

**TOWN of
BERLIN**

**PERSONNEL
POLICIES
AND PROCEDURES**

PERSONNEL POLICIES AND PROCEDURES

OVERALL STATEMENT OF PURPOSE AND INTENT

The purpose of the Personnel Policies and Procedures Manual is to interpret the various aspects of the Town of Berlin's Personnel Bylaw and to give direction on how to implement the intent of the Bylaw. It further addresses matters not addressed in the Bylaw. In essence, this manual acts as the official guideline to all personnel practices in the Town of Berlin. As a written expression of the Town's personnel policies, it will ensure consistent application of all personnel rules and regulations for all Town employees.

This document shall enable department supervisors to administer the affairs of their departments within the approved personnel framework and policy statements. As such, it is expected that they will be completely familiar with the contents of the manual and keep their copies up-to-date at all times as amendments are issued by the Personnel Committee and Board of Selectman.

It is intended to ensure compliance with all state, federal and Town laws as well as contractual commitments with Town employees.

It should serve as a reference and source of information for both department supervisors and their employees in determining established policies and procedures.

No department supervisor or employee has the authority to deviate from the written policy, but each does have the responsibility to notify the Personnel Committee, when in his or her opinion the policies no longer serve the best interest of the Town, its departments or employees.

This manual is intended to be an accurate reflection of all personnel policies of the Town. If there are any discrepancies between this manual and the specific terms of any collective bargaining contract duly entered into by the Town, the specific terms of the contract shall govern.

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CHAPTER 1 - RESPONSIBILITIES

In addition to the general responsibilities outlined below, the Personnel Policies & Procedures establishes responsibilities for specific policies, procedures, rules and regulations. These responsibilities are established under the appropriate section.

1.1 Personnel Committee

- 1.1.1 The Personnel Committee has conclusive authority to interpret the Personnel Bylaw and to decide all questions relating to its application.
- 1.1.2 The Personnel Committee is responsible for the review and maintenance of the Personnel Bylaw. The Committee recommends all Personnel Bylaw amendments to the Board of Selectmen for approval.
- 1.1.3 The Personnel Committee shall adopt policies and procedures, with the Selectmen's ratification, deemed necessary for the administration of the Personnel Bylaw.
- 1.1.4 The Personnel Committee shall classify all compensated positions in the employ of the Town, both part-time and full-time, except those in a collective bargaining unit, employees covered by a personal services contract, elected officials, or those employees under the jurisdiction of the school committee.
- 1.1.5 The Personnel Committee shall constitute a board of appeals for the grievances of Town employees who are not covered by a formal collective bargaining agreement. The appeals procedure is outlined in the Problem Resolution Procedure contained in this manual.
- 1.1.6 The Personnel Committee is responsible for the day-to-day administration of the Personnel Bylaw, and shall act on matters officially brought, in writing, before the committee within sixty (60) days-of the date of receipt by the Personnel Committee. Failure of the Committee to take action within sixty (60) days shall constitute an approval of the matter. Notice in writing shall be forwarded to the concerned employee and respective department head within three (3) days of the Committee's decision. If the Personnel Committee shall so request and the concerned employee and their department head shall mutually agree, a reasonable extension of this period may be granted.
- 1.1.7 The Personnel Committee is responsible for the Equal Employment Opportunity policies as defined in this manual.
- 1.1.8 The Personnel Committee is responsible for the review and maintenance of the Personnel Policies and Procedures Manual.
- 1.1.9 The Town Department Supervisor shall be responsible for orienting all new employees to the Town of Berlin in accordance with these personnel procedures.
- 1.1.10 The Personnel Committee, on or before the November 1, shall recommend an annual cost of living increase, scheduled for the next fiscal year.

1.2 Board of Selectmen

- 1.2.1 The Board of Selectmen shall appoint the Personnel Committee.
- 1.2.2 The Board of Selectmen shall review all policies and procedures adopted by the Personnel Committee and approve, disapprove or send them back with suggestions.
- 1.2.3 The Board of Selectmen shall review all requests of the Personnel Committee of By-law amendments and submit to Town Meeting if approved.
- 1.2.4 The Board of Selectmen shall review the Personnel Bylaw periodically and make recommendations to the Personnel Committee for amendments.

1.3 Department Supervisors

- 1.3.1 Department supervisors of the various Town departments shall review and be familiar with the Personnel Policies and Procedures Manual.
- 1.3.2 Department supervisors shall administer their department in accordance with Personnel Policies and Procedures, including the establishment of employee conduct and work rules, which are consistent with this manual.
- 1.3.3 Department supervisors shall ensure that the Town is in compliance with the Town's Equal Employment Opportunity.
- 1.3.4 Department supervisors may recommend in writing revisions to the Policies and Procedures Guide to the Personnel Committee.
- 1.3.5 A department supervisor must sign all performance reviews, payrolls and vouchers for reimbursement. Additional documentation requested by the Personnel Committee requires a department supervisor approval.
- 1.3.6 In the case of a board or commission acting as department supervisor, an affirmative vote or approval is gained by obtaining a majority vote.

1.4 Town Employees

- 1.4.1 All Town employees have the responsibility to familiarize themselves with the relevant sections of the Personnel Policies and Procedures Manual and shall comply with the provisions of this manual.
- 1.4.2 All town employees shall share joint responsibility with their supervisors for adherence to the Town's Equal Employment Opportunity Policy.

CHAPTER 2 - DEFINITIONS

Administrative Authority:

The elected or appointed official or board having jurisdiction over a function or activity.

Appointing Authority:

The administrative authority granted the power to appoint employees by the town charter, state statute or town meeting.

Benefit Eligible Employee:

Only employees working twenty (20) hours or more each week fifty-two (52) weeks of the year shall be entitled to sick leave, vacation leave, holidays, bereavement leave, leaves of absences, and other benefits provided, however, that all leaves shall be pro-rated according to the number of hours or days of work per full-time week which such employee is required to perform.

Continuous Service:

Employment with the Town of Berlin which is uninterrupted except for required military leave of absence, authorized holiday, vacation, sick leave, and leaves of absence. Any unauthorized absence of more than one week will constitute a break in service and such absence will not accumulate service credits.

Department:

Any department, board, committee, commission or other agency subject to the Town of Berlin's Bylaws.

Effective Service Date:

The date of hire for regular employees or when temporary employees are changed to regular status. Their effective service date is the date they become regular employees. Effective service shall not accrue while on leave without pay, and the effective service date will be changed accordingly. The date of hire shall be the first day of actual work.

Employee:

Anyone employed by the Town of Berlin occupying an approved position.

Hourly Employee:

An employee of the town paid strictly for the number of hours worked based upon an hourly rate.

Overtime:

Time in excess of forty hours of work required in a week by the Town. Vacations and holidays shall count towards hours worked.

Probationary Employee:

The first ninety (90) days of a regular employee's service which is used as a trial period. The employee may be terminated without a hearing for failure to properly perform the assigned duties of the position.

Position:

An office or post of employment in the Town Service with duties and responsibilities calling for the full-time, part-time or temporary employment of one person.

Regular Employee:

An individual who is employed in a full-time, (at least 40 hours per week) or part-time (at least 20 hours per week but not more than 39 hours), position in the town service which has required or which is likely to require the services of an incumbent in continuous employment for a period of fifty-two calendar weeks per year.

