

Town of Berlin



Employee Policy Manual

September 2023



Employee Policy Manual

The Town of Berlin, Massachusetts Welcomes You!

The Town of Berlin has a rich history dating back to the mid-1600s. Berlin was first settled in 1665. It was named "Berlin" as a district in 1784 and incorporated as a town in 1812. Like many New England municipalities, Berlin has an open town meeting form of government with a three-member Select Board that serves as the Town's Chief Executive Officer. Day-to-day operations are delegated by the Select Board to an appointed Town Administrator.

The job of all Town employees is to provide exceptional service to the residents of Berlin. Government service is an honorable career. Our success is contingent upon our staff's loyalty, dedication, professionalism, and a strong commitment to treating residents with courtesy and respect.

The most important people in our business are the taxpayers of the Town. The goodwill and reputation that we have earned required considerable effort to build, and maintaining our positive image in the community is of utmost importance. We ask that every Town employee adopt and practice the following attitudes when serving our residents:

- The RESIDENT is the most important person in our day.
- The RESIDENT is not an interruption of our work; rather, the RESIDENT is our purpose for working.
- The RESIDENT is not dependent on us; we are dependent on them.
- The RESIDENT is deserving of the most courteous and professional service we can provide.

We are pleased to have you as a member of the Berlin team and look forward to working with you. Any comments or suggestions you may have to enable us to serve our residents better are always welcome.

Sincerely,

THE BERLIN SELECT BOARD



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I. ADMINISTRATION

A. GENERAL PROVISIONS

Authorization

These policies are developed in accordance with the authority granted by the Town of Berlin's Personnel Bylaw.

Purpose

The Town has created this manual to provide a written statement of the policies that govern employees and employment with the Town of Berlin. These policies aim to establish and guide a system of personnel administration and provide a broad view of employee guidelines, practices, and job expectations in conformance with federal and state statutes. Nothing in these policies shall create a contract or term of employment between the Town and an individual employee.

Rules of Interpretation

These policies shall be interpreted in a manner consistent with the following principles:

1. These policies are intended to be in accordance with all applicable local, state, and federal laws.
2. Recruitment, selection, and classification of personnel shall be based on ability, knowledge, education, and skill using fair and open competition practices. See [Appendix A](#) for the Town's Recruitment Procedures.
3. Fair treatment of applicants and employees shall be guaranteed in all aspects of the personnel system, which shall be administered without regard to race, color, religion, national origin, ancestry, sex, age, disability, pregnancy, participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status; other protected identities, or other non-merit factors; and with proper regard for privacy and constitutional rights.
4. Retention and advancement of employees shall be determined based on their performance. Where appropriate, a reasonable effort may be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur. See [Appendix B](#) for the Town's Performance Improvement Plan.



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5. Words imparting the singular number may extend and be applied to several persons; words imparting the masculine shall include the feminine and non-binary.
6. In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement or other duly authorized employment agreement, the provisions of the collective bargaining agreement or employment agreement shall prevail.
7. The Town, acting through the Select Board, retains the ability to modify, suspend, or discontinue any of the benefits and policies set forth herein without prior notice, provided that the changes are made in accordance with Federal and State laws and Town Bylaws. As changes are made, employees will receive updated information via memoranda, department postings, and/or email. If any provision of this Policy Manual is unclear, the employee should contact their Department Head or the Town Administrator.

B. PERSONNEL RECORDS

In Massachusetts, a "Personnel Record" is defined by law as a record kept by an employer that identifies an employee relative to qualifications for employment, promotion, transfer, compensation, or disciplinary action.

Records Management Policy

The Town complies with all federal and state records management laws and regulations, including those regarding personnel files and job references. This policy addresses records management issues for employees and applicants.

General Recordkeeping Information

The Town retains records for applicants and employees through all phases of employment as required under federal and state laws and regulations. When hired, an employee personnel file is created and retained in the Select Board/Town Administrator's Office.

All employee medical records shall be kept apart from other employee personnel records through the creation of a separate employee medical file.

As required by law, the following information is maintained separate from the employee's personnel file: (i) information regarding an employee's right to work in the United States (I-9 information), and (ii) the results of any required criminal background check.



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All employment applications and related documents, including the results of reference checks and examinations, shall be retained by the town for the period of time required by law.

Content of Records

An employee's personnel records shall contain only information that is relevant to the accomplishment of personnel-related administrative purposes. The Town will maintain an individual personnel file for each employee which may include but is not limited to the employment application, resume and/or cover letter submitted to apply for the position, Personnel Action Forms, copies of any licenses and/or certificates required for the position, performance appraisals, disciplinary actions, performance improvement plans, training records, waivers signed by the employee, copies of dated termination, reinstatement, promotion, demotion, reassignment, transfer, separation, layoff or suspension notices, etc. Personnel Action Forms may include, but are not limited to, the name, address, date of birth, job title and description, start date, probationary periods, rate of pay, and any other compensation paid to the employee.

Access to Records

In accordance with M.G.L. c. 149, s. 52C, employees may request to view their personnel file twice per calendar year. Reviews of personnel files that occur due to notification of negative information placed in files do not count toward the two permitted reviews.

The Town Administrator, upon receiving a written request from an employee, shall allow the employee to review the employee's personnel record within five (5) business days. The review shall take place at the town offices during normal business hours. Any employee may obtain a copy of their personnel record upon submission of a written request to the Town Administrator within five (5) business days. The employee may be charged the Town's approved rate for copies of any records contained in their personnel file.

Employees are generally allowed to review personnel files related to their employment qualifications, promotions, transfers, additional compensation, or disciplinary actions. Employee records that are exempt from in-person review include pre-employment reference information, including letters, telephone notes, and memoranda secured from previous employers; records relating to ongoing investigations of policy violations, prohibited conduct, or criminal offenses; documents developed or prepared for use in grievance or court procedures; and documents related to staff planning or business planning, including management succession plans, management bonus plans, and job assignment plans.



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If there is a discrepancy in regards to any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the Town Administrator and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position which shall be maintained in the employee's personnel record. The statement shall be included if the personnel record is transmitted to a third party.

Corrections, Changes, and Copies of Records

Employees shall provide the Town with accurate and updated personal information including their home address, telephone numbers, tax withholding information, and emergency contacts. Department heads should notify employees of the importance of keeping their personnel records current. The Town Administrator should be immediately notified in writing of any changes to an employee's personnel information. The final responsibility for providing correct information and timely changes rests with the employee. The Town Administrator, Treasurer/Collector or Accounting offices shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits resulting from the failure of an employee to keep personnel records current.

If there is a disagreement with any information contained in a personnel record, an employee may submit a written statement explaining the employee's position which shall thereupon become a part of such employee's personnel file.

Disclosure of Records

All employee and applicant files shall remain confidential and are only disclosed to authorized Town employees who have a valid, demonstrable need to obtain specific information from a personnel file, and as allowed or required under federal and/or state laws and regulations. If the Town is required to release personnel information or files in response to a valid subpoena, the Town shall make an effort to inform affected employees prior to the disclosure. No information contained in an employee's personnel file shall be otherwise released unless written authorization is received from the employee.

Security of Records

All paper-based documents relating to the Town's personnel record system shall be stored in secure, locked files in the Select Board/Town Administrator's Office. Employee and applicant files that are kept electronically also are securely maintained and backed up. All such files are accessible only to authorized employees as stated above.



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The Town shall retain all records for the time period(s) specified by Massachusetts records retention schedule. After such periods expire, the Town shall destroy any such records, including electronic records, in accordance with applicable laws and regulations.

No unauthorized employee may destroy, alter, deface, mutilate or otherwise dispose of personnel records.

Complaint Procedures

Employees and applicants may contact the Town Administrator or Select Board about any alleged violations of the Town's records management policy. All complaints shall be promptly investigated. Information obtained during investigations is confidential and disclosed only to those who have a legitimate need for the information in accordance with state and federal laws.

C. EMPLOYMENT DEFINITIONS

At-Will Employment

At all times, employment with the Town is considered to be "at-will," meaning the employment relationship may be terminated at any time by the employee and for any reason not prohibited by law by the Town.

Benefit Eligible Employee

Only employees regularly scheduled to work 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 absence, and other benefits. All leave for regular part-time employees shall be prorated according to the number of hours worked per week. Regular part-time employees do not include seasonal employees, temporary employees, and casual employees.

Continuous Service

Employment with the Town of Berlin which is uninterrupted except for required military leave, authorized holiday, vacation, sick leave, and leaves of absence pursuant to the federal Family Medical Leave Act, the Massachusetts Parental Leave Act, the Massachusetts Small Necessities Leave Act, or any other approved leave of absence. Any unauthorized absence of more than three (3) consecutive work days will constitute a break in service and such absence will not accumulate service credits.

Date of Hire

An employee's date of hire shall be their first day of actual work.



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Effective Service Date

Date of Hire.

Probationary Employee

The first ninety (90) calendar days of employment serve as a trial period. The employee may be terminated during this period without cause or access to the grievance process.

Regular Employee

An individual who is employed in a full-time position (at least 40 hours per week) or part-time position (at least 20 hours per week but less than 40 hours per week) which has required or is likely to require continuous employment for a period of fifty-two (52) calendar weeks per year or more.

Salaried Employee

An employee of the Town is paid a fixed wage on a weekly, monthly, or annual basis for a specific job.

Full-Time Employment

Full-time employment shall mean the employee is regularly scheduled to work forty (40) hours per week with a regularly scheduled workday.

Part-Time Employment

Part-time shall mean the employee is regularly scheduled to work fewer than forty (40) hours per week.

Part-Time Eligibility for Benefits

Part-time employees who are regularly scheduled to work 20 hours or greater per week may be eligible for certain benefits. Some benefits may be pro-rated based on the hours that the employee is regularly scheduled to work.

Temporary, Seasonal, or Intermittent Employment

Temporary, Seasonal, or Intermittent shall mean an employee hired for a specified limited time period. These employees are not eligible for benefits.

Exempt and Non-Exempt Employee

Status is determined pursuant to an employee's job responsibilities as outlined by the Fair Labor Standards Act of 1938 as amended, and the regulations promulgated thereunder.



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Eligibility for Insurance Benefits

Full and part-time employees who work 20 hours or more a week on a regular basis are eligible for group health insurance and other benefits specified herein. Employees who begin working for the Town at less than 20 hours a week but later increase to a scheduled 20 hours or more each week are eligible at the time of the scheduled increase.



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II. RECRUITMENT, SELECTION, AND TERMINATION OF EMPLOYMENT

The Town is an equal-opportunity employer. The Town shall make every effort to attract and employ qualified persons. The Town will consider every qualified applicant regardless of age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, pregnancy, or other non-merit factors. 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 upon job-related criteria as established in the position descriptions and in accordance with legal personnel practices. All vacancies are posted in the Town Offices, on the Town's website and/or as required by collective bargaining agreements to ensure that, if interested, other town employees may apply and receive fair consideration for the position.

A. RECRUITMENT

Eligibility

All qualified persons shall be eligible for employment with the Town, subject to any statutory requirements or limitations.

Recruitment

Department heads and supervisors have a major role in the recruitment and selection of personnel. The qualifications, classification, and salary range for the positions are established in accordance with the Town's Classification and Compensation Plan and ratified collective bargaining agreements. Department heads/supervisors, upon the identification of a vacancy or upon the authorization of a new position, must prepare a job vacancy notice. The job vacancy notice must include the job title, major duties, qualifications, salary, posting date for applications, application instructions, and EEO/ADA statement.

Notice of Vacancies/Advertising

The Town Administrator shall review and approve all job notices before advertising a position vacancy. Except in extraordinary circumstances, notices of vacant positions are posted for ten (10) calendar days on the Town's website and/or on the bulletin board located in the Town Offices and may also be posted on the bulletin boards in individual departments, in hallways, on the Town's social media, and in local newspapers. Advertising for entry-level positions should be appropriately detailed to ensure that a sufficient number of qualified applicants apply for available vacancies.



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Position Descriptions

The position description on file in the Town Administrator's office is the official statement of the duties of the position. The Town Administrator and the appointing authority/department head will review and update, where appropriate, the position description on file. The appointing authority/department head will prepare the job posting based on the official job description, grade, and current salary information.

Applications

All candidates applying for employment with the Town shall submit an official employment application form and/or resume and cover letter to the Town Administrator's office by the deadline specified in the job posting. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature.

B. SELECTION

Methods of Selection

The Town Administrator and/or the appointing authority will establish selection procedures in order to determine the candidate's ability to carry out the duties of the position. These may include one or more of the following:

1. Interview
2. Oral interview panel
3. Evaluation of experience and training
4. Written examination
5. Practical (or performance) test
6. Review of transcripts, degrees, licenses and certificates
7. Reference checks
8. Subsequent to a conditional offer of employment, pre-employment physical examination (consistent with state and federal laws)

The Town shall provide individuals with disabilities the reasonable accommodations they need to be interviewed. (Reasonable accommodations might include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location.) Interviews should be held in offices or conference rooms that are private and easily accessible to individuals with disabilities.

References and Background Checks

The Town reserves the right to verify reference and background information provided by candidates on application forms, resumes, cover letters, and during interviews. This right



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continues into the employment relationship. In reviewing the qualifications and backgrounds of candidates for certain positions, including those involving financial accountability or security-related issues, the Town may use the services of outside investigative agencies to conduct credit or background checks on the applicant. In conducting such checks, the Town complies with all notices, authorizations, and other requirements of federal and state law, and maintains the strict confidentiality of all reports and records related to such investigations. Background criminal checks will only be conducted on employees once they have been offered and have accepted a conditional offer of employment. In these cases, the employment offer shall be contingent upon the results of the background check.

