

TOWN OF LYNNFIELD

Chapter 62

PERSONNEL BYLAWS

October, 2017

PERSONNEL BYLAWS

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ARTICLE I
Purpose and Policies

§ 62-1. Purpose and intent.

- A. It is the purpose of this bylaw to provide to all covered employees the policies and procedures for assuring maintenance of an equitable personnel management system in the Town of Lynnfield. The policies and procedures for personnel administration set forth herein have, as their purpose, to promote the efficiency and economy of government; to ensure that the quality of services offered to the taxpayers is enhanced; to promote the morale and well-being of Town employees; and to promote equal employment opportunity for all employees and candidates for employment, thereby avoiding employment litigation.
- B. The personnel policies are based on the following principles:
- (1) Recruiting, selecting, and developing employees on the basis of their abilities, knowledge, and skills.
 - (2) Providing equitable compensation.
 - (3) Training employees as needed to assure high-quality performance in delivering quality services to the public.
 - (4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose performance does not adequately improve.
 - (5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, sexual preference, creed, handicap, disability, or any other non-merit factor, except where such factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens; prohibiting discrimination against any person on the basis of such non-merit factors.
 - (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for any purpose other than those duties and responsibilities directly associated with their positions in Town government.

ARTICLE II
Equal Employment Opportunity

§ 62-2. Discrimination prohibited.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, sexual preference, handicap, disability, or any other non-merit factor will be prohibited except where such factor is a bona fide occupational requirement. Any employee who feels aggrieved may process an appeal in accordance with the grievance procedure at Article XVIII within.

ARTICLE III
Applicability

§ 62-3. Covered positions.

This bylaw applies to all current Town positions (excluding positions in the Lynnfield Public Schools) that are not covered by a collective bargaining agreement as well as all such positions established hereafter. These include Department heads, their manager level and administrative staff, Employees of the Council on Aging as well as the Town's golf course. (See Appendix A, as amended). While positions covered by a collective bargaining agreement are not directly covered by this bylaw, the recruitment and selection of employees (Article XIV) impacts those positions as those articles direct department heads in the hiring and disciplinary processes.

§ 62-4. Authority of Selectmen.

These policies shall serve as a guide to the administration of a personnel system of the Town of Lynnfield in keeping with basic merit principles. The policies are not all-inclusive; notwithstanding anything in this bylaw to the contrary, final discretion as to interpretation and as to the appropriate course of action concerning a particular personnel matter shall vest with the Board of Selectmen. The Board of Selectmen may, where appropriate, vote to provide benefits to an employee or employees that are greater or lesser than those provided in this bylaw. Unless otherwise authorized by vote of the Board of Selectmen, department heads shall adhere to the provisions of this bylaw in the provision of benefits to employees in their departments. Failure to comply with the provisions of the bylaw will be cause for appropriate corrective action.

ARTICLE IV
Definitions

§ 62-5. Terms defined.

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

APPOINTMENT — The placement of a person in a position.

CIVIL SERVICE LAW — Chapter 31 of the General Laws of the Commonwealth, as said chapter and said rules and regulations may be amended from time to time.

CLASSIFICATION — A group of positions sufficiently similar in duties and responsibilities such that the same employment standards may be applied to all incumbents or applicants and the same pay grade may be applied.

CLASSIFICATION STUDY — The collection, analysis and evaluation of data by the Town to determine the proper value of a classification and/or the proper classification of an individual position.

COMPENSATION — The salary or wages earned by any employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.

COMPENSATION PLAN — A schedule of compensation for all pay grades in the classification plan, including any successive pay rate steps established for each grade. All positions allocated to one grade will be paid according to the salary range established for that grade.

CONTINUOUS EMPLOYMENT — Employment uninterrupted except for required military service, or other authorized leave of absence not to exceed one year.

DEPARTMENT — Any department, board, committee, commission, or other agency of the Town subject to this bylaw.

DEPARTMENT HEAD — The officer, board, or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectmen, the officer, board, or other body immediately responsible to the Board of Selectmen for the administration of the department.

EMERGENCY EMPLOYMENT or EMERGENCY APPOINTMENT — Employment or appointment made for a specified time without requisition to cover an unforeseen emergency; no such employment shall be for a period longer than three consecutive calendar months nor shall any person be employed on an emergency basis more than twice in any calendar year except by specific written permission of the Town Administrator.

EMPLOYMENT DATE — The date on which an employee commences performance of paid duties and is placed on the payroll.

FULL-TIME EMPLOYEE — An employee engaged for full-time employment.

FULL-TIME EMPLOYMENT — Employment for not less than 35 hours per week for 52 weeks per year, minus legal holidays and authorized leaves of absence.

JOB DESCRIPTION — The written description of a position, approved by the Town Administrator, including the title, a statement of the nature of the work, examples of duties

and responsibilities, and the minimum qualification requirements that are necessary for the satisfactory performance of the duties of the position.

LAYOFF — The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

LEAVE OF ABSENCE WITH PAY — Any authorized leave with pay from scheduled work.

LEAVE OF ABSENCE WITHOUT PAY — Any authorized absence from scheduled work without pay.

ON-CALL — Available to be called back to work outside officially scheduled work hours. **PART-TIME EMPLOYEE** Any employee who is employed for less than full-time.

PART-TIME EMPLOYMENT — Any employment that is less than full-time employment. **PAY GRADE** — The pay range for a classification or classifications of positions.

PAY WEEK — Sunday through Saturday.

POSITION — A group of current duties and responsibilities assigned or delegated by appropriate authority to one person.

PROBATIONARY PERIOD — A working test period, following an appointment, during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which appointed.

PROMOTION — The movement of an employee from a position in one pay grade to a position in another pay grade with a higher maximum pay rate.

RECLASSIFICATION — The assignment of a position to a classification different from the one to which it was previously assigned.

REGULAR EMPLOYEE —

- A. Any employee retained on a continuing basis in a regular position as defined below; or
- B. Any employee holding a permanent appointment under the Civil Service Law to a position deemed permanent within the meaning of said law.

REGULAR POSITION — Any position in the Town service which at the time of employment is intended by the Town to require the services of an employee without interruption, for an indefinite period of time, which shall in no event be less than one year, either on a full-time or part-time basis.

SEASONAL/CASUAL EMPLOYMENT — Employment limited to particular seasons of the year (e.g., summer recreation and Public Works seasonal workers).

SENIORITY — An employee's uninterrupted, continuous length of service as a permanent employee with the Town.

STEP INCREASE — An increase in pay from one step to a higher step in the pay range of a pay grade.

TEMPORARY EMPLOYEE —

- A. An employee retained in a temporary position as defined below; or

- B. Any employee holding a temporary appointment under the Civil Service Law who does not also have permanent status thereunder or under this bylaw.

TEMPORARY POSITION — Any position in the Town service which at the time of employment is intended by the Town to require the services of an employee for a fixed term of less than one year.

TOWN — The Town of Lynnfield.

TRANSFER — The movement of an employee from one position to another position within the same classification.

ARTICLE V
Personnel Board

§ 62-6. Membership, appointment and terms.

The Personnel Board shall consist of five members who shall be appointed by the Board of Selectmen and shall serve without pay; the original appointees shall be appointed for the following terms of office: two for three years, two for two years and one for one year. No regular employee or elected or appointed official of the Town shall be eligible for appointment to the Board. Except as provided in the next section, the term of each appointee shall commence on the first day of July in each year and as the terms of the respective members expire, the Board of Selectmen shall make appointments to fill the vacancies. Except for the original appointees, all members shall be appointed for a term of three years.

§ 62-7. Vacancies.

If any member of the Personnel Board shall resign or otherwise vacate his/her office before the expiration of his/her term, the vacancy so created shall be filled by the Board of Selectmen in accordance with MGL c. 41, § 11. Each member of the Board shall serve until his/her successor has been appointed and qualified.

§ 62-8. Officers; meeting dates.

At the first meeting of each fiscal year, the Personnel Board shall meet and organize and elect its own Chairman and Vice Chairman and appoint a regular monthly meeting date and shall notify the Board of Selectmen, Town Accountant and Town Clerk of the results of said election.

§ 62-9. Clerk; expenses.

The Board shall be authorized to obtain the services of a Clerk, with the approval of the Town Administrator who shall keep a record of its official proceedings and actions. The Board, subject to the appropriation therefor, may make such expenditures as may be necessary or appropriate for the performance of its duties.

§ 62-10. Regular and special meetings.

The Personnel Board shall meet regularly (once a month in at least 10 months of every year) for the transaction of business under this bylaw, and it shall hold such special meetings as may be called by the Chairman, or directed by vote of the Board.

§ 62-11. Quorum.

A majority of the total membership of the Board shall constitute a quorum for the transaction of the business of the Board, and the vote of a majority of the members attending and voting shall be necessary for any official act of the Board.

§ 62-12. Office space.

The Selectmen shall furnish the Personnel Board with such meeting space as it may require for the performance of its duties. Such meeting space can be comprised of any available meeting room that is available temporarily during PB meeting times.

§ 62-13. Advisory capacity.

The Board may serve in an advisory capacity to the Town Administrator in all matters relating to salary, rate or classification changes for any position subject to this bylaw and other such matters as the Town Administrator may decide.

§ 62-14. Budget.

During the budget cycle of each year, the Personnel Board Chairperson and the Finance Committee shall meet jointly to review the financial effects of the recommendations of the Personnel Board budget, if requested.

§ 62-15. Publication of recommendations.

The recommendations of the Personnel Board shall be provided to the Town Administrator for his/her guidance.

ARTICLE VI
Role of Town Administrator

§ 62-16. Administrator responsibilities.

The Town Charter delegates the day-to-day administration of the Town's personnel operations to the Town Administrator. Among the responsibilities of the Town Administrator under this bylaw are the following:

- A. Administration of the Classification and Pay Plan, including a continuing analysis and evaluation of the jobs and positions subject to this bylaw.
- B. Maintenance of a salary and rate structure schedule for the Town.
- C. Maintenance of formal job descriptions for the positions subject to this bylaw.
- D. Coordination of the recruitment, testing, selection, and hiring of all employees.
- E. Enforcement of policies and procedures for personnel administration.
- F. Maintenance of personnel systems, forms and procedures.
- G. Review and approval of appointments, promotions, demotions, discipline, and other actions in accordance with the provisions of Articles XIV and XVII of this bylaw.
- H. Responsibility for the orientation, training, supervision, performance review and career development of all directly reporting department heads.
- I. Coordination of employee orientation, training, counseling, and career development in conjunction with department managers.
- J. In conjunction with the Board of Selectmen and the Personnel Board, administration of these personnel policies.
- K. Performance of any other lawful acts which are necessary to carry out the provisions of this bylaw.

ARTICLE VII
Role of Department Heads

§ 62-17. Department head responsibilities.

Department heads shall have responsibility to select, retain, transfer, and promote personnel in accordance with established Town policies. They are expected to effectively supervise their employees, evaluate performance of their subordinates, notify the Town Administrator of changes in duties of their employees in order that the classification plan will be maintained, and recommend salary increases, which will be acted upon by the Town Administrator.

§ 62-18. Pay adjustments for budget purposes.

At the direction of the Town Administrator, each department head shall include in the regular annual department budget a pay adjustment section, setting forth the name of each employee, any recommended change in step or grade, the reasons therefor, and the amounts which he/she believes will be required for proposed pay adjustments in accordance with the resulting compensation scale during the ensuing year.