Salaried Employee:

An employee of the Town paid either weekly, monthly, or annually for a specific job.

Seasonal Employee:

An individual who is employed in a position, which requires or which is likely to require the services of an incumbent for a period of less than fifty-two (52) weeks of continuous employment. The position is available on a yearly basis for a specified amount of time.

Temporary Employee:

An individual who is employed in a position in the town service which requires or is likely to require the services of an incumbent for a period less than fifty-two calendar weeks in continuous employment.

Town:

The Town of Berlin.

CHAPTER 3 - PERSONNEL RECORDS

The Personnel Committee, in conjunction with the Treasurer, department supervisor and/or their designees shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Committee.

3.1 Contents of Records held by Treasurer

The Treasurer and/or his/her designee shall maintain an individual personnel file for each employee which may include, but not be limited to, the following:

- * The copy of the employment application
- * Federal and State Tax Forms
- * Copy of Federal Immigration Form
- * Payroll Change Notice Forms

3.2 Contents of Records held by Department Supervisor

The Department Supervisor and/or his/her designee shall maintain an individual personnel file for each employee which may include, but not be limited to, the following:

- * The original employment application
- * Payroll Change Notice Forms (also copy to Accountant)
- * Special Letters of any kind
- * A copy of any required physical or psychological examination reports and health reports.
- * A report of all personnel actions reflecting the original appointment, promotion, demotion, (also copy to Accountant), reassignment, transfer, separation, leaves of absence or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, and other records that may be pertinent to the employee's employment record.

3.3 Access to Records

Any employee may upon request to the employee's appointing authority have access to review his/her personnel file. The employee's review of his/her employment record shall be in the presence of an authorized management employee.

3.4 Release of Information

No information shall be released unless written authorization is received from the employee or if information is available per law.

CHAPTER 4 - COMPENSATION PLAN

All employees shall be paid in accordance with the rates in the compensation plan, excluding those positions filled by personal services contract, those within a collective bargaining unit or within the jurisdiction of the school committee. Cost of living and step raise(s) will go into effect the beginning of the fiscal year when applicable and approved.

- 4.1 The Personnel Committee, in accordance with the Personnel By-Law, shall have the responsibility of administering the classification and compensation plans. The Personnel Committee shall determine, with concurrence of the Board of Selectmen, a compensation plan on a yearly basis.
- 4.2 The Personnel Committee will approve all hiring rates, performance increases, salary adjustments, and other payroll changes, subject to budget allocations determined at Town meeting, and send notice to Department Supervisors, Treasurer, and Accountant.
- 4.3 Compensation for hours worked in excess of the standard work week must be with prior approval and shall be as follows:
 - 4.3.1 Hourly Employees - Hourly employees who are required to work in excess of 40 hours a week shall be eligible for pay at the rate of time and one-half (1.5) for all hours worked in excess of 40, with the prior approval of the department supervisor.
 - 4.3.2 Overtime work, whether reimbursed by compensatory time or by overtime pay, must be required by the department's workload and must be authorized by the employee's supervisor in advance. In other words, overtime or compensatory time is earned for what an employee is required to do in excess of the normal work week, not what he or she chooses to do. Hours worked shall be defined as hours physically worked, vacation time, holiday time, and compensatory time.
- 4.4 From time to time, due to operational needs, overtime may be necessary in order to accomplish Departmental objectives. In these situations, supervisors may assign mandatory overtime to employees.
- 4.5 Compensatory time may be approved by a supervisor. Use of compensatory time shall be in accordance with the Fair Labor Standards Act. The Personnel Committee shall be responsible for providing guidance to department heads to ensure compliance with all applicable laws and regulations regarding the use of compensatory time.

CHAPTER 5 - CLASSIFICATION PLAN

It is the policy of the Town to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

CHAPTER 6 - RECRUITMENT AND SELECTION

The Town shall make every effort to attract and employ qualified persons. There shall be no discrimination by the Town, or their agents or representatives, against any employee on account of race, creed, religion, color, national origin, sex, age, as defined by law, handicap, or sexual orientation. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices.

6.1 Recruitment

The department supervisors in conjunction with the Personnel Committee shall have a major role in the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans.

6.1.1 Notice of Vacancies

Department supervisors with the assistance of the Personnel Committee, upon the identification of a vacancy or on the authorization of a new position, shall prepare a job vacancy notice. The job vacancy notice shall include: the job title, major duties of the position, qualifications, salary ranges, approximate hours, a closing date for applications, and application instructions. The Personnel Committee shall review and approve all job notices prior to advertisement and posting. Recruitment for a position shall not begin until the job vacancy notice is approved by the Personnel Committee.

6.1.2 Posting and Advertisement of Job Vacancy Notices

Notices of vacant positions shall be posted for employees to review. Advertising for entry level positions should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. The position must be advertised at least ten (10) days prior to the closing date for application. A copy of the notice shall be forwarded to the Treasurer.

6.1.3 Applications

All candidates applying for employment in the Town shall complete an official employment application form or a resume as required and return the form to the Appointing Authority prior to the end of the working day of the closing date specified in the position announcement.

6.1.4 Methods of Selection

The department supervisor shall establish any one or a combination of selection procedures in order to determine the candidates' fitness and ability to perform in the position:

* Written examination

* Interview

- * Oral Interview Panel
- * Practical (or performance) Test
- * Evaluation of Experience and Training

6.1.5 The department supervisor shall also determine in each instance:

- * whether each procedure shall be used to screen applicants on a "qualified" - "not qualified" basis or to form part of an overall composite of the applicant's fitness and ability to perform in the position; and
- * when a combination of procedures is used, the relative weight to be assigned each procedure.

6.1.6 References

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

6.1.7 Application Records

The application, reference checks, and related documents submitted shall be maintained by the Personnel Committee for the period required by law. The Town shall to the extent possible maintain the confidentiality of the application.

6.1.8 Appointment

All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the salary, the starting date, and any conditions of employment not covered in these personnel policies. Copies of the notice of appointment shall be provided to the Personnel Committee, Treasurer and Town Accountant.

6.1.9 Medical Examinations

Persons selected for employment with the Town, after receipt of notice of such appointment and prior to the starting date of employment, shall be required to undergo a medical examination. The examination shall be at the expense of the Town by a physician designated by the board of selectmen. The examining physician shall advise as to the applicant's physical fitness for the job being sought. A psychological exam may be given for selected employees. The physical exam may be waived by the Personnel Committee or Board of Selectmen.

6.1.10 Failure to Report

An applicant who accepts an appointment and fails to report to work on the day set by the appointing authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

CHAPTER 7 - ORIENTATION AND PROBATIONARY PERIOD

The Personnel Committee, Treasurer and the department supervisor are responsible for informing new employees of their rights, responsibilities, duties, and obligations.

7.1 Orientation

The department supervisor shall:

- 7.1.1 notify the new employee of a starting date, time and designated location for starting work.
- 7.1.2 provide on-site orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures along with a copy of this Personnel Guide and Policies & Procedures Manual.

The Treasurer shall:

- 7.1.3 thoroughly explain all the benefits and options the employee is entitled to and shall assist the employee with completion of appropriate forms.