Application Records

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

C. APPOINTMENT

Appointment

All appointments shall be made in writing by the appointing authority. The written notice of appointment shall include the hourly rate or weekly salary (grade and step), 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 Select Board/Town Administrator's office. No person shall be appointed, promoted, demoted, advanced, or held back on any basis, or for any reason other than qualification, merit, fitness for service, performance or changes to Town resources impacting the held position.

Pre-Placement Medical Examinations

Persons selected for employment with the Town, upon receipt of the notice of appointment and prior to the starting date of employment, shall be required to undergo a medical examination relating to the essential functions of the position. The examination shall be at the expense of the Town and shall be conducted by the physician(s) or medical institution selected or approved by the Town. The examining physician(s) shall advise as to whether or not, in the opinion of the physician(s), the applicant is fit to perform, with or without reasonable accommodations, the essential functions and/or duties of the position. If the applicant is deemed unfit for the position by the examining physician, the Appointing Authority shall withdraw the offer of employment. Police and Fire and/or EMS candidates will be subject to physical ability tests and any other required examinations required by the state or by the Chief of the department. A report of the medical



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examination of any person hired shall be maintained as a permanent part of the employee's medical record.

The Town, at their discretion, may accept a written certification from the applicant's primary care physician stating that the applicant is fit to perform the essential functions as listed in the job description with or without reasonable accommodations if the applicant had a physical in the past six (6) months.

Reasons for Rejection

The appointing authority may reject any applicant who does not possess the minimum qualifications required for the position or any applicant who has not filed their application by the posting's closing date. Further, an application shall be rejected if the applicant made a false statement or omission of any material fact or practiced any deception or fraud. The appointing authority may reject an applicant because, in the determination of the appointing authority, there is a more qualified applicant.

Failure to Report to Work

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

D. PROBATIONARY PERIOD

All newly appointed and promoted employees shall be required to successfully complete a 90 calendar day probationary period, which may be extended by the number of days the employee is absent from work during this period. The probationary period shall be utilized to help new and promoted 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. Prior to the expiration of the probationary period, the supervisor shall notify the appointing authority and Town Administrator that:

1. The employee meets the performance standards and will be retained in the position in accordance with the terms of their employment as an at-will employee; or
2. The employee's performance, due to extenuating circumstances, requires additional observation and the probationary period will be extended for an additional three (3) months; or



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3. The employee's performance was unsatisfactory, and that removal or demotion will occur.

The employee may be removed by the appointing authority at any time including after the expiration of the probationary period if it is revealed that the employee intentionally falsified information relating to their application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits, or dependability that did not merit continuing in the position. The employee may not appeal the removal during the employee's probationary period.

E. EQUAL OPPORTUNITY

The Town of Berlin is an equal employment opportunity employer and will not discriminate on the basis of race, color, religion, national origin, ancestry, sex, age, disability, pregnancy, participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status; and other protected identities.

F. DISABILITY DISCRIMINATION PREVENTION

Policy Statement

In accordance with the requirements of 28 CFR §35 and the Americans with Disabilities Act ("ADA") and Massachusetts General Laws, the Town shall advise all applicants, participants, and the public that it does not discriminate on the basis of disability with regard to access to, or employment in, its programs, services, or other activities. The Town will not discriminate against people with disabilities in any employment practices or terms, conditions, or privileges of employment, including, but not limited to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

Procedures for Establishing Standards

The Town has and will continue to establish bona fide occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental, and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessities.



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Reasonable Accommodation

In accordance with the Americans with Disabilities Act and Massachusetts law, the Town will provide reasonable accommodations to the known disabilities of a qualified applicant or employee unless such accommodation imposes an undue hardship on the Town.

The Town will provide reasonable accommodation in compliance with the law to ensure equal employment opportunity in the application process; to enable a qualified individual with a disability to perform the essential functions of the job, and to enable an employee with a disability to enjoy equal benefits and privileges of employment.

G. PRE-EMPLOYMENT CHECK

Candidates for employment are selected through a process that may include but is not limited to written applications, personal interviews, and professional reference checks. Prior to employment, job-related background checks, drug testing, and/or health examinations may also be conducted for designated positions, as determined by the Town Administrator and in accordance with these policies, to ensure the well-being and safety of the community.

Pre-employment checks may include but are not limited to:

- Verification of prior employment, education, or credentials.
- Criminal and/or driving record history, credit checks (only after a conditional offer is made);
- A health examination, if appropriate, to determine whether a candidate can perform the essential functions of the position (only after a conditional offer is made);
- Drug testing (only after a conditional offer is made).

The Town may conduct some or all of these pre-employment checks for applicants selected for designated positions.

H. CRIMINAL AND SEXUAL OFFENDER RECORDS INFORMATION

The Town of Berlin adheres to laws regarding Criminal and Sexual Offender Record Information checks.



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CORI

The Criminal Offender Record Information (CORI) system is administered by the Massachusetts Criminal History Systems Board (Board). Passing a CORI is a requirement for those including, but not limited to, applicants for positions that have unmonitored access to children, the disabled, or the elderly. Also, the Town can apply to the Board for CORI authorization for any position it deems appropriate. The Town will only request CORI information after a conditional offer of employment is made to a candidate.

SORI

The Sexual Offender Registry Board administers the Massachusetts Sexual Offender Registry. The Board keeps a database of convicted sex offenders and classifies each offender so that the public may receive information about sex offenders who live or work in each community. The Town will only request SORI information after a conditional offer of employment is made to a candidate.

Any individual whose relationship to the Town community or work may include close or unsupervised contact with children, the disabled, or the elderly shall be subject to both a CORI and a SORI check.

I. DRIVERS LICENSE AND DRIVING RECORD VERIFICATION

Any employee whose work for the Town requires the operation of a motor vehicle must maintain a valid driver's license and must inform their supervisor of any loss of license or restrictions that would impact their ability to perform their job functions. Failure to inform the supervisor of a change to license status may result in disciplinary action, including dismissal.

J. ELIGIBILITY TO WORK IN THE UNITED STATES

All employees are required to provide documentation that indicates that they are legally authorized to work in the United States, as documented on the I-9 Form. The I-9 form must be signed before beginning work on the first day of employment.

K. PROVISION OF EMPLOYEE REFERENCES

The Town discloses the following information when responding to requests from other employers regarding current and former employees: start and end date of employment; the title of the last position held.



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L. EMPLOYEE RESIGNATION

All employees are expected to be ethically responsible by giving enough notice of their intention to resign to ensure that department operations including the completion of assigned tasks are not jeopardized. The Town requests a one-month notice of resignation from managerial employees and a two week notice of resignation from all other employees.

M. TERMINATION OF EMPLOYMENT

Employment with the Town is on an "at-will" basis. The Town has the right to terminate an employee's employment at any time and for any reason not prohibited by law.

The Town of Berlin also has the right to lay off any employee whenever such action becomes necessary due to a shortage of funds, lack of work, abolishment of a position, a material change in duties or organization, or for any other appropriate reason.



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III. COMPENSATION

A. **CLASSIFICATION, COMPENSATION, AND MERIT INCREASES**

Classification Plan

The Town Administrator, upon the recommendation of the Personnel Committee and approval of the Select Board, shall establish a uniform system for the classification of positions based on the similarity of duties performed, skills and training required, and the responsibilities assumed so that the same qualifications may reasonably be required, and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed to a position not included in the classification plan.

The classification plan shall cover and include all Town departments and positions in the Town service other than positions filled by popular election. The Town Administrator shall establish classifications that relate to compensation upon recommendation by the Personnel Committee and approval by the Select Board.

Contents of the Classification Plan

The classification plan shall consist of the following:

- (a) Position Descriptions. Each position shall have a written description. The description shall consist of a statement describing the purpose of the work, essential job functions, and responsibilities; the required minimum knowledge, skills, training, abilities, experience, and necessary special qualification(s).
- (b) Position Titles. The title of the position shall be the official title of that position and shall be used for administrative purposes such as payroll, budget, financial, and personnel forms and records. No person shall be appointed or promoted to any position in the Town under a title not included in the classification plan.

Responsibility

The Town Administrator, working with the Personnel Committee, shall have the primary responsibility for the administration and day-to-day maintenance of the classification plan. Under the policy direction of the Select Board and in consultation with the Personnel Committee, the Town Administrator shall:

- (a) Complete studies of proposed new positions and make recommendations to the Select Board on allocations to existing classes; establishment of a class of positions; or deletion of a class of positions.



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- (b) Provide for studies of existing positions when there has been a substantial change in the duties and responsibilities that justify consideration of possible reclassification.
- (c) Conduct periodic studies and request such assistance as may be needed to assure that the classification plan remains uniform and current.
- (d) Require the submission of position questionnaires or any other related information when considered necessary for the proper maintenance of the plan.
- (e) Develop forms and procedures to determine the proper classification of each position.
- (f) Make routine revisions to job description content as requested by the appropriate appointing authority.

Classification of New Positions

The appointing authority proposing the creation of a new position shall provide the Town Administrator with a description of the essential functions and responsibilities; skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Town Administrator, in consultation with the Personnel Committee, to recommend an appropriate classification. Final approval of the new positions lies with the Select Board.

Reclassification of Positions and Periodic Reviews

Positions may not be reclassified without a review and approval of the Town Administrator and Select Board.

Compensation Plan

The Town Administrator, with the approval of the Select Board, shall periodically review a compensation plan for the existing classification plan. The Personnel Committee may provide guidance as needed. The compensation plan shall be directly related to the classification plan and shall consider relative responsibilities between various classes; wage rates for the comparative type of work; economic conditions in the labor market and fiscal policies of the Town. All employees shall be paid in accordance with the rates in the compensation plan. The Town Administrator shall develop the compensation plan in concert with the Personnel Committee for recommendation to the Select Board.

Coverage

All employees shall be employed and paid in accordance with the rates established in the compensation plan for the position classification to which the employee is appointed.



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Responsibility

The Town Administrator shall have the responsibility for the day-to-day administration of the compensation plan. The Town Administrator shall rely on the Personnel Committee for guidance as deemed necessary.

Approvals

The Town Administrator in consultation with the Personnel Committee and appropriate appointing authority will recommend, and the Select Board will consider and may approve such recommendations. The Select Board has the authority to approve all hiring rates, salary adjustments, and other payroll changes in accordance with the provisions of these rules, within the parameters of the compensation plan, and subject to budget allocations determined at Town Meeting.

New appointees to any position shall normally be paid at the minimum or entry rate of any salary range posted or advertised for the position. Subject to available funds, the Town Administrator may, however, compensate new appointees at a higher rate in the salary range on the basis of the appointee's qualifications or because of a lack of qualified applicants available at the position's minimum rate.

Notice of Employment

Appointing authorities shall notify the Town Administrator by November 30th of each year of all persons employed, the classification, and the rate of compensation. Personnel Action Forms shall be completed for all salary and cost of living adjustments.

Part-time Employees

A part-time employee shall be compensated at an hourly rate for the appropriate classification.

Appropriations

All positions are subject to budgetary appropriations.

B. PAY PERIOD AND DIRECT DEPOSIT

The Town uses a work week of Monday through Sunday. The pay day and pay frequency (weekly, bi-weekly, etc.) shall be established by the Town Administrator upon approval by the Select Board. Any proposed changes to regular work week pay frequency and/or regular pay day shall require a minimum of ninety (90) days' notice to all employees.



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C. PAYROLL DEDUCTIONS

The Town agrees to deduct items authorized pursuant to state law and by employees in writing and other items authorized in writing by the employee and approved by the Town Administrator (union dues, annuities, credit union, etc.).

D. OVERTIME AND COMPENSATORY TIME (NON-EXEMPT EMPLOYEES)

Responsibility of Department Heads

Department Heads are responsible for the control and authorization of compensatory time. All work that would result in compensatory time must be pre-approved by the immediate supervisor and shall be charged to the budget for which the extra time was worked. All overtime and compensatory time is subject to available budget appropriation.

The Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) of 1938, as amended, and the regulations promulgated thereunder, permits non-exempt employees to earn compensatory time at a rate of time and one-half (1½) for actual hours worked over 40 hours in a week, in lieu of receiving overtime compensation.

Only non-exempt employees are allowed to receive and accrue compensatory time. The use of compensatory time by employees must be the subject of an agreement in advance of the work being performed. In the case of unionized employees this is a collective bargaining agreement or memorandum of understanding with the union. In the case of non-union employees, this is an individual agreement in writing.

If non-exempt hourly employees are required to work more than their scheduled hours, but less than 40 in a work week, they shall be paid for the time worked in excess of their regular weekly schedule. This is not FLSA overtime. If non-exempt hourly employees are required to work more than 40 hours in the work week, they shall be paid for the time worked in excess of 40 hours at one and one-half times their "regular rate" (unless the employee is a public safety employee whose collective bargaining agreement specifies a different FLSA work period and minimum number of overtime hours). If there is a compensatory time agreement covering the employee, the employee shall receive 1½ hours of compensatory time for each hour worked above 40 in the seven-day work week (unless the employee is a public safety employee whose collective bargaining agreement specifies a different FLSA work period and minimum number of overtime hours).



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The total FLSA compensatory time that can be accrued is capped at 480 hours (320 hours of overtime actually worked) for public safety/first responder employees and at 240 hours (160 hours of overtime actually worked) unless there is a lower cap negotiated in an applicable collective bargaining agreement. Generally, the employee shall be permitted to use accrued compensatory time within a "reasonable period" after making the request, if such use does not "unduly disrupt" the operations of the Town department/agency. A "reasonable period" is defined as giving a minimum of 48 hours advance notice whenever possible. Any accrued time that an employee is unable to use will be paid to the employee at their FLSA overtime "regular rate". Compensatory time must be tracked by payroll. Accruals require Town Administrator approval.

