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# Employee Policy Manual

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**THIS DRAFT COVERS ONLY Employee Policy Manual Article V. LEAVE BENEFITS, including all Article V sections and relevant Appendices**

## **V. LEAVE BENEFITS**

Vacation, personal and sick time is available for full-time employees and benefited part-time employees and is accrued on a pro-rated basis based on their regularly scheduled workweek hours.

### **A. PAID HOLIDAYS**

Full and part-time employees regularly working twenty (20) hours a week or more are granted paid time-off on the following holidays:

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
President's Day	Columbus Day
Patriot's Day	Veteran's Day
Memorial Day	Thanksgiving Day
Juneteenth (June 19)	Christmas Day

Holidays that fall on Saturday will be observed on the employee's last regular work day immediately prior to the holiday. Holidays that fall on Sunday will be observed on the employee's next regular work day immediately following the holiday.

Unless approved otherwise by the employee's immediate supervisor, holiday time will be used when scheduled.

**Holiday Overtime** – Employees paid on an hourly basis and mandated by their department head/supervisor to report to work due to extraordinary circumstances on Christmas Day, New Year's Day or Thanksgiving Day, or the day on which those holidays are observed, shall be paid at double their base hourly rate during the 24 hours (12:00am – 12:00am) on those holidays or the day on which the holiday is observed.

### **B. VACATION**

#### **1. Vacation Entitlement**

Vacation leave is granted to all full-time and part-time employees regularly working twenty (20) or more hours per week. Vacations may only be taken with prior approval of the department head/supervisor and shall be used in not less than .25-hour increments. Vacation leave shall accrue from date of hire into a position regularly



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scheduled twenty (20) or more hours per week but shall not be used until successful completion of the employee's probationary period. Part-time employees shall accrue vacation in hourly increments on a pro-rated basis based on their regularly scheduled workweek hours. All vacation leave shall accrue weekly for annual vacation leave totaling

- 0-4 years of service – 2 weeks per year
- 5-9 years of service – 3 weeks per year
- 10-19 years of service – 4 weeks per year
- 20 or more years of service – 5 weeks per year

in accordance with the following plan:

Starting on date of hire through completion of 4<sup>th</sup> year of continuous service - accrued weekly and calculated at .0385 hours per regular workweek hour:

Examples:

- Regular 40-hr workweek:  $80\text{hrs}/52 = 1.53846/40 = .0385*(40*52) = 80.08$
- Regular 33-hr workweek:  $66\text{hrs}/52 = 1.26923/33 = .0385*(33*52) = 66.066$
- Regular 24-hr workweek:  $48\text{hrs}/52 = 0.92308/24 = .0385*(24*52) = 48.048$

Starting on 5<sup>th</sup> anniversary of date of hire through 9<sup>th</sup> year of continuous service – accrued weekly and calculated at .0577 hours per regular workweek hour:

Examples:

- Regular 40-hr workweek:  $120\text{hrs}/52 = 2.30769/40 = .0577*(40*52) = 120.016$
- Regular 33-hr workweek:  $99\text{hrs}/52 = 1.90385/33 = .0577*(33*52) = 99.0132$
- Regular 24-hr workweek:  $72\text{hrs}/52 = 1.38462/24 = .0577*(24*52) = 72.0096$

Starting on 10<sup>th</sup> anniversary of date of hire through 19<sup>th</sup> year of continuous service – accrued weekly and calculated at .077 hours per regular workweek hour:

Examples:

- Regular 40-hr workweek:  $160\text{hrs}/52 = 3.07692/40 = .077*(40*52) = 160.16$
- Regular 33-hr workweek:  $132\text{hrs}/52 = 2.53846/33 = .077*(33*52) = 132.132$
- Regular 24-hr workweek:  $96\text{hrs}/52 = 1.84615/24 = .077*(24*52) = 96.096$

Starting on 20<sup>th</sup> anniversary of date of hire – accrued weekly and calculated at .0962 hours per regular workweek hour:

Examples:

- Regular 40-hr workweek:  $200\text{hrs}/52 = 3.84615/40 = .0962*(40*52) = 200.096$
- Regular 33-hr workweek:  $165\text{hrs}/52 = 3.17308/33 = .0962*(33*52) = 165.0792$
- Regular 24-hr workweek:  $120\text{hrs}/52 = 2.30769/24 = .0962*(24*52) = 120.0576$

At the beginning of each fiscal year following the employees first year of service, total accrued vacation shall not be in excess of one and one-half (1 1/2) times the employee's



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annual accrual rate; provided, however, that the limit shall be extended for a maximum of ninety (90) days if departmental scheduling or other extenuating circumstances relating to the functioning of the department preclude the use of vacation leave at the time. Vacation pay will not be granted in lieu of vacation leave.