ARTICLE VIII
Employment, Promotion and Transfer of Non-Civil Service Personnel

§ 62-19. Procedural requirements.

The following provisions shall apply to the employment, promotion, and transfer of Town personnel not subject to the provisions of the Civil Service Law, who shall be regulated as follows:

- A. No employment in or transfer to a paid appointive position in the Town service shall take effect until the same has been presented by the appropriate department head to the Town Administrator for analysis for determination of compliance with the requirements of the Classification Plan, Compensation Plan and other provisions of this bylaw; and if such employment or transfer is in compliance as aforesaid, the Town Administrator shall approve the same in writing and may make such approval retroactive when necessary.
- B. No proposed promotion to a position subject to this bylaw or raise in compensation shall be acted upon by the Town Administrator until it shall first have been submitted to the elected or appointed officer or board having the supervision and control of the department in which the employee is employed.

ARTICLE IX
Classification Plan

§ 62-20. New or changed positions.

All positions subject to this bylaw shall be assigned to a classification. Each classification shall, in turn, be allocated to a pay grade. When a new position is proposed, the applicable department head shall file with the Town Administrator a written request for classification of that position. When a position has changed substantially as to the kind and/or level of work, the department head may file with the Town Administrator a request for (or, alternatively, the Town Administrator may initiate the process for) a classification change. In either event, the request shall be accompanied by a proposed job description for the position. The Town Administrator shall evaluate the position and shall make a decision concerning the appropriate classification of the position. The Town Administrator's decision shall be accompanied by documentation substantiating the decision and, with respect to reclassification requests, shall include an analysis of the changes to the position.

ARTICLE X
Compensation Plan

§ 62-21. Maintenance of plan.

The Town Administrator shall maintain a uniform and equitable pay plan which shall consist of minimum and maximum rates of pay for each pay grade as well as such intermediate steps between the minimum and maximum rates as are deemed appropriate. The Town Administrator shall periodically prepare an analysis of prevailing rates of pay for positions comparable to those covered by this bylaw.

§ 62-22. Hiring rates.

An employee hired by the Town will normally be placed at the minimum step of the pay grade to which his/her position is assigned. However, in instances in which it proves difficult to hire a qualified applicant at the minimum rate, the employee may be hired at a higher step of the pay grade, provided that the department head documents the efforts made to hire a candidate at the minimum rate and submits such documentation to the Town Administrator for review and approval.

§ 62-23. Step increases.

- A. Step increases within an established pay grade are not automatic but require certification by the employee's department head that the employee is performing at an acceptable level of competence, as demonstrated in the performance evaluation system. More particularly, no employee will receive a step increase unless he/she has received an overall written evaluation of at least "Satisfactory" in his/her annual evaluation. All employees shall receive written evaluations by June of each year. Step increases based on a satisfactory evaluation shall be effective July 1.
- B. Employees hired between July 1 and December 31 will be evaluated in May or June of following year and eligible for a step increase July 1; employees hired between January 1 and June 30 will not be eligible for a step increase until July 1 of the next calendar year.
- C. Employees promoted will be eligible for consideration for a step increase (based on "Satisfactory" evaluation or better) the following July 1.
- D. An employee who is on an unpaid leave of absence (or is otherwise not in pay status) for more than six months during the preceding fiscal year (July 1 through June 30) shall not be eligible for a step increase on July 1 but shall, instead, be required to wait until the following July 1 to receive a step increase.

§ 62-24. Promotions.

Upon promotion to a position with a higher pay grade, the employee shall be placed at the step of that grade that is closest to (but higher than) the rate at which the employee was being paid prior to the promotion.

ARTICLE XI
Probationary Period

§ 62-25. Purpose.

The probationary period provides the department head with an opportunity to observe and evaluate an employee's initial fitness for a position.

§ 62-26. Effect of probationary status on grievance procedure.

While all employees covered by this bylaw are "at will" employees who may terminate their employment or be terminated from their employment at any time and for any legal cause, any employee who has completed his/her probationary period may challenge the employee's termination through the grievance procedure provided at Article XVIII herein. A probationary employee, on the other hand, may, during the probationary period, be removed from his/her position at any time without recourse to the grievance procedure.

§ 62-27. Term for new hires.

The probationary period for a new hire shall extend for six months from his/her first day of employment with the Town.

§ 62-28. Promoted employees.

An employee who is promoted to a new position shall also serve a probationary period. This probationary period shall extend for three months from the first day that he/she is compensated at the higher pay grade. An employee who is removed from his/her promotional position during the probationary period will, if feasible, be returned to the position that he/she occupied prior to taking the promotional position. However, if that previous position has been filled or if the Town has decided not to fill the previous position, the employee will be offered any vacant position within the department for which he/she is qualified or will be placed on a preferential hiring list for any vacancies for which he/she is qualified that occur within 24 months of his/her removal from the promotional position.

§ 62-29. Completion of probationary period.

When an employee completes the applicable probationary period, the department head will be required to provide the Town Administrator with written certification of satisfactory performance by the employee during that period.

ARTICLE XII
Performance Evaluation System

§ 62-30. Annual written evaluations.

All employees covered by this bylaw shall be subject to annual written evaluation. Each employee will be evaluated by his/her department head in May or June of each fiscal year.

§ 62-31. Evaluation forms.

The Town Administrator will be responsible for providing standardized evaluation forms for use by the various department heads. These forms will provide for analysis of employee performance in relevant performance categories as well as an overall performance category. The annual appraisal is the summary of the supervisor's observations of the employee during the past year and a summary of the employee's performance in terms of a variety of job-related factors. The appraisal will also include a plan to develop strengths and identify and improve weak areas.

§ 62-32. Evaluation process.

During the applicable time frame for evaluation, the department head shall meet with the employee to review the written evaluation form that has previously been prepared by the department head. The department head and the employee will discuss areas in which the employee's performance could be improved, and will discuss any concerns with the evaluation that the employee may have. If both the department manager and employee have agreed to changes to the evaluation, the department manager will make the agreed-to changes and again meet with the employee to review the evaluation. Once finalized, the employee shall sign the evaluation form on the appropriate line signifying agreement or disagreement with the final evaluation. The employee may prepare a written rebuttal to any provisions of the evaluation with which the employee disagrees. The written rebuttal should be submitted to the Town Administrator, with a copy to the department head. The Town Administrator shall attach the written rebuttal to the evaluation form and the rebuttal, like the evaluation form, will become part of the employee's permanent personnel record.

ARTICLE XIII
Conditions of Employment

§ 62-33. Hours of work.

The regular workweek for full-time employees covered by this bylaw shall be 40 hours or such lesser number of hours as is set by the employee's department head with the written approval of the Town Administrator. In no event, however, shall the regular workweek for a full-time position be less than 35 hours. The actual hours to be worked by employees shall be scheduled by the applicable department head.

§ 62-34. Overtime.

An employee who is not exempt from the provisions of the Fair Labor Standards Act will be compensated at a rate of 1 1/2 times his/her regular hourly rate for all hours worked in excess of 40 during a payroll week or eight in a day. Hours of paid leave taken during a week other than paid sick leave shall be considered as "hours worked" in determining whether an employee is eligible for overtime compensation for that week. No employee shall be permitted to work beyond his/her regular work hours without the explicit authorization of his/her department head.

§ 62-35. Insurance benefits.

- A. Health insurance. Any employee who receives compensation from the Town for his/her services and who regularly works no less than 20 hours per week for the Town may participate in the Town's health insurance program. The Board of Selectmen is responsible for determining the health plans that will be offered as well as the contribution that will be paid by the Town toward the premium expense for such coverage. Details of the program may be obtained from the Treasurer.
- B. Life insurance. Employees who are eligible for participation in the Town's health insurance program are also eligible for participation in the Town's life insurance program. Details of the program may be obtained from the Treasurer.

§ 62-36. Longevity.

- A. Permanent full-time employees will be entitled to payments based on years of continuous full-time service with the Town, payable at the end of the first full pay period of each fiscal year, per the following schedule:
 - (1) Employees who have at least five years of employment at the commencement of the fiscal year, but less than 10 years, shall receive a payment of \$550.
 - (2) Employees who have at least 10 years of employment at the commencement of the fiscal year, but less than 15 years, shall receive a payment of \$625.
 - (3) Employees who have at least 15 years of employment at the commencement of the fiscal year, but less than 20 years, shall receive a payment of \$675.
 - (4) Employees who have at least 20 years of employment at the commencement of the fiscal year, but less than 25 years, shall receive a payment of \$725.

- (5) Employees who have least 25 years of employment at the commencement of the fiscal year shall receive a payment of \$775.
- B. Permanent part-time employees who, on average, work 20 hours per week or more shall be eligible to receive longevity payments on a proportional basis as their average weekly hours compare to the number of hours in the full-time work week for the employee's position.

§ 62-37. Leave for full-time employees.

A. Vacation leave.

- (1) All employees who have been employed for at least one full year of continuous full-time employment as of July 1 of any year, but less than five full years of continuous full-time employment, shall be entitled as of that July 1 to 10 working days of vacation with pay. An employee who has worked less than one year as of July 1 shall accrue 5.83 hours of vacation for each full month of service that he/she has completed as of July 1. Employees who have been employed for at least five full years of continuous full-time employment as of July 1 in any year, but less than 10 full years of continuous full-time employment, shall be entitled as of that July 1 to 15 days of vacation. Employees who have been employed for at least 10 full years of continuous full-time employment as of July 1 in any year, but less than 15 full years of continuous full-time employment, shall be entitled as of that July 1 to 20 days of vacation. Employees who have been employees for at least 15 full years of continuous full-time employment as of July 1 in any year, but less than 20 full years of continuous full-time employment, shall be entitled as of that July 1 to 20 days of vacation plus one additional day of vacation for each year through year 19. Employees with 20 years or more of continuous full-time employment as of July 1 in any year shall be entitled as of that July 1 to 25 days of vacation.
- (2) Vacation time accrued as of July 1 of each year shall be taken in the twelve-month period thereafter, and will not be carried beyond June 30 of the following year without the written-approval of the Town Administrator.
- (3) The department heads shall schedule all vacations at such time as will best serve the public interest, but the employee shall have the right to take his/her vacation between May 15 and September 15 of each year.
- (4) Preference of vacation periods shall be given on the basis of seniority whenever possible, and shall be scheduled within departments as follows:
 - (a) Employees so entitled may take one day to 10 consecutive days of vacation.
 - (b) Selection of the 11th to 15th days of vacation shall be deferred until the initial ten-day selection of other employees.
 - (c) Selection of the 16th to 20th days of vacation shall be deferred until the initial ten-day selection and 11th to 15th day selection of other employees.

- (5) Upon the death of an employee, payment shall be made in an amount equal to the vacation allowance earned as of the preceding July 1 and not taken, and a further allowance of one day for each month accrued since July 1, subject to the limitations of Subsection A(1) above. The department head, with the approval of the Town Accountant, will authorize payment in the following order of precedence:
 - (a) To the surviving beneficiary or beneficiaries, if any, lawfully designated under the Essex County Retirement System.
 - (b) If there be no such designated beneficiary, to the estate of the deceased.
- (6) Persons who resign after giving two weeks' notice, or whose services are terminated by dismissal except for cause, shall be paid for vacation time accrued as of the date of resignation or dismissal. Persons who enter military service for a period of not less than six months shall be paid for accrued vacation.
- (7) When a paid holiday occurs during an employee's vacation, he/she shall either receive holiday pay or shall be entitled to a day's vacation at a time approved by the appropriate department head.
- (8) The Treasurer shall be notified by the department head of all leave taken on forms provided for such purpose.