7.2 Probationary Period - New Employees

All newly appointed employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date and to continue for a ninety (90) day period. The probationary period shall be utilized to help new employees achieve effective performance standards. The probationary period shall be used by the supervisor to observe and evaluate the employee's performance against such standards. Upon expiration of the probationary period, the supervisor shall notify the appointing authority and Personnel Committee that:

- 7.2.1 the employee's performance meets satisfactory standards and the individual will be retained in the position; or
- 7.2.2 the employee's performance was unsatisfactory, stating the specific reasons, and dismissal will occur. The employee may be removed by an appointing authority if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the reasons for the termination and the effective date of the action. The employee may not appeal the removal.

CHAPTER 8 - EMPLOYMENT OF MINORS

8.1 General

The employment of those under the age of 18 is governed by the MGL Chapter 149 Section 66 & 67. Following are guidelines as to hours worked and permits needed for those employees under the age of 18. All questions shall be referred to the Treasurer or the Personnel Committee.

8.2 13 and Under

Employees who are under the age of 14 may not be hired under any circumstance.

8.3 14 & 15 Year Olds

Those employees whose ages are 14 or 15 at the time of hire shall be required to submit to the Town an employment permit which is obtainable from the school district in the town in which the employee resides.

These employees are allowed to work only under the following conditions:

- 1) Hours must be scheduled between the hours of 6:30 am and 7:00 pm. Hours may not be worked outside this timeframe.
- 2) Can work no more than 8 hours per day.
- 3) Can work no more than 6 days per week.
- 4) Can work no more than 40 hrs per week.
- 5) Cannot operate any power equipment whatsoever.
- 6) Must be under direct supervision of an employee 18 years or older.

Under no circumstances may these provisions be relaxed or violated.

8.4 16 & 17 Year Olds

Those employees whose ages are 16 or 17 at the time of hire shall be required to submit to the Town an educational certificate which is obtainable from the school district in the town in which the employee resides.

These employees are allowed to work only under the following conditions:

- 1) Hours must be scheduled between the hours of 6:00 am and 10:00 pm. Hours may not be worked outside this timeframe.
- 2) Can work no more than 9 hours per day
- 3) Can work no more than 6 days per week.
- 4) Can work no more than 48 hrs per week.
- 5) Cannot operate dangerous power equipment including riding mowers. A push mower is not classified as dangerous. Prior to operation of power equipment, please check with the Personnel Committee as to its classification.

Under no circumstances may these provisions be relaxed or violated.

CHAPTER 9 - STANDARDS OF CONDUCT

The Town of Berlin strives to create and maintain a positive work environment. The Town stresses courteous and respectful behavior towards your fellow employees and customers. An employee should have a responsible attitude. The following standards will assist in clarifying differences in judgement. These standards simply outline general principles on which employees are expected to base their behavior. The examples are not meant to be all inclusive. In general, employees can anticipate that actions harmful to another employee or to the Town are cause for disciplinary procedures or possible dismissal. Employees are expected to respect the individual rights and privacy of others.

9.1 Standards

- * You are expected to perform all duties assigned by your department head or designee regardless of your title.
- * If anyone is injured, notify the department head or designee at once.
- * If you plan to resign, common courtesy dictates that you notify your department head at least two weeks in advance.
- * You are expected to be courteous at all times to all employees, residents and other individuals.
- * Where appropriate, employees must be properly attired in supplied clothing and required safety clothing/equipment.
- * Tools, equipment and supplies must be used in a safe and prescribed way; tools, equipment and supplies must not be abused.
- * Property belonging to the Town, its customers, vendors or employees shall not be defaced or damaged, nor shall Town equipment or property be used without authorization.

9.2 Gross Violations

The following are considered gross violations of town policy for which disciplinary action, such as immediate suspension and possible termination may occur:

- * Reporting to work under the influence of drugs or alcohol, possession or use of alcohol or illegal drugs during working hours.
- * Fighting or any belligerent behavior or misconduct endangering the life or property of others.
- * Any security violation involving a willful intent to defraud (such as theft).
- * Possession of dangerous weapons.
- * Flagrant insubordination such as leaving a work location contrary to direct instructions, refusal to do assigned tasks.

9.3 Supervisors Code

Supervisors shall:

- * Manage the work of your department in serving the Town according to your best professional judgment, the plans of the Town, and your supervisors, and cooperate with other departments as appropriate.
- * Manage employees fairly and equitably, communicating expectations of performance, recognizing and rewarding acceptable work and discussing actions needed to improve performance when needed.
- * Take part in regular two way communication between yourself and employees for whom you are responsible, and act on their behalf with your supervisors when appropriate.
- * Manage your department's finances and the Town's funds economically.

- * Provide a comfortable, non-threatening work environment; respect individual diversity among employees.
- * Serve the public and fellow employees with cooperation and respect, personally and under the law.

9.4 Conflict of Interest

The Massachusetts conflict of interest law, Chapter 268A of the General Laws, prohibits public employees from soliciting or accepting gratuities for, or because of, their official duties. This law prohibits certain activities, which could result in a conflict of interest or create the appearance of a conflict of interest. If you have any questions, please contact the Personnel Committee.

9.5 Gifts & Contributions

Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any person who is seeking to obtain business with the Town, or from any person within or outside the Town employment whose interest may be affected by the employee's performance or non-performance of official duties. Massachusetts General Laws Chapter 268A addresses this issue in detail. The State and the Town take this issue seriously. Violators face potential prosecution under the law. If you have any questions, please contact the Personnel Committee.

9.6 Confidentiality

The Town of Berlin has contact with many organizations including state, county and federal governments, private businesses and citizens. In many cases the Town is dealing with issues that are of a confidential and sensitive nature. Employees must be cautious not to disclose confidential information that could lead to legal and financial repercussions for the Town, poor public relations and/or bad employee morale. If you have any questions, in regard to confidential matters, see your supervisor before discussing or releasing information. Improper disclosure of confidential matters could be subject to disciplinary action.

CHAPTER 10 - DISCIPLINE

All employees are responsible for observing regulations necessary for proper operation of departments in the Town. Disciplinary action may be imposed upon an employee for failure to fulfill responsibilities. The following shall be sufficient cause for disciplinary action:

- * Refusal to perform assigned work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- * Habitual tardiness or absence from duty.
- * Use of alcohol while on duty.
- * Use or possession of illegal narcotics while on duty. Violation of this section is cause for immediate dismissal.
- * Willful misuse, misappropriation, negligence or destruction of Town property or conversion of Town property for personal use or gain.
- * Fraud in securing appointment.
- * Disclosure of confidential information.
- * Abuse of sick leave or absence without leave.
- * Conviction of a felony.
- * Violation of safety rules, practices and policies.
- * Engaging in harassment, i.e. sexual, racial, bullying, etc.
- * Falsification of time sheets.
- * Disorderly conduct.
- * Violation of the Standards of Conduct.
- * Incompetence or inefficiency in performing assigned duties.
- * Any other situation or instance of such seriousness that disciplinary action is warranted.

10.1 Disciplinary Procedures:

Department supervisors shall be responsible for enforcing rules and regulations. The type of disciplinary action imposed is at the discretion of the appointing authorities and department supervisors and is dependent upon the nature of the disciplinary violation. Disciplinary action shall include only the following: Oral Reprimand, Written Reprimand, suspensions and dismissal. In the case of suspensions and dismissals, the Personnel Committee shall be contacted prior to the disciplinary action being issued.

