any kind. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

C. Disability Accommodation

The Town of North Andover is committed to complying fully with Massachusetts and federal law concerning handicapped persons and ensuring equal opportunity in employment for qualified handicapped persons. All employment practices and activities are conducted on a non-discriminatory basis. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all handicapped employees who are otherwise qualified, where their disability affects the performance of job functions, except when providing such accommodation imposes an undue hardship on the business operations of the Town. All employment decisions are based on the merits of the situation. If an individual needs an accommodation, it is his or her responsibility to advise the Town Manager or the Assistant Town Manager/Human Resources Director. The Town may ask for suggestions in defining what special accommodations are needed, and employees must cooperate fully and engage in an interactive process to best identify a reasonable accommodation.

Employees are required to cooperate fully with the Town in the procurement of medical records so that the Town can fully comply with the provisions of the Americans with Disabilities Act (ADA). Employees are required to supply any and all records the Town lawfully requests,

and execute any medical authorizations or release forms provided by the Town or a medical care provider, consistent with the law.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation as well as equal treatment in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees without regard to their status as disabled.

This policy is neither exhaustive nor exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with any applicable laws.

D. Business Ethics and Conduct

The successful operation of Town business and the reputation of the Town are built upon the principles of fair dealing and ethical conduct among employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Our continued success in serving the Town of North Andover and its citizens is dependent upon our maintaining the trust of our citizens, vendors and service providers, and we are dedicated to preserving that trust. Employees owe a duty to the Town to act in a way that will merit continued trust and confidence. The Town regards ethical conduct with those organizations providing goods and services to the Town, and those organizations to which we provide goods and services, as paramount to the establishment of an effective working relationship.

The Town will comply with all applicable laws and regulations and expects its officials and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. The integrity of all employees is an indispensable source of goodwill and must remain unquestioned.

E. Conflicts of Interest

Issues related to conflicts of interest are addressed in statements by the State Ethics Commission and M.G.L. c268A.

Specifically, employees must avoid conflicts of interest between their obligation to the Town and their personal affairs. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town's business dealings. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town does business, but also when an employee or relative receives any kickback, bribe, gift, or special consideration as a result of any transaction or business dealings involving the Town. No employee should have an economic interest in, hold a position in, or maintain a

relationship with any firm, person or corporation with which the Town does business or competes that could jeopardize the Town's interest. In general, the use of good judgment, based on the highest ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation arises where a conflict may develop or where it is difficult to determine the proper course of action, the matter should be discussed openly with the employee's supervisor, the Town Manager, or the Assistant Town Manager as soon as possible so that safeguards can be established to protect all parties. In addition, an employee with questions, concerns, or issues related to conflicts of interest may contact the State Ethics Commission.

Compliance with this policy of business ethics and conduct is the responsibility of every Town employee. Disregarding or failing to comply with appropriate business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

Nothing in this Policy shall be construed to conflict with Chapter 268A of the Massachusetts General Laws for conflicts of interest.

F. Confidentiality

During the course of employment by the Town of North Andover, employees may have access to confidential information relating to the Town, its business dealings, or its citizens. To the extent such information represents exceptions to public records as provided by the Secretary of the Commonwealth of Massachusetts and M.G.L. c4, §7, the transmittal of confidential information consisting of matters not generally known outside of the Town Offices is prohibited. Employees must utilize good judgment, common sense and caution at all times to avoid unauthorized or improper disclosures.

Employees understand that any disclosure of confidential information without express approval from the Town Manager is expressly prohibited and is cause for disciplinary action, up to and including termination of employment, as well as possible criminal or civil action, even if they do not benefit personally from the disclosed information. In such event, the Town may be entitled to specific performance or injunctive relief as well as any costs incurred by the Town, including attorneys' fees.

Employees are strongly encouraged to discuss any questions relating to confidential information relating to the Town of North Andover with their supervisor, the Town Manager, or the Assistant Town Manager.

G. Political Activities

It shall be the policy of the Town to appoint, promote, demote and remove all employees without regard to political considerations. The political opinions or affiliations of any resident shall in no way affect the amount or quality of service a resident receives from the Town

In accordance with the Campaign Finance Laws, M.G.L. c55, Town employees shall not engage in any political activities including, but not limited to, campaigning for themselves or individual candidates, or campaigning for support of or opposition to ballot questions, during

work hours, nor in uniform nor on Town property (except in locations designated by the Town Manager), nor using Town resources including office space, equipment, vehicles, uniforms, letterhead stationary, etc. Employees shall not directly or indirectly use or seek to use the authority or influence of their positions to control or modify the political action of another person.

Any employee may, on his/her own time, and without the use of any Town resources, advocate for or against any ballot question. Town resources include office space, equipment, vehicles, uniforms, letterhead stationary, etc. Town employees may not give, solicit, or receive political funds in any public building, and may not serve on any steering committee or as treasurer of any group that has as its purpose fund raising for any ballot question or candidate. Paid appointed public employees are prohibited from political fund raising at any time, whether at work or not.

Nothing in this section shall be construed to prevent Town employees from becoming or continuing to be members of any political party, club or organization; attending political meetings during non-working hours, and not in uniform; expressing their views on political matters during non-working hours; circulating petitions on public questions or voting with complete freedom in any election.

H. Nepotism, Dating and Employee Fraternization

When in the normal selection process, relatives of Town employees or officials are considered for appointment or promotion, the Town Manager shall be notified, in writing, by the Division or Department Director. No person shall be hired or promoted based upon their family relationship to another Town employee. No employee shall be in a position that supervises his/her relative, directly or indirectly.

Any dating or romantic relationships that result in a direct or indirect reporting relationship must be reported through supervisory and management chains of command. In this connection, the Town reserves the right to adjust any work arrangements to avoid an actual or perceived conflict.

This policy is not for the purpose of depriving any person of an equal chance for employment with the Town, but is solely intended to eliminate the perception of or potential for preferential treatment of the relatives of Town personnel. In this connection, the Town Manager may modify schedules, shifts, or work units to eliminate any potential for conflict.

Relatives, for the purpose of this policy, shall include all members of the immediate family including spouse, domestic partner, parents, brothers, sisters, direct-line aunts and uncles and nieces and nephews, children, grandparents, grandchildren, and in-laws.

I. Civil Service Law

Nothing in this Policy shall be construed to conflict with M.G.L. c31 for employees classified as Civil Service employees.

J. Effect of Partial Invalidity

The invalidity of any section of this Policy shall not invalidate any other section or provision thereof.

III. EMPLOYMENT STATUS

A. Employment Categories

It is the intent of the Town of North Andover to clarify the definitions of employment classifications so employees can understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time and do not in any way alter the “at-will” status of employment.

As defined by the Fair Labor Standards Act (“FLSA”), each employee is designated as either EXEMPT or NON-EXEMPT from federal and state wage and hour laws. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification from Town management.

EXEMPT employees are paid a salary and are not subject to the minimum wage and overtime provisions of the FLSA because they meet the exemption requirements for executive, administrative, or professional and whose positions require the exercise of discretion and independent judgment and/or require decision-making regarding personnel. Additionally, certain other highly compensated employees (those earning over \$100,000 per year) and computer professionals (including programmers, software engineers, and computer analysts) are included. Exempt employees are not entitled, therefore, to overtime pay.

NON-EXEMPT employees are paid a fixed wage and are eligible for overtime pay in accordance with the provisions of the FLSA. A non-exempt employee who, with authorization, actually works more than regularly scheduled full-time hours during any weekly pay period may receive overtime pay at the rate of time and one half. At the Department Director’s discretion, an employee may be required to take compensatory time calculated at one and one-half times the number of hours worked in lieu of overtime pay. Overtime pay is based upon actual number of hours worked during the work week including holidays, vacations and personal days but does not include sick leave or other leaves of absence (see also Section IV-D, Compensatory Time).

In addition to the above categories, each employee will belong to one other employment category: regular full-time or regular part-time.

REGULAR FULL-TIME employees are those who are not employed on a temporary basis and who are regularly scheduled to work the full-time schedule of not less than seven and one-half hours a day, five days a week for 52 weeks per year, less legal holidays and any authorized leave of absence. Generally, regular full-time employees are eligible for certain benefits provided by

the Town, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not employed by the Town on a temporary basis and who are regularly scheduled to work less than 37.5 hours per week for 52 weeks per year, less legal holidays and any authorized leaves of absence, with pro-rated employee benefits, with the exception that an employee working more than 20 hours weekly will be eligible to receive the same health insurance benefits as regular employees.

Each employee holds a position that is either permanent or temporary.

PERMANENT employees are retained on a continuing basis in an ongoing, funded position.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration for a period not exceeding six (6) calendar months or less than 20 hours/week. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing. While temporary employees receive any legally mandated benefits, they are ineligible for all other benefit programs provided by the Town

B. Deductions from Pay of Salaried Workers

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over forty (40) hours in a workweek.

The FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, outside sales, and computer professional employees

(1) Salary Basis Requirement: Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek 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 workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Under the law, deductions from the pay of an exempt employee are permissible in the following circumstances:

- ◆ Unpaid personal leave in full-day increments other than for sickness or disability;
- ◆ Sickness or disability leave in full-day increments pursuant to the Town's plan, policy or practice of providing pay for salary lost due to illness;
- ◆ To offset amounts employees receive as jury or witness fees, or for military pay;

- ◆ Unpaid disciplinary suspensions of one or more full days imposed for workplace conduct rule infractions;
- ◆ Deductions in the first or last week of employment; and
- ◆ Suspensions for violations of safety rules of major significance.

(2) Adherence to FLSA: It is the policy of the Town to comply with the salary basis requirements of the FLSA. Therefore, improper deductions from the salaries of exempt employees are prohibited. If an employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to his/her supervisor or the Assistant Town Manager/Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made. Additionally, retaliation against those who make good-faith reports will not be tolerated.

C. Personnel Records and Data Changes

(1) The Town strives to maintain accurate records on all employees. It is the responsibility of each employee to promptly notify his/her supervisor or the Assistant Town Manager of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, name change, marital status, individuals to be contacted in the event of an emergency, and other such information should be accurate and current at all times. Failure to notify the Town of changes could affect an employee's eligibility for benefits and could impair the Town's ability to contact a friend or family member if an emergency arises.

(2) Materials originating from the Town that are derogatory to an employee's conduct, service, character or personality shall not remain placed in the personnel file unless the employee has had an opportunity to read the material within thirty days of it being placed in the file. The employee shall acknowledge that he/she has read such material by affixing his/her signature on the actual copy to be filed. Such signature does not necessarily indicate agreement with its content, but merely signifies that the employee has read the material to be filed.

(3) The employee shall have the right to answer any material filed, and his/her answer shall be attached to the file copy.

(4) If any material is placed in an employee's file without proper notice and opportunity to respond, said material shall be removed until such time as the employee has had an opportunity to reply.