The Town, acting through the Town Administrator or Department head, retains the right to deny accrual of compensatory time, when it determines in its discretion to do so, by paying the employee at the employee's FLSA overtime "regular rate".

E. FLEXIBLE TIME

With the prior approval of the supervisor, exempt and non-exempt employees may work a flexible schedule within a pay period if done for the operational efficiency of the Town. For example, if an employee needs to cover an evening meeting and would like to reduce hours on another day within the same pay period, the supervisor may authorize this change. Flex time within a pay period may not exceed twelve (12) hours for full-time employees or its pro-rated equivalent for part-time employees.

Flex time is only within the same pay week, and there is no carryover. Compensatory time does not apply to Flex time.

F. MEAL PERIOD

It is the policy of the Town to comply with all applicable federal and state meal and break period laws and regulations. This Policy addresses meal and break periods for adult employees while working for the Town. The Town's child labor policy includes meal and break period information pertaining to employees who are minors.

In general, employees who are scheduled to work more than six (6) continuous hours are permitted to take a one-half-hour meal period. Meal periods must begin no later than four hours after the start of employees' working day. In some cases, if employees work longer than eight hours, a second one-half-hour meal period may be provided.



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Employee meal periods are established with the Town on employees' first day of work and may be changed by the Town with notice to the employee(s). If employees need to change their meal periods at any time, they must discuss such changes with their supervisor; employees and their supervisor must agree in writing about any changes to employees' meal periods. Such agreements are kept in employees' personnel files in the Town Administrator's Office.

In general, meal periods are not considered working hours, and employees are not paid for meal periods. When employees take their meal period, they are relieved from all job duties during that time.

Employees must notify their supervisor immediately if they miss a meal break.

Employees must log out of password-protected areas before leaving their workstations or desks and from any employer-provided electronic communications equipment while on unpaid meal periods.

G. WORK DURING MEAL PERIODS AND SCHEDULED MEAL PERIODS

Employees shall be entitled to a paid meal period if the employee is required to perform any job duties during that meal period. For example, if the Town requires certain employees to eat at their workstations, employee meal periods are paid.

Employees are not permitted to perform any job duties during meal periods unless they receive written authorization from their supervisor. Employees must receive prior written authorization for paid meal periods from their supervisor or Department Head.

The Town recognizes that extraordinary circumstances may arise where employees must work during meal periods and the Department Head notifies such employees in writing that employees are paid for such times.

Employees are not permitted to skip meal periods to allow them to leave work early or to arrive to work late; employees must follow the leave policies for any time off from regular work schedules.

H. BREAK PERIODS

When the work of the Department and employee permits, employees may take two paid 10-minute breaks during the workday. Such breaks are scheduled with the Supervisor or



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the Department Head on the employees' first day of work. If employees need additional time for breaks, they should discuss such arrangements with their supervisor.

Employees who are nursing mothers may take reasonable break periods during the workday to express breast milk for their children.

Absent undue hardship, nursing mothers are permitted to take breaks each time they need to express milk for their children, beginning from the date of the nursing child's birth. Nursing mothers should use a designated lactation room to express breast milk. For more information, see the lactation accommodations below.

Lactation Accommodations:

The Town does not discriminate against employees or applicants based on lactation or the need to express breast milk for the employee's/applicant's nursing child. The Town shall not take adverse action against employees who request or use reasonable accommodations for lactation or breast milk expression.

The Town will not deny reasonable accommodations for lactation or breast milk expression unless they create an undue hardship on the Town's programs, enterprise, or business. Reasonable accommodations can include more frequent or longer paid or unpaid breaks and private non-restroom spaces to express breast milk.

Employees must log out of password-protected areas before leaving their workstations or desks during break periods.

All break periods are considered to be paid time. Because break periods are paid time, breaks do not extend employees' workday, and employees must take breaks as part of their regular workday.

Break periods may not be combined and/or substituted for meal periods.

Employees may not accumulate break periods to use at a later time and may not use break periods as the basis for starting late, leaving early, or extending scheduled meal periods.



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I. VIOLATIONS OF EMPLOYER'S MEAL AND BREAK PERIOD POLICY

Employees who take unauthorized meal periods, extend authorized meal periods beyond approved limits, or work during meal periods without authorization are subject to discipline, up to and including termination, according to the discipline policy.

Employees who take unauthorized break periods or extend authorized break periods beyond approved limits are subject to discipline, up to termination, according to the discipline policy.

J. TRAVEL

Mileage

Mileage for work-related travel will be reimbursed at the current IRS business mileage rate, as confirmed from time to time by the Town Accountant. Mileage for commuting to and from the primary work location is not reimbursable. If a work trip begins from home, all mileage and time, after an employee's regular commute distance has been subtracted, can be submitted for reimbursement.

Parking and Tolls

Parking fees and tolls shall be reimbursed based on the receipt, with supervisor approval. Tolls incurred in commuting to and from the employee's primary work location are not eligible for reimbursement.

Meals

If required to travel for more than one day while on Town business, meals will be reimbursed based on the original receipt with a limit of \$15 for breakfast, \$15 for lunch, and \$20 for dinner, with a maximum reimbursement of \$45 per day. The Town Administrator may consider a higher reimbursement amount when allowed by federal or state travel guidelines and the market in the area where the employee is traveling. The decision of the Town Administrator to grant or deny a request for an increase in reimbursement is final.

For employees whose work is usually performed in one primary office location, meals may also be reimbursed, with prior approval of the supervisor, at the same reimbursement rate described above, when the employees are attending meetings/events outside of the office.



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Tips and meal tax may be reimbursed as long as the total is within the maximum reimbursement limits established above. No reimbursement will be made for alcoholic beverages.

Other Expenses

Any other business travel-related expenses not expressly addressed in this policy must be pre-approved for reimbursement by the Town Administrator before the expenses are incurred. The Town Administrator has the authority to approve travel expenses for reimbursement that were not pre-approved, where pre-approval was not possible due to unforeseen emergencies or other factors. The decision of the Town Administrator to approve or not approve such expenses for reimbursement is final.

Training & Education

The Town will pay for certain training and education programs for employees to improve the quality of services provided to the Town. The vast majority of skill development will take place on the job. To complement employee's work experience, the Town may provide internal training sessions as department supervisors deem necessary. The Town may also sponsor employees to attend occasional off-site training sessions to advance 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 and certifications that serve to improve their knowledge and skills and increase their performance with the Town. Approval for a particular course must be requested and approved prior to enrollment to be eligible for the reimbursement and must have the approval of the department supervisor and Town Administrator. The decision of the Town Administrator is final and is subject to available funds. The Town may require the employee to sign an agreement stating that in the event that the employee separates from employment with the Town within two years from receipt of reimbursement for tuition/fees/books, the employee will return to the Town the amount of reimbursement that the employee received. The Town Administrator has the authority to waive all or part of the amount that the employee is required to return to the Town and may pro-rate the amount. The decision of the Town Administrator is final.



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IV. EMPLOYEE BENEFITS

A. HEALTH INSURANCE

Full-time regular employees and eligible part-time employees (those regularly scheduled to work 20 hours or more each week) are entitled to health insurance through a group policy procured by the Town. The Town currently contributes 75% of the premium cost of group health insurance plans available to Town employees. The employee pays the balance through payments deducted directly from the employee's paychecks. The Town and employee premium contributions are subject to change by Select Board vote. Provided that the employee paid the employee's share of the premiums, this coverage will continue for one month after termination of employment. COBRA rights and requirements may then apply.

Full-time regular employees and eligible part-time employees (those regularly scheduled to work 20 hours or more each week) are entitled to dental and basic life insurance through a group policy procured by the Town. The Town contributes 50% of the premium cost of plans available to Town employees. The employee pays the balance through payments deducted directly from the employee's paychecks.

Additional life insurance, vision insurance, and other voluntary coverage can be purchased on an employee-pay-all basis with no contribution to these premiums by the Town.

Upon retiring from Town employment, individuals may be eligible for retiree health coverage on an employee-pay-all basis with no contribution to premiums by the Town if the retiree was enrolled in a Town-sponsored plan on the date of retirement.

B. COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, as amended contains provisions giving certain former employees the right to temporary continuation of health coverage at group rates.

COBRA coverage is available in specific instances for a period of up to 18 months. The Town pays no part of the premiums for COBRA coverage. If payment for coverage becomes delinquent, coverage may end.

When and if an employee or a dependent becomes entitled to COBRA benefits, the individual will receive a notice stating the right to continue benefits provided by the group



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health plan carried by Town and will then have 60 days to choose coverage or lose all rights to the continuation of coverage. Once COBRA coverage is chosen, the individual will be required to pay for the full premiums and may be required to pay an additional administrative fee.

C. UNEMPLOYMENT INSURANCE

The Town pays the cost established by the Commonwealth of Massachusetts to provide mandated unemployment insurance for its employees. The Massachusetts Department of Unemployment Assistance (DUA) determines an employee's eligibility.

D. RETIREMENT AND PENSION BENEFITS

For information and procedures regarding retirement, contact the Worcester Regional Retirement System directly.

E. DEFERRED COMPENSATION

As permitted by the Federal Revenue Act of 1978, a full-time regular or an eligible part-time regular employee (working 20 hours or more each week) is eligible for participation in a 457 Deferred Compensation Plan. The entire amount invested, up to annual federal limits, shall be deducted prior to the withholding of both federal and state income taxes. The employee shall bear all costs associated with deferred compensation plans.

F. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

It is the policy of the Town to comply with the applicable regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. The Town shall limit the use of and access to Protected Health Information that is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present, or future health condition, delivery, or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical, and physical safeguards established to limit the use and access to protected health information are an integral part of this policy, established as part of daily operating procedures, and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.



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V. LEAVE BENEFITS

Vacation, personal and sick time is available for full-time employees and benefits for regular part-time employees and is accrued on a pro-rated basis based on their regularly scheduled workweek hours. Regular part-time employees do not include temporary, seasonal and intermittent employees.

A. PAID HOLIDAYS

Full and part-time employees regularly working twenty (20) hours or more each week 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, Thanksgiving Day, or the day on which these holidays are observed, shall be paid at double their base hourly rate during the 24 hours (12:00 am-12:00 am) on those holidays or the day on which the holiday is observed.

B. VACATION

Vacation Entitlement

Vacation leave is granted to all full-time and regular 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 0.25-hour (15-minute) increments. Vacation leave shall be calculated from the date of hire into a



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position regularly scheduled twenty (20) or more hours per week but shall not actually accrue until the successful completion of the employee's probationary period. Regular 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 as follows:

- 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 4th 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 the 5th anniversary of date of hire through the 9th 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 10th anniversary of date of hire through 19th 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 20th 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: $120\text{hrs}/52 = 2.30769/24 = .0962*(24*52) = 120.0576$



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At the beginning of each fiscal year following the employee's first year of service, total accrued vacation shall not be more than one and one-half (1 1/2) times the employee's annual accrual rate; provided, however, 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 precluded the use of vacation leave at the time. Absent such extenuating circumstances, any vacation time accrued but not used at the beginning of each fiscal year that is in excess of one and one-half (1 1/2) times the employee's annual accrual rate shall be forfeited. Vacation pay will not be granted in lieu of vacation leave.

Vacation accrual and usage for employees who leave for military service and return 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 consider the requests and approve those vacation requests for such time(s) that best serves the department's needs and the public interest.

The Town will pay out all unused accrued vacation to employees who separate from employment for any reason including resignation, termination, retirement, or death. With the exception of separation from employment, an employee cannot receive pay in lieu of taking vacation.

The Town Administrator has the authority to provide additional vacation time to an employee as part of an onboarding or retention package. The Town Administrator also has the authority to allow the employee to carry over vacation balances in extenuating circumstances as provided above 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 1st. Personal leave is pro-rated for regular part-time employees based on regular workweek hours. Personal leave is different from vacation leave in that it does not require advance approval and it is offered to allow employees time to handle important legal or personal matters during the normal business day which cannot be addressed outside of the employee's regular work day or work week. Personal leave is not to be used to extend a holiday or vacation period or for recreation. Personal leave does not accrue, may not be carried over to the following fiscal year, and



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is not compensable upon separation from employment for any reason including termination, resignation, death, or retirement. While personal leave does not require as much advance approval, the Department Head or Town Administrator may deny a request for personal leave when, in the Department Head's or Town Administrator's opinion, desired staffing levels cannot not be met.

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 regular part-time employees who have completed their probationary period. For example, a first-year regular part-time employee working 24 hours per week will be granted 4.8 hours of personal leave upon successful 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 complies 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 possible. The 24 hours may be taken within the rolling 12-month 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.



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To be eligible for SNLA leave, the employee must have been employed by the Town for 12 months or more at the time that the leave is to commence and has worked a minimum of 1250 hours in the 12-month period prior to the commencement of the SNLA leave. SNLA leave is unpaid unless the employee elects to use available paid leave such as vacation or personal time.

E. SICK LEAVE

Coverage

Full-time and part-time employees regularly scheduled to work twenty (20) or more hours per week. Sick leave shall not be used in less than 0.25-hour increments.

Policy

The sick leave policy provides salary continuation during an employee's reasonable period of absence due to bona fide illness or injury. Except when using for FMLA or as otherwise provided by law, an employee shall be entitled to sick leave only when the employee is incapable of performing duties due to personal sickness, injury, or 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 according to the number of hours of work per 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 ($10/40 \times 25$).

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 the need for sick leave at least two (2) hours prior to the employee's starting time for the work day.



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Certification of Illness

When a pattern of absences occurs, or 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 from the employee for each subsequent absence, which certifies the employee's inability to perform normal work duties because of the employee's illness, injury or quarantine. Additionally, the department head may arrange for a Town-retained physician to examine an employee and submit a medical evaluation.

F. FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act of 1993 ("FMLA"), entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave for specified immediate family and/or medical reasons in a twelve-month period. . 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 granted up to eight (8) work weeks of unpaid leave to give 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"), M.G.L. c. 151B, §4, prohibits employment discrimination based on pregnancy and pregnancy-related conditions. It also sets forth



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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 as defined by the law;
- 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.

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. In cases of threat of imminent danger to the health or safety of an employee or the employee's family member, the employee is not required to provide advance notice of leave, but must notify the Town within three (3) workdays that the leave was taken or is being taken under this section. 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.



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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, Parent, Step-Parent, Child, Step-Child, Foster Child, Sibling, Step-Sibling, 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, Sister-In-Law, Brother-In-Law, or Cousin. The Town may request documentation for an employee's use of bereavement leave.

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's current salary. If the employee receives compensation for serving, such 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



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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 notice to the 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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VI. WORKPLACE POLICIES

A. ATTENDANCE POLICY STATEMENT

Good attendance and punctuality are important to every employee's job. Patterns of attendance abuse, such as frequent absences on Fridays and/or Mondays or habitual tardiness, will be scrutinized closely. Employees will be subject to progressive discipline up to and including termination. If an employee exhausts all of their accrued leave and has not been granted additional leave for an essential and lawful purpose as determined by the Town Administrator, they will be considered to be on unauthorized leave and will be subject to disciplinary action, up to and including termination.

B. ETHICS AND CONFLICT OF INTEREST

Ethics Policy Statement

All persons employed by the Town hold a position of public trust and, as a result, are expected to conduct themselves in a highly ethical and appropriate manner. Employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by the laws of the Commonwealth, including Chapter 268A, and the Massachusetts Conflict of Interest statute.

Conflict of Interest Policy

The purpose of this policy is to ensure that employees comply with the requirements of M.G.L. c. 268A, which governs conduct as a public official or public employee. It is the policy of the Select Board to require compliance with the provisions of this law. Every 2 years, all state, county, and municipal employees must complete a conflict of interest law online training program. Newly elected or appointed public employees must complete this training within 30 days of beginning public service, and every 2 years thereafter.

The Town's full Conflict of Interest policy is included in [Appendix G](#).

C. NEPOTISM

It is the policy of the Select Board to ensure that municipal employees' private relationships do not conflict with their public obligation to act objectively and with



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integrity. It is the Town's objective to prevent a municipal employee from becoming involved in a situation that could result in a conflict or give the appearance of a conflict. The Town's full Nepotism Policy is included in [Appendix H](#).

D. POLITICAL ACTIVITY

The Federal Hatch Act, as well as the Massachusetts Office of Campaign and Political Finance (OCPF), restricts the political activities of public employees. During work hours, employees may not work, be assigned to work for or on behalf of a political candidate or activity, or participate in other political activities such as lobbying, collecting funds, making speeches, assisting at meetings, or distributing political pamphlets. Under no circumstances may an employee participate in any form of fundraising for a political candidate or activity during work time. All employees shall comply with the Hatch Act and OCPF requirements. Furthermore, no employee shall use Town property, equipment, or other Town resources for political activities at any time.

E. OUTSIDE EMPLOYMENT

Town employees may not engage in outside employment that causes or could potentially cause a conflict of interest. Outside employment is permitted so long as the employment does not interfere with the employee's job obligations and the efficient operations of the Town. Employees are expected to fulfill their schedules with the Town and may not change their schedules to work for another entity. Vacation time may be used but must be pre-approved. Any questions regarding outside employment must be discussed with the Town Administrator. It is the responsibility of all Town employees to abide by the MA Conflict of Interest Law.

F. SOLICITATIONS

Solicitation during working time is prohibited. Town employees may leave fundraising materials and promotional materials in a break room, for things such as fundraising walks, scouting popcorn, daffodils for the seniors, etc. Supervisors are not allowed in any circumstance to solicit the purchase of materials by subordinates, including any fundraising activities. No employee may solicit for or post materials for personal gain, such as Tupperware, Avon, Herbalife, Mary Kay, crafts, or artisan products.



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G. OPEN MEETING LAW

The Town complies with the Massachusetts Open Meeting Law. Questions concerning the Open Meeting Law should be directed to the Town Clerk or Town Administrator.

H. TOWN PROPERTY

The use of Town property, resources and personnel for any personal use is prohibited unless otherwise specified in the employee's employment contract with the Town. Any Town property issued to an employee is recorded by the employee's department head and must be returned to the Town upon the employee's separation from service or as otherwise required by the employee's department head. Employees are responsible for notifying their department head immediately in the event that Town property issued to the employee is lost, stolen, or damaged. The Town reserves the right to impose charges for Town property lost, stolen, or damaged.

I. FRAUD

The Town requires all staff to act honestly and with integrity to safeguard the resources for which they are responsible. Fraud is a threat to the resources and credibility of the Town. The purpose of this statement is to set out responsibilities regarding the prevention of fraud and the procedures to be followed if fraud is detected or suspected.

The Town's full Fraud Prevention Policy is included in [Appendix I](#).

J. WHISTLEBLOWER PROTECTION

This policy is adopted pursuant to and in accordance with M.G.L. c. 149, § 185 and is designed specifically to protect such conduct and provide such remedies as are outlined in the Act. It is the policy of the Town:

1. To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
2. To protect Town employees who have reported improper government actions in accordance with this policy.

The Town's full Whistleblower Protection policy is included in [Appendix J](#).



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K. SEVERE WEATHER CLOSING

It is the policy of the Town to maintain regularly scheduled work hours at Town Offices except during conditions that would adversely affect the safety of employees. In doing so, the Board recognizes weighing the need to have Town Offices open to serve the public, against the potential for personal injury associated with travel during severe weather.

The policy is intended to ensure a consistent and uniform approach across all Town Departments when the Town Administrator determines that non-emergency services will be reduced or cancelled.

The Town's full Emergency Closing (Severe Weather) Policy is included in [Appendix K](#).

L. DRUG-FREE WORKPLACE

It is the policy of the Town to provide a drug-free workplace for all of its employees in accordance with the provisions of the United States Drug-Free Workplace Act of 1988 (PL 100-690 or 41 U.S.C.S. 701-707).

M. ALCOHOL AND DRUG USE

In addition to the provisions of the Drug-Free Workplace Act, The Town will take disciplinary action against employees who are under the influence of alcohol or drugs while on duty. Employees are expected to arrive at work able to perform their essential functions. If for any reason an employee is not able to perform the essential functions of their position, including due to prescription medication, they must inform their supervisor immediately.

The full Drug and Alcohol-Free Workplace policy is included in [Appendix L](#).

N. SMOKING

Smoking is prohibited on all Town property and all work locations.



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O. SAFETY BELTS

All personnel are required to wear safety belts when operating or riding in Town-owned or leased vehicles or other vehicles, including personal vehicles, while engaged in Town-related business.

P. CELL PHONE USE AND TEXTING WHILE IN VEHICLE

Employees shall comply with all federal and state laws regarding the usage of cell phones, texting, and other electronic and/or telecommunicating equipment while operating a vehicle or any equipment requiring a license, or while engaged in Town-related business. For the safety of all Town employees, no employee shall FaceTime, Zoom, Skype or use any other video conferencing application while operating a vehicle or any equipment requiring a license or while engaged in Town related business.

Q. INJURY AND WORKERS COMPENSATION

In compliance with M.G.L. Chapter 152, the Town provides a worker's compensation program for employees. A worker becomes eligible for weekly compensation/indemnity benefits when disabled due to an on-the-job injury or occupational illness and is incapable of earning full wages. The insurance provider makes this coverage determination.

In all cases, whether an employee seeks medical treatment or not, an Initial Report of Injury Form and a Supervisor's Report must be completed within 24 hours of the initial injury or condition and submitted to their Department Head and the Town Administrator. Failure to notify the Town Administrator or designee may result in ineligibility for coverage and/or disciplinary action for failure to follow procedure.

If medical attention is sought, a medical provider's note is required to document the injury, condition, prognosis, and ability to return to work. No employee who seeks medical attention is allowed to return to work without such documentation.

Employees who choose to use their accrued sick leave to supplement their Workers Compensation payments while on leave shall receive their Workers Compensation payments directly from the Town's insurance provider. The Town shall issue payment to the employee for the remainder up to 100% of the employee's regular compensation.



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The Town will adhere to the provisions of MGL Chapter 152 concerning eligibility and case management and exercise its rights to manage claims.

R. PREVENTION OF DISCRIMINATION AND NON-HARASSMENT IN THE WORKPLACE

The Town promotes a workplace that is free of discrimination, harassment and sexual harassment. Discrimination and harassment of employees occurring in the workplace or other settings related to their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about discrimination or harassment against individuals for cooperating with an investigation of a discrimination or harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from discrimination and harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with if encountered by employees.

The full Discrimination and Harassment Prevention Policy is included in [Appendix M](#).

S. WORKPLACE VIOLENCE PREVENTION

The purpose of this policy is to establish a Town standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence.

The full Workplace Violence Prevention policy is included in [Appendix N](#).

S. CONDUCT

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times regarding workplace issues concerning their responsibilities, the interests of the Town, and the welfare of its constituents.

Employees must be present at work on time as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient, polite,



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and competent manner, to maintain specified standards of performance; to comply with reasonable employer instructions on policies; to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

Failure to conduct oneself in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the violation. Disciplinary action resulting in suspension and/or termination of employment due to a violation of this policy shall be subject to the grievance procedures set forth within these policies.



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VII. COMPUTER, TECHNOLOGY, INTERNET, SOCIAL MEDIA

A. ACCESS & CONTROL OF TOWN'S TECHNOLOGY RESOURCES, EQUIPMENT & INFORMATION

The Town has established policies setting forth the standards for the proper and allowed uses of the Town's telecommunications systems including telephones, email, facsimile machines (faxes), cell phones, and the Internet, including social media. The use of these capabilities and equipment is subject to the same management oversight as other employee activities.

Email

Email is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c. 66) and the Federal Freedom of Information Act. Employees do not have an expectation of privacy in using the Town's email system.

Appropriate Use

Email and related online services are the property of the Town and are to be used for business matters directly related to the operational activities of the Town and as a means to further the Town's objective to provide efficient, complete, accurate, and timely services.

Users shall act professionally, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.

The telecommunications systems shall not be used for:

- Personal gain, to conduct personal commercial business, or for political, fundraising, or charitable activities;
- The transmission of materials used for commercial promotion, product endorsement, or political lobbying;
- To promote discrimination based on race, color, religion, national origin, ancestry, sex, age, disability, participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status; and other protected identities; or to promote personal, political or religious business or beliefs;



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- For any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any criminal activity.

No user shall violate the computer security systems implemented by the Town.

No user shall pirate software or download and transfer software for which the user does not have the proper licensing.

All users are expected to undertake precautions to prevent computer viruses. Programs imported from other sites to Town computers shall not be used unless they have been authorized by the Town Administrator, Data Systems Coordinator, the Town's IT contractor, or an authorized designee, and they meet the virus-detection procedures approved by these individuals. Additional restrictions or regulations on the importing of remote files may be imposed periodically, and such restrictions or regulations shall be considered part of this policy.

Users shall not engage in activities that could cause congestion and disruption of networks and systems, including but not limited to consuming excessive system resources. For security purposes, employees should either log off or revert to a password screen saver when leaving their computer for an extended period. When leaving for the day, employees should log off and lock all electronic equipment.

Personally-owned devices used to 'officially' access Town email and/or data will be subject to the same security-related regulations.

Public Records Law Compliance

All Town-related communications from personally-owned devices or personal email accounts are subject to public disclosure under the Public Records Law. Communications include but are not limited to emails, text messages, voicemails, video recordings, and other forms of Town-related communication conducted by or between members and employees of public bodies.

Open Meeting Law Compliance

All provisions of the Massachusetts Open Meeting Law apply to email and text communications sent or received by or between members of public bodies.



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B. SOCIAL NETWORKING

At the Town of Berlin, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers locally and around the world. However, the use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for the appropriate use of social media. Further, all managers and supervisors should use this policy for guidance in administering social media policies in their respective departments.

Policy

This policy is designed to promote and govern the responsible professional and personal use of social media to avoid uses that can breach confidentiality by revealing protected information about the Town, its citizens, its vendors, and suppliers, or its employees; expose the Town to legal liability for an employer or employee behavior that may be harassing, offensive, or maliciously false; or interfere with employees' productivity and/or their ability to perform the duties and responsibilities of their positions with the Town, or expose the Town or oneself to legal liability through violation of ethics, open meeting or other laws. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect and trust of its constituents and the general public.

The Town is committed to using social media to promote the Town's visibility and to maintain communications with current and prospective employees, customers, business partners, vendors and suppliers, affiliates and subsidiaries, and the general public. The Town adheres to all relevant federal and state laws and regulations regarding electronic communications, including the National Labor Relations Act and other governing statutes.

General Social Media Guidelines

For the purpose of this policy, social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's weblog or blog, journal or diary, personal website, social networking or affinity website, web bulletin board, or chat room, whether or not associated or affiliated with the Town of Berlin, as well as any other form of electronic communication. This includes, but is not limited to, online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content. Social media includes personal websites and all types of online communities, including but not limited to, Facebook, LinkedIn, Yelp, YouTube, Twitter,



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Instagram, Snapchat, TikTok, YikYak, Tumblr, blogs, message boards, and chat rooms. Because technology is rapidly evolving, this policy applies to current and future forms of electronic communications.