10.2 Oral Reprimand Conference

It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who break a rule are not problem employees unless they are habitual offenders. An oral reprimand conference is the first (and often only) step in the disciplinary procedure. In this conference, the supervisor tries to reach an understanding of the causes of the offense and to impress upon the employee the need for corrective action. The conference can eliminate misunderstandings immediately and set the desired standards of conduct and performance. No written record of oral reprimands is kept in the employee's personnel file.

10.3 Written Reprimand

Should an oral reprimand fail to result in improved behavior, a written reprimand may be necessary. A written reprimand will specify the nature of the employee's offense, the efforts made previously to correct the problem, and a warning to the employee that future disciplinary action may be taken if the matter is not corrected. A copy of the written reprimand shall be sent to the employee and to the Personnel Committee for the employee's personnel file. The employee may write a letter that responds to the reprimand and send it to the Personnel Committee. Such a letter shall be placed in the employee's personnel file. After a period of twelve (12) months, the reprimand will be removed from the employee's file if his/her performance and conduct have been satisfactory during that time.

10.4 Suspension and Dismissal

A supervisor may initiate suspension or discharge, with the approval of the Personnel Committee who will consult with labor counsel, for any of the reasons stated above, of any employee employed by the Town of Berlin. The following procedures must be adhered to:

10.4.1 Within one (1) working day after the suspension or discharge, the employee shall be given: (1) written notice stating the specific reason or reasons for said suspension or dismissal and the contemplated action; a copy of the written notice shall be submitted to the Personnel Committee, and 2) information to the effect that within two (2) working days, the employee may request a hearing before the appointing authority and the Personnel Committee. The hearing shall be given within seven (7) working days after receipt by the appointing authority of such request.

10.4.2 Within seven (7) working days after completion of the hearing, the appointing authority shall notify the employee in writing of its decision together with reasons for said decision. A copy of the decision shall be submitted to the Personnel Committee for purposes of record keeping.

10.4.3 An employee suspended in accordance with this policy shall automatically be reinstated at the end of such suspension. An employee whose suspension or discharge under this section is decided to have been without cause shall be deemed not to have been suspended or discharged, and shall be entitled to compensation for the period for which said employee was not paid.

10.4.4 Employees may also be discharged for unsatisfactory performance of work on the job. Prior to such discharge, however, a department supervisor must make every effort to correct performance by counseling, oral reprimand and a written statement.

10.5 Dismissal

Dismissal is the most severe and permanent form of disciplinary action and, as such, should be exercised with care and considerable prior thought. Any department supervisor who proposes to dismiss a regular employee shall consult in detail with the Board of Selectmen prior to taking any action. Once it is decided to dismiss an employee, the department supervisor shall send the affected employee a letter that states the grounds for the action and the employee's appeal rights. The letter may be hand delivered by the department supervisor or sent by certified mail, receipt requested. The letter of dismissal shall be effective immediately. Notification shall be given to the Treasurer and Town Accountant.

10.6 Demotion for Cause

When the employee's ability is impaired to the extent he/she is unable to perform his/her assigned duties, but not hampered to the extent he/she is unable to work at lower paid related duties, a department supervisor may demote the individual after consultation with the Board of Selectmen and the Personnel Committee. As in other disciplinary actions, the grounds shall be stated in a letter to the affected employee. A copy shall be forwarded to the Treasurer, Town Accountant and Personnel Committee.

CHAPTER 11 - PERFORMANCE REVIEW

11.1 Performance reviews are conducted on a yearly basis by the Department Supervisor. This form is located on the Berlin website <http://townofberlin.com/PERSONNEL.html>.

11.2 This form shall be written by the Department Supervisor and reviewed with the Town Employee individual.

11.3 This form when completed should be signed by the employee and Department Supervisor who will then submit it to the Personnel Committee.

11.4 Department Supervisors will be notified by the Personnel Committee for their due date.

11.5 Step/Level increases may be submitted but are not guaranteed.

CHAPTER 12 - PROBLEM RESOLUTION PROCEDURE

It is the policy of the Town of Berlin to provide an effective and acceptable means for employees to bring problems and complaints concerning their well being at work to the attention of their supervisor. When the employee feels aggrieved, he or she shall be allowed to follow all the steps of this procedure with freedom from reprisal. However, this procedure does not confer the right upon anyone to make slanderous or libelous statements, or to take any other actions otherwise prohibited by law.

Employees are encouraged to bring any problems or complaints to their respective supervisor or appointing authority regarding work or other day to day-to-day relations with the town.

If any employee has a request or problem, it should be first discussed with his/her immediate supervisor or appointing authority.

If this conference fails to clear up any questions to the satisfaction of the employee, he/she may refer the matter in writing to the appropriate appointing authority. The appointing authority shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem.

If two weeks have elapsed since the submission of the matter in writing to the appointing authority and the dispute is still unresolved, either party may appeal to the Personnel Committee.

This Board shall take the question under advisement, collecting such facts relating thereto as it may deem helpful, and it may, in its discretion, hold private or public hearings with respect to such question. Not later than thirty (30) days after receipt of written submission of the matter, the Personnel Committee shall render its decision and thereafter promptly take such action as may be necessary and authorized hereunder relative to the Dispute. If the decision rendered by the Personnel Committee is considered unsatisfactory to either party, then final appeal may be made to the Board of Selectmen.

12.1 Valid Complaints

Complaints by an employee relating to his/her employment, which include, but are not necessarily limited to, are the following:

- * Disciplinary actions of any kind;
- * Actions resulting from the performance review;
- * Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules and regulations;
- * Acts of reprisal as the result of utilization of the grievance procedure;
- * Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, handicap or political affiliation. Sexual harassment is considered a form of sexual discrimination; and
- * Complaints of personal harassment by supervisory personnel.

12.2 Non-Valid Complaints

Complaints which do not apply, involve the following:

- * The creation, establishment or revision of wage and salary tables, position classifications, and general benefits accorded to employees;
- * Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;
- * The contents of statutes or established personnel policies, procedures, rules and regulations;
- * The methods, means, scheduling, and staffing by which work activities are to be carried out;
- * Position classification, other than through the procedure outlined in this manual;
- * Discharge, demotion, layoff or suspension from duties because of lack of work, reduction in work force or job abolition; or
- * Resignation, employee requested demotion or transfer.

CHAPTER 13 - TRAINING AND EDUCATION

In order to provide a high level of service to our citizens and customers, employees continually need to improve existing skills and develop new ones, acquire new knowledge, and increase their overall competence. Accordingly, the Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided the Town.

We expect that a great deal of your development will take place on the job. To complement your work experience, the Town will provide internal training sessions, as department supervisors deem necessary. The Town will also sponsor employees to attend off-site training sessions from time to time to develop their skills.

Benefit eligible employees who have worked for the Town for at least one year are eligible for reimbursement for tuition, registration fees, and books for work-related courses that serve to improve their knowledge and skills and increase their performance with the Town. Approval for a particular course must be requested prior to enrollment in order to be eligible for the reimbursement, and in order to qualify must have the recommendation of the department supervisor and approval of the Personnel Committee. Approval is subject to sufficient municipal funds. Reimbursement shall be made upon successful completion of the course or program with a minimum grade of B. Reimbursement under this section shall be limited to \$500.00 per course and a maximum of two (2) courses per semester and five (5) courses per calendar year for each employee. The Town may require the employee to sign an agreement to remain with the Town for a period up to two (2) years upon reimbursement, or else be willing to reimburse the Town for the funds.