(5) In accordance with Massachusetts' law, any employee shall have the right to examine all material in his/her personnel file, if requested in writing by the employee. A copy of any such material shall be furnished to the employee at his/her request within five (5) days of the request. An employee or former employee may be required to reimburse the Town for photocopying costs.

(6) Some personnel records and employee data may be subject to the Public Records Act and, therefore, subject to disclosure.

D. Resignation

Since employment with the Town is based on mutual consent, both the employee and the Town have the right to terminate employment at-will, with or without reason or notice, at any time. Departing employees will be paid all accrued but unused benefits, such as vacation time, at the time of resignation. Some benefits may be continued at the employee's expense, if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Resignation is a voluntary act initiated by the employee to end employment with the Town. At least two (2) weeks written resignation notice is requested from employees.

The provisions of this Policy do not and are not intended to create a contract of employment between the Town and any of its employees, nor are they to be construed to constitute contractual obligations of any kind. Rather, they are for employee guidance only. The provisions of this Policy have been developed at the discretion of the Town Manager and Town management, and, except for its policy of employment-at-will, may be amended, modified, revoked, rescinded or added to at any time, in the sole discretion of the Town of North Andover. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment.

E. Introductory Period

The Introductory Period is intended to give employees in a new position the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether their new position meets their expectations. The Town of North Andover uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town of North Andover may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

The first six (6) months of employment after the date of hire in a new position are considered the Introductory Period. Any significant absence by the employee will automatically extend the introductory period by the length of the absence. If the Town Manager determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended only for a maximum of an additional 90 calendar days. No permanent employee shall serve more than one introductory period during his/her tenure of employment in a specific position. After completing the introductory period, employees will be eligible for Town-provided accrual benefits, subject to the terms and conditions of each benefits program. Eligibility for health insurance benefits begins on the date of hire.

If an employee is promoted to another position, the first six (6) months of employment after entering the new position are also considered an Introductory Period. If, upon completion of this introductory period, an employee's performance in the new position is evaluated as

unsatisfactory, he/she may return to his/her former position, if available. If the previous position is no longer available, every effort shall be made to provide similar or comparable employment. However, the Town does not have an obligation to provide such employment.

F. Termination Process

While all employees remain at-will employees at all times, generally, the following process will be followed in terminating employment:

(1) The Division Director or other designated supervisory administrator must provide a permanent employee (i.e., non-introductory period) with written notification of any contemplated dismissal for good and sufficient cause and the specific reasons (i.e., charges against the employee) for said action. Within forty-eight hours after receipt of said notice, a permanent employee may submit, in writing, a request to discuss this action with the Division Director or other designated supervisory administrator. The Division Director or other designated supervisory administrator will promptly schedule a hearing for said employee within ten days.

The Assistant Town Manager/Human Resources Director or other designee appointed by the Town Manager will preside at this hearing. At this pre-termination hearing, the permanent employee or his/her attorney will have the opportunity to present reasons why the Town should not discharge said employee. Within ten days after the hearing, the Hearing Officer will notify said employee, in writing, of their recommendation to the Town Manager.

(2) Upon receipt of the Hearing Officer's recommendation, the permanent employee has five days to request a full evidentiary hearing before the Town Manager. The Town Manager may designate a hearing officer to preside at this hearing. The hearing must be scheduled within thirty days of receipt of said request unless otherwise agreed by the parties. At the hearing, the Town must present the reasons why said employee is being considered for termination. Whenever possible, this evidence should be provided through witness testimony. After the Town presents its evidence, the permanent employee or his/her attorney may question the Town's witnesses or present relevant evidence that supports his/her position. After the hearing, the Town Manager will notify said employee, in writing, of his/her decision within fifteen days. The Town Manager's decision is final and the discharged employee has no rights to appeal.

(3) Where circumstances warrant and in consideration of all factors, the Town reserves the right to skip any or all of these steps and may, as circumstances warrant, move immediately to termination of employment.

(4) Employees may be placed in a paid or an unpaid status during the termination process at the discretion of the Town Manager.

NOTE: MGL c31, §41, defines a civil service employee's entitlement to a hearing.

G. Lay-off/Reinstatement

(1) In the case of a layoff, employees will be given a minimum of two weeks prior written notice. At the discretion of the Town Manager, employees subject to lay-off may be given two weeks pay-in-lieu of notice.

(2) If an employee is reinstated within one year of his/her lay off, the employee will retain his/her number of years' service at the time of layoff. All benefits including retirement will resume accrual at the time of reinstatement. However, in no case will the employee receive credit for the period of the lay off.

H. Exit Interviews

The Town will generally schedule exit interviews at the time employment ends. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, and/or return of Town-owned property, such as tools, keys, gas cards, and identification cards. Suggestions, complaints, and questions can also be voiced.

IV. WORK CONDITIONS AND HOURS

A. Work Schedules

The Town offices are open for business from 8:30 AM to 4:30 PM, Monday through Friday (with the exception of holidays). Regular full-time employees are expected to work seven and one-half (7.5) hours per day between these hours, plus a 30-minute unpaid meal/lunch break. Any modification to this work schedule must be requested in writing to and approved by the Town Manager.

Employees are expected to be at work, in their designated work areas, for the established hours each day. Employees are expected to arrive promptly at the start of their workday, take the appropriate allotted time for lunch and breaks. Lunch and break times may *not* be used to shorten the regular workday.

B. Meal Periods

In accordance with MGL c149, §100, each workday, regular full-time nonexempt employee and other employees who work more than six (6) hours per day are provided with an unpaid 30-minute meal break.

C. Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. It is essential that all employees be available for

overtime work, when necessary, and those employees have flexibility with regard to any personal or other professional commitments. All overtime work *must* be pre-approved, either verbally or in writing

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. For non-exempt employees, payment is one and one-half (1½) the employee's regular rate for hours worked in excess of the regularly scheduled full-time workweek schedule. Overtime pay is based on actual hours worked. Time off on accrued vacation time, holiday, sick/personal time or any other leave of absence will not be considered hours worked for purposes of performing overtime calculations. At the Department Director's discretion, an employee may be required to take compensatory time calculated at one and one-half times the number of hours worked in lieu of overtime pay.

Failure to work scheduled overtime or working overtime without prior authorization may result in disciplinary action, up to and including termination.

D. Compensatory Time

At the option of the Department Director, non-exempt employees are eligible to receive compensatory time in lieu of overtime in conformance with the Fair Labor Standards Act (FLSA). Any compensatory time must be utilized within the subsequent 120-day period after when it is earned. As with any time away from work, employees must schedule the use of compensatory time with their supervisor. (See also Section III-A, Non-Exempt Employees)

E. Additional Hours

Exempt employees are not eligible for overtime or compensatory time. Exempt employees are expected to work the number of hours necessary to accomplish assigned duties and responsibilities. With regard to time sheet record keeping, the recording of additional hours worked is for informational purposes only and in no way should be construed that the exempt employee has accrued compensatory time or overtime to be taken as future leave or to be paid for.

Exempt employees with the permission of their supervisor may, on occasion, take time off from regular work hours when the exempt employee has worked an excessive number of pre-approved additional hours outside of regular work hours. Time off from regular work hours shall be limited to an occasional half-day off or less, but shall not include full days and/or weeks off.

F. Smoking

The Massachusetts Smoke-free Workplace Law (MGL c270, §22) prohibits smoking in workplaces in order to protect employees and the public from second-hand smoke. Employees are permitted to smoke outside the building on their own time during the meal/lunch break. While there is no designated smoking area, an employee smoking outside the building must be sufficiently far away from the Town premises so as not to disrupt or disturb employees or visitors with second-hand smoke.

The Town will not discriminate or retaliate in any manner against an employee who makes a complaint for violations of this policy or for furnishing information concerning a violation to a person, entity, organization or an enforcement authority.

G. No Personal Projects

During the workday, employees are not permitted to spend time on personal projects or work.

H. Non-solicitation

Employees must not solicit other employees for any purpose during working time. Employees are not permitted to distribute non-work related literature of any kind at any time in work areas. No information may be posted on Town bulletin boards unless approved by the Town Manager. Non-employees are prohibited from distributing literature of any kind or soliciting employees for any purpose at any time on Town premises.

V. TIMEKEEPING/PAYROLL

A. Timekeeping

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. Daily time worked must be reflected on each employee's time sheet.

Employees must accurately record the time and submit bi-weekly time sheets. Employees must verify and sign off on his/her time sheet prior to its submission.

Non-Exempt employees who report for work late or who work unauthorized overtime may be subject to disciplinary action.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

B. Paydays

A bi-weekly pay period begins on a Sunday and ends on the second Saturday following. All employees are paid bi-weekly, on the Thursday following the end of the pay period.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work preceding the regularly scheduled payday.

In the absence of direct deposit, if a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his/her return from vacation. Advanced vacation pay is not permitted

C. Pay Deductions

Massachusetts and/or federal law require certain deductions from every employee's compensation, including any applicable federal or state income taxes. Medicare must also be deducted from each employee's earnings, up to a specified limit. New employees are required to complete all applicable payroll and benefits paperwork prior to beginning their employment.

As referenced in greater detail in other sections of this Policy, several benefits programs beyond those required by law are also provided. Eligible employees who choose to participate in these programs may voluntarily authorize deductions from their paychecks to cover the costs of participation.

Employees who have any questions about the amount or manner in which deductions are made from their paychecks should speak with the Payroll Office.

D. Administrative Pay Corrections

The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee must promptly bring the discrepancy to the attention of their respective supervisor and the Payroll Office so that corrections can be made as quickly as possible. This includes overpayment as well as underpayment.

VI. LEAVES OF ABSENCE

A. Family and Medical Leave Act (FMLA)

(1) An employee who has been employed for twelve (12) consecutive months or who has worked 1,250 hours in the last twelve months is entitled to up to a total of twelve (12) weeks of family medical leave in one calendar year.

(2) Family medical leave may be requested and must be granted for:

(a) The birth of a child and to care for the child, or the adoption of a child under eighteen (18) (or over eighteen (18) if the child has a physical or mental disability and is unable to care for itself) and to care for that child; or

(b) The care for the employee's spouse, parent, or child with a serious health condition. Child is defined as including biological, adopted, or foster children, stepchildren, or child of a person with legal guardianship or who has day-to-day

responsibility to care for and financially support a child, even if there is no biological or legal relationship; or

(c) The serious health condition of the employee that makes the employee unable to perform the functions of his or her position. Serious health condition is defined in accordance with the *Family Medical Leave Act*, 29 CFR Sec. 825.114.

(3) Except for caring for a newborn or adopted child, when necessary, leave may be consecutive, intermittent or on a reduced hour schedule. In the event of pregnancy, family medical leave will begin on the date of birth of the child unless the employee begins her leave on an earlier date when her physician deems her disabled.