The same principles and guidelines found in the Town of Berlin's Anti-Harassment and Discrimination Policy apply to your activities online and through all of the above-mentioned social media outlets. Ultimately, you are solely responsible for what you post online. Before creating online content, consider the risks and rewards that are involved. Keep in mind that any of your conduct that negatively impacts your job performance, the performance of fellow associates, or otherwise adversely affects members, customers, suppliers, people who work on behalf of the Town, or the Town's legitimate business interests, may result in disciplinary action up to and including termination.

Employees should always be mindful of their responsibilities to the Town as described in the Town's Conduct section of this policy manual. All employees are encouraged to use their best judgment when using social media and remember that they are a representative of the Town, even off-premises and/or during non-working hours.

Town-Sponsored Social Media

The Town engages in communications with current and prospective employees, customers, business partners, vendors and suppliers, affiliates and subsidiaries, and the general public via Town-sponsored social media. The Town-sponsored social media are for authorized business use only, and the Town owns the accounts for the Town-sponsored social media, including all content, communications, and connections created, sent, received, or stored on such accounts. Only employees who are designated and authorized by the Town can prepare content for or delete, edit, or otherwise modify content on the Town-sponsored social media as such employees are specially trained by the Town in the use of the Town-sponsored social media.

Employee Use of Social Media for Work Purposes

The Town permits the reasonable use of social media by all employees for work purposes, such as research or to participate in meetings, conferences, or webinars. The Town expects all employees to abide by the Town's Conduct Policy and Anti-Harassment and Discrimination Policy when using social media for work purposes.

Know and follow the rules

Carefully read these guidelines, the Town's Statement of Ethics Policy, Conduct Policy, the Town's Information Technology Resources Policy, and the Anti-Harassment and



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Discrimination Policy to ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence, or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow employees, customers, board members, suppliers, or people who work on behalf of the Town of Berlin. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our open-door policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage citizens, board members, employees, or vendors, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or Town policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Always refrain from posting gossip, and never post any information or rumors that you know to be false about the Town, fellow employees, board members, citizens, vendors, and people working on behalf of the Town.

Post only appropriate and respectful content

Maintain the confidentiality of Town's confidential information. Confidentiality may include personal information about citizens, as well as information regarding the development of systems, processes, projects, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications without permission from the Town.

Do not create a link from your blog, website, or other social networking site to the Town's website.

Express only your personal opinions. Never represent yourself as a spokesperson for the Town of Berlin, unless you have received prior permission to do so from the Town Administrator. If you do publish a blog or post online related to the work you do or



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subjects associated with the Town, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "*The postings on this site are my own and do not necessarily reflect the views of the Town of Berlin.*"

Using social media at work

Refrain from using personal social media while on work time or on the equipment we provide, unless it is work-related and authorized by your manager, and is consistent with the Town's Information Technology Resources Policy. Do not use the Town's email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Retaliation is prohibited

The Town of Berlin prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any town official/manager/employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts

Town employees may not speak to the media on the Town's behalf without contacting the Town Administrator and without prior authorization from the Town Administrator. All media inquiries should be directed to the Town Administrator. For more information or if you have questions or need further guidance, please contact the Town Administrator's Office.

Social Media - Bylaws, policies/procedures, directives, rules, and regulations

While employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites, and other forms of social media while off duty, their status as employees of the Town requires that the content of any postings on those social media sites or other web pages not violate existing Town by-laws, policies, directives, rules, or regulations. Employees must exercise caution with respect to comments they post concerning the Town, a particular department of the Town, and/or other employees and officials of the Town.

Additional Illegal Conduct Prohibited

The Town expects employees to refrain from illegal activities when using social media. Employees who engage in illegal activity via social media are subject to immediate termination and appropriate legal action by the Town or other governmental entities. If



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employees are unclear as to what constitutes legal activity or they have any questions, they should read these guidelines thoroughly and/or contact their supervisor or the Town Administrator. Prohibited conduct also includes making false statements about others or posting information and materials that could contribute to a hostile workplace, such as derogatory comments about an employee's age, race, color, national origin, sex, pregnancy, religion, disability, genetic information, sexual orientation, gender identity, familial status, or other legally-protected characteristic. Online postings that harass or threaten any other Town employees or officials are expressly prohibited. Harassing or discriminatory comments may be deemed inappropriate in violation of this policy even if the Town's name or the names of any of its employees are not posted in the comment. Employees may not take pictures or make audio/video recordings in private areas such as changing rooms, locker rooms, and restrooms, nor should they share such pictures or recordings via social media.

Security and Monitoring of Social Media

Because the Town owns and operates electronic communication systems and devices, the Town may monitor employee use of social media, whether accessed at work or elsewhere through telecommuting, to ensure that electronic communication systems and devices are being used in compliance with federal and state laws and regulations, this policy, and other the Town rules.

Should any employee of the Town receive information about or become aware of a violation of this policy, including but not limited to harassing, offensive, threatening or intimidating communication via a social media site from another employee of the Town, the recipient employee should report the violation to their supervisor, and/or Town Administrator.

Employees may be subject to disciplinary action up to, and including, termination for violations of the social media policy.

C. MOBILE DEVICES PROVIDED BY THE TOWN

Employees whose work requires the issuance of a mobile device will be provided such device at the recommendation of the Department Head and the approval of the Town Administrator.



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Usage Guidelines

Detailed records of the use of Town mobile devices are public records and may be requested at any time.

Mobile devices provided by the Town are to be used for work-related purposes. Personal use of Town mobile devices is prohibited with the exception of de minimis personal use authorized in an employment contract. Use of these devices outside of the United States requires prior Department Head approval. A daily rate plan must be set up in advance with the service provider (e.g., Verizon, AT&T, etc.).

In addition to this policy, the use of mobile devices is governed by personnel policies that relate to the use of all Town computing equipment.

Security Guidelines

Mobile devices with access to email and other data services are part of the Town's technology infrastructure, and as such, will be subject to the security guidelines outlined.

Users are responsible for the physical safety of their Town provided devices and must report lost/stolen/damaged equipment immediately to the technology staff. In certain circumstances, the Town may require reimbursement for lost/stolen/damaged equipment.

The full Information Technology Resources Policy is included in [Appendix O](#).

The full Access Control Policy is included in [Appendix P](#).



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VIII. DISCIPLINE, DISPUTE RESOLUTION, GRIEVANCE

A. DISCIPLINE

It is the responsibility of all employees to observe the rules and regulations necessary for the proper operation of the Town. Supervisors are responsible for the application of these policies.

The Town Administrator is responsible overall for disciplinary actions involving Town employees and may assign responsibility for disciplinary actions to other managerial staff as determined by the Town Administrator. The reasons for disciplinary action that may be imposed range from conduct or action that interferes or prevents the Town from effectively and efficiently discharging its duties to the public to terminable misconduct. When discipline is necessary, the Town has the responsibility to ensure that such discipline is fair and consistent.

Even though Town employees may be "at-will," depending on the severity and frequency of the circumstances, the Town may apply progressive disciplinary procedures. However, based on the nature of the offense, supervisors have the authority to apply verbal and written reprimands, or other appropriate disciplinary measures at any time for any reason. The Town reserves the right to use any or none of the disciplinary measures detailed above at the discretion of the Town Administrator. As a guide and not as an exhaustive list, the actions listed below are not acceptable and may result in disciplinary action up to and including discharge:

- Dishonesty
- Inappropriate conduct
- Deliberate abuse or damage to equipment, materials, and buildings
- Insubordination
- Excessive absenteeism/tardiness
- Disclosure of Confidential Information
- Unauthorized absence
- Conviction of or charge with a felony
- Intentional misuse or unauthorized use of Town property
- Use of, possession of, or being under the influence of alcohol, marijuana, or illegal substances during work hours
- Failure or refusal to carry out a work or training assignment



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- Deliberately falsifying information on an employment application, timesheet, or another record
- Possession of firearms or explosives during work hours
- Behavior that undermines the Town or tarnishes the Town's reputation
- Excessive use of personal mobile devices or personal internet sites during work time

When corrective and disciplinary action is imposed, it may be implemented in progressive stages from minor to severe. Such action is intended to be from a less severe to more severe corrective action to bring about the necessary changes in work habits.

Discipline shall not be applied in an arbitrary or capricious manner. In some cases, however, actions or omissions may result in more severe corrective action upon the first offense depending on the severity of the incident.

Progressive disciplinary actions may include, but are not limited to *oral reprimand, oral reprimand with notation to the personnel file, written reprimand, suspension with pay, suspension without pay, demotion, and termination of employment.*

B. EMPLOYEE GRIEVANCE AND DISPUTE RESOLUTION.

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, they shall be allowed to follow 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 resolve any work-related concerns they might have with their direct supervisor. If the matter is not satisfactorily resolved at this level, the employee may submit an informal appeal and a request for a conference to the Department Head which shall be held within seven (7) calendar days from submission.

If this conference fails to clear up any questions to the satisfaction of the employee, they may refer the matter in writing to the Town Administrator who shall discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem. If an agreement amongst parties can't be reached, the Town Administrator, as HR Director, shall make the final decision.



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IX. APPENDICES

APPENDIX A – RECRUITMENT PROCEDURES

Purpose

The goal of the Town of Berlin's recruitment policy is to recruit and select the best candidate for every position while maintaining a diverse and inclusive workforce.

Internal Recruitment Efforts

In accordance with our policy of promotion from within, the Town attempts to fill all vacancies by promoting current qualified employees.

If a vacant position can't be filled by promotion from within, the Administration reviews all applications and resumes received to determine if there are any qualified candidates.

Reaching Applicants

At the request of a department head, the Town Administrator places classifieds and display advertisements for open positions after review by the Personnel Committee. The Town advertises for a minimum of ten (10) calendar days on job boards, the website, and job search sites. If necessary, advertisements are repeated.

Applications and Resumes

The Town acknowledges receipt of all resumes and applications submitted in response to an advertisement or other effort undertaken by the Town to identify external job candidates. The Town endeavors to notify all applicants who are interviewed, but not selected, of the result of their application. All applications and resumes received by the Town are retained as inactive for six months and kept on file for one year.

Employment Agencies

Depending on the requirements and level of the open position, the Town may contact a municipal recruiting company to locate qualified applicants. At the request of the Select Board, the Town may enlist the services of a recruitment or specialized employment agency to identify and screen potential candidates for certain managerial and executive positions, as well as technical and computer systems jobs.

Equal Opportunity Employment

All of Town's recruitment initiatives emphasize that the organization is an equal opportunity employer. The Town makes every effort to ensure that in every phase of the



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recruitment and selection process, equal employment opportunity is provided to all, regardless of race, color, religion, national origin, ancestry, sex, age, disability, participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status; and other protected identities.

As part of its external recruitment efforts to identify qualified candidates for employment, the Town also works closely with organizations with minority members. The Town is committed to carrying out and complying with all EEO obligations under applicable federal, state, and local laws and regulations.



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APPENDIX B – PERFORMANCE IMPROVEMENT PLAN

Performance Improvement Plan (PIP)

Confidential

TO: _____ Employee name
FROM: _____ Manager name
DATE: _____

The purpose of this Performance Improvement Plan (PIP) is to define serious areas of concern, gaps in your work performance, reiterate the **Town of Berlin's** expectations, and allow you the opportunity to demonstrate improvement and commitment.

Areas of Concern: _____

Bullet point issues and how employee's lack of performance and/or behavior has affected his/her co-workers, the company and clients/customers.

Observations, Previous Discussions or Counseling: _____

Recap dates/times you have addressed the issues in the recent/relevant past. Reference previous documents when applicable.

Step 1: Improvement Goals: These are the goals related to areas of concern to be improved and addressed:

1.	
2.	
3.	



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Step 2: Activity Goals: Listed below are activities that will help you reach each goal:

Goal #	Activity	How to Accomplish	Start Date	Projected Completion Date

Step 3: Resources: Listed below are resources and/or Management Support available to you to complete your Improvement activities (may include other people's time or expertise, funds for training materials and activities, or time away from usual responsibilities.)

1.	
2.	
3.	

Step 4: Expectations: The following performance standards must be accomplished to demonstrate progress toward the achievement of each improvement goal:

1.	
2.	
3.	
4.	
5.	



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Step 5: Progress Checkpoints: The following schedule will be used to evaluate your progress in meeting your Improvement activities.

Goal #	Activity	Checkpoint Date	Type of Follow-up (memo/call/meeting)	Progress Expected	Notes

Follow-up Updates: You will receive feedback on your progress according to the following schedule:

Date Scheduled	Activity	Department Head Signature	Employee Signature	Completion Date
	Initial Feedback Memo			
	Follow-up Feedback Memo			
	Final Status Memo			

Timeline for Improvement, Consequences & Expectations:

Effective immediately, you are placed on PIP not to exceed 60 calendar days. During this time, you will be expected to make regular progress on the plan outlined above. Failure to meet or exceed these expectations or any display of gross misconduct will result in further disciplinary action, up to and including termination. In addition, if there is no significant improvement to indicate that the expectations and goals will be met within the timeline indicated in this PIP, your employment may be terminated before **60 days**. Furthermore, failure to maintain performance expectations after the completion of the PIP may result in additional disciplinary action up to and including termination.

The PIP does not alter the employment-at-will relationship. Additionally, the contents of this PIP are to remain confidential. Should you have questions or concerns regarding the content, you will be expected to follow up directly with me.

We will meet again as noted above to discuss your Performance Improvement Plan. Please schedule accordingly.

Signatures:

Employee Name: _____ Signature: _____ Date: _____

Supervisor Name: _____ Signature: _____ Date: _____



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APPENDIX C - FAMILY AND MEDICAL LEAVE ACT (FMLA)

Purpose

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.