CHAPTER 14 - RESIGNATIONS/TERMINATIONS

To resign in good standing, an employee must give his/her department supervisor notice of resignation at least two weeks prior to his/her last day of work.

The Town of Berlin reserves the right to lay off any employee whenever such action becomes necessary by reason of budgetary constraints, lack of work, the abolition of a position, a material change in duties or organization or for any other appropriate reasons. The employment relationship between the employee and the Town is at will and may be terminated by either party at any time.

14.1 Termination Report

A termination report shall be filed by the Department Supervisor along with a copy of the resignation whenever an employee is terminated for any reason. Please fill out accurately in order to assist the Town if the employee seeks to be rehired at some time in the future. The form will not be used for reference checks outside of Town departments. A copy needs to be provided to the Treasurer and Town Accountant immediately, since a number of employee's benefits are affected by termination.

14.2 Seasonal Employees

A termination report shall be filed for each seasonal worker at the end of his/her current seasonal experience.

14.3 Sample Form

See Personnel Committee for sample forms.

14.4 Exit Interview

A member of the Personnel Committee may be present at an exit interview for employees terminated.

CHAPTER 15 - HOLIDAYS

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days, employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

- » New Year's Day
- » Martin Luther King Day
- » Presidents' Day
- » Patriot's Day
- » Memorial Day
- » Independence Day
- » Labor Day
- » Columbus Day
- » Veterans Day
- » Thanksgiving Day
- » Christmas Day

15.1. Coverage

Benefit eligible employees shall be entitled to time off with pay for each scheduled holiday based upon their normal hourly rate. In no case shall any employee receive more than eight (8) hours of holiday pay. To be eligible for holiday pay, an employee must have completed thirty (30) days of continuous service with the Town and shall have worked the day before the holiday, the holiday itself, if scheduled to work, and his/her next scheduled shift immediately following the holiday, unless the employee has written authorization from the department supervisor explaining special circumstances. Holiday time shall be considered hours worked.

15.1.1 Employees Who Work 4 or 5 Days Per Week

An employee who works four (4) or five (5) days per week shall receive holiday pay for his/her regularly scheduled hours on the day of the holiday.

15.2.2 Employees Who Work Fewer Than 4 Days Per Week

An employee who works fewer than four (4) days per week shall receive holiday pay based upon the employee's regularly scheduled hours per week divided by five (5) rounded to the nearest 1/2 hour.

15.2 Special Circumstances

15.2.1 Whenever any of the above-named holidays falls on a Saturday or Sunday, the preceding Friday, in the case of a Saturday holiday, and the following Monday, in the case of a Sunday holiday, shall be recognized as the holiday for the purpose of time off.

15.2.2 Holiday leave will be granted on the holiday whenever possible. If however, 1) according to the needs of a department, holiday leave cannot be granted on the day on which the holiday is observed, or 2) the holiday falls on a non-work day, the employee shall receive pay in lieu of time off or may be given compensatory time. This provision shall be utilized at the discretion of the supervisor.

15.2.2.1 Employees Who Work 4 or 5 Days Per Week

Time-off for employees who work four (4) or five (5) days per week shall be based on the employee's regularly scheduled hours for the day on which the holiday occurred.

15.2.2.2 Employees Who Work Fewer Than 4 Days Per Week

Time-off for employees who work fewer than four (4) days per week shall be based on the employee's regularly scheduled hours per week divided by five (5) rounded to the nearest 1/2 hour.

CHAPTER 16 - PERSONAL DAY

All benefit eligible employees shall be entitled to one (1) personal day per fiscal year.

16.1 Policy

Personal days shall be considered as a privilege that should be used to take care of personal business or to address special instances or emergencies. Personal days shall be taken in full day increments.

16.2 Conditions

Personal days cannot be used in conjunction with vacation, holidays or sick days unless with approval of the departmental supervisor. Personal days shall not be considered hours worked.

16.3 Employees Who Work 4 or 5 Days Per Week

An employee who works four (4) or five (5) days per week shall receive personal day pay for his/her regularly scheduled hours on the day of the personal day.

16.4 Employees Who Work Fewer Than 4 Days Per Week

An employee who works fewer than four (4) days per week shall receive personal day pay based upon the employee's regularly scheduled hours per week divided by five (5) rounded to the nearest ½ hour.

16.5 Accrual

Personal days shall not accrue from fiscal year to fiscal year.

16.6 Termination

Unused personal days shall not be reimbursed upon termination for any reason.

CHAPTER 17 - VACATION LEAVE

The Town provides vacation leave for all benefit eligible employees. For the purposes of determining vacation eligibility, prior public service may be considered, at the discretion of the Personnel Committee.

17.1 Accrual of Vacation Leave

Vacation leave shall accrue at the beginning of the fiscal year based on the number of complete years of active employment with the Town:

1 year of service	1 week per year
2 years of service	2 weeks per year
7 years of service	3 weeks per year
15 years of service	4 weeks per year
20 years of service	5 weeks per year

Vacation leave may not be accumulated to more than one and one-half (1 ½) times the applicable vacation leave accrual rate for an employee; provided, however, that the limit shall be extended for a maximum of sixty (60) days if departmental scheduling or other extenuating circumstances relating to the functioning of the department preclude the use of vacation leave at the time.

The minimum allowable time to be charged to annual vacation time leave is a regularly scheduled day of the employee. A regularly scheduled day is determined by dividing regularly scheduled hours per week by five (5) and then rounding to the nearest 1/2 hour.

17.2 Termination

Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by retirement, or entrance into the military, the employee shall be paid an amount equal to the vacation allowance as earned and not taken in the vacation year prior to such termination. In addition, payments shall be made for that portion of the vacation allowance accrued in the vacation year during which termination occurred up to the time of the employee's separation from the payroll. A termination report must be completed by the supervisor and submitted to the Town Accountant.

17.3 Death

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation allowance accrued in the vacation year prior to the employee's death but which had not been taken. In addition, payment shall be made for that portion of the vacation allowance earned in any vacation year during which the employee died up to the time of his separation from the payroll.

17.4 Pay in Lieu of Vacation

Pay in lieu of vacation is not allowed except in the case of employee termination.

17.5 Vacation Authorization

Approval and timing of vacations shall be determined by the department supervisor or appointing authority, with due regard to the wishes of the employee and the needs of Town services.

17.6 Additional Vacation Day

An employee shall be granted an additional day of vacation if, while on vacation leave, a designated holiday occurs which falls on or is legally observed on Monday, Tuesday, Wednesday, Thursday, or Friday.

CHAPTER 18 - SICK LEAVE

All benefit eligible employees who have completed the ninety (90) day probationary employment period shall be entitled to sick leave.

18.1 Policy

Sick leave shall be considered as a privilege that may be used only in the case of actual illness or disability of an employee. Sick leave shall only apply to personal illness, family illness, disabling non-work-related accidents, prescribed medical examinations and absences concerned with accidents or illness and deemed justifiable by the department supervisor. Sick Leave shall be taken in one (1) hour increments.

18.2 Accrual of Sick Leave

Current employees shall be credited with ten (10) days of sick leave at the start of each fiscal year. A new employee shall accrue one (1) day per month to a maximum of ten (10) days leave with pay. A regularly scheduled day is determined by dividing regularly scheduled hours per week by five(5) and then rounded to the nearest 1/2 hour.