(4) An employee must notify the Town Manager, in writing, of their request for family medical leave, with a copy to their Division Director, at least 30 days in advance of the intended date upon which leave will commence and terminate, unless prevented by an emergency situation from giving that length of notice.

(5) It is the obligation of the employee intending to use FLMA leave to provide the employer with sufficient information to determine that a requested leave qualifies for leave under this policy. The Town may request that employees on leave for a serious health condition to provide medical certification and/or records necessary, including an executed authorization to obtain medical records pertaining to the temporary physical disability, within the time required under the law. The employee may also be requested to provide medical recertification at various intervals.

(6) Eligible employees may be required to complete medical certification forms that verify the employee's fitness for duty and ability to actively resume employment. Completed forms must be provided to their supervisors before employees will be permitted to return to work. The Town reserves the right to request additional medical documentation or require a fitness-for-duty examination, as may be necessary and consistent with applicable laws.

(7) When requesting family medical leave, the employee should state which type of accrued leave to be utilized, if any. Although not required to do so, an employee on FMLA, shall be allowed to use accrued sick leave for the duration, and may use any accrued personal and vacation leave if sick leave is exhausted, for a total of twelve weeks. An employee requesting accrued leave to care for a family member shall be approved to utilize accrued sick leave for the first 30 days, or six weeks, and shall be pro-rated one day of vacation or personal leave for each additional week of leave requested. The other four days may continue to be deducted from accrued sick leave. Usage of leave under FMLA excludes application to sick leave banks.

(8) The Town of North Andover will continue the employee's health benefits coverage during leave. If the Employee is in a paid status during all or part of the FMLA leave period, employee contributions for continued medical benefits at the regular employee rate will be deducted. For any period of FMLA leave where the employee is in an unpaid status, the employee can continue medical insurance coverage by making timely payments at the employee

contribution rate. The employee will continue to accrue holiday, vacation and sick leave credits during paid leave. In the event that the employee exhausts all accrued leave, there will be no further accrual of holiday, sick or vacation leave. Seniority, however, will accrue during the term of the leave. An employee taking such leave is entitled to be restored to the same or an equivalent position as held by the employee when the leave commenced, the same status, pay, and length of service credit, and will be entitled to any other benefits the employee would have accrued had he/she not taken family leave.

(9) So that an employee's return to work can be properly scheduled, an employee on FMLA leave is requested to provide the Town with at least two (2) day advance notice of the date he/she intends to return to work. An employee who has notified the Town of his/her intent to return from FMLA leave will be reinstated to the same or an equivalent position upon her return to employment, with the same status, pay, length of service credit and seniority as the position the employee held prior to the leave. If an employee's job was changed temporarily because of her pregnancy prior to leave (e.g., her hours were reduced or her duties were changed as an accommodation), she will be restored to the same or similar position held prior to such temporary change, as possible. If an employee fails to report to work promptly at the end of the FMLA leave, the Town will assume that the employee has voluntarily resigned.

(10) The Town may designate extended leave as *Family Medical Leave*, when appropriate. Nothing in this policy shall be construed to conflict with either the federal Family and Medical Leave Act or the Massachusetts Maternity Leave Act (MGL, c149, §105D).

B. Military Leave

Eligible employees who are absent from work while serving in the United States uniformed services are granted a military leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and Chapter 137 of the Acts of 2003, as adopted by the 2004 Annual Town Meeting.

C. Personal Leave

All employees, after completion of the Introductory Period, may, with the prior approval of the Department Head and/or Division Director, use up to four (4) days in each fiscal year for personal reasons. These days may be used to extend a vacation period, with advance notice and approval by his/her Division/Department Director. Except in cases of emergency, personal days require twenty-four (24) hours advance notice. Unused personal leave cannot be carried over into next fiscal year.

D. Terminal Leave

An employee whose service is terminated by retirement shall be allowed a portion of his/her accumulated sick leave as terminal leave. The following formula shall be used in computing the amount of terminal leave to be allowed a retiring employee:

(1) Twenty-five (25) whole years of continuous full-time service shall be considered 100% service.

(2) An employee who qualifies for terminal leave shall be entitled to the same percentage that the number of years of service bears to the 100% service factor of 25 years provided that in no case shall said leave be measured by more than 75 days accumulated sick leave or fifteen (15) work weeks, whichever is the lesser.

For employees hired after August 1, 2007, said leave shall be measured by no more than 25 days accumulated sick leave or five (5) work weeks, whichever is the lesser.

(3) Upon the death of an employee, benefits shall be paid to the estate of the deceased.

E. Unpaid Leave of Absence

The Town provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations or to address emergency situations.

(1) The Town Manager or his designee may, in his/her discretion, grant an employee's request for a leave of absence without pay for good and sufficient reasons. Such a leave shall, if granted, generally not exceed three (3) months, with an option to extend by an additional three (3) months.

(2) An employee seeking a leave of absence shall submit a written request to the Town Manager explaining the reasons why a leave is requested, and how long a leave the employee is requesting. Such written request shall, except in case of emergency, be submitted to the Town Manager at least four (4) weeks prior to the date on which the employee wishes to start the leave. The Town Manager shall have discretion as to whether to approve a request for a leave of absence, and as to the duration of any leave approved. Requests for unpaid leave of leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

(3) An approved leave of absence shall not constitute a break in service. However, an employee on an approved leave, other than a leave for military service shall not accrue seniority or other benefits for the period of the leave. An employee on approved leave will not be entitled to any benefits. Subject to the terms, conditions, and limitations of the applicable plans, the health insurance benefits to eligible employees will be provided until the time the approved personal leave begins. At that time, the employee will become responsible for the full cost of their health insurance benefits if they wish coverage to continue. An employee can continue group health insurance coverage by paying the full premium cost in advance on a monthly basis. When an employee returns from personal leave, benefits according to the terms, conditions and limitations of the applicable plans will again be provided.

(4) All leave accruals, such as vacation, sick, and personal time, will be suspended during the leave and will resume upon return to active employment. When an unpaid leave of absence ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However,

reinstatement cannot be guaranteed in all cases. An employee returning to work after an approved leave of absence will be placed at that step of the salary schedule at which he was being paid prior to said leave of absence.

(5) Employees may be allowed up to 12 weeks unpaid leave per year for the serious illness of the employee or an immediate family member. Terms and conditions of this leave, including eligibility, are contained in the *Family and Medical Leave Act of 1993* (See Section VI.A.)

(6) If an employee fails to report to work promptly at the expiration of the approved leave period, the Town will assume the employee has resigned.

F. Small Necessities Act Leave

In accordance with MGL c149, §52D, all employees will be permitted to take up to twenty-four (24) hours of unpaid leave in any twelve month period for the purpose of participating directly or indirectly in school activities of a son or daughter; to accompany a son or daughter to routine medical and dental appointments; or to accompany an elderly relative to routine medical or dental appointments. Although the leave is unpaid, employees may use available vacation or sick time to compensate for the absence. The SNA Leave may be taken all at once, intermittently, or on a reduced work schedule. Employees wishing to take SNA Leave must provide seven days written notice to their supervisors, where possible. If seven (7) days notice is not possible, notice must be provided as soon as practicable.

VII. EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

This policy does not and is not intended to create a contract of employment between the Town of North Andover and any of its employees, nor is it to be construed to constitute contractual obligations of any kind. Rather, it is provided for the guidance only of employees, managers, and town officials. The provisions of this Policy have been developed at the discretion of the Town of North Andover and, except for its policy of employment-at-will, may be amended, modified, revoked, rescinded or added to at any time, in the sole discretion of the Town as approved by the Board of Selectmen. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment.

A. Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, employees are expected to follow rules of conduct that will protect the interests and safety of all employees and the organization. Employees are expected to be respectful of other employees at all times while on the premises or while representing the Town. Harsh language and rudeness are not acceptable. Professional and appropriate attitude and demeanor are expected at all times.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, including counseling, written warnings, suspension without pay, up to and including termination of employment*:

- ◆ Theft, vandalism or inappropriate removal or possession of property.
- ◆ Falsification of Town records.
- ◆ Working under the influence of alcohol or illegal drugs.
- ◆ Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace.
- ◆ Fighting or threatening violence in the workplace.
- ◆ Boisterous or disruptive activity in the workplace.
- ◆ Negligence or improper conduct leading to damage of Town-owned property.
- ◆ Insubordination or other disrespectful conduct.
- ◆ Violation of safety or health rules.
- ◆ Smoking.
- ◆ Sexual or other unlawful harassment or discrimination.
- ◆ Possession of dangerous or unauthorized materials, such as knives, weapons, explosives or firearms in the workplace.
- ◆ Excessive absenteeism or any absence without notice.
- ◆ Unauthorized disclosure of confidential information.
- ◆ Inappropriate use of language and profanity.
- ◆ Violation of personnel policies.
- ◆ Unsatisfactory performance or conduct.
- ◆ Unexcused absenteeism or tardiness.
- ◆ Negligence in performance of duties.

*This list is for illustration purposes only and is not intended to be an exhaustive list of possible infractions.

Employment with the Town of North Andover is at the mutual consent of the Town and the employee, and either party may terminate that relationship at any time, with or without reason and with or without notice.

B. Customer Service

The Town of North Andover is committed to operating in an efficient customer service oriented manner throughout its entire operation. Excellent customer service results in a municipal organization meeting the needs of its residents and citizens in a consistent and professional manner.

(1) Employee Responsibility – All employees of the Town of North Andover are to be made aware of the importance of customer service within the Town’s operation. Employees must, at all times, be professional, courteous, understanding and polite in dealing with residents and citizens whether in person, by telephone, or in writing. Employees should be clearly aware

that customer service abilities, in all levels of their work, will greatly impact employment evaluations and promotional opportunities.

(2) Management and Supervisory Personnel – Leadership by example is a key component to excellence in customer service. Town management must continually promote in their actions, words and writings the paramount importance of customer service standards. Performance evaluations of management and supervisory personnel will be substantially impacted by the ability of the manager to provide high levels of customer service and the ability to train and supervise employees to do the same.

(3) Standards of Performance – The Town recognizes that for a successful interaction with a citizen not only must the end result be satisfactory (i.e., the citizen's concerns are adequately addressed or sufficient explanation given as to why the concern could not be resolved), the entire experience must be reflective of a quality organization. There are many aspects of our operations that must clearly be based in the ideal of excellent customer service.

(4) Processes – There are many processes within town government that require formal procedures to be followed. Departments must strive to make these processes as simple as possible to access and complete. Simplification of forms, easy to read directions and short time lines are key examples of efforts that should be put forth to assure customer services oriented processes are in place.

(5) Marketing and Communication – The Town provides information and services to residents on an ongoing basis. Communication with the public (be it oral or written) must be clear, concise, consistent and easy to access. Departments should strive to utilize all communication possibilities as efficiently as possible to assure that the residents remain informed and aware on a regular basis.

(6) Printed Material – All printed material issued by the Town of North Andover should be professional in appearance.