Vacation accrual and usage for employees who leave the Town's employ for military service and return to the Town's employ at the completion of such service shall be in accordance with all federal and state statutes.

Supervisors will make every effort to allow employees to take their vacation as requested. However, the Supervisor reserves the right to deny vacation for a specific period if it is not deemed to be in the best interest of the Town. When an employee requests vacation leave, the supervisor and/or appointing authority will approve vacation requests for such time(s) that best serves the department's needs and the public interest.

Employees who resign or retire in good standing will receive compensation equivalent to earned vacation allowance on pro-rated basis, provided they have been in the continuous service of the Town for ninety (90) days. An employee cannot receive pay in lieu of taking vacation time, unless the employee is retiring or resigning from their position.

The Town Administrator has the authority to provide additional vacation to an employee as part of an onboarding or retention package. The Town Administrator also has the authority to allow employees to carryover vacation balances, as requested in writing prior to the employee's anniversary date, on a case-by-case basis.

### **C. PERSONAL LEAVE**

Forty-hour (40) per week employees are granted sixteen (16) hours of paid personal leave per fiscal year, available as of July 1<sup>st</sup>. Personal leave is pro-rated for part-time employees based on regular workweek hours. Personal leave is different from vacation leave in that it does not require advance approval and that it is offered to allow employees time to handle personal matters during the normal business day. Personal leave does not accrue, may not be carried over to the following fiscal year, and is not compensable upon termination, resignation, or retirement.

In the first year of employment, personal leave is only granted in accordance with the following schedule. For 40-hour per week employees, eight (8) hours will be granted upon successful completion of the probationary period. Personal leave shall be granted on a pro-rated basis to part-time employees. For example, a first-year part-time employee working 24 hours per week will be granted 4.8 hours of personal leave upon successful



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completion of their probationary period  $((24/40)*8)$ . At the start of subsequent fiscal years, the employee will be granted 9.6 hours of personal leave  $((24/40)*16)$ .

### **D. SMALL NECESSITIES LEAVE ACT (SNLA) POLICY**

The Town will comply with the provisions of the Small Necessities Leave Act which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave within a rolling 12-month period.

The SNLA permits employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

If the need for SNLA leave is foreseeable, the employee must request the leave in writing to their department head not later than 7 days in advance. If the need is not foreseeable, the employee must notify the employer as soon as is practicable. The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e., 2 hours to attend a parent-teacher conference) or reduced-time schedule. Unused SNLA leave does not accrue from year to year.

### **E. SICK LEAVE**

Coverage. Full-time and Part-time employees regularly working twenty (20) or more hours per week. Sick leave shall be used in not less than .25-hour increments.

Policy. The intent of the sick leave policy is to provide salary continuation during an employee's reasonable period of absence due to bona fide illness or injury. An employee shall be entitled to sick leave only when the employee is incapable of performing duties due to personal sickness, injury or a quarantine by public health authorities.

Full-time employees. Each forty-hour per week employee shall accumulate sick leave at the rate of ten (10) hours for each month of employment, not to exceed a total accumulation of seven hundred twenty (720) hours.

Part-time employees. Part-time employees shall be entitled to sick leave on the same basis as full-time employees, provided, however, that such leave shall be prorated



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according to the number of hours of work per full-time week in which such employee is required to work. For example, an employee regularly scheduled to work 25 hours per week shall accrue 6.25 hours per month (10/40\*25).

Notification. Sick leave will commence on the date that notification of the employee's sickness, injury or quarantining is given to the department head by the employee or the employee's family or physician. Except in the case of an emergency, an employee must notify the appropriate supervisor of illness and absence within two (2) hours of the regular starting time of the work day.

Certification of Illness. After four consecutive days of absence, or after a series of repeated absences during the prior year of employment, or after utilizing eighty (80) hours of sick leave during the prior year, a department head/supervisor may request a physician's statement, which certifies the employee's inability to perform normal work duties. Additionally, the department head may arrange for a Town-retained physician to examine an employee and submit a medical evaluation.