B. Sick leave.

- (1) Upon completion of 180 calendar days of permanent full-time employment, an employee will be credited with 7.5 days of sick leave. Thereafter, the employee will earn sick leave on the basis of 1 1/4th days of sick leave for each month of full-time service. Sick leave not used in any year may be accumulated, but not to exceed 180 working days in the aggregate.
- (2) Accrued sick leave will be determined from attendance records since January 1, 1957. Upon termination of employment, employees shall not be entitled to any direct or indirect payment for unused sick leave.
- (3) Sick leave will be granted to employees only under the following conditions:
 - (a) When incapacitated by sickness or injury.
 - (b) When, because of exposure to contagious disease, the presence of the person at work would jeopardize the health of others.
- (4) With the department head's and Town Administrator's approval, vacation time may be converted to sick leave if no sick leave time is available.

- (5) A medical certificate may be required as proof of sickness, injury or exposure to contagious disease. Failure to report absence promptly or to obtain a required certificate within seven calendar days after request will provide the department head with sufficient reason for disapproving a sick leave request.
 - (6) If any employee is injured while performing his/her duty, and such accident is covered by workers' compensation, he/she shall receive sick leave up to the extent of his/her credits until payment under Workers' Compensation Law begins. In addition, he/she may use accrued sick leave to satisfy the difference between compensation payments and his/her regular salary. Any absence resulting from such injury that is in excess of available sick leave or vacation credits shall be deemed leave of absence without pay.
 - (7) Traffic supervisors shall be allowed one working day of sick leave for each month of service, not to exceed seven working days per year.
 - (8) No sick leave will be granted to temporary employees.
 - (9) Unauthorized absence or abuse of sick leave shall be grounds for disciplinary action by the Town up to discharge of the employee.
 - (10) A regular full-time employee (other than the Town Administrator) who does not use any sick leave during a particular calendar quarter (January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31) shall be granted one day of personal leave, provided the employee had use no more than six days of sick leave during the twelve-month period that preceded the commencement of the calendar quarter.
 - (11) Upon retirement of an employee pursuant to M.G.L.c.32, the employee shall be entitled to cash payment for twenty-five percent (25%) of his/her accumulated unused sick leave at his/her then hourly rate. In no event, however, shall an employee be paid more than two hundred fifty (250) hours. Employees hired on/or after July 1, 2017 shall not be eligible for the provisions of this section.
- C. Funeral leave. In case of death in the immediate family (husband, wife, children, parents, stepparents, grandparents, brothers, sisters, mothers-in-law, fathers-in-law), employees will be granted up to three calendar days in each instance without loss of pay. Such funeral leave may extend to one day after the funeral.
- D. Personal leave.
- (1) Regular full-time employees, excluding temporary employees, shall be entitled to be absent from work for three days per fiscal year without loss of their regular straight- time pay to attend to personal business.
 - (2) Such absence shall be requested of the department head not later than three working days in advance of its occurrence. The scheduling of such absence for personal business shall be at the reasonable discretion of the department head. Such personal day shall not be used to extend vacations.

E. Holidays.

(1) Regular full-time employees shall receive their regular straight-time pay for the following legal holidays falling on a regular day of work.

(a) The holidays are:

January 1	Columbus Day
Martin Luther King, Jr. Day	November 11
Presidents' Day	Thanksgiving Day
Patriots' Day	Day after Thanksgiving
Memorial Day	1/2 day before Christmas
July 4	Christmas Day
Labor Day	

(b) To be eligible for such holiday pay, an employee shall have worked or have satisfactorily presented himself/herself for work on the regularly scheduled work day before the holiday and the first one after it unless absence on either or both days is approved by the department head.

(2) If required to work on a holiday enumerated above, exclusive of the day after Thanksgiving, an employee who is not exempt from the Fair Labor Standards Act shall receive, in addition to regular holiday pay, time and one-half (1 1/2) for hours worked. The day after Thanksgiving is a non-premium holiday and such an employee, if required to work, would receive, in addition to regular holiday pay, straight time for hours worked.

(3) Traffic supervisors will receive regular straight-time pay for school holidays.

(4) When a holiday under Subsection E(1) falls on a Saturday, the Friday immediately preceding shall be observed; and when it falls on a Sunday, the Monday immediately following shall be observed.

F. Discretion to grant greater leave entitlement. Upon hiring an individual into a department head or administrative position, the Board of Selectmen may, in appropriate situations, elect to provide the individual with a greater leave entitlement than would be required under the previous subsections.

§ 62-38. Leave for part-time employees.**A. Eligibility.**

- (1) Permanent part-time employees (other than call firefighters) who, on the average, work twenty hours per week or more shall be eligible to receive the following benefits, on the basis provided below:
 - (a) Vacation leave.
 - (b) Sick leave.
 - (c) Holidays.
 - (d) Funeral leave.
- (2) The above-listed benefits (and longevity for clerical employees) are the only fringe benefits available to part-time employees, except for any health insurance entitlement pursuant to MGL c. 32B.
- (3) Call firefighters are not eligible for any benefits under this bylaw regardless of how many hours they work.
- (4) Seasonal employees, and part-time employees who, on the average, work fewer than twenty hours per week, shall not be eligible for any benefits.

B. Vacation leave. Vacation entitlement for part-time employees shall be calculated as of July 1 by dividing the average number of hours worked by the employee on a weekly basis since the previous July 1 (or, if hired after the previous July 1, since the employee's employment date) by the number of hours in the full-time work week for the employee's position and then multiplying that fraction by the number of days of vacation to which a full-time employee who has the same length of continuous service to the Town would be entitled pursuant to § 62-37A above.

C. Sick leave. Upon completion of 180 calendar days of employment with the Town, an eligible part-time employee will thereafter earn sick leave on a proportionate basis as the employee's average weekly hours compared to the number of hours in the full-time workweek for the employee's position. For example, an employee who worked 20 hours per week in a part-time clerical position for which the full-time work week was 35 hours would have his/her monthly sick leave entitlement calculated as follows:

$$20 / 35 \times 8.75 \text{ hours} = \text{monthly sick leave entitlement}$$

D. Holidays. An eligible part-time employee who is regularly scheduled to work on the day of the week on which any one of the holidays listed at § 62-37E, above, is observed shall be paid for the number of hours that he/she was regularly scheduled to work on such day, provided that he/she has worked his/her shift immediately prior to the holiday and his/her shift immediately after the holiday (unless absence on either or both days is approved by the department head).

- E. Funeral leave. In case of death in the immediate family (husband, wife, children, parents, stepparents, grandparents, brothers, sisters, mothers-in-law, fathers-in-law), employees will be granted three calendar days in each instance without loss of pay. Such funeral leave may extend to one day after the funeral.

§ 62-39. Leaves of absence.

Except as otherwise provided in this bylaw, or applicable state or federal statute, all leaves of absence shall be without compensation or other benefits and shall be subject to the approval of the department head. When a leave of absence is occasioned by the medical disability of an employee, as ascertained under § 62-37B of this bylaw, after exhausting all available sick leave and vacation leave, the full-time employee shall be granted one day of additional sick leave for each month of such disability and a part-time employee shall be granted one part-time day for each month of such disability.

- A. Leave without pay. Upon approval of the Board of Selectmen, or its designee, an employee may be granted leave without pay for a specified period of time not to exceed one year. At the expiration of a leave without pay, the employee shall return to the position or to a similar position. Failure of the employee to report promptly at the expiration of such leave shall be considered a resignation. Leave without pay shall not constitute a break in service. However, during leave without pay vacation, personal leave, and sick leave shall not accrue.
- B. Jury service. Full-time employees shall be allowed leave to fulfill jury duty. If the jury fees, exclusive of travel allowances, received by said employee for such jury duty shall be less than the regular pay received by him/her from the Town, the difference between said fees and regular pay shall be paid to such employee by the Town. However, as a condition to receiving such payment, the employee agrees that if during such jury duty he/she is discharged for the day or major portion thereof during regular work hours, he/she will report to his/her supervisor for such work as may be assigned. An employee performing such jury duty and who desires the benefit of this subsection shall be required to present weekly to his/her department head a certificate by the court or any duly authorized representative as to the time spent by the employee in such jury duty during such week.
- C. Regular military service; re-employment. Leaves without pay shall be granted to permanent full-time and part-time employees, excluding temporary employees, who enter military service in accordance with the provisions of the Acts of 1941, Section 708, as amended (Appendix to General Laws Chapter 33), for the duration of a single enlistment which, except for a national emergency as declared by the President of the United States, will not exceed four years.

- D. Military training leave. Any member of the Reserve Forces of the United States who, in order to receive military training not exceeding 17 days in any one calendar year, leaves a position of regular full-time employment with any Town department and who first shall give notice to his/her department head of the date of departure and date of return for the purpose of military training, and who shall give evidence to his/her department head of the satisfactory completion of such training immediately thereafter, shall be entitled to treat such time of absence for military training as military leave time and be compensated therefor by the Town in an amount equivalent to the difference between his/her normal rate of pay from the Town and the base pay received by him/her from his/her reserve unit. Such employee shall provide evidence satisfactory to his/her department head of the base pay he/she received from said reserve unit during said period of time. The employee's absence for military training shall not affect the employee's right to receive normal vacation, sick leave, advancement and other advantages of his/her employment normally to be anticipated in the employee's particular position. In lieu of military leave time and compensation therefor as provided above, the employee shall be entitled to treat such time of absence for military training as part or all of the vacation time to which he/she is entitled and be paid in full for said time upon request prior to departure, notice of date of departure and return for the purpose of military training being first given by the employee to his/her department head.
- E. Parental Leave for purposes of giving birth or adoption.
- (1) Per Massachusetts Medical Leave Act (MMLA), as amended, a full-time male or female employee who has completed his/her probationary period, or, if there is no such probationary period, has been employed for at least three (3) consecutive months, and who is absent from his/her employment with the Employer for a period not exceeding eight (8) weeks for the purpose of giving birth or adoption, shall be granted a parental leave without pay if his/her request for such leave is made to the department head at least two (2) weeks in advance of the anticipated date of departure. If an employee has accrued sick leave or vacation credits at the commencement of his/her parental leave, he/she may use such leave credits for which he/she may be eligible under the sick leave or vacation provisions of this by-law.
 - (2) At the expiration of the parental leave, the employee will be restored to his/her previous position or similar position with the same status, pay and length or service credit as of the date of his/her leave. If during the period of the leave, employees in the same or similar position in the department have been laid off through no fault of their own, the employee will be extended the same rights and benefits, if any, extended to employees of equal length of service in the same or similar position in the department.
 - (3) Notwithstanding any other provisions of this Bylaw to the contrary, the parental leave granted under this article shall not affect the employee's right to receive any contractual benefits for which he/she was eligible at the time of his/her leave.
 - a. If, upon request of an employee, the department head grants a leave beyond eight (8) weeks, such leave shall be considered a regular leave of absence without pay. The period of such unpaid leave shall not be included in any computation of contractual benefits, rights, or advantages.
 - b. Not later than two (2) weeks prior to the expiration of the eight (8) weeks parental leave, an employee may request a return to work reduced time. If approved by the

department head, said employee will accrue benefits in the same proportion that such part-time service bears to full-time service.