(7) Telephone and Written Inquiries – All inquiries by either telephone or in writing will be addressed by the proper person in an expedient manner.

Telephone calls placed to a specific person are to be taken whenever possible. Initial telephone messages must be returned within a 24-hour period (work-day). Employees at all levels must adhere to this timeline. If an employee is not available, the caller should be given that information and informed when the person will be available. Alternative help should, of course, be offered in the interim.

All written inquiries, whether complaints, compliments, suggestions or requests for information and/or services, should be acknowledged in an appropriate manner. The initial response should be within no more than three business days of receipt of a letter (except for formal requests for public records).

Voice mail should only be used as a secondary or back-up method of answering telephones. Whenever possible, telephones should be answered by a Town employee, either by the employee whose telephone is ringing or by an adjacent employee who will then take a message for the intended recipient. The 24-hour response standard also applies to messages left in voice mail.

(8) Information and Referral – Many times, residents will inquire at Town offices for issues that are not within our domain. Every effort should be made to refer them to the governmental agency or community service agency that is best able to handle their concern. All referrals should include a telephone number or location for the suggested agency, if possible.

Internal referrals should be handled in a similar manner. If a person on the telephone is being referred to a different department, the caller should be given the direct dial number for future reference and then automatically transferred if possible. Customers should not be made to call back at that time.

If a referral is made of another Town department, every effort must be made to ensure that the referral is correct. If there is some doubt as to the proper referral, the referring department should ascertain the appropriate contact before connecting or directing the customer. If this information is not obtainable, the customer should be directed to a supervisor in the initiating department.

(9) Internal Service Departments – Several Town departments exist to serve other Town departments directly and not the general public. The Town's customer service standards are fully applicable to our internal service departments. The ability of the Town to meet its own needs in a professional, efficient and customer service orientated manner is a key ingredient of offering such service to the public.

(10) Measurement – The Town of North Andover is committed to continual improvement of its operations based on the philosophy of excellence in customer service. Proper measurement of customer service initiatives is vital to this goal.

(11) Complaints – Each department must have a complaint log. Whether a complaint is formal or informal, written or verbal, it must be entered into the complaint log. The substance of the log is up to individual departments but must include, at minimum, the name of the complainant (if available), the time and date of the complaint, the nature of the complaint, the employee assigned to handle the situation and the disposition of the situation.

C. Workplace Attire

Neat, appropriate and professional attire contributes to the morale of all employees and affects the business image the Town presents to its customers and visitors. It is required that all employees report to work in attire appropriate to their work settings. Employees should always ensure that their personal grooming is consistent with a workplace environment.

Managers will inform employees of improper attire and will determine the appropriate course of action if an employee appears at work in inappropriate attire. Examples of inappropriate articles of clothing that should not be worn in workplace settings include, but are not limited to:

- ◆ Jeans , except for employees whose work requires them to be exposed to the outdoors or non-office environment, i.e., inspectors or field agents.
- ◆ Sweatpants
- ◆ Jogging suits
- ◆ Short shorts or skirts
- ◆ T-shirts or sweatshirts with offensive messages or images
- ◆ Tank Tops
- ◆ Halter tops
- ◆ Visible undergarments
- ◆ Wrinkled, stained, or otherwise disheveled clothing

Workplace attire must confirm to notions of good taste, common sense, and safety.

D. Drug and Alcohol Use/Drug Testing

In accordance with the provisions of the Drug Free Workplace Act of 1988 (United States Code, Title 41, Chapter 10), it is the Town's desire to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Individuals under the influence of drugs or alcohol in the workplace pose serious safety and health risks, not only to themselves, but also to all those who surround or come into contact with them.

While conducting business-related activities, on or off Town premises, no employee may use, possess, manufacture, distribute, dispense, sell, or be under the influence of alcohol, illegal drugs, or controlled substances. The legal use of prescribed drugs is permitted on the job only if it is pursuant to the instructions of a licensed medical care practitioner, it does not impair an employee's ability to perform the essential functions of the job safely and effectively, and it does not endanger other individuals in the workplace. This policy extends to instances and places where employees are in a position to be regarded or identified as representing the Town, such as traveling on business or participating in community, organizational or professional meetings and affairs. Employees using prescription medication that may impair their ability to safely perform their jobs should contact their supervisor to discuss the issue of reasonable accommodation.

In accordance with the Drug Free Workplace Act, an employee must, as a condition of continued employment, notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

It is a requirement of the federal act that, upon receipt of notice of conviction of a drug statute violation committed in the workplace, the Town must notify any federal agency providing funding through a grant. The Town must give such notice within ten (10) days, and within thirty

(30) days of receiving such notification either take appropriate personnel action against the employee, up to and including termination of employment or mandated participation in an approved drug abuse assistance or rehabilitation program. Personnel action against the employee convicted of a criminal drug statute violation committed in the workplace will depend on the nature of the violation, the sentence imposed (e.g. confinement, etc.) and employee work history. The employee's failure to notify the Town of such a criminal drug statute conviction committed in the workplace within five (5) days, as required, will be subject to sanctions.

The Town of North Andover offers a confidential Employee Assistance Program (EAP), designed to help employees overcome serious problems they may be having with drug and/or alcohol abuse, and/or other personal problems that may negatively affect their job performance.

All employees, whether exempt or non-exempt, will be subject to alcohol and drug screening as a result of:

(1) Involvement in a serious workplace accident or serious safety-related incident as determined by the Town:

(a) A serious workplace accident is any accident resulting in lost-time injury to the employee and/or involvement in an accident resulting in the lost-time injury of another individual and/or property damage.

(b) A serious workplace incident is any incident presenting a substantial risk of lost-time injury or property damage.

(2) Being identified as unfit for work as determined by the Town. Unfit for work involves the identification of employees by designated Town personnel as not safely or competently performing their jobs and presenting unnecessary risk to themselves or others.

Any employee unable to pass alcohol and drug screening will be removed from work, referred to the Employee Assistance Program, and may be subject to disciplinary action, up to and including termination. The employee, upon returning to work, may be required to undergo unannounced drug testing over a twelve (12) month period. Subsequent violations may result in discipline, up to and including termination. Refusal to have alcohol or drug screening or referral to the EAP, as required by this policy, will subject the employee to immediate discipline up to and including termination of employment.

Any violations of this policy may result in disciplinary action, up to and including immediate termination of employment. Such violations may also result in civil or criminal liability.

E. Appropriate Office Conduct

Eating at the desk, in the public view, is not permitted. Moreover, reading of non-work related newspapers, magazines, books, pamphlets, or other literature in plain view of the public is also prohibited.

F. Accuracy of Employment Application

The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of a resume or other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

G. Attendance and Punctuality

Employees are expected to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town. Employees are expected to be ready to work at their stated start time each workday. Employees should also return to work promptly after breaks and meal periods.

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify the Town as soon as possible in advance of the anticipated tardiness or absence. If practicable, notification by the employee personally to his/her supervisor at least one (1) hour prior to the start of the regular workday is expected by employees who are unable to report to work or who will be late.

An employee who is absent for three (3) or more consecutive days is required to provide documentation from a medical care provider upon return to work, verifying the need for medical leave.

An employee absent for three (3) or more consecutive working days who does not properly notify his/her supervisor or the Town is considered to have voluntarily terminated his or her employment.

Poor attendance and excessive tardiness are disruptive and will not be tolerated, absent any special accommodations pursuant to state or federal law. Either may lead to disciplinary action, up to and including termination of employment.

H. Computer Use

(1) Purpose/Scope – The availability and use of personal computers within the work environment have provided many opportunities for the enhancement of productivity and effectiveness. This policy is to further enhance the work environment by providing a computer system less prone to viruses and system breakdowns. These guidelines apply to all Town of North Andover employees (excluding School Department) and technology equipment. The Town of North Andover specifically reserves the right to modify, change or discontinue any portion of these guidelines from time to time.

Technology equipment is defined as:

- ◆ Computers (including servers, workstations, laptops and handheld devices)

- ◆ Computers related hardware (including printers, scanners, and special devices)
- ◆ Software (including networks and the Internet)
- ◆ Telephones

(2) Guidelines –

(a) Personal computers are provided to Town employees and are intended to facilitate the performance of regular assigned duties and therefore restricted to that purpose.

(b) Town employees are strongly urged to save all documents and files to their designated network directory (“X” Drive) to ensure data is backed up daily and able to be restored in the event of software or hardware failure.

(c) Installation of or access to software for purely entertainment purposes is prohibited.

(d) Privately owned software may be loaded on Town computers, with the prior approval of the MIS director and division director, if it is necessary for business purposes and is properly licensed. The person installing the software must be authorized to do so by the MIS director. The Town reserves the right to remove any such software if it conflicts with Town hardware, software or interferes with the ability of other employees to access or utilize the computer, Town network or occupies excessive storage space needed by the Town.

(e) Town employees shall observe the copyright and licensing restrictions of all software applications and shall not copy or install software or other files from internal or external sources unless legally authorized by local, state or federal laws.

(f) Any software for which proof of licensing cannot be provided is subject to removal by MIS.

(g) No material shall be downloaded or installed on a personal computer or network directory, including sound, video files and files attached to e-mail messages without first being scanned for viruses by the approved virus protection software properly installed by MIS staff.

(h) All hardware enhancements or additions to Town owned computer equipment must be approved and installed by MIS, or authorized agents of the Town. No employee is authorized to make any adjustments to Town owned computer equipment.

(i) Town computer equipment shall not be utilized to operate a private business, participate in political activities, or solicit money for personal gain.

(j) Employees shall not allow unauthorized persons to use any Town owned computer equipment.

(3) Personal Time – Employees who use the Internet/intranet on personal time can enhance their knowledge of electronic information resources and sharpen information technology skills. By allowing use on personal time, the Town of North Andover builds a pool of computer literate employees who can guide and encourage other employees. Personal time includes breaks, lunchtimes, and the time before and after scheduled work hours. Employees performing job-related use will always have priority over those desiring access to resources for personal use.

(4) Distribution of Policy – The respective Department Director is responsible for ensuring that any employee who will be given access to computers and Internet services has read this policy, has understood this policy’s applicability to their activities, and has signed an agreement to abide by this policy. The IT Department will not give access to an employee unless it receives a copy of the agreement signed by the employee and the department director. A signed copy will be placed in the employee’s personnel file.

All data existing within the Town of North Andover information technology infrastructure is considered property of the Town of North Andover and no assumption of privacy may be made. Employees who violate this policy may be subject to disciplinary action, up to and including discharge.

I. Internet/Email – Acceptable Use

(1) Purpose/Scope – This policy sets the standards for appropriate behavior of a Town of North Andover employee (excluding School Department) when accessing the Internet or Email. These guidelines apply to all Town of North Andover employees (excluding School Department). The Town of North Andover specifically reserves the right to modify, change or discontinue any portion of these guidelines from time to time.