### Massachusetts Laws regarding Sick Leave:

Employers must allow employees to earn and use up to 40 hours of sick leave each calendar year. Employees can use this sick leave to care for their own physical or mental illness, injury, or medical condition; care for the physical or mental illness, injury, or medical condition of their child, spouse, parent, or parent-in-law; attend their own routine medical appointments; attend routine medical appointments for their child, spouse, parent, or parent-in-law; and address the effects of domestic violence on themselves or their dependent children. This leave must be paid if employers have 11 or more employees.

### **F. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Federal Family and Medical Leave Act of 1993, as amended ("FMLA" or "the Act"), entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave each year for specified family and/or medical reasons.

The Town's full FMLA Policy is set forth in **Appendix C**.

### **G. PARENTAL LEAVE**

Pursuant to the Massachusetts Parental Leave Act, G.L. c. 149, §105D, an employee who has been employed for at least three (3) continuous months, upon request, shall be



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granted up to eight (8) workweeks of unpaid leave for the purpose of giving birth or for the placement of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled) for adoption. Any such leave granted pursuant to the Massachusetts Parental Leave Act shall run concurrently with an employee's FMLA entitlement, if any.

The Parental Leave Act provides for unpaid leave. However, an employee may elect to use any available accrued vacation, personal or sick leave benefits, provided the use of such time is in accordance with the employer's leave policies.

The Town may require that written certification or documentation support a request for leave under the Parental Leave Act.

The Town's full Parental Leave Policy is included in **Appendix D**.

### **H. PREGNANT WORKERS FAIRNESS ACT**

The Pregnant Workers Fairness Act ("the Act"), G.L. c. 151B, §4, prohibits employment discrimination based on pregnancy and pregnancy-related conditions. It also sets forth employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. The Town shall not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and shall accommodate pregnant workers.

The Town's full Pregnant Workers Fairness Policy is included in **Appendix E**.

### **I. LEAVE FOR VICTIMS AND FAMILY MEMBERS OF DOMESTIC ABUSE**

In accordance with the provisions of G.L. c. 149, §52E, employees may take up to fifteen (15) days of unpaid leave in any 12-month period in the following circumstances:

- the employee, or a family member of the employee, is a victim of abusive behavior;
- the employee is using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- the employee is not the perpetrator of the abusive behavior against such employee's family member.



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Employees may elect to use any accumulated benefit time, including sick time, for this leave. If the employee has no accumulated leave time, time taken will be unpaid.

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section shall provide appropriate advance notice. The employee may communicate such notification via a family member of the employee, an employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professionals who have assisted the employee. If an unscheduled absence occurs, an employee has thirty 30 days to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. Appropriate forms of documentation are available from the Town Administrator.

All information related to the employee's leave under this section shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:

- requested or consented to, in writing, by the employee;
- ordered to be released by a court of competent jurisdiction;
- otherwise required by applicable federal or state law;
- required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
- necessary to protect the safety of the employee or others employed at the workplace.

### **J. BEREAVEMENT**

Following the death of a family member, employees are entitled to paid bereavement leave of up to three (3) days. A family member is defined as follows: Spouse, Significant Other, Life Partner, Father, Step-Father, Mother, Step-Mother, Child, Step-Child, Foster Child, Brother, Step-Brother, Sister, Step-Sister, Daughter-In-Law, Son-In-Law, Mother-In-Law, Father-In-Law, Grandparent, Grandchildren.

A maximum of one funeral day leave shall be granted to attend the funeral of the employee's (or the employee's spouse's) Aunt, Uncle, Niece, Nephew.

### **K. JURY DUTY**

An employee who is subpoenaed by a Federal Court, State Court, or political subdivision to serve as a juror is granted leave for this purpose. The Town will pay the employee the employee's current salary. If the employee receives compensation for serving, such



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funds shall be deducted from the employee's pay. If an employee serves as a witness in a work-related case, such time is considered work time.

The Town's full Jury Duty Policy is included in **Appendix F**.

### **L. MILITARY**

Military leave shall be administered in accordance with the provisions of G.L. c. 33, §59, the Veterans Reemployment Act, 38 USC, §4301 and in compliance with other state and federal statutes such as USERRA. Copies of applicable materials are available in the Town Administrator's office.