F. Family and Medical Leave. Under the Family and Medical Leave Act of 1993 (FMLA), eligible employees are entitled to take up to 12 weeks of unpaid, job-protected leave during a twelve-month period for specified family and medical reasons.

1. Eligibility.

- (a) An employee who has been employed by the Town for at least 12 months and has worked at least 1250 hours in the Town's service over the previous 12 months is eligible for FMLA leave.
- (b) Purposes for which FMLA leave may be taken. FMLA leave may be taken for the following purposes:
 - 1. For the birth and care of the newborn child of the employee;
 - 2. For placement with the employee of a son or daughter for adoption or foster care;
 - 3. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
 - 4. To take medical leave when the employee is unable to work because of a serious health condition.
- (c) Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

(2) Twelve-month period.

- (a) The twelve-month period in which the 12 weeks of FMLA leave may be taken is a "rolling" twelve-month period measured backward from the date an employee uses any FMLA leave. Thus, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.
 - (b) For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2017, four weeks beginning June 1, 2017, and four weeks beginning December 1, 2017, the employee would not be entitled to any additional leave until February 1, 2018. However, beginning on February 1, 2018 the employee would be entitled to four weeks of leave, and on June 1 the employee would be entitled to an additional four weeks, etc.
- (3) Serious health condition. As used in the FMLA, the term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:
- (a) Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such

inpatient care; or,

- (b) Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
 - [1] A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - [a] Treatment two or more times by or under the supervision of a health care provider; or
 - [b] One treatment by a health care provider with a continuing regiment of treatment; or
 - [2] Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
 - [3] A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
 - [4] A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
 - [5] Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

- (4) Intermittent leave. Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.
 - (a) If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent leave is permissible only with prior approval of the Board of Selectmen.
 - (b) FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.
- (5) Use of paid leave time. An employee may choose to use accrued vacation leave or personal leave to cover some or all of the FMLA leave. Also, to the extent that the circumstances of the leave meet the Town's usual requirements for the use of sick leave, the employee may elect to use accrued sick leave. For example, an employee whose FMLA leave is due to his/her own "serious health condition" would be able to elect to use accrued sick leave during the FMLA leave. However, an employee whose FMLA leave is for the purpose of caring for his/her sick parent would not be able to use paid sick leave during his/her FMLA leave since under the Town's policies sick leave may not be used for family illness.
- (6) Maintenance of health benefits. During the period that an employee is on FMLA leave, the Town will maintain its usual contribution toward the premium expense of the health insurance coverage in which the employee is enrolled. The employee will be required to make arrangements with the Town Treasurer for paying his/her share of the premium expense during such leave.
- (7) Notice requirements and certifications.
 - (a) Employees seeking to use FMLA leave are required to provide to their supervisor or department head 30 days' advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. When the approximate timing of the need to take FMLA leave is not foreseeable, the employee will be expected to provide notice to the Town as soon as practicable under the facts and circumstances of the particular case.
 - (b) The Town may also require employees to provide:
 - [1] Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
 - [2] Second or third medical opinions (at the Town's expense) and periodic recertification; and
 - [3] Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

- (c) When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.

- (8) Job restoration.
 - (a) Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.
 - (b) In addition, 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, nor be counted against the employee under a "no fault" attendance policy.

- (9) Further information. The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, has issued detailed regulations that explain the rights of employees and employers under the FMLA. A copy of these regulations is available at the Town Administrator's office.

If any portion of the by-laws contained herein conflict with the provisions of the Massachusetts Maternity Leave Act or the Family Medical Leave Act, the provisions of the applicable statute shall prevail. In addition, MMLA and MCAD's interpretation will apply in all questions related to qualifying circumstances for use of both MMLA and FMLA in same 12-month period.

- G. Domestic Violence Leave. Employees who are impacted by domestic violence, if eligible, and in accordance with M.G.L. c. 149, § 52E, may elect to take leave under the Town's Domestic Violence Leave Policy. See Appendix B, as amended.

ARTICLE XIV
Recruitment and Selection of Employees

§ 62-40. Policy.

To assure a high quality of service to the public, selection will be from among the most competent individuals. Selection and appointment to all positions will be based solely upon job-related requirements and the applicant's demonstration that he/she possesses the skills, knowledge, abilities and other characteristics necessary for successful job performance.

§ 62-41. Recruitment procedures.

- A. When a vacancy occurs in a department or when the department head anticipates a vacancy in the department, and the Town Administrator determines that the position should be filled, the department head will review the duties and responsibilities of the vacant position, as well as the organizational needs of the department, to determine if the position (or job description therefor) needs to be revised. Any proposed changes to the position or its job description shall be discussed with and approved by the Town Administrator. The TA review will consider both the proposed changes to the job description and whether or not such agreed changes warrant a change to the position's classification.
- B. Initial consideration in the selection process for a position shall be given to qualified "in-house" employees, as a method of advancement and upward mobility. "In-house" employee means any permanent full-time or part-time employee. Vacancies will be posted for in-house consideration for three days.
- C. If no in-house candidate is selected for the vacant position, the department head will be required to publicize the vacancy. All vacancies in regular positions will be advertised in a newspaper with general circulation within the area or electronic platform, such as job boards, etc. Positions with administrative classifications shall, in addition, be advertised in professional publications and/or a newspaper with broad circulation.
- D. To allow sufficient time for qualified candidates to apply for the position, recruitment efforts will be conducted for at least 10 days prior to the selection of a candidate (unless an in-house candidate is selected in accordance with Subsection B above).
- E. Interview/Selection.
 - (1) After the close of the application period, the department head will review the applications and select candidates to be interviewed for the position. Where appropriate, the department head may utilize testing procedures to aid in the selection process.
 - (2) Once all interviews and other selection procedures have been completed, the department head will make a selection from among the applicants, subject to the review of the Town Administrator. Prior to making that selection, the department head will have contacted the candidate's former employers and references for background checks. CORI check will also be conducted, per State requirements and regulations.

- (3) Upon making the selection, the department head will notify the successful candidate that he/she has been selected for the position conditional upon satisfactory completion of a Town-sponsored medical examination.

§ 62-42. Pre-employment medical examination.

Prior to starting work, and after a conditional offer of employment has been extended, the applicant shall undergo a pre-employment medical examination by a physician(s) designated by the Board of Selectmen and at the Town's expense. Following the examination, the physician(s) shall notify the Town Administrator whether the prospective employee, with reasonable accommodation, i.e. American Disabilities Act, is capable of performing the essential functions of the position for which he/she is being considered.

§ 62-43. Notification requirements.

From the date of the adoption of this bylaw forward, all department heads hiring employees are required to notify the Treasurer and Town Accountant of such employment, including whether the employee is regular, temporary, part-time or full-time.

- A. Documentation of selection process. The interview and selection process shall be appropriately documented by the department head. Upon the hiring of a candidate, the department head shall provide all such documentation to the Town Administrator for filing. Any records relating to the applicant's pre-employment medical examination shall be placed in the employee's personnel file to be consistent with HIPAA State regulations.
- B. Seasonal positions. All seasonal positions shall be filled in compliance with the provisions of this section, except that the advertising requirements for such positions will be satisfied by advertisement in a newspaper or newspapers with circulation limited to the Town or electronic platform, such as Job Boards, etc. An individual who has previously served in a seasonal position will be required to reapply for such position if he/she wishes to be employed for another season.
- C. False or misleading statements in the application process. False or misleading statements made on an application or in other aspects of the selection process shall be grounds for rejecting a candidate's application and, if discovered after the candidate has been hired, shall be considered grounds for dismissal.

ARTICLE XV
Personnel Records

§ 62-44. Files for individual employees.

An individual personnel file of all Town employees, both elected and appointed, except employees of the School Department, shall be prepared and kept by the Treasurer in his/her office. It shall be the duty of each Town officer and employee to furnish to the Town Administrator forthwith, upon request, all information needed for the completion of this file. Such files shall be available to the Board of Selectmen and Personnel Board at all reasonable times for referred cases involving disciplinary action only. Such files shall not be public records and shall be kept confidential as per State regulations.

§ 62-45. Records defined.

As used in this article, a personnel record shall include any record that identifies an employee, to the extent that the record is used or has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. However, a personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy. All records kept shall be made consistent with the requirements of the Fair Labor Standards Act.

§ 62-46. Required information.

All of the following written information or documents regarding an employee shall be included in the personnel record for that employee: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the Town by the employee; all employee performance evaluations, including, but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee.

§ 62-47. Employee review.

The Town Administrator shall provide an employee with an opportunity to review his/her personnel file within five days of the employee's request. A copy of his/her personnel file will be provided to an employee within five days of his/her written request.

§ 62-48. Revised records.

If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the employer and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position, which shall thereupon be contained therein and shall become a part of such employee's personnel record. The statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file. Information contained in a personnel record may be removed from the personnel file upon mutual agreement of the Town Administrator or department head and the employee for any reason.

§ 62-49. Record retention.

Except for any information that is removed by mutual agreement of the Town and the employee, the Town shall retain the complete personnel record of an employee without deletions or expungement of information from the date of employment of such employee to a date three years after the termination of employment by the employee with such employer unless otherwise required by law. In any cause of action brought by an employee against the Town in an administrative or judicial proceeding, the Town shall retain any personnel record required to be kept under this section which is relevant to such action until the final disposition thereof.

ARTICLE XVI
Code of Conduct

§ 62-50. Employee responsibilities.

Town employees are expected to perform their work responsibilities in a thorough and conscientious manner. They are required to comply with:

- A. All of the policies and operating procedures of the department in which employed; and
- B. All of the directives of their supervisors.

§ 62-51. Ethics.

Each person employed by the Town occupies a position of public trust. As a result, Town employees must always be mindful of their ethical responsibilities. An employee must avoid taking any action that might result in or create the reasonable basis for the impression that he/she was:

- A. Using public office for private gain;
- B. Giving preferential treatment to any person or entity; or
- C. Conducting Town business in other than an impartial manner.

§ 62-52. State law requirements.

Chapter 268A of the Massachusetts General Laws governs the conduct of public officials and employees, and provides a comprehensive set of guidelines for the performance of a municipal employee's duties. In general, those guidelines may be reduced to the following principles:

- A. An employee may not ask for or accept anything (regardless of its value) which is offered in exchange for the employee agreeing to perform or not perform an official act.
- B. An employee may not ask for anything nor accept anything of more than nominal value from anyone with whom the employee has official dealings.
- C. Unless an employee makes a proper public disclosure, including all of the relevant facts, to the appropriate municipal official(s), the employee may not take any action that could create an appearance of impropriety, or could cause an impartial observer to believe that the employee's official actions were tainted with bias or favoritism.
- D. An employee may not use his/her official position to obtain unwarranted privileges, or any type of special treatment, for himself/herself or anyone else. For example, an employee may not use public resources (e.g., Town offices, supplies or equipment, staff labor, sick time) for personal purposes.
- E. Unless an employee qualifies for an exemption (see MGL c. 268A, § 20), the employee may not have a financial interest in a Town contract or hold more than one position with the Town.
- F. An employee may not hire, promote or supervise members of the employee's or his/her spouse's immediate family, or take any other type of official action which would affect such relatives' financial interests.

- G. An employee may not take any official action affecting the employee's own financial interest, or the financial interest of a business partner, private employer, or any organization for which the employee serves as an officer, director or trustee.