(2) Guidelines – As a condition of providing Internet and Email access to its employees, the Town of North Andover places certain restrictions on workplace use of the Internet and Email. The Town of North Andover encourages employee use of the Internet and Email:

- ◆ To communicate with fellow employees and other contacts regarding matters within an employee’s assigned duties;
- ◆ To acquire information related to, or designed to facilitate the performance of regular assigned duties; and
- ◆ To facilitate performance of any task or project in a manner approved by an employee’s supervisor.

The employee’s use of the Internet and Email access, provided by the Town of North Andover, expressly prohibits the following:

- ◆ Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- ◆ Sending, receiving, printing or otherwise disseminating confidential information of the Town of North Andover (not within the scope of your assigned duties or in a manner

approved by an employee's supervisor) and/or offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.

- ◆ Sending Email under another employee's name without authorization and/or changing any portion of a previously sent Email message.
- ◆ Sending, receiving, printing or otherwise disseminating or soliciting jokes, images, or sexually oriented messages.
- ◆ Operating a private business, participation in political activities, soliciting money for personal gain, or charitable activity not sponsored by the Town of North Andover.
- ◆ Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal laws.
- ◆ Use of abusive or objectionable language in either public or private messages.
- ◆ Occasional, incidental personal use of Email is permitted, but may be subject to monitoring.

Email and/or Internet messages and communication are not confidential or private, and within Massachusetts' law, are considered public documents. As a result, employees should use discretion in all Email communications. Employees should have no expectation of privacy in the use of their Email. The Town reserves the right to access for quality control purposes and/or violations of this policy, electronic and voice transmissions of employees and others conducting business for the Town.

All data existing within the Town of North Andover IT infrastructure is considered property of the Town of North Andover and no assumption of privacy may be made. Employees who violate this policy may be subject to disciplinary action, up to and including discharge.

J. Anti-Harassment

The Town is committed to creating and maintaining a work environment in which employees are treated fairly and with dignity, decency, respect, and in accordance with all applicable law. Through enforcement of this policy and by education of employees, the Town strives to prevent inappropriate conduct that could be considered harassment, including sexual harassment. In addition, the Town is committed to correcting any inappropriate conduct and to disciplining those who violate this policy.

All employees of the Town, regardless of position, are covered by, and are expected to comply with, this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Town policy against harassment also covers other individuals who have a relationship with the Town that enables the Town to exercise some control over the individual's conduct in places and activities that relate to Town work, which may include directors, officers, independent contractors, vendors, clients, and customers.

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

The Town is committed to providing a work environment that is free of any form of unlawful discrimination, including unlawful harassment and sexual harassment. Behavior, whether physical, visual, verbal, or nonverbal in nature, that may constitute discrimination or harassment of any kind based on race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or on any other basis protected by federal, state, or local law or ordinance is not permitted. Harassment is a form of employee misconduct that is demeaning to another person and undermines the integrity of the employment relationship.

This policy applies to all work-related settings and activities, both inside and outside the workplace, and includes business trips and business-related social events.

This policy also extends to Town property, including but not limited to its telephones, copy machines, facsimile machines, and computers and computer applications, such as email and Internet access, which may not be used to engage in conduct that violates this policy.

Even where the unwelcome conduct is not sufficiently severe or pervasive to constitute actionable harassment under the law, the Town forbids unwelcome conduct in the workplace and in any setting related to Town business activities.

K. Unlawful Harassment

It is against Town policy to engage in physical, visual, verbal and nonverbal conduct that denigrates or shows hostility or aversion toward an employee because of an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or on any other basis protected by federal, state, or local law or ordinance.

Examples of unwelcome conduct prohibited by this policy include, but are not limited to:

- ◆ Conduct that unreasonably interferes with an individual's work performance, that creates an intimidating or offensive work environment, that otherwise adversely affects an individual's employment opportunities and that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or on any other basis protected by federal, state, or local law or ordinance.
- ◆ Hostile physical contact, intimidating acts, threats of such actions or violence, or any other actions that may be considered threatening or hostile in nature and that implicate an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or on any other basis protected by federal, state, or local law or ordinance.
- ◆ Derogatory remarks, epithets, slurs, negative stereotyping, offensive jokes, teasing, the display or circulation of offensive printed, visual or electronic materials or similar

misconduct that implicates an employee's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, handicap or on any other basis protected by federal, state, or local law or ordinance.

L. Sexual Harassment

It is the goal of the Town of North Andover 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. 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 the Town's goal of providing a workplace free of sexual harassment, the conduct that is described in this policy will not be tolerated and a procedure has been outlined by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of North Andover 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, will act promptly to eliminate the conduct and impose such corrective action as necessary, including disciplinary action where appropriate.

This policy applies to all individuals, both male and female, working for the Town. It applies to all employment relationships, including supervisor/subordinate and same level employees.

All employees are prohibited from engaging in behavior that is sexually harassing in any way. Supervisory level employees are responsible for monitoring the workplace to keep it free of sexual harassment and for reporting to the Town Manager or a Complaint Officer any violations of this policy that they become aware of and any complaints of harassment reported to them.

Note that while this policy sets forth the Town's goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

(1) Definition of Sexual Harassment – The legal definition of sexual harassment is broad. "Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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 an employment decision; or such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

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

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 work place environment that is hostile, offensive or humiliating to male or female workers may also constitute sexual harassment.

The following are a few examples of conduct, which if unwelcome, may constitute a hostile environment:

- ◆ Unwelcome sexual advances – whether they involve touching or not;
- ◆ Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments on an individual's sexual activity, deficiencies, or prowess;
- ◆ Displaying sexually suggestive objects, pictures, and cartoons;
- ◆ Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- ◆ Inquiries into one's sexual experiences;
- ◆ Discussion of one's sexual activities; or
- ◆ Continuing to invite an individual to engage in social or sexual activities after being informed that the individual is not interested.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female or by a supervisory employee toward a non-supervisory employee. For example:

- ◆ A male, as well as a female, may be the victim of sexual harassment; a female as well as a male, may be the harasser.
- ◆ The harasser does not have to be the victim's supervisor. The harasser may also be an agent of the employer, a supervisory employee who does not supervise the victim or a non-supervisory employee (co-worker).
- ◆ The victim may be the same sex as the harasser.
- ◆ The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may also be someone who is affected by such conduct when it is directed toward another person. For example:
 - The sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another co-worker, or may interfere with the co-worker's work performance; and/or
 - An employee who is forced to work in an environment where preferential treatment is given to those who submit to sexual advances may be adversely affected by such conduct.

In addition, the dissemination of sexually explicit voice mail, e-mail, graphics, downloaded material or websites in the workplace is strictly prohibited. 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.

(2) Training – The Town recognizes the importance of educating and training its employees on how to recognize and prevent sexual harassment in the workplace. Therefore, all supervisors will be provided with training at regular intervals, at the Town’s expense. Training of non-supervisory employees and officials may also be provided, at the Town’s expense. Additional training may also be required, at the discretion of the Town Manager and/or the Board of Selectmen.

(3) Complaints of Sexual Harassment – If any employee believes that he/she has been subjected to sexual harassment, the employee has the right to file a complaint directly with a Town Complaint Officer. This may be done in writing or orally.

The Town of North Andover has designated:

Ray Santilli
Assistant Town Manager / Human Resources Director
North Andover Town Hall
120 Main Street, North Andover, MA 01845
(978) 688-9516

and

Lyne Savage
Budget Director / Town Accountant
North Andover Town Hall
120 Main Street, North Andover, MA 01845
(978) 688-9523

as Complaint Officers. They are vested with the authority and responsibility of processing all harassment complaints in accordance with the procedure outline below. In addition to the two Complaint Officers, employees may report complaints to their respective supervisor who will refer the complaint to one of the Complaint Officers.

(4) Sexual Harassment Investigation – When either Complaint Officer receives a complaint, he/she will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may include a private interview with the person filing the complaint, the alleged harasser, and with witnesses.

In addition to witness interviews, the investigation may also include a review of any documents, journals, recordings, photographs, voice mails, e-mails, telephone records, or other items that may be relevant to the allegations of harassment.

At the conclusion of the investigation, the Complaint Officer will report the results of the investigation, in writing, to the Town Manager. If appropriate, the complainant and/or alleged harasser will also be informed of the results of the investigation. Depending on these results,

disciplinary action may be taken against the alleged harasser. In the discretion of the Town Manager, the complainant may be informed of the imposed discipline.

The Complaint Officer may make follow-up inquiries to ensure that the conduct has not resumed and that neither the complainant nor any witnesses interviewed during the investigation has suffered any retaliation.

(5) Employee Responsibilities – Each Town of North Andover employee is personally responsible for:

- ◆ Insuring that the employee’s conduct does not sexually harass any other employee, applicant for employment, recipient of public services, or any other individual in the workplace.
- ◆ Cooperating in any investigation of alleged sexual harassment by providing any information the employee possesses concerning the matter being investigated.
- ◆ Supervisory level employees are responsible for monitoring the workplace to keep it free of sexual harassment and for reporting to the Town Manager any violations of this policy that they become aware of and any complaints of harassment reported to them.

(6) Disciplinary Action – If it is determined that there has been a violation of this policy, including but not limited to inappropriate conduct or any failure of an employee to meet its obligations under the policy, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as the Town deems appropriate under the circumstances.

(7) State and Federal Remedies – In addition to the above, if any employee believes they have been subjected to sexual harassment, they 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 an employee from filing a complaint with these agencies. Each of the agencies has a 300-day time period for filing a claim.

The United States Equal Employment Opportunity Commission (E.E.O.C.)
JFK Federal Building, Room 475
Boston, MA 02203
(617) 565-3200

The Massachusetts Commission Against Discrimination (M.C.A.D.)
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

M. Town Equipment and Property

Equipment, supplies and materials essential in accomplishing job duties are expensive and may be difficult to replace. When using Town property and tools, employees are expected to

exercise reasonable care and follow all operating instructions, safety standards, and guidelines. Such property must be used in accordance with its intended purpose or function. Employees unfamiliar with the proper use of Town equipment must gain a working knowledge before utilizing it. The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination of employment.

Employees are not allowed to utilize Town property or equipment for any personal projects or for any personal use whatsoever while on the Town premises (see exception for computer equipment in Section VII-H). Similarly, Town-owned equipment, materials and supplies must not be removed from the premises for personal use under any circumstances. The Town is *not* responsible for any injuries or accidents that may occur off Town premises.

Employees must return all of Town property immediately upon request or upon termination of employment. The Town may take all action consistent with state law to recover or protect its property, including initiating a civil proceeding.