Employee Eligibility

To be eligible for FMLA benefits, an employee must:

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

Leave Entitlement

Eligible employees may use a maximum of twelve weeks of FMLA leave during a rolling 12-month period. A *rolling 12-month period* is defined by the Town to be the 12-month period measured backward from the first day the employee uses FMLA leave or from the child's birth or placement date. This leave can be used for:

- The birth or placement of a child for adoption or foster care.
- Caring for an immediate family member with a serious health condition. Immediate family is defined as a spouse, domestic partner, child, stepchild, foster child, or parent. A child must be under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time FMLA is to commence.
- Medical leave when the employee is unable to work because of a serious health condition;
- 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).

FMLA leave may be taken continuously or on an intermittent/reduced leave basis. If you need intermittent FMLA leave or a reduced schedule, you must attempt to schedule the leave so as not to disrupt the operations of the Town. The Town may assign you to an alternate position with equivalent pay and benefits that better accommodates your intermittent leave or reduced schedule.



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FMLA leave will be unpaid unless otherwise specified in this policy. Employees have the right to use any amount of accrued, unused paid leave for any part of the 12-week period for their own serious health condition (vacation, sick, personal, comp). However, accrued paid leave may not be used to extend FMLA leave. FMLA leave will run concurrently with all other applicable leaves, including, but not limited to, workers' compensation and parental leave.

The Town requires employees to take 50% of any accrued vacation, sick and personal leave at the beginning of FMLA leave 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.

If using sick leave to care for a seriously ill family member, employees may only use up to a maximum of 50% of the sick leave that is allocated to them in a twelve (12) month period. For example, if an employee receives 12 sick days in a 12 month period, they may use a maximum of 6 sick days to care for a seriously ill family member. Other leave (vacation, personal, comp) may be used in full to care for a seriously ill family member.

Maintenance of Health Benefits

The Town will provide the same group health insurance coverage for employees who are insured at the time of their FMLA leave. The employee must continue to pay their share of the health insurance premiums while on FMLA leave, and shall make payment arrangements with the Treasurer/Collector's office.

If you choose not to return to work at the expiration of the FMLA leave for reasons other than the continuation of a serious illness or reasons beyond your control, you must reimburse the Town for the employer portion of premiums it paid in maintaining group health benefits during your FMLA leave.

Notice and Certification

Employees seeking to use FMLA leave are required to provide 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;



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- 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.

Return from Leave

Upon returning from leave, you will be returned to your previous position, or a comparable position with equal pay, benefits, seniority, and other terms and conditions of employment, unless one of the following exceptions applies. If, during the period of FMLA leave, the Town would have ended your employment or you would have been laid off for reasons unrelated to the leave, the Town will not reinstate you to your previous position. Additionally, if you performed unique services and hiring a permanent replacement during the leave was necessary to prevent substantial and grievous economic injury to the Town, we will notify you of the Town's intent not to reinstate you after the expiration of your FMLA Leave.

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.



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APPENDIX D - PARENTAL LEAVE POLICY

Purpose

The Town supports employees who are preparing for the birth 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.

Employee Eligibility

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

Reasons for Parental Leave

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

Amount of Parental Leave

Pursuant to G.L. c. 149, §105D, eligible employees may take up to eight (8) weeks of parental leave in the 12 month period following the date of the birth 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.

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.

Scheduling Parental Leave

Parental leave must be taken all at once during the 12-month period following the date of birth or placement of a child for adoption or foster care. Intermittent parental leave is not permitted but the employee may be eligible for intermittent leave under FMLA.

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, sick and personal leave at the beginning of parental leave granted pursuant to the Act.



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Employees using accrued vacation, sick and personal leave during parental leave shall continue to accrue vacation, sick and personal 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 payment arrangements with the Treasurer/Collector's office. Employees who fail to return to work following parental leave or who lose insurance coverage due to non-payment of premiums may be eligible to continue their group health insurance coverage under COBRA.

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 a break in service for pension or retirement plan purposes.



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APPENDIX E - PREGNANT WORKERS FAIRNESS ACT

Purpose

The Massachusetts Pregnant Workers Fairness Act ("PWFA") 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 must accommodate pregnant workers.

Applicability

The Town will provide reasonable accommodation for an employee's pregnancy, or any condition related to the employee's pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child. This law provides for accommodations for pregnant employees, even if the employee is not experiencing a pregnancy-related disability. The law provides that reasonable accommodations include, but are not limited to:

- More frequent or longer paid or unpaid breaks;
- Time off to attend to a pregnancy complication or recover from childbirth, with or without pay;
- Acquisition or modification of equipment or seating;
- A temporary transfer to a less strenuous or hazardous position, including light duty;
- Job restructuring;
- Private non-bathroom space for expressing breast milk;
- Assistance with manual labor; and
- Modification of work schedule.

Requests for accommodations should be directed to an employee's supervisor/the Town Administrator, and the Town will engage in an interactive process with the employee or prospective employee to determine reasonable accommodations to enable the performance of the essential functions of the employee's job. The accommodation will be provided unless it creates an undue hardship. The Town will not retaliate against an employee who requests or receives an accommodation under this law. Under the PWFA, employees have the right to be free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy, including but not limited to lactation or the need to express breast milk for a nursing child, as well as rights to reasonable



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accommodations as identified above, and a right not to be retaliated against for exercising their rights under the PWFA.

The Town may require documentation about the need for a reasonable accommodation from an appropriate health care or rehabilitation professional except when the accommodation requested is:

- more frequent restroom, food or water breaks;
- seating;
- limits on lifting more than 20 pounds; and
- private non-bathroom space for expressing breast milk.

The Town may require documentation for an extension of the accommodation beyond the originally agreed-to accommodation.



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APPENDIX F - JURY DUTY LEAVE POLICY

Purpose

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.

General Civic Duty Pledge

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

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.

Employee Notification Requirements

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

Pay and Benefits During Jury Leave

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 will not be 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 the 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.

Return to Work from Court Attendance 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.

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.

Anti-Retaliation

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



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APPENDIX G - CONFLICT OF INTEREST

Purpose

The purpose of this policy is to ensure that employees comply with the requirements of G.L. c. 268A, which governs conduct as a public employee.

Policy

It is the policy of the Town to require compliance with the provisions of this law, as summarized by the below representative list. Employees may not:

- Ask for or accept anything (regardless of its value) if it is offered in exchange for you agreeing to perform or not perform an official act.
- Ask for or accept anything worth \$50 or more (in total or aggregate) from anyone with whom you have official dealings. Examples of regulated gifts include sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer," provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties unless you are a state legislator.
- Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- Take any official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
- Take any official action affecting your financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an "after-hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning, or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization,



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you may not take any official action which would impact that organization or its competitors.

- Have more than one job with the same entity or county or more than one job with the state, unless you qualify for an exemption.
- Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are an employee, a company you own may not be a vendor unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- Ever disclose confidential information, data, or material that you gained or learned as a public employee.
- Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism unless you make a proper, public disclosure.
- Use your official position to obtain unwarranted privileges, or any special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to you officially to propose private business dealings.
- Use public resources for political or private purposes. Examples of "public resources" include computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.
- After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.
- Mandatory Training. All employees shall participate and comply with the required training provisions of M.G.L. c. 268A.



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Questions

If you are unsure whether a particular act may violate the Town's Conflict of Interest Policy and/or MGL Chapter 268A, you must seek advice in advance by consulting your supervisor, the Town Administrator, or contacting the State Ethics Commission directly.



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APPENDIX H - NEPOTISM POLICY

Purpose

The purpose of this policy is to establish is to ensure that municipal employees' family relationships do not interfere with their obligation to act objectively and with integrity. It is the Town's objective to prevent a municipal employee from becoming involved in a situation, which could result in a conflict or give the appearance of a conflict.

Municipal Employee

An individual is considered a "municipal employee" if they hold any office, position, employment, or membership in any municipal agency, board, or committee. It does not matter whether they are elected or appointed, full or part-time, paid, or unpaid.

Family Member

Municipal employees' family members encompass the following: Spouse, Children (including Stepchildren), daughter-in-law, son-in-law, Parents (including Step-Parents), mother-in-law, father-in-law, Siblings (including Step-Siblings), sister-in-law, brother-in-law, aunt, uncle, niece, nephew, first cousin.

Policy

No person will be hired in a department where a family member works nor may a municipal employee be transferred or promoted to a position in a department where a family member works.

No family member of persons holding the position of Department Head may work for the Town in that respective Department. If two employees in the same division become family members after the effective date of this policy, one of the employees must vacate their position within ninety (90) days of becoming family members. If the Town employees cannot agree as to who shall vacate their position, then the employee with the least seniority in the department shall vacate the position.

This policy, consistent with the nepotism section of MGL Chapter 268A, prohibits municipal employees from taking any official action which will affect the financial interests of a family member. It also prohibits a municipal employee from participating in any way in the hiring, promotion, supervision, performance review, or salary recommendation of a family member. Thus, a municipal employee may not interview or create a test for applicants for a job for which a family member has applied, partake in the reappointment,



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reclassification, demotion, or firing of a family member, or approve an increase in salary such as a step increase.

An exemption exists for appointed municipal employees who are faced with a potential nepotism conflict. An appointed municipal employee facing a potential nepotism conflict must file a written disclosure with the appointing authority. The appointing authority, in his or her discretion, may give the appointed employee a written determination that the conflict is not so substantial as to affect the integrity of the appointed employee's services to the Town. If the appointed employee receives the written determination prior to participating, then the appointed employee may participate in the particular matter.

This exemption is not available to elected employees. Thus, they must always abstain from participating in a matter involving a family member.

If you are unsure whether a particular act may violate the Town's Conflict of Interest Policy and/or MGL Chapter 268A, you must seek advice in advance by consulting your supervisor, the Town Administrator, or contacting the State Ethics Commission directly.



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APPENDIX I - FRAUD PREVENTION POLICY

Purpose

The Town of Berlin is committed to ensuring the effective stewardship of public funds and other assets for which it is responsible. It is the policy of the Town of Berlin to prevent and deter all forms of fraud that could threaten the security of the Town's assets or its reputation. The Town is committed to the prevention, detection, investigation, and corrective action relative to fraud, and will not tolerate any misuse or misappropriation of Town assets. The Town is committed to ensuring that the opportunity to commit fraud is eliminated. It is most important that an ethical environment is created that flows through the entire organization.

Applicability

This Policy also applies to any suspected fraud as reported to the Town Administrator, the Chair of the Select Board in the absence of the Town Administrator, or by a member of the general public.

Scope

It is the Town's intent to fully investigate any suspected acts of fraud as defined in this policy in an impartial manner regardless of an individual's length of service, position, title, or relationship to the Town.

Any act of fraud that is detected or suspected must be reported immediately and investigated in accordance with this policy.

The Town will make every reasonable effort, including court-ordered restitution, to recover or receive compensation from any appropriate source for Town assets lost due to fraud.

Definition

Fraud is a violation of trust that is defined as a deception deliberately practiced to secure unfair or unlawful gain. The term includes but is not limited to such acts as deception, bribery, forgery, extortion, theft, embezzlement, misappropriation of money or assets, false representation, the concealment of material facts relating to any of the above, and collusion or conspiracy to commit any or all of the above.



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Examples of Fraudulent Activity

Fraud can pertain to many activities. However, this policy looks primarily at financial fraud which may include, but is not limited to:

Misappropriation of Assets

- Forgery, alteration, or misappropriation of checks, drafts, promissory notes, or securities
- Unauthorized use or disposition of Town funds, property, materials, supplies, and equipment belonging to the Town or to which the Town is responsible
- Embezzlement
- Theft
- Falsifying timesheets or payroll records
- Falsifying travel or entertainment expenses and/or utilizing Town funds to pay for personal expenses or personal benefit
- Fictitious reporting of receipt of funds

Fraudulent Financial Reporting

- Improper revenue recognition
- Improper expense/expenditure recognition
- Overstatement of assets
- Understatement of liabilities

Expenditures and Liabilities for Improper Purpose

- Payments in money or other property including but not limited to such things as jobs and discounted or free services in exchange for benefits and other things of value
- Bribes and kickbacks

Prohibited or improper conduct for municipal employees is more fully defined in Massachusetts General Law Chapter 268A.

Related Policies

This Policy is intended to augment provisions of the Act Establishing a Board of Selectmen-Town Administrator Form of Government for the Town of Berlin (the "Act"), Town bylaws, Employee Policy Manual, professional conduct policies, and other relevant policies. The Act shall govern and supersede any conflicting bylaws or policies. Bylaw provisions shall supersede conflicting policy provisions. Should overlaps or contradictions



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arise between this policy and any other policy, the policy most specific to the situation will apply.

Responsibilities

The Town shall investigate any suspected acts of fraud or misappropriation of property. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Town of any person, group, or organization reasonably believed to have committed fraud. The Town Administrator, Administrative Finance Team comprised of the Accountant, Treasurer/Collector, and Assessing Director, and each Department Head is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriation, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

The Town Administrator has the primary responsibility for overseeing the investigation of all suspected fraudulent acts defined in this policy. All Department Heads or individuals, upon discovery of any violation of this policy, must notify the Town Administrator of the alleged violation. If it is determined that corrective action may be provided internally within the department, the department head or individual will notify the Town Administrator as to the recommended steps to address and remedy the violation.

Upon conclusion of the investigation, the results will be reported to the Select Board. Where there are reasonable grounds to believe that fraud may have occurred, the Town Administrator may report the incident to the appropriate authorities, in addition to the Chair of the Select Board, to pursue appropriate legal remedies. The Town Administrator will pursue every reasonable effort to obtain recovery of the assets.

When required, the Town Administrator, Department Heads, and other Town representatives will support and cooperate with the Town's independent Auditors, the Attorney General's office, other federal, state, and local agencies, and law enforcement, in the detection, reporting, and investigation of all fraudulent acts, including the prosecution of offenders.