### **M. LEAVE WITHOUT PAY**

Leave without pay may be granted to employees by the Town Administrator with approval Select Board for reasons not otherwise addressed in these policies. The request for such leave must be submitted in writing, clearly stating the reason for such request. Leave without pay will only be approved for extraordinary situations. If approved, a notification will be given to the employee's supervisor, and a copy of the request added to the employee's personnel file.

Employees on leave without pay shall not accrue any form of earned leave or be compensated for holidays. The time of absence will not count toward creditable service for vacation time earned.

Employees on leave without pay may continue their health insurance and life insurance coverage by paying the full cost in advance every month, for the time on leave.



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## **Appendix C**

### **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

#### **1. Introduction**

The Federal Family and Medical Leave Act (“FMLA” or “the Act”) entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee’s right to FMLA leave began on August 5, 1993.

#### **2. Employee Eligibility**

To be eligible for FMLA benefits, an employee must:

- Work for the Town,
- Have worked for the Town for a total of at least twelve months; and
- Have worked at least 1,250 hours over the previous twelve months.

#### **3. Leave Entitlement**

The Town will grant an eligible employee up to a total of twelve workweeks of unpaid leave during a fiscal year for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition;
- For any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently.

The Town may choose to require the use of accrued leave during some or all of the FMLA leave. In no case, however, can use of paid leave be credited as FMLA leave after the leave has ended.



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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.

### **4. Maintenance of Health Benefits**

The Town will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee shall be required to continue to pay their share of health insurance premiums and shall make arrangements with the Treasurer/Collector's office to pay their share of health insurance premiums while on leave. The Town may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

### **5. Job Restoration**

Upon return from FMLA leave, an employee will be restored to their original job, or an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Also, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

An employee who fails to return to work after the expiration of FMLA leave for a reason other than a FMLA-qualifying medical condition or because of circumstances beyond the employee's control, will be required to reimburse the Town for the Town's contribution toward health insurance premiums during the period of leave.

### **6. Notice and Certification**

Employees seeking to use FMLA leave are required to provide to their department head, with a copy to the Town Administrator:

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the FMLA form issued by the Town Administrator;
- Additional medical opinions and periodic recertification (at the Town's expense) if requested by the Town; and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the employee's department head and/or Town Administrator.



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## **Appendix D**

### **PARENTAL LEAVE POLICY**

The Town supports employees who are preparing for the birth of a child or placement of a child for adoption or foster care. In addition to other benefits the Town provides for parents, this policy addresses parental leave for eligible employees because of the birth of a child or the placement of a child for adoption or foster care.

#### **1. Employee Eligibility**

Employees who work for the Town for at least three (3) months are eligible for parental leave.

#### **2. Reasons for Parental Leave**

Eligible employees may request parental leave for the birth of their child and care for their newborn child, or the placement of a child with them for adoption or foster care.

#### **3. Amount of Parental Leave**

Pursuant to G.L. c. 149, §105D, eligible employees may take up to eight (8) weeks of parental leave in 12 months for the birth of a child or placement of a child for adoption or foster care. If two spouses or domestic partners work for the Town, they may take a combined total of eight (8) weeks of parental leave.

#### **4. Requesting Parental Leave**

Employees requesting parental leave must give no less than two weeks' advance written notice to their department head/supervisor. Employees who are unable to provide at least two weeks' advance notice of their need for leave (for example, because of a change in circumstances or a medical emergency) must notify their department head/supervisor as soon as practicable.

#### **5. Scheduling Parental Leave**

Parental leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent Leave is parental leave taken in separate blocks of time. Parental leave taken on a reduced-leave schedule is a work schedule that reduces the employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for parental leave.



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Employees who request intermittent leave or a reduced-leave schedule must arrange medical treatments and appointments to minimize work disruptions. The Town reserves the right to temporarily transfer such employees to positions that permit them to take intermittent leaves or reduced leave schedules with limited work interruptions.

### **6. Pay and Benefits during Parental Leave**

The Town may choose to require the use of accrued leave during some or all of the parental leave. In no case, however, can use of paid leave be credited as parental leave after the leave has ended. The Town requires employees to take 50% of any accrued vacation leave at the beginning of parental leave granted pursuant to the Act.

Employees using accrued vacation and sick leave during parental leave shall continue to accrue vacation and sick leave during parental leave in accordance with Article V LEAVE BENEFITS, sections B and E.