N. Workplace Monitoring and Inspections

Workplace monitoring and security inspections may be conducted to ensure quality control, employee safety, security, and customer satisfaction. Such monitoring and inspections will also serve to discourage theft or unauthorized possession of employee and/or Town property. Computers, desks, toolboxes and other storage devices furnished to employees are the property of the Town. Accordingly, any agent or representative of the Town can inspect, monitor and access them, as well as any articles found within them, at any time, either with or without prior notice. This policy of monitoring and inspections applies equally to briefcases, toolboxes or other storage devices that are the employee's property and that the employee utilizes on Town property. Employees should have no expectation of privacy in this regard. Additionally, as appropriate and consistent with the law, the Town or its representatives may inspect persons entering and/or leaving the premises and any packages or other belongings.

Any inspection or search will be reasonable in scope and for a legitimate purpose, respecting the legitimate privacy rights of employees. Any employee who wishes to avoid inspection or search of any articles or materials should not bring such items onto the premises.

O. Workplace Violence Prevention

The Town is committed to preventing workplace violence and to maintaining a safe work environment and has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur during business hours or on its premises.

All employees, including management and temporary employees, must be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons and other dangerous or hazardous devices or substances are prohibited from Town premises without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's race, color, religious creed, sex, national origin, ancestry, sexual orientation, pregnancy, veteran's status, military service, age, marital status, genetic information, disability or on any other basis protected by federal, state, or local law or ordinance.

All threats of or actual violence, both direct and indirect, should be reported immediately to the supervisor and/or the Assistant Town Manager/Human Resources Director. This includes threats by employees, customers, vendors, solicitors, or other members of the public.

Any employee who applies for or obtains a protective or restraining order which lists the employment location as being a protected area must provide the Assistant Town Manager/Human Resources Director with a copy of the petition, the declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

All suspicious individuals or activities on Town premises should also be reported as soon as possible to a supervisor and/or the Town Manager's office. Employees should never place themselves in a position of peril. If an employee sees or hears a commotion or disturbance at work, he/she should not try to intercede or see what is happening.

The Town will promptly and thoroughly investigate all reports of threats of or actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation or take any other steps, which, at its sole discretion, it deems appropriate.

Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment and possible civil or criminal action.

The Town encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or management before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes.

P. Safety

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Town of North Andover has established a workplace health and safety program. This program is a top priority for the Town. Town management has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The Town provides information to employees about workplace safety and health issues through regular internal communication channels.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with a supervisor or the Assistant Town Manager/Human Resources Director. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe conditions to their supervisor or the Assistant Town Manager. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their supervisor and/or the Assistant Town Manager, to comply with laws and to initiate insurance and workers' compensation benefits procedures.

Q. Telephone Usage

The telephone is provided for official Town business. It is important that employees are always polite, courteous and professional in dealing with customers or companies on the phone.

Personal calls are not permitted except in exceptional circumstances. Local calls only may be made during break or meal/lunch periods. Employees may accept personal calls for emergency purposes.

R. Office Closure for Inclement Weather

The Town Manager may close all or portions of Town operations due to severe weather conditions or natural or man-made disasters. The Town Manager may authorize regular pay during any emergency periods. In the event that the Town Manager closes all or a portion of Town operations after the commencement of the normal work day, only those employees who reported to work shall be eligible for regular pay. Employees who did not report to work shall be charged appropriate paid or unpaid leave.

S. Disciplinary and Corrective Action

The Town of North Andover is committed to administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary or corrective measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. The Town's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future.

Although employment is based on mutual consent and both the employee and the Town has the right to terminate employment at will, with or without reason or notice, the Town may use discipline, including progressive discipline, at its discretion. This policy does not alter the “at-will” nature of employment.

When disciplinary action becomes necessary, the Town may utilize a progressive approach which may include counseling, written warning/reprimand, suspension with or without pay, or termination of employment, depending on the severity of the problem and the number of occurrences. All forms of disciplinary action must be documented in the personnel file. Any disciplinary action involving suspension or termination must be approved by the Town Manager. Circumstances may warrant the skipping of one or more steps, or immediate termination. (See Section III-F Termination for termination procedures).

While it is impossible to list every type of behavior that may be deemed a prohibited offense, the Employee Conduct and Work Rules provisions (Section VII-A) includes examples of problems that may result in disciplinary action including termination of employment. Other offenses or unsatisfactory conduct may lead to disciplinary action, including termination, as well.

This Policy does not and is not intended to create a contract of employment between the Town and any of its employees, nor is it to be construed to constitute contractual obligations of any kind. Rather, it is for employee guidance only. The provisions of the Policy have been developed at the discretion of Town management and, except for its policy of employment-at-will, may be amended, modified, revoked, rescinded or added to at any time, in the Town's sole discretion with the approval of the Board of Selectmen. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment.

S. Complaint Resolution

(1) Complaint Resolution Steps

Step 1 – Department Director: No later than five (5) work days after the event giving rise to the complaint, or five (5) work days after the employee should reasonably have learned of the event giving rise to the complaint, whichever is later, the employee must submit a written complaint to his/her immediate supervisor. The written complaint must contain the specific term(s) identifying the specific policy allegedly violated by the Town. The failure to do so will be sufficient grounds to refuse to process the complaint. Within five (5) workdays after receiving the complaint, the immediate supervisor and the employee shall meet to discuss the complaint. The immediate supervisor shall give his/her written answer within five (5) workdays of said meeting. If the Division Director is the immediate supervisor, then Step 2 is the first step of this complaint process.

Step 2 – Division Director: If the complaint is not settled in Step 1, the employee, no later than five (5) work days after receipt of the immediate supervisor’s response to the complaint or when said response is due, (whichever is earlier) may file a written appeal to his/her Division Director. Within five (5) workdays after receipt of this appeal, the Division Director

and the employee shall meet to discuss the complaint. The Division Director shall give his/her written answer within five (5) days of said meeting.

Step 3 - Town Manager: If the complaint is not resolved at step 2, the complaint may be presented to the Town Manager within five (5) work days after the response from the Division Director, or when said response is due, whichever is earlier. The Town Manager or his/her designee shall meet with the employee within ten (10) workdays of the presentation of the complaint at step 3. The Town Manager or his/her designee, shall give his/her written answer to the complaint within ten (10) work days after such meeting, and said answer shall be final and binding on the employee and the Town.

(2) Written Presentation – All complaints presented at any step of the complaint resolution procedure shall include the facts giving rise to the complaint; the provision(s) of this Policy, if any, alleged to have been violated; and the remedy sought. All complaints shall be signed and dated by the aggrieved employee. All written answers submitted by the Town shall be signed and dated by the appropriate Town official.

(3) Time Limitations – No complaint shall be accepted by the Town unless it is submitted or appealed within the time limits set forth in this Policy. If the complaint is not timely submitted at Step 1 or Step 2, it shall be deemed waived. If the complaint is not timely appealed to Step 3, it shall be deemed to have been settled in accordance with the Town's Step 2 answer. If the Town fails to answer within the time frames set forth herein, the complainant should proceed to the next step as if the complaint was denied.

VIII. EMPLOYEE BENEFIT PROGRAMS

A. Employee Benefits Overview

Eligible Town employees are provided a wide range of benefits. A number of programs, such as retirement, workers' compensation and unemployment insurance, cover all employees in the manner prescribed by law. The Town also provides additional benefits to employees. Where the term “spouse” is used, it includes spouses in heterosexual and same-sex marriages.

Benefits eligibility is dependent upon a variety of factors, including employee classification and length of service with the Town. A more detailed description of the benefits can be obtained from the actual plan documents, such as a summary plan description, and the terms and conditions of those documents control rather than the summaries contained in this Policy.

The existence of these benefits does not give rise to a contractual claim for benefits, and the Town expressly reserves the right to add to or rescind any of the existing programs at any time, consistent with state and federal law. The Town may also require or increase employee premium contributions toward any benefits at its discretion.

Pursuant to the authority contained in MGL c41, §108C, certain fringe benefits as set forth in subsequent sections of this Policy are hereby granted to employees occupying positions

in the classification plan. The fringe benefits are considered to be a part of the compensation plan and the monetary value hereof shall be extended to eligible employees in addition to rates set forth in the appropriate salary or wage schedule. Part-time employees who work less than 20 hours per week do not receive fringe benefits.

B. Longevity Increments

(1) An employee of the Town who has been in continuous, full-time or regular, part-time employment shall be paid, in addition to salary compensation received, annual increments determined as follows:

Length of Service	July 1, 2007
Over 5 but not over 10 years	\$ 525
Over 10 but not over 15 years	\$ 825
Over 15 but not over 20 years	\$ 925
Over 20 but not over 25 years	\$1,025
Over 25 years	\$1,125

** Longevity will be pro-rated for regular, part-time employees.*

(2) An employee will become eligible for longevity increments on the 5th, 10th, 15th, 20th, and 25th anniversary date of his or her employment; and the amount of increment to which he/she is entitled for the then current fiscal year will be determined by paying, in December, the highest amount relative to the employee's anniversary date.

(3) An employee who qualifies for longevity compensation and then leaves the employ of the Town shall not be entitled to such compensation if re-employed until a new five-year period of continuous, full-time employment has been served.

(4) If the service of an employee is interrupted by lay-off, military service, or other reason not resulting from the employee's own action, total service will be considered as continuous service.

(5) Upon termination of an employee, the total longevity payment shall be a pro-rated amount related to that half of the then fiscal year in which their employment is terminated. This pro-rated amount shall be computed by multiplying the number of days served in that half of the then fiscal year by the per day longevity dollar amount for a full half year at the appropriate rate. Upon the death of an employee, benefits shall be paid to the estate of the deceased.

(6) Upon retirement, eligible employees shall receive the entire benefit.

C. Clothing Allowance

A yearly allowance equal to the maximum annual allowance as noted in the Police Lieutenants collective bargaining agreement shall be granted to the Police Chief for uniform

allowance. Such uniforms shall be purchased in accordance with established department policy. A yearly allowance equal to the maximum annual allowance as noted in the Local 2035 IAFF collective bargaining agreement shall be granted to the Fire Chief and Deputy Fire Chief for uniform allowance and such standard equipment as needed. Such uniforms and equipment shall be purchased in accordance with established department policy.

Specialty clothing allowance may be provided to an employee if the clothing is necessary for the performance of the employee's job. Authorization is subject to the approval of the Town Manager and the availability of funds.

D. Vacations

The Town of North Andover provides regular employees paid vacations based upon their length of service.

(1) A continuous, regular full-time employee or part-time employee shall be granted vacation leave with pay on the following terms:

ONE YEAR OF SERVICE	TEN DAYS
FIVE YEARS OF SERVICE	FIFTEEN DAYS
TEN YEARS OF SERVICE	TWENTY DAYS

Regular part-time employees shall be credited with vacation leave on a pro-rated basis

AFTER 10 YEARS OF SERVICE employees shall receive one additional day for every year of continuous service for every year thereafter for a maximum of twenty-five (25) days. An employee, after completion of their introductory period (first six months), may request up to five (5) days of his/her vacation in advance.