The Town Administrator, in consultation with the Accountant and Town Treasurer, may identify departments, boards, committees, or commissions with procedures that pose a high risk of potential fraud on a periodic basis. From that list, the Auditors will choose a minimum of one and conduct an in-depth audit of that department, board, committee,



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commission, and its procedures. This audit by no means indicates a department is suspected of fraud or that a complaint has been made.

Procedures for Reporting

The Town recognizes there may only be a suspicion of fraud. Therefore, any concerns should be reported to the Town Administrator. If the concern involves the Town Administrator, the allegation should be reported to the Chair of the Select Board. The Town Administrator has the primary responsibility for the investigation of all suspected fraudulent acts as defined in this policy. All cases of suspected fraud will be investigated and appropriate action will be taken. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Chief of Police.

If an allegation is made in good faith, but the investigation fails to substantiate those allegations, no action will be taken against the individual who made the allegation. If, however, the allegations were made in bad faith or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the unsubstantiated allegation.

Investigation

It is expected that employees will fully cooperate with the Town Administrator, and all involved divisions and law enforcement agencies during the course of an investigation and will make all reasonable efforts to be available to assist with the investigation.

Personnel Actions

If an investigation substantiates an allegation of fraud, disciplinary action, up to and including dismissal and referral for appropriate legal action, may be taken by the Town Administrator, with notice to the Select Board as required by the Act.



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APPENDIX J - WHISTLEBLOWER PROTECTION POLICY

Purpose

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act G.L. c. 149, §185 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act. It is the policy of the Town to encourage the reporting by its employees of improper governmental action taken by Town officers or employees and to protect Town employees who have reported improper government actions in accordance with this policy.

Reporting

The Select Board encourages the reporting in good faith of improper governmental action taken by any Town officers or employees and the reporting of retaliatory actions for such reporting. The Select Board encourages initial reporting to the Town Administrator to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions may, if appropriate, confidentially raise the issue first with their department head, the Town Administrator, or the appropriate governmental agency responsible for investigating such improper action. If requested by the department head or the Town Administrator, the employee shall submit a written report to the Town Administrator stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person's department head, or the Town Administrator.

An employee is not required to comply with the above procedure if he/she:

1. Is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the Town and the situation is emergency in nature;
2. Reasonably fears physical harm as a result of the disclosure provided; or
3. Makes the disclosure to a public body to provide evidence of what the employee reasonably believes to be a crime.



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Employees who make unsubstantiated allegations, false reports, or reports in bad faith without a justifiable basis may be subject to appropriate disciplinary action, up to and including dismissal.

Investigation

The department head or the Town Administrator shall take prompt action to assist the Town in properly investigating the report of improper governmental action. Town officials, administrators, department heads, and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation. Personnel actions taken as a result of the investigation may be kept confidential.

Retaliation

Town officials, department heads, and employees are prohibited from taking retaliatory action against the Town employee because he or she has in good faith reported an improper governmental action in accordance with this Policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their department head, the Town Administrator, or the Select Board. Town officials, administrators, and department heads shall take appropriate action to investigate and address complaints of retaliation. If the department head or the Town Administrator does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

The Town Administrator is responsible for implementing the Town's policies and procedures, reporting improper governmental actions, and protecting employees against retaliatory actions. Town officials and department heads are responsible for ensuring that this Policy is fully implemented within their areas of responsibility.

Violations of this Policy may result in appropriate disciplinary action, up to and including termination.



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APPENDIX K - WEATHER EMERGENCIES

Policy

The following policy is intended to ensure a consistent and uniform approach across all Town Departments when the Town Administrator determines that non-emergency services will be reduced or cancelled. It is the policy of the Town of Berlin to maintain regularly scheduled work hours at Town Offices except when conditions arise that would adversely affect the safety of employees. In doing so, the Board recognizes the challenge of weighing the need to have Town Offices open to serve the public against the potential for personal injury associated with travel during severe weather.

Applicability

This policy applies to general government management, administrative, and support personnel, regardless of work location. It does not apply to Police and Fire personnel, essential Highway Department personnel, and essential call-in personnel. Essential personnel are defined by the department head and/or the Town Administrator or his/her designee and may change for each situation.

Absence due to weather when Town operations are not reduced/cancelled

All employees are expected to be present at work regardless of weather conditions unless they request and are granted appropriate leave. If an emergency occurs before or during the morning commute hours, employees should take a reasonable amount of time in order to ensure safe arrival at work. Employees who prefer to use accrued paid leave instead of reporting to work, are allowed to do so. If the Berlin Memorial School closes or has a delayed opening as a result of weather, Town employees may use up to one extra hour in the morning beyond their normal start time to ensure safe arrival at work, without loss of pay or use of accumulated leave time.

Unless the municipal building is closed by the Town Administrator or his/her designee, employees who fail to report to work must use paid leave for all hours they were scheduled to work for the day.

Early departure from work due to weather

The Town Administrator, in consultation with Department Heads, will monitor weather conditions and assess the need for the continuation of routine Town operations. Early departures from work for personnel due to weather conditions may only be authorized by the Town Administrator. The Town Administrator will communicate the authorization to dismiss personnel to all departments.



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Department Heads are not authorized to dismiss personnel due to weather conditions, before authorization, without a charge to appropriate sick or vacation time, except in extenuating circumstances. If the Department Head authorizes an employee to use leave to depart early and the Town later authorizes an early departure or closing, leave taken will not be restored.

Employees who are on scheduled paid time off or lunch with a scheduled return time after early release is authorized will receive pay for the early release. Department Heads will attempt to notify the employees not to return to work.

If non-exempt employees are required to remain at work or report to work after the municipal building in which they work has been closed, they will be entitled to receive compensation at time and one-half after the designation.

Delay/cancellation of work for non-emergency Monday-Friday employees

It is the policy of the Town of Berlin to compensate employees who cannot report for work when the municipal building they work in is closed due to an emergency. Therefore, employees who can work remotely should do so.

The Town Administrator, after consulting with the Highway Superintendent and Police Chief, will assess the need to delay or cancel non-emergency Town operations due to severe weather. Delay or cancellation of non-emergency operations will be authorized by the Town Administrator based on weather conditions. Any such decision will be made as early as feasible.

Employees on vacation, sick or personal leave, or otherwise not scheduled to work during the affected period are not eligible to be paid under this policy. If the municipal building is not closed by the Town Administrator, employees who do not report to work at all may receive compensation if they choose to use vacation time or sick time.

Delays or cancellation notifications will be made by the Town Administrator, or other designee, by phone. The decision will be communicated to the Highway Department and the Police Department. The decision to close non-essential operations shall be posted on the Town's website at: www.townofberlin.com, on the Town's social media site(s), and a community outreach call may be made via the Town's reverse 911 call system.



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Union Contracts

The policy applies to all general government employees. Employees whose employment is regulated by individual agreements or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by agreement.

If any provision of this policy is found to violate any governing law or regulation, or if any conflicting law or regulation applicable to this policy becomes operative after the effective date of this policy, then this policy shall be amended to comply with that governing law or regulation.

Delay, cancellation, or early departure of work for Transfer Station and Library, employees on evenings, weekends, and holidays

The Town Administrator shall be notified of any such action, but need not be consulted except under unusual circumstances.

The Library Director will determine if operations should be delayed, cancelled, or curtailed due to weather on evenings, weekends and holidays at the Library and shall notify the affected employees as early as possible.

The Chair of the Board of Health will determine if operations should be delayed, cancelled, or curtailed due to weather on evenings, weekends and holidays at the Transfer Station and shall notify the affected employees as early as possible.



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APPENDIX L - DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Policy

It is the policy of the Town of Berlin to provide a drug and alcohol-free workplace for all of its employees.

Purpose

This policy outlines prohibited conduct with respect to controlled substances, marijuana, and alcohol. This Policy complies with the Town of Berlin's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.**

Application

This policy applies to all employees of the Town of Berlin. "Employees" shall be broadly defined as all employees and volunteers working under the auspices of the Town of Berlin, whether or not paid. Employees governed by a collective bargaining agreement are subject only to those provisions not specifically regulated by law or agreement.

It is the policy of the Town of Berlin to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol, marijuana, and controlled substances. The use of alcohol, marijuana, or controlled substances is inconsistent with the behavior expected of employees and subjects the Town of Berlin to an unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

Although certain uses of marijuana have been legalized in the Commonwealth of Massachusetts, this policy and the following procedures expressly apply to marijuana use.

Procedures

The following is prohibited:

- Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances except, in the case of marijuana, where authorized by Massachusetts law.
- On Duty: Any possession, use, or consumption of controlled substances, marijuana (with or without prescription), or alcohol, whether on or off Town of Berlin



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property, or at any other worksite where employees may be assigned, or elsewhere during work hours.

- The use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform the employee's job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Town of Berlin to the general public or otherwise threatens its integrity.

Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or substance-related violations, or who plead guilty or "no contest" to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the Town Administrator.

Employees who are convicted or plead guilty or no contest to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana, or alcohol while on duty, may be required to complete a substance abuse or similar program as a condition of continued employment or re-employment with the Town.

All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug and Alcohol-Free Workplace Policy.

Employee Assistance Program

The Town of Berlin recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Town of Berlin encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the Town Administrator for a referral to the Town's Employee Assistance Program. The Town of Berlin may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.

Sanctions

Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any provisions of this Policy may result in disciplinary action, up to and including termination from employment.



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DRUG AND ALCOHOL-FREE WORKPLACE POLICY ACKNOWLEDGMENT

This acknowledges that I have received and reviewed the Town of Berlin Drug and Alcohol-Free Workplace Policy ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications.

I understand that the unlawful manufacture, distribution, dispensation, possession, impairment, or use of a controlled substance, marijuana, or alcohol is prohibited on any property of the Town of Berlin, or while performing official duties for the Town of Berlin, and violation of this Policy can subject me to disciplinary action, up to and including termination. I further understand that as a condition of employment, I must abide by the terms of this Policy, including the restrictions on off-duty conduct listed in Section IV(A)(1) of the Policy, and further agree to notify my employer of any controlled substance, drug, marijuana, or alcohol related conviction for a violation occurring in the workplace no later than five days after such conviction.

I recognize that the law and associated Policies regarding drugs, including marijuana, and alcohol in the workplace are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended from time to time, is required and constitutes an ongoing employment obligation.

Print Name: _____

Signature: _____

Date: _____

To be included in the employee's personnel file.



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APPENDIX M - ANTI-HARASSMENT AND DISCRIMINATION POLICY

Purpose

It is the goal of the Town of Berlin, Massachusetts to promote a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination in any form.

Policy

The Town will not tolerate unlawful harassment, sexual harassment, and/or discrimination of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about unlawful harassment, sexual harassment, and/or discrimination, or retaliation against individuals for cooperating with an investigation of an unlawful harassment, sexual harassment, and/or discrimination complaint is similarly unlawful and will not be tolerated.

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, disability, participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, pregnancy or pregnancy-related condition, active military or veteran status; and other protected identities. Prohibited behavior includes slurs or other derogatory verbal or written comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

Implementation

To achieve our goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this administrative procedure will not be tolerated. Because the Town of Berlin, Massachusetts takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, the Town will respond promptly to complaints of this type of conduct, and where it is determined that such inappropriate conduct has occurred, the Town will act to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment, sexual harassment, and/or discrimination.



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Definitions

Sexual Harassment

Sexual Harassment is specifically defined in Massachusetts law and means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male, female, or non-binary workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, and cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.



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All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Discrimination

Discrimination is any decision that is made or action taken that is motivated by a bias because of one's:

- Age
- Criminal Record
- Disability
- Sex
- Gender
- Gender Identity/Expression
- Genetics
- Military Personnel status
- National Origin
- Ancestry
- Race
- Color
- Religion
- Retaliation
- Sexual Orientation
- Pregnancy and pregnancy-related conditions
- Other class protected by law

Complaints of Unlawful Harassment, Sexual Harassment, and/or Discrimination

It is a violation of this policy for any employee to discriminate against and/or unlawfully harass another employee. Moreover, an employee's unprotected speech outside the physical workplace may violate this policy.

Transmission of harassing, discriminatory, or otherwise objectionable content using Town resources or while on work time is strictly prohibited.



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The Town expressly prohibits any form of retaliatory action against an employee for filing a complaint of unlawful harassment and/or discrimination and for cooperating in an investigation of such a complaint.

If an employee believes that he or she is subject to unlawful harassment, sexual harassment, and/or discrimination of any type, they should report it immediately orally, or in writing to the Town Administrator at:

Town Administrator
23 Linden Street
Berlin, MA 01503
978-310-5919

Harassment, Sexual Harassment, and/or Discrimination Investigation

All complaints will be investigated promptly under the direction of the Office of the Town Administrator. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

All information disclosed in the investigation will be held in the strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter. The Town's investigation will endeavor to include interviews with the person filing the complaint, the alleged respondent/s and any identified witnesses. When the Town has completed our investigation, the Town will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, the Town will impose disciplinary action up to and including separation from employment.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling up to and including separation from employment and may include other forms of disciplinary action as we deem appropriate under the circumstances.



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State and Federal Remedies

In addition to the above, if you believe you have been subjected to any type of harassment and/or discrimination, you may file a formal complaint with either or both of the government agencies listed below.

1. The United States Equal Employment Opportunity Commission
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
2. The Massachusetts Commission Against Discrimination
One Ashburton Place – Room 601
Boston, MA 02108
(617) 994-6000



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TOWN OF BERLIN, MASSACHUSETTS ANTI-HARASSMENT AND/OR DISCRIMINATION COMPLAINT FORM AND REPORT

Complainant's Name: _____

Complainant's Position/Department: _____

Alleged Offender's Name: _____

Alleged Offender's Position/Department: _____

Date and Time of Alleged Incident: _____

Nature of Alleged Incident: (Include a description of what happened, any relevant details to the incident, etc.)