Employees on parental leave shall remain eligible to participate in the Town's group health insurance plan. Employees shall be required to pay their portion of the premium payments while they are on parental leave and shall make arrangements with the Treasurer/Collector's office to pay their share of health insurance premiums while on leave. Employees who fail to return to work following parental leave, and those who lose coverage due to non-payment of premium copayments may be eligible to continue their group health insurance coverage under COBRA.

### **7. Return from Parental Leave**

Employees who return from parental leave will be reinstated to their former positions or positions with equivalent pay, benefits, and other employment terms and conditions. Taking parental leave shall not be considered as a break in service for pension or retirement plan purposes.



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## **APPENDIX E:**

### **PREGNANT WORKERS FAIRNESS ACT**

#### **1. Policy**

The Massachusetts Pregnant Workers Fairness Act (“the Act”) prohibits employment discrimination based on pregnancy and pregnancy-related conditions. It also sets forth employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. The Town shall not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

#### **2. Applicability**

Town employees have a right to reasonable accommodation with respect to pregnancy and/or any condition resulting from pregnancy, so that the employee may perform the essential functions of the job unless the requested accommodation causes an undue hardship on the Town.

If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to comply with such governing law or regulation.

#### **3. Under the Act**

- Upon request, the Town shall meet with the employee in order to determine a reasonable accommodation for her pregnancy or pregnancy-related condition. This is called an “interactive process.” An accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition.
- The Town shall accommodate conditions related to pregnancy, including post-pregnancy conditions, such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- The Town may not require a pregnant employee to accept a particular accommodation or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.



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- The Town may not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with reasonable accommodation.
- The Town may not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of reasonable accommodation for pregnancy or pregnancy-related condition.
- The Town may not require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- The Town shall provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy.
- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than ten days after such notification.



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## **APPENDIX F:**

### **JURY DUTY LEAVE POLICY**

The Town of Berlin shall comply with all applicable federal and state laws and regulations pertaining to an employee's attendance at court. This policy addresses leave for employees to participate in jury service, witness duty, and other court-related obligations.

#### **1. General Civic Duty Pledge**

The Town recognizes and respects employees' civic obligation to be perform jury service, witness duty, or other court-related obligations. The Town is committed to providing a workplace that supports such civic obligations.

#### **2. Employee Eligibility**

Employees are eligible for paid leave if they are summoned to appear for jury duty in state or federal court. Employees who otherwise must participate in legal proceedings for personal reasons must use leave according to the Town's leave policy and paid time off leave policy.

#### **3. Employee Notification Requirements**

Upon receipt of a jury summons, employees shall promptly notify their supervisor.

#### **4. Pay and Benefits during Jury Duty**

If employees take court attendance leave for jury duty, The Town pays such employees the difference between their regular pay and compensation they receive for serving as jurors; regular pay includes any pay adjustments that employees normally receive every week, such as shift premiums. Any court payments for travel expenses aren't deducted from employees' regular pay.

If hourly employees who are on jury duty are required by their department head/supervisor to perform work after their regular shifts and such work results in exceeding 40 hours of work in a workweek, the employee shall receive overtime pay. Employees who are paid on a salary basis receive their usual pay while on jury duty; these employees are expected to show judgment and responsibility by doing what they reasonably can to maintain continuity of operations while they are jurors.

If employees take court attendance leave for witness duty, the Town provides paid leave as needed.



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The Town abides by any rules regarding pay and benefits if employees take court attendance leave to participate in other court-related proceedings as specified in federal, state, or local laws and regulations. Otherwise, employees must use vacation or personal leave or take leave without pay for such leave.

### **5. Return to Work from Jury Duty Leave**

Employees who are excused or dismissed from jury duty more than two (2) hours before their work shifts normally end must report to work unless the Town releases them from this obligation. Employees who are dismissed from jury duty later in the day must report to work at their normal time on their next regularly scheduled day, even if they are only free from jury service for one day.

Employees who take court attendance leave for all other reasons must return to work after court-related proceedings end if such proceedings end within their regular work shifts. Employees must contact their supervisors to make other arrangements.

### **6. Violations of Employer's Jury Duty Leave Policy**

Employees who fail to timely return from jury duty without prior approval from their department head/supervisor are considered to have taken an unexcused absence and shall be subject to disciplinary action, up to termination.

### **7. Anti-Retaliation**

The Town shall not retaliate or take adverse action against employees who take leave for the purpose of jury duty.