§ 62-53. Prohibited conduct.

Consistent with the prohibitions contained in Chapter 268A, Town employees are expected to abide by conduct requirements, including but not limited to the following:

- A. No employee shall engage in any business other than his/her official Town duties during regular working hours.
- B. No employee shall engage in any form of outside employment that interferes with the employee's proper and effective performance of his/her position with the Town, nor shall an employee engage in any form of outside employment that would create the appearance of a conflict of interest with the employee's position with the Town.
- C. No employee shall use confidential information obtained in his/her official capacity as a Town employee for his/her own financial advantage, nor shall he/she provide relatives, friends, business associates, or others with such confidential information.
- D. No employee shall use, or allow the use of, Town property (of any kind) for other than official Town business.

Also in accordance with the Civil Rights Act of 1964 and M.G.L. Ch 151B, S 4 (16A), the Town has a clearly established policy regarding sexual harassment in the workplace by managers, supervisors, employees, vendors and contractors. See Appendix C, current policy as amended.

The Town is committed to providing a professional environment that is free of violence in any form. The Town's policy regarding workplace violence is detailed in Appendix D, current policy as amended.

The Town has established policy guidelines for the use of social media communication. See Appendix E, current policy as amended.

The Town has established policies regarding both the use of Town Electronic Communication and related Technology. See Appendix F, current policy as amended.

All public employees have Whistleblower protections under M.G.L Ch 149, S 185. Retaliation against employees reporting violations of law or risks to public health, safety or environment are prohibited. See Whistleblower Retaliation Policy, Appendix G, current policy as amended.

ARTICLE XVII
Disciplinary Action

§ 62-54. Employee responsibilities.

It is the responsibility of all employees to adhere to the Town's policies and regulations, as well as to the laws of the commonwealth, and to follow the directives of their supervisors. In those instances where violations of those policies, regulations, laws or directives occur, disciplinary measures must be taken.

§ 62-55. Progressive discipline.

The Town is committed to a system of progressive discipline. The progressive discipline system uses successive levels of increasing sanctions to address most disciplinary violations. Those levels will include oral reprimand, written reprimand, suspension and discharge.

- A. Under the Town's system, disciplinary action for the less serious types of disciplinary infractions will normally be initiated by the issuance of an oral reprimand to the offending employee. In such case, the supervisor issuing the oral reprimand will make a notation in the employee's personnel file documenting the issuance of the reprimand. If additional disciplinary infractions occur, a higher level of disciplinary sanction will be imposed. If the second infraction is one that would normally warrant only an oral reprimand for a first offense, the supervisor would impose a written reprimand for that second infraction. A third infraction involving that degree of seriousness might result in an additional written reprimand and/or a suspension.
- B. While many disciplinary infractions will be processed through the successive levels of the system, more serious offenses ~~will~~ may warrant the immediate imposition of the more serious levels of discipline. For example, there are certain infractions that ~~would~~ could result in the immediate discharge of the employee, even if the employee had no prior disciplinary infractions. Other offenses might, because of their seriousness, require the imposition of a suspension for a first offense. It shall be within the discretion of the supervisor/department head to decide at what level of the system a particular disciplinary infraction should be processed.

§ 62-56. Written warnings and suspension notices.

Written warnings and suspension notices should include: the specific behavior and the dates of the behavior that support the discipline, and a warning of the disciplinary sanctions that the employee may expect for future disciplinary infractions. A written suspension notice will ordinarily be provided to the employee within one working day of the effective date of the suspension. All written warnings and suspension notices will be placed in the employee's personnel file.

§ 62-57. Discharges.

- A. No department head or supervisor will discharge an employee or suspend an employee for more than five working days without prior consultation with the Town Administrator or, in his/her absence, the Chair of the Board of Selectmen.

- B. No department head or supervisor will discharge an employee until he/she has provided the employee with:
- (1) Written notice of the proposed reasons (charges) for the employee's discharge;
 - (2) An explanation of the evidence upon which the charges are based; and
 - (3) An opportunity to present his/her response to the charges and the evidence.

ARTICLE XVIII
Grievance Procedure

§ 62-58. Steps.

It shall be the policy of the Town that there shall be a grievance procedure available for the use of its employees. The purpose of the grievance procedure shall be to settle employee grievances as expeditiously and fairly as possible to insure efficiency and high employee morale. It shall be the responsibility of all parties to come to a quick and amicable solution; grievances shall be taken up at such times as to minimize loss of productive work. Any grievance must be presented in or within five calendar days of the occurrence of the alleged grievance.

- A. Step I: Whenever an employee has a grievance relating to his/her employment, he/she shall orally make it known to his/her immediate superior that he/she is presenting a grievance in accordance with this clause. His/her superior shall attempt to resolve the grievance and shall verbally respond to the employee within five working days of being told of the grievance. If the grievance is not satisfactorily resolved, the employee may then take Step II.
- B. Step II: The employee shall put his/her grievance in writing on a form to be supplied by the Board of Selectmen (hereinafter referred to as "the grievance form") and present it to his/her department head, who may be the same person as in Step I. The submission of the grievance in writing at this step must be within 12 working days of the occurrence of the alleged grievance. If the grievance is not filed in writing at this step within that period, the grievance shall be considered to be waived. The department head shall attempt to resolve the grievance and shall submit an answer in writing on the grievance form to the employee within five working days of the receipt of the grievance. If the grievance is not satisfactorily resolved hereunder, the employee may then take Step III.
- C. Step III: The employee shall file with the Town Administrator a written statement of his/her grievance on the grievance form within five working days of the employee's receipt of the department head's answer at Step II. The Town Administrator shall attempt to resolve the grievance and shall submit an answer in writing on the grievance form to the employee within five working days of the Town Administrator's receipt of the grievance. If the grievance is not resolved to the employee's satisfaction at this step, the employee may then take Step IV.
- D. Step IV: The employee shall file a written statement of his/her grievance on the grievance form with the Board of Selectmen and request an informal hearing before the same at its next regular meeting, or at a special meeting if the Board deems this advisable. The Board shall notify the appropriate department head and/or superior to be present at said hearing. All parties, including the Board, shall be entitled to be represented by a duly authorized representative. Within 15 days of the hearing, all parties shall be notified in writing of the decision of the Board, which decision shall be in writing. The decision of the Board of Selectmen shall be final and binding on all parties with regard to all grievances (except as may be otherwise provided in contracts negotiated between the Town and a certified bargaining unit of employees.)

ARTICLE XIX
Miscellaneous Provisions

§ 62-59. Privately owned automobiles.

- A. When use of a person's private car is necessary, and has been authorized by the head of the department, the approved mileage rate as established from time to time by the Board of Selectmen will be allowed.
- B. Reimbursement for travel by private car will require a voucher showing the purpose of the trip, the point of origin, and the point of destination and the number of miles traveled.
- C. Reimbursement for travel in any manner other than as provided above shall require the approval of the Department Head or Town Administrator for travel and/or transportation in lieu of reimbursement on a mileage-basis.

§ 62-60. Meals.

- A. Except as otherwise stated by the applicable statute, all full-time employees shall be reimbursed for meals when on full travel status, which is defined as being temporarily absent from their homes on assignment to duty for more than 24 continuous hours.
- B. When travel status begins before 6:00 a.m., the person will be entitled to breakfast, mid-day and evening meals. When travel status begins between 6:00 a.m. and 12:00 noon, the person will be entitled to mid-day and evening meals. When travel status begins between 12:00 noon and evening, the person will be entitled to the evening meal. Notwithstanding the above, all employees who attend conferences of municipal officers or employees which pertain to the employees' duties shall be reimbursed any necessary expenses of attending the same.
- C. Reimbursement shall be allowed for actual meal expenses incurred, including tips, not to exceed reasonable levels as approved from time to time by the Board of Selectmen.

§ 62-61. Additional compensation for Assessors.

Any Assessor who has completed the necessary courses of study and training and has been awarded a certificate by the Association of Massachusetts Assessors as a Certified Massachusetts Assessor (C.M.A.) shall receive as compensation in addition to any regular compensation received as an Assessor, the amount of \$300 per year; provided, however, that such additional compensation shall not be a part of the base upon which any cost-of-living adjustment shall be calculated.

ARTICLE XX
Amendment to Consolidated Personnel Bylaw

§ 62-62. Procedure.

The Consolidated Personnel Bylaw may be amended in the same manner in which the Town bylaws may be amended; provided, however, that no amendment to the bylaw shall be made until it has been presented by signed petition addressed to and submitted to the Personnel Board at least 60 days prior to the commencement of Town Meeting. Upon receipt of such a written petition, the Board, after giving the petitioners, the heads of the departments and employees affected at least three days' written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Personnel Board shall fail to act on an amendment so presented within 15 days after the hearing thereon, the Personnel Board shall be deemed to have disapproved the amendment. The petition may then be presented to the Town Meeting for consideration and action, if so desired. The Personnel Board may of its own motion after a similar hearing of or conference with the parties interested propose an amendment to the bylaw.

ARTICLE XXI
Civil Service Law

§ 62-63. Conflicts with state law.

Nothing in this bylaw shall be construed to conflict with Chapter 31 of the General Laws.

ARTICLE XXII
Severability

§ 62-64. Provisions to be severable.

In the event that any provision of this bylaw (or any application of a provision) shall be held to be invalid by a court or administrative tribunal of competent jurisdiction, such action shall not affect the validity of any other provision of this bylaw [or any application of such provision(s)].

PERSONNEL BYLAWS
Appendix A
TOWN OF LYNNFIELD

Positions Covered by Personnel By-Laws

Selectmen's Office

Assistant to the Town Administrator

Assessor's Office

Assessor

Treasurer/Collector's Office

Treasurer

Town Clerk's Office

Town Clerk

DPW

Director

Engineer

Facilities Manager/Schools

Facilities Manager/Town

Business Manager

Library

Library Director

COA

Entire COA Staff

Police

Police Captain

Administrative Assistant

Animal Control Officer

Golf Course

All Employees

Recreation Department

Director

Field Director

BOH

Health Director

Conservation

Conservation Administrator

*Employees with individual employment contracts may still be covered by portions of the Personnel By-Laws

PERSONNEL BYLAWS

Appendix B

TOWN OF LYNNFIELD
DOMESTIC VIOLENCE LEAVE POLICY

ADMINISTRATIVE POLICY

It is the Administrative Policy of the Town of Lynnfield to implement and administer the provisions of “An Act Relative to Domestic Violence”. This law is intended to reduce domestic violence, and to provide victims and family members of victims of domestic violence protected work leave for qualifying reasons associated with domestic violence.

The Town is committed to the protection of those eligible individuals that provide service to the Town by giving them the necessary tools to deal with domestic violence issues. This policy, along with the efforts of the Employee Assistance Program (EAP), can be utilized if the need arises for an employee to take time off to deal with a domestic violence issue.

DEFINITIONS

The provisions of this policy apply if the employee or a family member is a victim of domestic violence (unless the employee is the perpetrator of violence against the family member).

“Abuse” is defined as attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; engaging in mental abuse, including threats, intimidation or acts designed to induce terror; depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another.

“Abusive behavior” includes domestic violence, stalking, sexual assault and kidnapping.

“Domestic violence” is defined as abuse against an employee or the employee’s family member by:

- a current or former spouse of the employee or the employee’s family member;
- a person with whom the employee or employee’s family member shares a child in common;
- a person who is cohabitating with or has cohabitated with the employee or employee’s family member;
- a person who is related by blood or marriage to the employee;
- a person with whom the employee or employee’s family member has or had a dating or engagement relationship.