18.3 Reporting Sick Leave to Employer

18.4.1 Except in the case of an emergency, an employee must notify the appropriate supervisor of illness and absence within two hours of the regular starting time of the work day.

18.4.2 The appointing authority, or department supervisor, may request a physician's certificate of illness after five consecutive days of absence or after a series of repeated absences during the year.

18.4 Unused Sick Leave

At the end of each fiscal year, benefit eligible employees may add unused sick leave to their Long-Term Sick Leave account, subject to all other conditions and limits as specified in that section.

18.6 Buyback Bonus

Employees hired prior to May 5, 1997, may request in writing at the end of each fiscal year, that all or a part of unused sick days be reimbursed to them at the rate of one day's pay for each unused sick day.

18.5 Long-Term Sick Leave

18.5.1 Benefit eligible employees shall receive ½ day per month of long-term sick leave in addition to regular sick leave to a maximum of ninety (90) days.

18.5.2 A physician's certificate will be required to receive benefits under this section. Employees are required to utilize their regular sick days prior to using Long-Term Sick Leave.

18.5.3 There is no buy back of Long-Term Sick Leave upon termination of service with the Town. No more than thirty (30) days may be taken as time off with pay immediately prior to retirement.

CHAPTER 19 - JURY LEAVE

Any regular employee who shall be required to serve on any County or Federal Jury or Grand Jury shall be paid the difference between the amount paid for such service and his straight time rate, for the time lost from his scheduled work by reason of such service, provided, however, for the first three days of any Massachusetts jury service, such employee shall be paid the full amount for the time lost from his scheduled work, subject to the following provisions:

- (a) An employee must notify his supervisor within forty-eight (48) hours after receipt of notice of selection for jury duty;
- (b) An employee called for jury duty who shall be temporarily excused from attendance at Court must report for work if sufficient time remains after such excuse to permit him to report to his place of employment and work;
- (c) In order to be eligible for such payments, the employee must furnish a written statement to the Employer from the appropriate public official showing the date and time served and the amount of pay received.

CHAPTER 20 - MILITARY LEAVE

20.1 Long Term Military Service.

Employees entering the Armed Forces of the United States, pursuant to the provisions of the Universal Military Training and Service Act, as amended by the Military Selective Service Act of 1967 (and as may be hereafter amended), shall be granted all rights and privileges provided by law.

20.2 Short Term Military Duty Pay

Employees who are National Guardsmen or United States Armed Forces Reservists and who are on ordered annual active duty, shall be paid for such time lost from work for not more than seventeen (17) days/year, at their base rate of pay, less the pay received from the armed services, provided however, payment shall not be made to members of the National Guard when mobilized during an emergency in the Commonwealth. Employees are required to request such leave as far in advance as possible.

CHAPTER 21 - FAMILY AND MEDICAL LEAVE

The Town of Berlin will provide leave and/or benefits to covered employees in accordance with the Federal Family and Medical Leave Act of 1993., effective August 6, 1993. In addition, the Town will extend such leave and/or benefits to those employees who have been employees for at least one year and have worked at least 1,040 hours within the previous twelve-month period. The main provisions of the Act are summarized below; the actual leave and/or benefit to be provided will be those required by the Act.

An employee who qualifies for leave will be granted up to twelve weeks of unpaid leave for the following reasons:

- to care for a newborn child;
- to care for a child the employee has adopted or to whom the employee will provide foster care;
- to care for a child, spouse or parent with a serious health condition; or
- to allow the employee to care for him or herself because the employee's own serious health conditions makes the employee unable to work.

Employees are entitled to continue to receive group health plan benefits under the same terms and conditions as when they were actively employed. Accordingly, the Town will continue to pay its contribution toward health care premiums for employees granted leave.

The Town will allow an employee to return to his or her previous or an equivalent position with no loss of benefits at the end of the leave, provided the employee would not otherwise have been laid off.

The Town requires employees to take 50% of any accrued vacation leave at the beginning of family leave granted pursuant to the Act, if family leave is granted to permit the employee to care for a newborn child, a child the employee has adopted or to whom the employee will be providing foster care, or a child, spouse or parent with a serious health condition.

The Town may require certifications concerning health conditions.

An employee who fails to return to work after family leave has expired for a reason other than the continuance, reoccurrence or onset of a serious health condition that would entitle the employee to leave under the Act, or because of circumstances beyond the employee's control, will be required to reimburse the Town for the Town's contribution toward health coverage during the period of leave.

CHAPTER 22 - BEREAVEMENT LEAVE

22.1

Bereavement leave, if necessary, may be granted to an employee by the Department Supervisor, not to exceed three paid days and not to exceed the day of the funeral. Such leave may be granted only in the event of the death of the employee's parent, child, spouse, significant other, brother, sister or parent-in-law, and for foster and step-children living in the employees household.

22.2

Bereavement leave, if necessary, may be granted to an employee by the Department Supervisor for one day to attend the funeral of a brother-in-law, sister-in-law, aunt, uncle, or grandparent of an employee.

22.3

A paid day of travel leave may be granted to an employee by the Department Supervisor for a funeral in Section 1 or 2 which is more than 500 miles from Berlin. The employee must attend the funeral and only the day after the funeral may be granted under this section as the travel day.

CHAPTER 23 - LEAVE OF ABSENCE

23.1 General Policy

Upon a written request, a department supervisor, may, at his or her discretion, grant a leave of absence without pay to a regular full-time employee up to a maximum of 30 calendar days per year. Such leaves shall be reported and explained to the Personnel Committee and appointing authority. Leaves of Absence for periods of time in excess of thirty (30) days shall require the approval of the Personnel Committee, who shall consult with the department supervisor. Employees on unpaid leave shall return to work at the specified date and time unless the leave is extended by the department supervisor or the Personnel Committee. Failure to return to work on the specified date, except in the case of a leave for medical necessity or disability for which the Town's workers compensation insurer is making payments, will be considered a resignation from the employment of the Town with the loss of all seniority and benefits. Employees returning from an unpaid leave of absence shall be credited with seniority and benefits at the level at which they were frozen.

23.2 Benefits during Leaves of Absence

Employee benefits, including sick leave and vacation, do not continue and/or accrue during leaves of absence without pay but shall remain frozen at the levels at which they existed at the commencement of the leave. In order to continue coverage under the Town's health and life insurance plans, the employee shall pay the total monthly premiums for the plans, payable to the Treasurer on the first of each month.

23.3 Medical Leave

In the case of an employee on a leave of absence for medical necessity or disability for which payments are being paid by the Town's workers' compensation insurer, the employee may elect to receive wages or salary in part for sick leave accumulated as of the commencement of the leave. This will be paid in such amounts as when added to the compensation received from the Town's insurer will result in full payment of his/her wages or salary until the depletion of accumulated sick leave. Otherwise no cash salary or wages shall be paid for any period for which total incapacity compensation is paid by the Town's insurer, except that in the case of subsequent separation from the Town's employment during the term of the leave, the employee may receive salary or wages in full for any vacation to his/her credit at the commencement of the leave.

CHAPTER 24 - ADMINISTRATIVE LEAVE

Emergency administrative leave with pay may be granted by the appointing authority for various emergency situations. The following are examples:

- » snow storms and other dangerous weather conditions
- » building construction
- » fire
- » miscellaneous building maintenance problems including heat, ventilation, etc.