(2) Employees will receive their full vacation entitlement as provided by this section, on the first of the month in which their anniversary falls. Length of service for purposes of vacation eligibility shall be based upon the employee's anniversary date of employment. The amount of vacation time allowed in any anniversary year will be based on the number of months of active service during the preceding twelve (12) months.

(3) Absences on account of sickness in excess of that authorized under the rules, or for personal reasons as provided for under other leave may, at the discretion of the Department Director, be charged to vacation leave.

(4) Upon the death of an employee who is eligible for vacation under these rules, payment shall be made to the estate of the deceased in an amount equal to the vacation allowance, as accrued in the vacation year prior to the employee's death but which has not been granted. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which the employee died, up to the time of his or her separation from payroll.

(5) Absence for personal reasons may be charged to vacation leave upon application by the employee and approved by his/her Department Director. Such absences, however, may not be charged to vacation leave beyond that which the employee has earned at the time of such application.

(6) Employees called to military service during a state or national emergency will have vacation time accrued as mandated by federal and state laws.

(7) Employees may carry over from one benefit year to the next no more than five (5) days of vacation, regardless of the amount of vacation accrued during a specific year.

(8) Employees who are eligible for vacation under these rules and whose services are terminated by dismissal, resignation or by retirement, or by entrance into the armed forces, or who are on leave as result of an injury sustained while on the job, shall be paid an amount equal to the vacation allowance as earned, and not granted, nor used, in the vacation year prior to such dismissal, resignation, retirement, or entrance into the armed forces. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which such dismissal, resignation, retirement, or entrance into the armed forces occurred up to the time of the employee's separation from the payroll, but no such payment shall be made to those persons on injury leave who have not been separated from the payroll.

(9) The Town Manager is authorized to grant vacation benefits at a schedule different than that contained in Paragraph (1) when the Town Manager makes a determination that the recruitment efforts of the Town for qualified employees may be compromised due to the inability of the Town to grant a vacation benefit comparable to a potential employee's existing vacation benefit. When reaching such a decision, the Town Manager will take into consideration the potential employee's previous relevant years of experience but at no time shall the vacation granted exceed the schedule contained in Paragraph (1) for analogous periods of times of prior employment.

(10) Advance paid vacation time will not be paid to any employee.

(11) Vacation schedules are subject to the approval of the immediate supervisor and the respective Division Director. To take vacation, employees should submit a Time Off Request Form thirty (30) days in advance of their proposed vacation time, or with as much advanced notice as possible, to permit vacation scheduling and the maintenance of proper workflow. While the Town will do its best to accommodate an employee's vacation request, the Town has the right to limit the number of employees who will be on vacation during any period. Requests will be reviewed based on a number of factors, including business needs, staffing requirements and when the request was made.

E. Holidays

The following days shall be recognized as legal holidays on which days employees shall be excused from all duty not required to maintain essential Town services:

New Year's Day
Martin Luther King Day
Presidents' Day
Patriots' Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

When December 24th (Christmas Eve) falls on a regular scheduled workday, employees shall receive an additional half-day paid holiday.

All full-time and regular, part-time employees (one who work an average of at least 20 hours a week) shall be entitled to holiday pay for the designated holidays. Holiday pay is based on the number of hours the employee is regularly scheduled to work and the holiday must fall on the employee's regular workday. If a holiday falls on a Saturday or Sunday, the Town will grant paid holiday time off for employees on either the preceding Friday or the following Monday after the holiday. An eligible non-exempt employee must work the day before and after the holiday in order to receive holiday pay, unless the employee's absence is excused in advance or the employee is on an approved vacation. Holidays occurring during an employee's vacation period will be credited as holiday pay instead of the accrued vacation time off that would otherwise have applied. Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed to non-exempt employees.

Employees are only eligible for receiving paid holidays if they are actively working for the Town when the holidays are observed.

The Police Chief, the Fire Chief, and the Deputy Fire Chief, solely, shall receive one-fifth of his/her regular weekly pay, as holiday pay, for any of the full-day holidays listed above.

F. Sick Leave

(1) A regular full-time or part-time employee who has completed his/her Introductory Period shall be allocated six days leave with pay and thereafter shall accrue leave at the rate of one and one-quarter days for each month of service, provided such leave is caused by sickness or injury or by exposure to contagious disease. Regular part-time employees shall be credited with sick leave on a pro-rated basis.

(2) An employee shall be credited with the unused portion of leave granted under sub-section (1).

(3) If the amount of leave credit provided under sub-section (2) has been or is about to be exhausted, an employee may make application for additional allowance to that provided under sub-section (1). Such application shall be made to the Town Manager who is authorized to grant such additional allowances as he/she may determine to be equitable after reviewing all circumstances including the employee's attendance and performance record prior to conditions supporting his or her request for the additional allowance.

(4) Sick leave must be authorized by the department director and must be reported to the Town Manager.

(5) The employee may be requested to submit to a physician's certificate of illness after three consecutive workdays absence to his/her department head before leave is granted under the provisions of this section. The Department Director shall forward this certificate to the Town Manager.

(6) The Town Manager may require medical examination of any employee who reports his/her inability to report for duty because of illness. This examination shall be at the expense of the Town by a physician appointed by the Town Manager.

(7) Injury, illness, or disability as a result of a self-imposed act shall not be considered a proper claim for leave under this section.

(8) Employees may be granted sick leave if actively participating in a Town-approved alcohol or substance abuse program.

(9) An employee whose service is terminated by retirement shall be entitled to a portion of his/her accumulated sick leave as stated in Section VI-D, "Terminal Leave".

(10) Upon the death of an employee, benefits shall be paid to the estate of the deceased as stated in Section VI-D. "Terminal Leave".

(11) Sick leave may not be used if an employee is on vacation, leave of absence, other leave, or if he or she is not otherwise scheduled to work.

G. Bereavement Leave

A regular full-time or part-time employee shall be entitled up to five (5) working days with pay following day of death in an employee's immediate family (spouse, child, parent of either spouse; brother, sister, grandparent of employee, grandchild of employee), and up to two (2) working days following day of death of brother-in-law, sister-in-law, grandparent of spouse, or person in the immediate household. For all other types of employees, paid leave may be granted at the discretion of the Town Manager. Employees who need to take time off due to the death of an immediate family member should notify their immediate supervisor as soon as possible.

Bereavement pay is calculated based on the employee's regular rate of pay and regularly scheduled hours of work. Bereavement leave shall not apply if an employee is on vacation, leave of absence, other leave, or if he/she is not otherwise scheduled to work.

H. Jury Duty

An employee required to serve on a jury and thus having to be absent from regular duty will be compensated in accordance with the provisions of MGL c234A.

Employees are expected to present the jury duty summons to their immediate supervisor within forty-eight (48) hours of receipt or with as much notice as is practicable so that arrangements can be made to accommodate their absence. During an employee's service as a juror, the employee is expected to report to work if he/she is not scheduled for duty or selected for a panel. Employees will not be penalized in any way for serving on a jury.

I. Workers' Compensation Insurance

The Town provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers accidental injuries or occupational illness arising out of and in the course of employment. Subject to applicable legal requirements, workers' compensation insurance provides benefit coverage and medical payments.

(1) In the event an employee sustains a work-related injuries or illnesses, he/she must inform their immediate supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported as promptly as possible. This will enable an eligible employee to qualify for coverage as quickly as possible. All injured employees are required to complete the necessary paperwork and reports, including a first report of injury form, within twenty-four (24) hours of the injury. In addition, the employee's supervisor or foreman who has knowledge of the injury or accident is also required to report such injury or accident to the Department Director and/or the Town Manager's office. Failure by an employee to report the injury or accident may result in disciplinary action, up to and including termination.

(2) Employee report injury only

(a) Upon employee claiming an injury occurred while at work, employee must complete and sign a Medical Only / Report of Injury form.

(b) Immediate supervisor must review the form, sign and make any necessary comments where applicable.

(c) Division Director must forward Medical Only / Report of Injury form to the Town's worker's compensation insurance carrier with any supporting documentation (medical notes) and a complete copy to the Town Manager's office.

(d) No other action is necessary

(3) Employee reporting injury resulting in less than five (5) days of missed work

(a) Upon employee claiming an injury occurred while at work, employee must complete and sign a Medical Only / Report of Injury form.

(b) Immediate supervisor must review the form, sign and make any necessary comments where applicable.

(c) Division Director must forward Medical Only / Report of Injury form to the Town's worker's compensation insurance carrier with any supporting documentation (medical notes) and a complete copy to the Town Manager's office. If circumstances warrant, the Division Director should contact the insurance carrier representative notifying them of concerns and/or questionable actions regarding the claim.

(d) No other action is necessary

(4) Employee who has been totally or partially disabled due to an injury or occupational illness and is incapable of reporting to work for five (5) or more days

(a) This means five (5) calendar days. No matter whether employee was scheduled to work those days or not, including holidays and weekends. For example, if employee was injured on Thursday March 30, at 3:45 pm (day 1) and did not return to work as of Monday April 3rd, he/she has now been out 5 days.

(b) Division Director must complete and sign a Form 101 Employer's First Report of Injury or Fatality within the next seven (7) business days. Make four (4) copies of the original completed form.

- ◆ Mail original to Department of Industrial Accidents – Department 101
600 Washington Street, 7th floor
Boston, Ma 02111
- ◆ One copy MUST be given to the employee
- ◆ Send one copy to Town's insurance carrier
- ◆ Send one copy to Town Manager's office
- ◆ Keep one copy for your files.

(c) Department Director / Division Director must complete top portion of Form 127 Average Weekly Wage Computation Schedule and coordinate with payroll to generate report showing prior 52 weeks wages. Form and report must be sent to insurance carrier with copy to Town Manager's office.

(d) Forward all correspondences and medical reports to Town's worker's compensation insurance carrier immediately.

(e) It is imperative that when employee returns to work, the Town's worker's compensation insurance carrier is notified immediately. Keep in contact with insurance carrier representative regarding status of claim.

(5) If an employee, who has been absent from work and collected sick pay, and has this absence declared eligible for Worker's Compensation benefits the following shall take place:

(a) When an employee is out more than five (5) days, upon approval of the claim, he/she will receive 60% of their salary. Beginning on Day 6, the employee may choose to be compensated for up to 40% of their salary by using his/her accrued sick

leave until they return to work. A request to do so must be submitted in writing to the Division Director. Otherwise, the employee will only receive the worker's compensation payment.

(b) If an employee has been out for over 21 days, an employee will receive worker's compensation for the first five (5) days of injury. Those days paid and charged to sick leave (three of the first five days) during this absence will be credited back to the employee based upon the difference between the gross pay paid under sick pay benefit and the portion determined to be collected under Worker's Compensation. The employee will be required to reimburse to the Town the dollar amount equivalent to the three day's of pay.