“Family Member” (under this policy) is defined as:

- persons who are married to one another;
- persons in a substantive dating or engagement relationship and who reside together;
- persons having a child in common regardless of whether they have ever married or resided together;
- a parent, step-parent, child, step-child, sibling, grandparent or grandchild, or persons in a guardian relationship.

TOWN OF LYNNFIELD
DOMESTIC VIOLENCE LEAVE POLICY

EMPLOYEE ELIGIBILITY REQUIREMENTS

All employees of the Town of Lynnfield including all Regular Full-time and Regular Part-time employees, Intermittent/Seasonal/Temporary Employees, Interns, and Volunteers are eligible for Domestic Violence Leave benefits, as indicated in this policy.

LENGTH OF LEAVE & PERMITTED REASONS FOR LEAVE

An eligible employee may take up to 15 days of leave from work in a 12-month period, if the employee or family member of the employee is a victim of abusive behavior and the employee is using 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;
- attend child custody proceedings; or
- address other issues directly related to the abusive behavior against the employee or family member of the employee;

provided that the employee is not the perpetrator of the abusive behavior against such employee's family member.

EXHAUSTION OF VACATION, PERSONAL AND SICK LEAVE

Before an employee may submit a request for the use of an unpaid Domestic Violence Leave to Human Resources, he or she must utilize any and all accumulated personal leave, vacation leave and sick leave available.

UNPAID LEAVE

Approved Domestic Violence Leave is an unpaid leave.

NOTICE REQUIREMENT

Employees are generally required to provide an appropriate advance leave notice by submitting the document titled "Notice of Need for Domestic Violence Leave", except in cases of imminent danger. In cases of imminent danger, the employee is required to notify the Town of his/her absence within three (3) workdays that the leave was taken or is being taken. The Town will not take negative actions against an employee for an unscheduled absence, if within thirty (30) days from the unauthorized absence or last unauthorized absence in cases of consecutive absences, the employee provides any of the forms of documentation of the need for domestic violence leave identified below.

REQUIRED DOCUMENTATION

The Town of Lynnfield requires documentation showing that an employee or employee's family member is a victim of abusive behavior. An employee may satisfy the documentation requirement by producing any of the following documents within a reasonable period of time from the request:

- Protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;

TOWN OF LYNNFIELD
DOMESTIC VIOLENCE LEAVE POLICY

REQUIRED DOCUMENTATION (continued)

- A document under the letterhead of the court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee's family member;
- A police report or statement of a victim or witness provided to the police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
- Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts to support a finding of guilt of abusive behavior or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave;
- Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member;
- A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
- A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

The Town of Lynnfield shall maintain any received documentation within the employee's personnel file, but only as long as required for the Town to make a determination as to whether the employee is eligible for the requested leave.

CONFIDENTIALITY OF INFORMATION

All information related to the employee's leave shall be kept confidential by the Town 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.

If additional time off is required, the employee should discuss the request with Human Resources. Nothing in this policy limits or impairs an employee's right or ability to seek other types of applicable unpaid time off.

TOWN OF LYNNFIELD
DOMESTIC VIOLENCE LEAVE POLICY

EFFECT ON BENEFITS

An employee granted a leave under this policy will continue to be covered under the employer's group health insurance and basic life insurance plans under the same conditions as coverage would have been provided if he/she had been continuously employed during the leave period.

If the employee fails to return from domestic violence leave, the Town may seek reimbursement from the employee for the portion of the premiums it paid on behalf of that employee (also known as the employer contribution) during the employee's leave.

An employee shall be in an unpaid leave status for the duration of the leave.

JOB PROTECTION

If the employee returns to work within the time permitted, a maximum of fifteen (15) days in a twelve (12) month period, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.

The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, the employee will be subject to any pay or benefit reductions or other adverse actions, including layoff, which he/she would have experienced if he or she had not taken leave under this policy.

If the employee fails to return after a qualifying leave under this section, the employee may be terminated, unless reinstated to his/her same or similar position, in accordance with applicable laws, other leave-related policies, and/or appropriate bargaining unit contract language.

PROVISIONS

The Town shall not make any of an employee's rights hereunder contingent on whether the employee maintains contact with the alleged abuser, even if the alleged abuser is another Town employee.

Domestic Violence Leave time shall be taken in increments of not less than 2 hours.

Domestic Violence Leave shall be reported as unpaid leave in the Town's attendance systems.

APPLICABLE LAW STATUTES M.G.L. c. 149, § 52E.

FORMS

The following form documents associated with and attached to this policy may change to meet the needs of the Town or new requirements of the law. Please consult the Human Resources Department for the most current version:

- Employee Acknowledgement of Receipt of Domestic Violence Leave Policy
- Notice of Need for Domestic Violence Leave

Approved by the Board of Selectmen on February 4, 2015

ACKNOWLEDGEMENT of RECEIPT

_____ hereby acknowledge receipt of the Town of Lynnfield
(print name)

Domestic Violence Leave Policy on the below date.

(signature) (department)

_PERSONNEL BYLAWS
Appendix C
TOWN OF LYNNFIELD

**POLICY AND PROCEDURE FOR THE
ELIMINATION OF SEXUAL HARASSMENT IN
THE WORKPLACE (EXCLUDING SCHOOL
DEPARTMENT)**

I. PURPOSE

This memorandum establishes the policy of The Town of Lynnfield ("Town") regarding sexual harassment in the workplace by managers, supervisors, employees, vendors and contractors. This memorandum also describes examples of conduct that may constitute sexual harassment and sets forth a complaint procedure to be followed by persons who believe that they are victims of sexual harassment. This Policy does not apply to the School Department, which has its own policy regarding sexual harassment.

II. POLICY

The Town fully supports the right of all persons to hold employment without suffering sexual harassment or discrimination of any kind. It is the policy of the Town to maintain an environment that is free of sexual harassment. Sexual harassment by managers, supervisors, employees, vendors and contractors will not be tolerated.

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

III. DEFINITION OF SEXUAL HARASSMENT

A. The legal definition of sexual harassment

Sexual harassment is a form of sex discrimination that is illegal under both Title VII of the Civil Rights Act of 1964 (federal law) and M.G.L. c.1518 § 4(16A) (state law).

These laws provide that unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature constitute sexual harassment when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment or a basis for employment decisions affecting the individual; and/or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, humiliating or sexually offensive work environment.

B. Examples of conduct that can constitute unlawful sexual harassment

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive and that fails to respect the rights of others. Sexual harassment occurs in a variety of situations which share a common element:

the inappropriate introduction of sexual activities or comments into the work environment.

Sexual harassment often involves relationships of unequal power. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting privileges or favorable treatment on the job. However, sexual harassment may also involve relationships among "equals", such as when repeated advances or demeaning verbal comments by a coworker towards another coworker have a harmful effect on a person's ability to perform his or her work. Sexual harassment can also involve employee behavior directed at non-employees or non-employee behavior directed at employees.

Examples of sexual harassment include, but are not limited to, the following:

- repeated unwelcome sexual flirtations, advances, or propositions;
- persistent requests for a date;
- continued or repeated verbal abuse or innuendo of a sexual nature;
- uninvited physical contact such as touching, hugging, patting or pinching;
- verbal or written comments of a sexual nature about an individual's body or sexual terms used to describe an individual;
- display of sexually suggestive objects, pictures or letters;
- jokes or remarks of a sexual nature in front of people who find them offensive;
- inquiries into one's sexual experiences;

- discussion of one's sexual activities;
- prolonged staring or leering at a person;
- making obscene gestures or suggestive or insulting sounds;
- the demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment; and/or

- indecent exposure.

C. Dispelling common myths about harassers and victims

Contrary to popular belief, sexual harassment is not limited to prohibited behavior by a male employee toward a female employee or by a supervisory employee toward a non-supervisory employee. Sexual harassment can be found in any of the following less "traditional" situations:

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.
- The harasser does not have to be the victim's supervisor. The harasser may be a supervisory employee who does not supervise the victim, a coworker, or, in some circumstances, a non-employee such as a contractor or vendor who uses Town facilities.
- The victim does not have to be the opposite sex from the harasser.
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by such conduct even though it is directed at another person. For example, the sexual harassment of one employee may create an intimidating, hostile, humiliating, or offensive work environment for a coworker, or may interfere with the coworker's work performance. In addition, consensual sexual behavior in the office between two employees may be offensive to a third employee or result in favoritism that harms the third employee.
- Sexual harassment does not depend upon the victim's suffering an economic injury as a result of the harasser's conduct. As the examples of improper conduct listed above show, sexual harassment can occur whenever unwelcome conduct of a sexual nature creates an intimidating, hostile, humiliating or offensive work environment.

IV. EMPLOYEE, SUPERVISOR AND MANAGER RESPONSIBILITIES

No employee, supervisor or manager of the Town shall sexually harass any person in the workplace. Any conduct which violates this rule will subject the violator to disciplinary action. Any supervisor or manager who is made aware of such conduct shall forthwith commence an investigation as set forth in Section V below. Furthermore, each employee, supervisor and manager shall cooperate in any investigation of alleged sexual harassment if requested to do so by the person conducting the investigation.

V. SEXUAL HARASSMENT COMPLAINT PROCEDURE.

A. The procedure

The following sexual harassment complaint procedure has been developed specifically to ensure that complaints are investigated quickly and in a manner that is fair to all.

In all instances where an individual believes that she or he has been sexually harassed, it is helpful, but not necessary, to start the process of resolution by writing down a description of the offensive conduct, the date or dates on which it took place, and the names of anyone who witnessed the conduct or heard the offensive remarks. If you would like help writing down your thoughts, the person you speak to at Step 2 of this procedure will assist you.

Step 1. If an individual believes that she or he is being sexually harassed, the most immediate goal is to stop the offensive conduct. Individuals should:

Firmly confront the person who is doing the harassing.
State that his/her conduct offends, intimidates and/or embarrasses you.

Describe how the harassment negatively affects your work.

Request that he or she stop the conduct immediately.

If practical, bring a witness with you for this discussion. After the discussion, write a summary of the conversation, including the date and the name of anyone who accompanied you.

In some instances, confronting the harasser directly may be too intimidating or uncomfortable, particularly when the harasser is an immediate supervisor. In such instances, this step need not be taken, and the complaint process can begin at Step 2.

Step 2. An individual who wants to discuss her/his situation or make a complaint should contact her/his supervisor or department head as soon as possible. (In the event you do not know the telephone number of this person, you may call the office of the Town Administrator at (617) 334- 3180 to obtain the telephone number.) The supervisor or department head shall immediately thereafter apprise the Town Administrator of the situation. The Town Administrator will then appoint an Investigator, who may or may not be the Town Administrator, who will have a private meeting with the Complainant, at which time the Complainant can get more information about sexual harassment and the complaint procedure in order to decide whether to make a complaint. The Investigator will describe the complaint investigation procedure more fully.

Step 3. In those instances where an informal resolution is appropriate, the

Investigator will advise and assist the individual in resolving the matter in that fashion.

Step 4. Where a formal complaint is made, the Investigator will record the individual's statement of events.