CHAPTER 25 - INSURANCE

25.1 Summary

This policy will govern the treatment of insurances which shall include Life, Health and Disability. Information on all insurances is available at the Treasurer's Office. Any changes or requests for changes, additions, etc. must be made to the Treasurer.

25.2 Life Insurance

The Town provides term life insurance to benefit eligible employees. The insurance is not automatic. The insurance is not mandatory and employees may elect to take the insurance at 50% of cost. The Town will pay for the remaining cost of the policy.

The policy provides for \$5,000 life insurance and \$5,000 accidental death and dismemberment insurance. The qualified employee shall be offered the insurance at the time of hire by the Treasurer's Office.

25.3 Disability Insurance

The Town provides disability insurance to benefit eligible employees. The insurance is 100% employee paid. An employee who elects to sign up after 30 days of hire will be subject to a physical. A physical is not needed prior to that.

25.4 Health Insurance

The Town provides health insurance in conformance with Chapter 32B of the Massachusetts General Laws to benefit eligible employees. The insurance is not mandatory. Employees may elect to not take the insurance. The Town currently pays 75% of the premium but this is subject to change with approval by The Board of Selectmen.

The employee may opt to join any plan within 30 days of the date of employment. Any eligible employee refusing health insurance through the Town shall sign a waiver of coverage. Employees may change status or plans during the open enrollment month which is held in July. Employees may not make changes other than in July unless they decide to drop the policy or they have a qualifying event. Examples of change of status are marital changes or the loss of insurance under another policy.

25.5 Dental Insurance

The Town provides term dental insurance to benefit eligible employees. The insurance is not automatic. The insurance is not mandatory and employees may elect to take the insurance at 50% of cost. The Town will pay for the remaining cost of the policy.

25.6 Reduction in Hours

If an employee's hours are reduced below 20 hours per week on a regular basis or 1040 hours per year, the following procedures shall be implemented.

25.6.1 Life Insurance - Policy for that employee shall be canceled on the effective date of change in the reduction of hours.

25.6.2 Disability Insurance - Policy for that employee shall be canceled on the effective date of change in the reduction of hours.

25.6.3 Health Insurance, Voluntary Reduction in Hours - If the reduction in hours is due to employee request or as a result to satisfy the needs of the employee, the current policy shall be canceled on the effective date of change in the reduction of hours.

25.7 Cobra Provisions

There are provisions under Federal Law for employees who lose group coverage due to a reduction in hours. These employees may be eligible to maintain insurance under the Town's group policy at full cost to the employee for period of not less than 18 months.

There are also provisions under Federal Law for employees who have left the employ of the Town to maintain group coverage. These former employees may be eligible to maintain insurance under the Town's group policy at full cost to the individual for a period of not less than 18 months.

Further information on these programs may be obtained through the Treasurer's Office.

25.8 Worker's Compensation

Worker's Compensation shall be provided to all employees in conformance with Massachusetts General Laws.

Worcester County Retirement

Town employees working a minimum of twenty (20) hours per week are required to join the Worcester County Retirement Association, with payroll deductions made in accordance with state law and date of hire.

CHAPTER 26 - BREAKS

An employee must take either a 1/2 hour unpaid break or a twenty (20) minute paid break at the department supervisor's discretion if the employee works six (6) hours or more. All other breaks are assigned based on departmental policy. Please consult your supervisor for further information.

CHAPTER 27 - SAFETY

27.1 General Safety Policy

It is the policy of the Town of Berlin to work toward providing safe and healthful working conditions, follow operating practices that may safeguard all employees, and result in safe working conditions and efficient operations.

Safety is both a preventive and corrective function and it applies to all hourly and salaried employees of the Town of Berlin.

The purpose of this safety policy is to establish areas of responsibility for enforcing the work practices outlined herein, including the availability and use of personal protective equipment (safety clothing and equipment).

27.1.1 Procedures

All employees who are furnished safety equipment and/or clothing by the Town will be required to wear such safety equipment at all times while doing the work for which the equipment is furnished. Safety gloves, aprons, hardhats, goggles, face shields, vests, ear protection, etc. provided by the Town are designed for the protection of all employees and must be used. There will be no exceptions.

Safety equipment furnished by the Town, and damaged or worn out in use, will be replaced, provided the worn-out or damaged equipment is turned in when new equipment is issued, and also provided there is no evidence of abuse.

27.2 Duties and Responsibilities of Department Supervisors

The Department supervisor is that person designated within a department responsible for the safety program in their department. It is their responsibility to:

27.2.1

Investigate all accidents to determine the application of appropriate corrective action, evaluate accident and injury reports, review with the Safety Committee all accident records, and develop statistics showing trends or patterns.

27.2.2

Implement safety training programs and workshops for both supervisory and non-supervisory personnel

27.2.3

Coordinate and direct all safety efforts in their Department.

27.2.4

Be firm in the enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and by being prompt in giving recognition to those who perform well. This will help to insure impartial, positive enforcement.

27.3 Duties and Responsibilities of the Safety Committee

The Basic Functions of this Committee are:

1. To discuss current safety policies and make recommendations for improvements where needed.

2. To implement safety education and practices designed to reduce accidents.
3. To create and maintain an active interest in safety.
4. Review accident reports.
5. Follow-up the investigation with appropriate correct action.
6. Review inspection checklists and forward findings to department supervisor.

27.4 Duties and Responsibilities of Department Supervisor

Each supervisor has the responsibility for maintaining safe and healthful working conditions within his jurisdiction, whether it be in the field, in the shop, or in the office. Personnel problems and hazards vary from department to department, and it is expected that supervisors will work to control injuries.

Each supervisor and foreman shall:

1. Assume full responsibility for safe and healthful working areas for his/her employees while they are under his/her jurisdiction.
2. Insure that all management policies herein are fully implemented for maximum efficiency of each job.
3. Take the initiative in recommending correction of deficiencies noted in facilities, work procedures, employee failure to use safety clothing or equipment, employee job knowledge or attitudes that adversely affects Town loss control efforts.
4. Be firm in the enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and by being prompt in giving recognition to those who perform well. This will help to insure impartial, positive enforcement.
5. Insure that each employee is fully-trained for the job he/she is assigned to do and insure that he/she is familiar with published division work rules and certifies in writing that he/she understands compliance as being mandatory.
6. Assure the need, availability, and utilization of appropriate protective clothing and equipment when performing hazardous operations.
7. Act upon safety suggestions, continuously demonstrate concern over entire safety program, and set a good example by working safely him/herself.
8. Observe working conditions and field practices to prevent development of possible safety hazards.

9. Investigate thoroughly the causes of all accidents and close calls (near accidents), and take appropriate corrective action.
10. Make sure all accidents are promptly reported, regardless of the extent of injury or property damage.

27.5 Duties and Responsibilities of Employees

1. Observe established health and safety rules, operating procedures, and safe work practices in the performance of his/her work.
2. Use personal protective equipment when directed to do so by a supervisor or foreman.
3. Identify and report to appropriate management any unsafe areas, conditions, or other safety problems.
4. Be continually aware, no matter how slight, of the need for safety.
5. Report all accidents promptly to the supervisor or foreman, no matter how slight.

27.6 Enforcement

The following enforcement of the safety rules will be used.

First Offense - Oral Warning. To be issued no later than the next working day the employee is at work.