Name and Position of Any Witnesses to Alleged Incident: _____

Is this the first time the alleged incident has been reported? (circle one) Yes No

If no, when and to whom was the alleged incident reported? _____

Please attach additional information if needed.

Name/Date

Complainant's Signature

Received By, Title

Date



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TOWN OF BERLIN, MASSACHUSETTS

ANTI-HARASSMENT AND DISCRIMINATION POLICY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, hereby acknowledge receipt of the Anti-Harassment and Discrimination Administrative Procedure on the date set forth below.

Employee's Signature

Witness

Date

Please keep the attached document for your files and return this sheet to the Town Administrator's Office.

cc: Personnel File



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APPENDIX N - WORKPLACE VIOLENCE PREVENTION POLICY

Purpose

The purpose of this policy is to establish a standard that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence or who may be perpetrators of workplace violence.

Policy

It is the policy of the Town to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

Implementation

Individuals who commit such acts may be removed from the premises and subject to criminal prosecution. Employees may also be subject to disciplinary action, up to and including termination.

The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is an employee. Supervisors and department heads who receive such reports shall immediately contact the Town Administrator. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

The Town is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not



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tolerate acts of violence committed by or against employees or members of the public on Town property, or during the performance of Town business, regardless of location.

Definitions

For the purposes of this policy, the word violence shall mean an act or behavior that:

- is physically injurious or abusive;
- a reasonable person would perceive as directed (e.g., an intensely focused grudge, grievance, or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
- consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;
- is a behavior or action that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
- consists of a communicated or reasonably perceived threat to destroy property.

Firearms

Possession or use by employees of firearms or other items which may be considered dangerous and/or are designed to cause death or serious bodily injury are prohibited on Town property, in Town vehicles, or in any personal vehicle which is used for Town business, or during business hours, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm in such circumstances is prohibited whether or not the employee is licensed to carry a firearm or has a Firearm Identification Card (FID). Use of other objects by employees, such as but not limited to, pocket knives, razors, hammers, etc., in a dangerous or potentially dangerous manner, is also prohibited.

Violent actions on Town offices, work locations, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

Department heads and supervisors are responsible for receiving reports of incidents of workplace violence, assessing situations, making judgments as to appropriate responses, responding to reports of workplace violence, and initiating the investigation process. Department heads shall submit all reports to the Town Administrator.



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APPENDIX O - INFORMATION TECHNOLOGY RESOURCES POLICY

Purpose

This document formalizes the policy for employees and contractors ("users") of the Town of Berlin on the use of information technology resources; ("Town ITRs"), including computers, printers, and other peripherals, programs, data, local and wide area networks, and the internet. In addition to this policy, individual departments or agencies may choose to issue additional policies governing the use of Town ITRs. Use of Town ITRs by any employee or contractor shall constitute acceptance of the terms of this policy and any such additional policies applicable to an individual department or agency.

Applicability

It is the responsibility of any person using Town ITRs to read, understand, and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of ITRs. Any person with questions regarding the application or meaning of this policy should seek clarification from appropriate management or the Town Administrator. Failure to observe this policy may subject individuals to disciplinary action, including termination of employment.

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.

Policy

Every employee who is authorized to use Town ITR will be provided with a copy of this Policy and will be required to annually acknowledge receipt. It is the responsibility of an employee using the Town's ITR to read, understand, and adhere to this Policy. Any employee with questions regarding the application or meaning of this policy should seek clarification from his/her supervisor or the Town Administrator. Failure to comply with this policy may result in suspension or termination of the employee's ITR privileges and/or disciplinary action up to and including termination of employment.

Implementation Procedure

Acceptable Uses

The Town of Berlin firmly believes that ITRs empower users and make their jobs more fulfilling by allowing them to deliver better services at lower costs. As such, employees



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and contractors are encouraged to use ITRs to the fullest extent in pursuit of the Town's goals and objectives.

Unacceptable Uses of Town ITRs

Unless such use is reasonably related to a user's job, it is unacceptable for any person to use the Town ITRs:

- in furtherance of any illegal act, including violation of any criminal or civil laws or regulations, whether state or federal
- for any political purpose
- for any commercial purpose
- to send threatening or harassing messages, whether sexual or otherwise
- to access or share sexually explicit, obscene, or otherwise inappropriate materials
- to infringe any intellectual property rights
- to gain, or attempt to gain, unauthorized access to any computer or network
- for any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs
- to intercept communications intended for other persons
- to misrepresent either the Town or a person's role in the Town
- to distribute chain letters
- to promote religious beliefs
- to access online gambling sites
- to libel or otherwise, defame any person
- for any use which violates any other Town policies
- for any conduct that may be inappropriate

Data Confidentiality

In the course of performing their jobs, Town employees and contractors often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for employees or contractors to acquire access to confidential data unless their jobs require such access. Under no circumstances may employees or contractors disseminate any confidential information that they have rightful access to unless their jobs require such dissemination.



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Copyright Protection

Computer programs are valuable intellectual property. Software publishers can be very aggressive in protecting their property rights from infringement. In addition to software, legal protections can also exist for any information published on the internet, such as the text and graphics on a website. As such, users must respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.

Computer Viruses

Users should exercise reasonable precautions to prevent the introduction of a computer virus into the local area or wide area networks. Virus scanning software should be used to check any software downloaded from the internet or obtained from any questionable source. In addition, executable files (program files that end in ".exe") should not be stored on or run from network drives.

Network Security

It is critically important that users take particular care to avoid compromising the security of the network. Most importantly, users should never share their passwords with anyone else, and should promptly notify the Town's IT contractor, Data Systems Coordinator, or Town Administrator if they suspect their passwords have been compromised. In addition, users who will be leaving their personal computers (PCs) unattended for extended periods should either log off the network or have password-protected screen savers in operation. Finally, no user is allowed to access the internet or other external networks via modem unless they have received specific permission from the Town's IT contractor, Data Systems Coordinator, or Town Administrator.

Email

When using email, there are several points users should consider due to the exponentially increasing instances of phishing scams and other fraudulent email activity. First, because email addresses identify the organization that sent the message, ex: "@townofberlin.com", users should consider email messages to be the equivalent of letters sent on official letterhead. For the same reason, users should ensure that all emails are written in a professional and courteous tone. Finally, although many users regard email as being like a telephone in offering a quick, informal way to communicate, users should remember that emails can be stored, copied, printed, or forwarded by recipients. As such, users should not write anything in an email message that they would not feel just as comfortable putting into a memorandum.



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Public Record

Email messages are considered public records, are subject to disclosure and record retention requirements of the law, and are discoverable. Employees should not expect that email messages (even those marked "personal" and/or "confidential") are private or confidential. Employees shall not read any emails received by another employee when there is no authorized business purpose for doing so. Employees shall not send any emails or access the internet under another employee's name without authorization. No employee shall change any portion of a previously sent email message without authorization. Employees shall not place Town records or material, including but not limited to copyrighted software and internal communications, on any publicly accessible computer or website without prior express authorization of the employee's department head or the Town Administrator.

No Expectation of Privacy

Employees should have no expectation of privacy in any use of the Town's Information Technology Resources (ITR).

The Town's computer system can store and/or record information transmitted on the system, including password-protected materials, data, information, email communications, and websites viewed. The Town may monitor employee use of ITR, including, but not limited to, computer equipment, email, the internet, websites visited, and files downloaded by the employee. Therefore, employees should not consider ITR and any communications, transmissions, websites viewed, and an email sent or received, to be private or confidential. The mere deletion of messages, data, or files may not eliminate them from the system. All use of the Town's ITR is subject to monitoring by the Town, at any time without notice and notwithstanding any password(s), including, but not limited to data, incoming and outgoing email communications and attachments, websites visited or viewed, and files downloaded. Use of the Town's ITR system constitutes consent to monitoring and is conditioned upon strict adherence to this policy.



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APPENDIX P - ACCESS CONTROL POLICY

Purpose

The objective of this policy is to address the considerations that will help to ensure that the Town's IT Resources and information assets are properly protected against unauthorized access while meeting the access requirements for all authorized users. Critical to achieving this objective is the implementation of controls that address each of the requirements stated in this policy.

Applicability

The following policy applies to any Town employee and any entity that uses Town-controlled resources to access Town networks. As well as any third party that connects to the Town of Berlin's network.

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 be in compliance with such governing law or regulation.

Policy

This policy articulates the access controls that the Town has in place to secure protecting the Town's (IT) Resources. Town authorities and business partners shall protect applications, information assets, IT Resources, and infrastructure against improper or unauthorized access; which could result in a compromise of confidentiality, integrity, and availability of data and IT Resources.

It is the responsibility of the Town to have the appropriate combination of controls (administrative, technical, physical) in effect that provides reasonable assurance that security objectives are addressed.

Implementation Procedure

Password Generation

- A. All Town employees will be given the general password to log in to their machines for the first time.
- B. After the initial login, it is the responsibility of the employee to create, handle, use, and securely store their password.
- C. The password the employee chooses must be at least eight (8) characters long and contain both upper- and lower-case letters.



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- D. The employee's password will expire and need to be changed every 90 days.
- E. Any password the employee creates should be known only to them.

Information Security

- A. Employees are responsible for ensuring that unattended equipment has appropriate protection.
- B. Employees are responsible for ensuring that information contained in papers and removable storage devices on their desks, as well as the information on their computers, has appropriate protection.

Business Requirements for Access Control

The Town through its IT contractor periodically reviews the access and control based on business and security requirements for access.

- Access to IT Resources and information shall be commensurate with the security requirements of that resource and the classification of data it provides access to.
- Authentication methods used for accessing IT Resources and information shall be consistent with the Security Controls articulated in the Data Classification Standards.

Network Access Control

The objective of Network Access Control is to provide access to internal and external networked systems in a controlled manner that is consistent with security policies. Access to the Town's internal and external network shall be protected through a combination of security controls including network segmentation, deployment of firewalls and other security appliances, and appropriate authentication mechanisms to prevent and detect unauthorized access while providing secure access to authorized users and systems.

Policy on the use of Network Services

Access to any given network service will only be granted to authorized users who have a specific need to use that particular service.

User Authentication for External Connections

Only approved remote access methods shall be used for and by employees, contractors, and contracted business partners. Multi-factor authentication (MFA) is required for all Splashtop accounts used for remote access.



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Equipment Identification in Networks

Whenever possible, connections from specific locations and equipment will be authenticated using automatic equipment identification.

Remote Diagnostic and Configuration Port Protection

Any IT Resource that has a remote diagnostic or configuration service or facility will be evaluated to validate the need for remote access functionality.

Operating System Access Control:

The objective of implementing operating system access controls is to enable the ability to restrict access to operating systems to only authorized users.

The Town of Berlin has policies and procedures in effect to prevent unauthorized access to operating systems and provide appropriate access by role (e.g., Administrator), login activities, and generate notifications in the event of a breach.

Secure Log-on Procedures

Your login username and password should only be known by you. If it is written down, it should be written in a secure place.

User Identification and Authentication

The Town does ensure that User Identification and Authentication controls support the security objectives of the system or environment.

There are procedures and controls in place that utilize authentication controls of strength commensurate with the sensitivity of the system and data accessible by authenticated users where appropriate, e.g., cryptographic means, smart cards, tokens, or biometric means.

Password Management System

The Town of Berlin enforces policies and implements an effective password management system.

Use of System Utilities

The Town has system policies and procedures in place to tightly control access and permissions associated with utility programs, including those that might be capable of overriding system and application controls. In order to accomplish this, the Town controls



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the use of System Utilities using identification, authentication, and authorization procedures.

Session Time-out

The Town has system policies and procedures in place to shut down inactive sessions after a defined period of inactivity.

Limitation of Connection Time

The use of connection time-based limitation functionality is considered for systems and environments classified as having highly sensitive or high risk.

Mobile Computing and Teleworking:

The objective of implementing mobile computing and teleworking access controls is to protect against the unique risks introduced by accessing Town IT Resources from potentially unprotected environments.

The Town has policies and procedures in effect to mitigate the additional risks and implements security controls to protect IT Resources accessed from mobile or teleworking environments.

Wireless and remote access methods and controls including Wireless Local Area Network (LAN) access (considered to be remote access) should use only approved and supported remote access methods and enforce required controls on our IT Resources.

In addition to complying with all the requirements articulated in this policy, the Town maintains policies and procedures to mitigate and address added risks associated with Teleworking and remote access to IT Resources.

Responsibilities

- Develop standards and procedures for the Town to follow before entering into contracts providing third parties with access to electronic high sensitivity information including, but not limited to, personal information or IT systems containing such information.
- Approve and adopt this Access Control Policy.
- Exercise due diligence in adhering to the requirements contained in this policy.
- Provide communication, training, and enforcement of this policy that support the security goals



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- Provide proper third-party oversight as applicable for access to and communication with our IT Resources, including applications and information assets.
- Ensure compliance with this policy for all prospective and actual wireless communications deployments, including vendor oversight.
- Ensure all wireless communications deployments are sanctioned and supported by the Town in compliance with this policy and related standards.
- Ensure that the goals and requirements of the Access Control Policy are met.



Employee Policy Manual

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

I am in receipt of the **Town of BERLIN, MASSACHUSETTS Employee Policy Manual**. I received this document on _____, and have read and reviewed the policies contained therein.

I understand that these policies may be amended from time to time and that it is my responsibility to be familiar with and adhere to the provisions of these policies and amendments thereto.

EMPLOYEE PRINTED NAME

EMPLOYEE SIGNATURE

DATE

Note: A copy of this acknowledgment form will be placed in the employee's personnel file.