Specifically, the Investigator will request the following information: a description of the incidents, the name of the alleged harasser, times, locations, specific words/actions, and the name of any witnesses to the incidents. The Investigator's notes will be for his/her own use during the investigation. Therefore, individuals are advised to make their own written notes containing the same information that they give to the Investigator. An individual making a complaint may bring a friend, relative or colleague to the meeting.

Step 5. The Investigator will meet privately with the alleged harasser. The alleged harasser should respond to the allegations and may submit a written statement. The alleged harasser may also submit the names of witnesses. The alleged harasser may bring a friend, relative or colleague, including a union representative, if applicable, to the meeting.

Step 6. Any witness that the Investigator decides should be contacted will be interviewed privately. Neither the individual making the complaint nor the alleged harasser will be present at witness interviews.

Step 7. Upon completion of the investigation, the Investigator will draft a report stating his/her findings and the report will be forwarded to the Town Administrator.

Upon completion of Steps 1-7:

In the event that the findings of the Investigator indicate that sexual harassment has not occurred, the Investigator will recommend that the matter be closed. The Town Administrator shall review the report and may refer the matter back to the Investigator for further investigation and/or fact-finding. If the Town Administrator accepts the report as submitted or as amended, s/he shall notify the Complainant and the alleged harasser that the matter has been closed. The Complainant may, within ten (10) days of notification of the contents of the report, appeal to the Board of Selectmen for further **review**.

In the event that the findings of the Investigator indicate that sexual harassment has occurred, the Investigator will recommend what disciplinary action should be taken. The Town Administrator shall review the report and may refer the matter back to the Investigator for further investigation and/or fact-finding. If the Town Administrator accepts the report as submitted or as amended, s/he shall forward the report to the appropriate supervisor or manager, who shall advise the Town Administrator as to his or her recommendations for disciplinary action. The Town Administrator shall then **make a** decision regarding such action and notify both the Complainant and the alleged harasser of the same. The Complainant and/or the alleged harasser may, within ten

(10) days of notification of the contents of the report, appeal to the Board of Selectmen for further review.

B. Timetable for investigating complaints.

The Town recognizes that the interests of all persons are best served by the prompt investigation and resolution of sexual harassment complaints. However, difficulty in scheduling meetings, especially when the persons involved may be some distance away, makes adherence to strict timetables impossible. Therefore, absent extenuating circumstances, the following timetable will be employed as closely as possible:

- The initial meeting with a sexual harassment investigator should take place within seven days of the day that the individual contacts the Investigator.
- If the individual decides to make a complaint, the investigation should begin immediately. The investigation should be completed, and the sexual harassment investigator's findings and recommendations should be forwarded to the Town Administrator within two weeks of the time that the complaint is made.
- The Town Administrator should review the report of the sexual harassment investigator and either close the matter or refer it to the appropriate supervisor within one week of its receipt thereof.

C. Confidentiality.

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much confidentiality as possible without compromising the thoroughness of the investigation. The sexual harassment investigator will not discuss the complaint or the investigation with anyone who is not directly involved in the investigation.

D. No retaliation for filing complaint of sexual harassment.

It is unlawful for any person to retaliate or discriminate against any employee for filing a complaint of sexual harassment or for cooperating in an investigation of such a complaint.

VI. DISCIPLINARY PROCEDURE

- If an investigation of a complaint of sexual harassment reveals that an employee, supervisor, manager or department head has engaged in actions or conduct constituting sexual harassment, disciplinary action will be taken up to and including discharge. The disciplinary action taken will depend upon the seriousness of the violation.
- Any person who prevents or attempts to prevent an individual from making a complaint of sexual harassment, or who fails to cooperate with or interferes in any

way with the investigation of such a complaint, will be subject to disciplinary action, up to and including discharge

- Any person who retaliates or discriminates in any way against an individual who makes a complaint of sexual harassment or assists in the investigation of such a complaint will be subject to disciplinary action, up to and including discharge.
- Supervisors and department heads who become aware of instances of sexual harassment in their departments, even in the absence of a formal complaint, should initiate an investigation
- Any employee aggrieved by this policy and procedure who **is a** member of a bargaining unit may avail him/herself of an appeal procedure, if any, included in his/her union/association contract.

VII. STATE AND FEDERAL ENFORCEMENT AGENCIES

If an individual feels as if she or he has been sexually harassed , the following enforcement agencies may be of assistance and can be utilized either alone or in conjunction with the Sexual Harassment Complaint Procedure set forth above:

- Massachusetts Commission Against Discrimination(MCAd) One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990
- Equal Employment Opportunity Commission (EEOC) (area office) One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200
- State Office of Affirmative Action One
Ashburton Place, Room 213 Boston, MA 02108
727-7441

Please note that you should notify these agencies promptly, as there are limitation periods within which a complaint can be filed (EEOC - 180 days; MCAD - 6 months).

"ADOPTED BY THE LYNNFIELD BOARD OF SELECTMEN NOVEMBER 12, 1966"

PERSONNEL BYLAWS
Appendix D
TOWN OF LYNNFIELD
Workplace Violence Policy

1. Purpose

1.1 The Town of Lynnfield is committed to provide a professional environment that is free of violence, threats of violence, harassment, intimidation or other disruptive behavior by establishing preventative measures, providing training and education, providing assistance and support to those who have been exposed to workplace violence, and holding accountable those responsible for workplace violence. It is intended that all management tools be employed to accomplish the goal of avoiding or at the very least reducing the effect of workplace violence on the victim(s) and providing consequences to those who commit workplace violence. Management will utilize available resources such as the Town's Employee Assistance Program (EAP), law enforcement and all applicable personnel policies and procedures to accomplish these goals.

2 Policy

- 2.1 The Town maintains a zero-tolerance policy toward workplace violence, or the threat of violence, against any of its employees, or elected or appointed officials, volunteers working for the Town, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town to provide a safe, healthy workplace, which is free of violence, threats of violence, harassment, intimidation, or other disruptive behavior.
- 2.2 The best way to prevent workplace violence is to raise awareness of department heads and employees, and encourage early reporting and resolution of problem behavior before it escalates into violence. All employees are responsible for helping maintain a violence-free workplace. To that end, employees are required to govern themselves accordingly. In addition, any employee experiencing or witnessing an act of violence is strongly encouraged to report it to their immediate supervisor and/or the Town Administrator.
- 2.3 Each act or threat of violence will be investigated, and appropriate action will be taken. Any such act or threat may lead to discipline, up to and including termination.

3 Definitions

- 3.1 ***Workplace Violence*** is any act committed by or against an employee or other affected individual within the context of that individual's involvement with the Town, that creates a hostile work environment and negatively affects the individual, either physically or psychologically and includes, but is not limited to harassment, stalking, coercion, intimidation, threats, physical attack or property damage.
- 3.2 An ***employee or other affected individual*** refers to any individual who serves in the capacity of an elected official, appointed member to a board, commission, or committee, volunteer working for the Town, employee of the Town, consultant or contractor retained by the Town, or visitor who is engaged in some form or business or activity with the Town.
- 3.3 ***Harassment*** is behavior that intimidates, disturbs, upsets, or threatens a person.
- 3.4 ***Intimidation*** is an act intended to frighten, coerce, or induce distress or fear.
- 3.5 A ***threat*** is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future.

- 3.6 Physical threat** is intentional, unwanted hostile physical contact with another person such as hitting, fighting, pushing, shoving, sexual assault, assault with a weapon, or other device used as a weapon, or throwing objects.
- 3.7 Verbal threat** is intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene or threatening language.
- 3.8 Written threat** is the use of printed or electronic media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people or to threaten property.
- 3.9 Visual threat** is the use of bodily gestures that are threatening, obscene or abusive.
- 3.10 Property damage** is intentional damage to property, which includes property owned by the Town, elected officials, appointed board, commission, or committee members, employees, volunteers, visitors, vendors, consultants, or contractors.
- 3.11 Weapons** are defined to include all devices that are intended to threaten, inflict harm, injury or death to an individual, such as, but not limited to, firearms, knives, throwing devices, chemical and inert sprays or agents, stun guns, clubs or other types of devices that are designed to discharge some type of projectile, as well as any other type of device used to inflict injury to another individual, or to threaten to do so.

4 Types of Workplace Violence

- 4.1 *Violence by strangers*** involves verbal threats, threatening behavior or physical assaults by an assailant who has no legitimate business relationship with the Town.
- 4.2 *Violence by customers*** involves an assailant who is doing business with the Town.
- 4.3 *Violence by co-workers*** involves an assailant who has some employment related involvement with the workplace such as a former employee, co-worker or current employee, Administrator or board, committee or commission member.
- 4.4 *Violence by a personal relationship*** includes a spouse, partner, former spouse, former partner, friend, acquaintance or family member.

5 Prevention of Workplace Violence

- 5.1** The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within to report incidents of violence without fear of reprisal.

6 Procedure for Reporting Threat

- 6.1** Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor or citizen, must be reported to the Department Head and/or Town Administrator. The Town Administrator will work with the Department Head, and the Chief of Police to assess and investigate the incident and determine the appropriate action to be taken. The Town Administrator, when appropriate, will inform the victim of his/her right to have the Police notified.
- 6.2** In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or EMS personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Administrator may assemble a Response Team that consists of staff from the affected Department, Police, Fire/EMS, and Town Counsel and may include the EAP and others as deemed necessary.
- 6.3** The Response Team is responsible for establishing a protocol in the event of a threat or violent incident that may include but is not limited to:
- 6.3.1** Evaluating the potential of violence problems;

- 6.3.2** Assessing an employee's fitness for duty (through physical and/or behavioral health professionals);
 - 6.3.3** Establishing a plan for the protection of co-workers and other potential targets;
 - 6.3.4** Coordinating with affected parties such as victims, families, employees, media or law enforcement personnel;
 - 6.3.5** Referring victims to appropriate assistance and community service programs; and
 - 6.3.6** Assuring the immediate (within 24 hours) and on-going counseling is available to a traumatized victim(s).
- 6.4** Any employee who acts in good faith by reporting real or implied violent behavior will not be subject to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.
- 6.5** Employees who report incidents of workplace violence may request to do so confidentially. Such requests will be honored to the degree reasonable under the circumstances; however, there is no guarantee to complete confidentiality. The Town shall be sensitive to the employee's fear of reprisal. Information will be released only on a need-to-know basis in order to thoroughly investigate and resolve the matter. The identity of the individual making the report will be protected as practical.
- 6.6** It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.
- 6.7** If it is determined, after investigation of an incident, that an employee engaged in an act of workplace violence, he/she may be referred to the EAP by the Town Administrator. In these cases, failure of the employee to keep the initial appointment with the EAP and the follow through with the prescribed program may result in disciplinary action, including termination.
- 6.8** Should an employee become the victim of an incident of workplace violence, the Department Head or Town Administrator may offer additional referral services to assist in coping with any effects of the incident.

7 Violations

- 7.1** Any violation of this policy will result in disciplinary measures, up to and including termination, and depending upon the violent act, maybe subject to criminal sanctions.
- 7.2** Employees are strongly encouraged to immediately report any violation of this policy to his or her immediate supervisor or the Town Administrator.
- 7.3** All reported violations of this policy will be investigated by the Town and/or the appropriate authority.

8 Inspections

- 8.1** Employees should not have any expectations of privacy in Town property furnished to the employee, including but not limited to desks, telephones, cell phones, computers, lockers and vehicles. As such, these items maybe subject to inspection at any time without a warrant and with or without notice. See the Town's Telecommunications Access and Use Policy. The Town reserves the right to enter or inspect work areas.