(6) The Town of North Andover is not required to offer light / limited duty work for returning employee with this restriction. If there is such work available, it can be offered to the employee with medical authorization. This authorization should be very specific explaining weight limits and length of time for the restriction. The ability to work light / limited duty may be governed by an employee's respective collective bargaining agreement.

J. Health Insurance

The Town health insurance plan provides eligible employees and their spouses/dependents access to health insurance benefits as of the first day of employment. Employees who decline such coverage are not entitled to any payment or cash equivalent of the value of the benefits offered. Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the Town and the insurance carrier.

The Town's contribution to health insurance coverage may change at any time. Through payroll deductions, employees pay the remaining premium amount.

K. Educational Reimbursement

A regular full-time or part-time employee, having completed one year of service with the Town, shall be eligible to receive educational reimbursement as follows:

(1) Reimbursement will be provided, in accordance with provisions of this section, provided the employee receives an advanced favorable recommendation by the Division Director and approval by the Town Manager, subject to the appropriation of funds. Reimbursement for regular part-time employees will be pro-rated based on the ratio of regular hours worked to the regular workweek of full-time employment in the classification plan.

(2) Course must be offered outside normal working hours. Hardship cases may be discussed jointly with the Division Director and Town Manager.

(3) Course contents must be job-related and approved.

(4) Course cost must be approved in advance.

(5) Educational reimbursement of 100% will be made for registration fees, books, and tuition based upon a passing grade of B- or better.

(6) Grade and payment certification is required before reimbursement.

(7) The employee will be obliged to remain in the Town employment for six months after completion of the course, or full reimbursement for the last courses will be deducted from final paycheck at time of termination.

L. Vehicle Use

(1) Purpose and Scope – The purpose of this policy is to set forth the guidelines for reimbursement or compensation for employee use of personal vehicles; the guidelines under which Town vehicles will be authorized to Town personnel; and the guidelines under which Town vehicles may be used.

(2) Applicability – The provisions of this policy apply to all employees in Town service with the exception of the Town Manager. Employees whose employment is regulated by collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by agreement.

(3) Definitions

(a) Municipal Vehicle – those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town of North Andover and licensed for travel on a public way.

(b) Expense Reimbursement – that payment for approved expenses relating to personal automobile use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

(c) Personal Automobile – automobile owned or available for private use by the employee.

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

(5) The assignment of municipal vehicles during work time is based upon job description. Division Directors who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with division/departamental workload and employee function. The Town Manager or Division Director may rescind the assignment of vehicles at any time.

(6) Assignment of Municipal Vehicles for 24-Hour Use (Vehicle Use Approved for Commuting Purposes)

(a) The assignment of vehicles for 24-hour use will be made in writing by the Town Manager after receipt of a written recommendation from the Division Director and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria, which will be used in the determination of eligibility for 24-hour vehicle use, include:

- ◆ Officially designated on-call status;
- ◆ Requirement for frequent emergency availability;
- ◆ Issuance of a pager or other communication device;
- ◆ Emergency or other equipment contained in the vehicle; and/or
- ◆ No Town facility is available for garaging in a safe and convenient location.

Such assignment may be rescinded in writing at any time by the Town Manager.

(b) Vehicle use is limited to travel to and from the residence and place of work except as noted in the following paragraph. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.

(c) This section applies to the following Town positions: Police Chief, Fire Chief, Deputy Fire Chief, and any other position approved by the Town Manager. These employees, in recognition of their need not only to respond to emergencies from their home but also when they are not at home or at work, may use Town issued vehicles for personal business subject to the following conditions:

(i) When the employee is off duty and either not on-call or available for duty within a reasonable period of time, the employee will not use a town vehicle.

(ii) If the employee is transporting non-town personnel in a town vehicle and is called to an emergency, the employee will take all reasonable actions necessary to ensure the safety of the passenger for the duration of the emergency.

(iii) The use of such Town vehicle where the expected travel distance is greater than two hours, from the Town of North Andover without the expressed written permission of the Town Manager is prohibited.

(d) Whenever a position becomes vacant, the authorization for 24-hour use shall be re-evaluated.

(e) Employees assigned vehicles for 24-hour use involving a commute of more than 25 miles one way shall reimburse the Town for the additional fuel cost as determined by the Director of Public Works. Employees who have been assigned a Town vehicle

and have established commuting patterns of more than 25 miles prior to January 1, 2006 shall be exempt from this provision.

(f) Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.

(g) Impute Income Taxation

(i) Employees who are assigned marked and unmarked police vehicles, and/or marked municipal vehicles carrying tools and meeting certain other eligibility criteria will not be subject to imputed income taxation as a result of the vehicle assignment.

(ii) Other employees authorized to commute in a Town vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Finance Department shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st.

(7) General Rules Governing Municipal Vehicle Use

(a) Municipal vehicles may only be used for legitimate municipal business.

(b) Municipal vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in Town vehicles (accept as noted within paragraph (6)(c)).

(c) Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.

(d) Employees are expected to keep municipal vehicles clean, and to report any malfunction or damage to their supervisors immediately.

(e) Employees are expected to park such vehicles in safe, legal locations.

(f) Employees must wear seatbelts in vehicles so equipped during operation of the vehicle.

(g) Employees must turn the vehicle ignition off, remove keys and lock the vehicle when unattended.

(h) Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications, which may interfere with effective and safe operation.

(i) Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license every six (6) months.

(j) Employees who incur parking or other fines in municipal vehicles will be personally responsible for payment of such fines unless the payment of such fines by the Town is approved by the Town Manager.

(k) Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action in accordance with Section VII of this policy.

(l) An employee who is assigned a municipal vehicle or using their personal vehicle for municipal business and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his/her personal vehicle or in a municipal vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.

(m) The Town reserves the right not to allow an employee to use a town vehicle based on the employee's driving record. If the employee is required to drive as part of their job responsibility, the employee must use their own vehicle and is eligible for reimbursement pursuant to the provisions of this policy.

(n) Smoking is prohibited in all town vehicles.

(8) The Town of North Andover will reimburse employees for reasonable documented expenses they incur as a result of personal automobile use on behalf of the Town. Receipts and the Personal Automobile Travel Expense Report must be submitted in order for an employee to be reimbursed for such expenses.

(a) When an employee is authorized to use a personal automobile for work-related travel, he/she shall be reimbursed at a mileage rate established by the Town Manager.

(b) The mileage rate is intended to include the costs of gasoline, repairs, insurance and general wear and tear on the automobile.

(c) In addition to the mileage rate, the Town will reimburse employees authorized to travel outside of North Andover, driving personal or municipal vehicles, for tolls and reasonable parking expenses, when receipts are provided. Employees will not be

reimbursed for tolls, which would normally be paid by the employee during his/her normal commute to work.

(d) The Town retains the right to require employees who are reimbursed for work-related travel, to show proof of the following minimum levels of insurance coverage on their personal vehicle:

- ◆ Bodily Injury: \$100,000/\$300,000
- ◆ Property Damage: \$25,000

(e) An employee who uses his/her personal automobile to travel from home to a temporary assignment, rather than his/her regularly-assigned work location, shall be allowed personal automobile expenses between home and the temporary assignment or the regular work location, whichever is less.

(f) Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

(g) In order to be reimbursed for personal automobile use, employees must complete the Personal Automobile Travel Expense Form and attach all relevant receipts. This form should be submitted to the Town Accountant for payment.

(h) In the event that an employee's personal vehicle is damaged during an approved, work-related trip, and the damages are not due to the negligence of the employee, the Town will reimburse the employee, upon receipt of verification of payment of a deductible (comprehensive or collision) to cover part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence.

(9) Special Circumstances – This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of North Andover, and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Town Manager who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

(10) Sanctions – Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.

M. Benefits Continuation

The Consolidated Omnibus Budget Reconciliation Act (COBRA) statute provides eligible employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events include but are not necessarily limited to termination of employment, death of an employee, a reduction in an employee's hours, an

employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements. Under this law, the employee or beneficiary pays the full cost of coverage at the employer group rates plus an administration fee.

Eligible employees are provided with written notice describing rights granted COBRA when they may become eligible for coverage. The notice contains important information about the employee's rights and obligations.

N. Cafeteria 125c Plan

The Town offers a Cafeteria 125c Plan that allows employees to pay for certain benefits with pre-tax dollars, resulting in a savings for employees off the cost of benefits. For more information about utilizing the Plan, contact the Payroll Office.

IX. AMENDMENT OF THE PLANS

The Town Manager shall, from time to time, propose and the Board of Selectmen may adopt Amendments to this Personnel Policy in accordance with the provisions of Article 11 of the Town of North Andover Special Town Meeting of December 12, 2002.

EMPLOYEE ACKNOWLEDGMENT FORM

The Personnel Policy describes important information about the Town of North Andover and employees should consult with Town management regarding any questions not answered in the Policy.

- ◆ The Personnel Policy does not and is not intended to create a contract of employment between the Town and any of its employees, nor is it to be construed to constitute contractual obligations of any kind. Rather, the Personnel Policy is provided for employee guidance only. The provisions of the Policy have been developed at the discretion of Town management and, except for its policy of employment-at-will, may be amended, modified, revoked, rescinded or added to at any time, in the Town's sole discretion. This Policy does not and is not intended to create any enforceable rights or promises of any kind with respect to the terms and conditions of employment.
- ◆ This Policy supersedes all prior agreements, understandings, representations, handbooks, and policies concerning my employment with the Town of North Andover. I acknowledge that the Town of North Andover may make revisions to the information, policies, and benefits described in this Policy from time to time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.
- ◆ I understand that I have entered into my employment relationship with the Town of North Andover voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the Town or I can terminate the relationship at will, with or without reason, at any time, as long as there is no violation of applicable federal or state law. I acknowledge that no oral or written statements or representations regarding my employment can alter the foregoing.
- ◆ I acknowledge that this Policy is neither a contract of employment nor a legal document.
- ◆ I specifically acknowledge that I have reviewed the Anti-Harassment policy in the Town's Personnel Policy. I understand that, in the event that I believe I have been subjected to discrimination or harassment, including sexual harassment, that I am expected to immediately notify my supervisor, the Assistant Town Manager/Human Resources Director or the Town Manager.
- ◆ I specifically acknowledge that I have reviewed the provisions relating to Workplace Monitoring and Inspections and understand that any property, personal or Town-owned, such as toolboxes or desks, may be subject to inspection at any time.
- ◆ I also am aware that the Town may monitor my use of the electronic computer systems, including e-mail and voicemail, and that I may not use a password or pass code for my computer, e-mail or voicemail that is unknown to the Town. I also understand that

monitoring may include printing or reading e-mail messages sent, received, or stored in these systems, as well as listening to voicemail messages.

- ◆ I understand that my signature below indicates that I have received a copy of the Town of North Andover Personnel Policy, and I understand that it is my responsibility to read and comply with its provisions and any revisions made to it. I have read and understand the above statements.

Employee Name (printed)

Employee Signature

Date