Second Offense - Written Warning. To be issued no later than the next working day the employee is at work. If employee must return home or back to shop for/to obtain safety clothing or equipment. The net loss of pay for the time he/she is not at work is to be determined by the supervisor.

Third Offense - One day suspension.

Fourth Offense - Three day suspension.

Fifth Offense - Subject to termination of employment.

CHAPTER 28 - SAFETY, SEASONAL EMPLOYEES

28.1 General

Due to the provisions of our workers' compensation policy, the following guidelines must be adhered to for employees classified as seasonal and temporary. These are not intended to preclude other safety regulations of the Town, but are intended to be used in conjunction with other safety policies and procedures.

28.2 Safety Equipment & Clothing

- * Proper equipment and clothing shall be worn by all employees.
- * Employees in labor positions shall wear safety shoes or a good work boot, properly laced and tied, at all times. Sneakers are prohibited in laboring positions.
- * Safety vests will be worn in all heavy traffic areas.
- * Shorts are prohibited in laboring positions. Proper long leg pants are to be worn.
- * Proper protective clothing including long sleeved shirts and gloves shall be worn around poison ivy.
- * Proper head gear shall be worn when working overhead.
- * Proper eye protection shall be worn when using power equipment such as chain saws and weed wackers.

28.3 Vehicles

- * All seasonal employees are prohibited from operating Town motor vehicles except in the case of emergency. In cases where a vehicle must be used in the normal course of duties, contact the Personnel Committee for further details.
- * No one will be permitted to ride on the back (cargo area) of dump trucks or pick-up trucks.
- * Seat belts shall be worn at all times while riding in Town vehicles.

28.4 Employee Acceptance of Work Rules

Each seasonal employee shall receive a copy of the following Work Guidelines and Safety Regulations form. Each seasonal employee shall sign the form acknowledging receipt indicating he/she understands and will abide by the regulations. The form shall be filed with the department supervisor prior to commencement of employment.

TOWN OF BERLIN
Work Guidelines and Safety Regulations
Seasonal Employees

As an employee of the Town of Berlin in the _____ Department, you are required to adhere to the following work guidelines and safety regulations. The purpose of these guidelines is to provide the employee with a concept of what is expected of the employee while working for the Town. Each seasonal employee is expected to review these guidelines carefully before commencing his or her employment. Failure to follow these guidelines as described may result in disciplinary action by the department and/or dismissal from your position.

GENERAL

1. All employees shall work the hours assigned by the department supervisor. Work schedules assigned to employees under the age of 18 shall conform to Massachusetts General Law.
2. All employees shall be prompt in reporting to work. Tardiness is not acceptable and may result in disciplinary action or loss of pay.
3. If you are unable to report to work due to sickness or other allowable reasons, you shall notify your supervisor as soon as possible.
4. Horse play of any type is prohibited.
5. Fighting or use of alcohol or non-prescription drugs on the job are grounds for immediate dismissal.
6. Smoking is prohibited around any flammable material and is only permitted in designated areas.
7. Work areas shall be kept clean and orderly for maximum safety.

SAFETY EQUIPMENT & CLOTHING

- 1) Proper equipment and clothing shall be worn by all employees.
- 2) Employees in labor positions shall wear safety shoes or a good work boot, properly laced and tied, at all times. Sneakers are prohibited in laboring positions.
- 3) Safety vests will be worn in all heavy traffic areas.
- 4) Shorts are prohibited in laboring positions. Proper long leg pants are to be worn.
- 5) Proper protective clothing including long sleeved shirts and gloves shall be worn around poison ivy.
- 6) Proper head gear shall be worn when working overhead.
- 7) Proper eye protection shall be worn when using power equipment such as chains saws and weed wackers.

VEHICLES

- 1) All seasonal employees are prohibited from operating Town motor vehicles except in the case of emergency. In cases where a vehicle must be used in the normal course of duties, contact the Personnel Committee for further details.
- 2) No one will be permitted to ride on the back (cargo area) of dump trucks or pick-up trucks.
- 3) Seat belts shall be worn at all times while riding in Town vehicles.

This is to certify that I received a copy of this document entitled "Work Guidelines and Safety Regulations" and I will read these instructions and observe them while in the employ of the Town of Berlin.

I understand that my failure to follow the practices described herein may result in disciplinary action.

(PRINT) Last Name First Middle I.

Signed: _____

Date: _____

CHAPTER 29 - MISCELLANEOUS POLICIES

29.1 Reference Checks

This procedure is in reference to personnel references requested by outside businesses or agencies. Only the following information shall be provided by the Treasurer's office:

- * Dates of Employment
- * Position Held
- * Rates of Pay (request and response in writing only)

All requests for information shall be referred to the Treasurer's office. No other information shall be given by the Town. No other employee is authorized to give any information to any party unless authorized by the Treasurer or Personnel Committee.

29.2 Credit Towards Seniority and Benefits

All time earned as a regular employee shall be credited towards an employee's term of service. All time not worked as a regular employee (i.e. temporary, seasonal, call) shall not be credited to an employee's term of service.

29.3 Travel Reimbursement

In the event that a Town employee is required to use his/her own personal vehicle to conduct business for the Town, that employee must first obtain authorization from his/her supervisor. Once that authorization has been given, the employee will be reimbursed at a rate determined by the Board of Selectmen. Other reimbursements may include tolls, parking, accommodations and meals. All expenses must be approved in advance by his/her supervisor. In order for the employee to receive reimbursement, he/she must first complete an expense voucher and have his/her supervisor approve it.

29.4 Drugs and Alcohol

The Town of Berlin is a drug and alcohol free workplace. The manufacture, use, possession and distribution, disposition of alcohol and or a controlled substance is prohibited, as is reporting to work under the influence of alcohol or a controlled substance. The use or possession of medication prescribed by an authorize health care provider is permitted, provided the employee reviews his or duties as a Town employee with the authorized health care provider prescribing the medication, and informs his or her supervisor if the medication may have an impact on the performance of the employee, or the safety of the employee, other employees, or the public. Use of "over the counter" medications is permitted, provided the employee informs his or her supervisor if the medication may have an impact on the employee's performance or the safety of the employee, other employees, or the public.

The Town establishes as a condition of employment that each employee must abide by this Drug and Alcohol Policy. each employee must notify the Personnel Committee of any conviction for violation of any federal or state criminal drug law occurring in the workplace.

Violation of this policy may result in disciplinary action, including, but not limited to, suspension and/or termination.

29.5 Dress Code

The following clothing articles are appropriate in a work-setting:

- Tailored dresses
- Two-piece dresses
- Skirts
- Sleeveless dresses (with modest neckline)
- Sundresses (with modest neckline)
- Dress shoes/pumps
- Knee boots
- Boat-shoes
- Flats/casual shoes
- Athletic shoes (where appropriate)
- Clogs
- Hiking boots (where appropriate)
- Sandals (where appropriate)
- Golf shirts
- Shirts for women (with modest neckline)
- Sweatshirts (where appropriate, with no offensive pictures or wording)
- T-shirts Sweatshirts (where appropriate, with no offensive pictures or wording)

The following clothing articles are not appropriate in a work-setting:

- Leather pants
- Sweatshirts (with offensive pictures or wording)
- T-shirts Sweatshirts (with offensive pictures or wording)
- Shorts – length must be longer than the length of your hand placed against the top of the knee