9 Roles and Responsibilities

- 9.1** All Lynnfield Municipal employees are responsible for understanding and adhering to this policy.
- 9.2** Managers are responsible for ensuring that all employees are advised of and understand the terms of this policy and for ensuring employees' compliance with this policy.

PERSONNEL BYLAWS

Appendix E
TOWN OF LYNNFIELD

SOCIAL MEDIA USAGE POLICY
PERSONAL ACCOUNTS

When you are participating in social networking, you are representing both yourselves personally and the Town of Lynnfield (the ‘Town’). During non-work hours, there is no intention to restrict a staff’s ability to have an online presence and/or to mandate what staff can and cannot say. This policy is intended to provide you with a set of guidelines for appropriate online conduct and to avoid the misuse of this communication medium. This policy is not intended to restrict the flow of useful and lawful communications, but to minimize the risk to you, your coworkers and to the Town. This policy should not be interpreted to restrict employee communications that are otherwise authorized and/or protected by law.

Definition of Social Media: Social Media refers to the means of interactions among people to create, share, exchange and comment on content among themselves in virtual communities. Social media includes: Facebook, blogs, YouTube, instant messaging, LinkedIn, Twitter, among others.

Many sites defined above have the ability to blur the lines between work and personal environments. Keep this in mind and make sure to have a balance of information that shows respect, shares only appropriate information, and maintain confidential information about the Town.

Policy Guidelines:

- If you identify yourself as a Town employee, make it clear that you are speaking on your own behalf and not on behalf of the Town.
- Do not post any confidential, sensitive or proprietary information about the Town.
- Do not post **any** information related to the Town, its employees, or any entities with which the Town has a business relationship.
- Do not post or display comments about co-workers, supervisors or the Town that are vulgar, obscene, threatening, intimidating, harassing, knowingly false/defamatory and/or a violation of the Town’s policies, including but not limited to its policies against discrimination and/or harassment and its Code of Conduct.
- Do not post statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, 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, age, sexual orientation, active military or veteran status, ethnicity, national origin, gender identity and expression, religion or any other status protected by law or Town policy.
- As a Town staff member, be aware that you are responsible for the content you post and that information remains in cyberspace forever.

- Be aware that you are not anonymous when you make online comments. Information on your networking profiles is published in a very public place. Even if you post anonymously or under a pseudonym, your identity can still be revealed.
- On personal sites, no employee may “Friend” any employee to whom the employee reports or who is in a position to supervise or manage the employee’s work/performance. Employees participating in professional sites, such as LinkedIn, may designate co-workers as *friends* or *associates*.
- Any Social Media behavior or conduct either on or off-duty that elevates to harassment as defined by the Town’s Harassment Policy – or any other Town policy - will be subject to subject to disciplinary action.

Users who violate the policy may be subject to disciplinary action, up to and including termination of employment. If you have any questions about this policy or a specific posting out on the web, please contact your supervisor or department head.

PERSONNEL BYLAWS
Appendix F
TOWN OF LYNNFIELD

**Electronic Communication and Technology Use
Policies**

A. Electronic Mail Policy

The Town of Lynnfield provides electronic mail services (email) for its employees to use to enhance productivity, communication and efficiency in the work place. To facilitate these objectives, the following guidelines must be adhered to in the use of email.

1. Town email accounts are provided to enhance employees' efficiency in conducting town business. Any use of email that interferes with town business or computer operations is prohibited.
2. Employees must clearly identify themselves by name and title in all email correspondence.
3. Employees are not to perform any of the following acts:
 - take any action that would disguise the origin of email
 - permit another person to transmit email that falsely identifies your account as the origin of email transmission.
4. The transmission through email of offensive material of any kind, is prohibited.
5. To the extent possible, email and attachments from known and trusted sources only, should be opened.
6. The transmission, uploading, reproduction, distribution and/or participation in the transfer or sale, or the exploitation of any content obtained through email, for commercial gain is prohibited.
7. The transmission and/or receipt of responses to chain letters and/or pyramid schemes of any kind is prohibited.
8. Employee email accounts are the property of the Town of Lynnfield. In the event of an employee's termination, access to his/her email account will be assigned to an appropriate supervisor. It is the responsibility of the supervisor to review the account for useful and relevant material. After this occurs the account will be deleted or reassigned.
9. Record retention will be consistent with state law.

The Town of Lynnfield reserves the right to change this policy, at its discretion, at any time. Further, the Town of Lynnfield reserves the right to access or monitor any employee's email at any time for the purpose of investigating possible violations of the terms of this email policy or for other employee relations situations.

B.Computer Use Policies

The purpose of this policy is to manage access to town computers, related equipment, and data (files and transmissions), in order to ensure the availability, integrity, and controlled accessibility of that equipment and data.

The Information Systems (IS) department, part of the Town of Lynnfield, is the organization responsible for providing and maintaining general computing and networking capabilities throughout the town. The IS department provides resources to maintain the security and integrity of town data, and provides for the integration of business information services within the town.

- a) All town -owned computers are covered under this policy.
- b) Exceptions to this policy and/or special requirements must be fully justified, coordinated, and approved by the town's Information Technology Officer.
- c) Administration is the function of the ITO.
- d) Computers are a town resource and should not be used for personal activities.
- e) Data are town resources, and are not owned by any individual, although some people may act as custodian of some data.
- f) This policy applies to all town employees and any non-employees authorized to use town computers and all related equipment.

Communications on Computer Security Issues:

Employees must contact the IS department when they become aware of any issues or problems related to computer security, for example, viruses on computers, computers running and open for use without proper supervision, and accidental access to restricted data.

Back Up:

Town servers are backed up on a daily basis by the IS department.

All documents and data related to town business are stored on one of four town servers, i.e., Police, Assessor, Schools, or Information Systems to facilitate daily backups, according to guidelines established by IS.

Log in/Shut Down:

Employees shall lock, log off or shut down their computers when they leave their work area to prevent unauthorized use.

Virus Prevention:

All town computers shall maintain anti-virus protection.

Monitoring Computer Use:

Town computers and data contained thereon are the property of the Town of Lynnfield. The town reserves the right to monitor use by any available technical means, e.g., logging use or monitoring files on hard drives, in order to ensure the efficiency of town operations. Monitoring is the responsibility of the Information Technology Department and/or the relevant Department Head.

Software Installation:

Employees are prohibited from loading programs on town computers without the permission of the Information Technology Department and/or the relevant Department Head. This prohibition includes but is not limited to games, screen savers, and file sharing programs such as Napster.

C. Social Media Policy (Town Social Media Accounts)

Purpose:

Establish a procedure governing the use of official Town Facebook and Twitter accounts.

General:

- The Town has created several Facebook pages and Twitter accounts as a customer service tool for the dissemination of unbiased, factual information to the Town and public.
- Only Departments and individuals authorized by the Board of Selectmen or Town Administrator may post information to the Town's social media sites.
- The Town's social media sites will be used by the Town and its agencies for communicating information with the sole purpose of informing the public of the work, news and updates of various Town departments. The Town will not comment or reply to any response posts and is not obligated to respond to any comments posted on Facebook or Twitter.
- Town staff is not to engage in any dialogue or private messaging over social media.
- The Town and its agencies are not obligated to follow or friend any organization or individual. The Town and its agencies may follow other public Town, state and quasi-state agencies for the coordination and dissemination of information of interest to the public.
- No comments will be accepted through the Town's social media accounts for any public hearing; either adjudicatory public hearings or any other notified public hearing. Residents must attend public hearings and directly communicate with the deliberative public body.
- Content posted to social media is subject to the Massachusetts Public Records Law.

Monitoring:

- The Town Administrator's Office reserves the right to monitor content on all social media sites and to modify or remove any messages, posts or members that it deems, in its sole discretion, to be abusive, defamatory, in violation of copyright, trademark right or other intellectual property right of a third party or otherwise inappropriate for the service.
- The Town expressly reserves the right to remove any post, comment or remark that contains the following content from the social media site:
 - Personal attacks, insults or threatening language
 - Obscene or sexual
 - Profane language
 - Racism or discrimination
 - Potentially libelous statements
 - Support or opposition for political campaigns
 - Plagiarized material
 - Personal and private information
 - Anything that may compromise public safety and security
 - Comments or hyperlinks unrelated to posted information
 - Commercial promotions or spam content:
- The Town's social media sites may be used to communicate the following:
 - Announcements about departmental or community items of interest
 - Emergency notifications
 - Highlighting of Town events and activities

Authorized social media accounts and users as of 3/17

DPW

John Tomasz
Charlie Richter
Michelle/Maureen?

Fire

Mark Tetrault

Police

David Breen
Carl Johnson
SRO?
Det?

Library

Holly Mercer

Town Hall

Jim Boudreau
Robert Curtin

Trudy Reid
Ray Boly
Christine O'Sullivan

Building

Winnie Barasso

BOH

Kristen McRae

Recreation

Julie Mallett

Senior Center

Linda Nacarra

PERSONNEL BYLAWS
Appendix G
TOWN OF LYNNFIELD
Whistleblower Policy

1 Statute

- 1.1 Prohibition of Retaliation Against Employees reporting violations of Law or Risks to Public Health, Safety, or Environment (Pursuant to M.G.L. c149, s185).

2 Policy

- 2.1 The Town of Lynnfield requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As Employees and representatives of the Town of Lynnfield, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.
- 2.2 It is the responsibility of all employees to report violations or suspected fraud, in accordance with this Whistleblower Policy.
- 2.3 It is illegal for a public employer to retaliate against an employee by taking adverse employment action against an employee because the employee:
 - 2.3.1 Discloses or threatens to disclose to a supervisor or a public body an activity, policy, or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.
 - 2.3.2 Provides information to, or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of law, rule, or regulation promulgated pursuant to law, activity, policy, or practice by the employer or another employer with who the employee's employer has a business relationship, which the employee reasonable believes poses a risk to public health, safety, or the environment; or
 - 2.3.3 Objects to, or refuses to participate in any activity, policy, or practice which the employee reasonably believes is in violation of a law, rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment.
- 2.4 In order to qualify for the protection outlined in the paragraphs above the employee must:
 - 2.4.1 First, bring his/her concerns to the attention of a Supervisor prior to making a public disclosure to a public body, except:
 - 2.4.2 If the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the employee and the situation is emergency in nature;
 - 2.4.3 Or the employee reasonably fears physical harm as a result of the disclosure provided;
 - 2.4.4 Or the employee makes disclosure to a public body for purpose or providing evidence of what the employee reasonably believes to be a crime.
- 2.5 An employee who believes he/she has been harmed by a violation of this statute may file a civil suit in superior court within two years to seek relief, including but not limited to reinstatement of employment in the same position, lost wages, restoration of benefits, attorney's fees and reasonable costs, and such other relief as the court might allow. Either party is such action is entitled to a trial by jury. Under certain circumstances, more fully

described in the statute itself, if a court finds that such legal action as referred to in this paragraph is without basis in law or fact, the court may award reasonable court costs and attorney fees to the employer.

3 Reporting

3.1 An employee who wishes to report an activity, policy, or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment may do so by reporting it to the Department Head and/or the Town Administrator.

4 Roles and Responsibilities

4.1 All Lynnfield employees are responsible for understanding and adhering to this policy.
4.2 Managers are responsible for ensuring that all employees are advised of and understand the terms of this policy and for ensuring employees' compliance with this policy.