

Town of Wenham Employee Handbook



138 Main Street, Wenham, MA 01984
(978) 468-5520
www.wenhamma.gov

Contents

Welcome to Town!	4
Organizational Chart	5
Purpose and Scope	7
Administration	8
Definitions	8
Employment Practices	10
Equal Employment Opportunity Policy	10
Employment-at-Will	10
Valuing and Managing Diversity	11
Recruitment Policy	11
Notice of Vacancies	11
Posting and Advertisement of Job Vacancy Notices	11
Nepotism	11
References	12
Application Records	12
Appointments	12
Pre-Placement Medical Examination	12
Failure to Report	13
Disciplinary and Grievance Procedures	13
Immigration Law Compliance	14
Criminal Background Check Policy (CORI)	15
Equal Pay Act - An Act to Establish Pay Equity	17
Orientation and Probationary Period	17
Pre-employment Physical Examination	18
Transfer, Promotion, Demotion, Reinstatement and Resignation	19
Separation of Employment	20
Work Environment & Conduct	21
Policy Against Sexual Harassment and Other Forms of Unlawful Harassment	21
Reasonable Accommodation/ADA	26
Standards of Ethical Conduct	28
Customer Service Policy	32
Drug and Alcohol Policy	32
Anti-Bullying Policy	33
Conflicts of Interest	34
Anti-Fraud Policy	34
Motor Vehicle Record Check Policy	36
Whistleblowers	37
Attendance and Tardiness	38
Political Activity Policy	39
Performance Management	39
Non-Fraternization	41
Outside Employment	41
Use of Town-Owned Vehicles	41
Gratuities	42
Dress Code	42
Violence	42
Issuance of Town Property	43
Smoke-Free Workplace	43
Bulletin Boards	43
Safety	43

Emergency Closings.....	44
Recordkeeping.....	46
Personnel Files and Personal Information.....	46
Public Records.....	47
Confidentiality and Proprietary Information.....	48
Benefits.....	50
Health Insurance.....	50
Dental Insurance.....	52
Pension Plan.....	52
Workers' Compensation Benefits.....	53
Supplemental Insurance Policies.....	53
Leave: Holidays, Sick leave, Vacation.....	56
Leave: Family and Medical Leave Act (FMLA) and Parental Leave Act	60
Leave: Other Types of Leave	65
Employee Status and Compensation.....	71
Fair Labor Standards Act and MA Wage and Hour Laws.....	71
Employment Categories and Classification.....	71
Payroll Procedures.....	74
Communications.....	77
Personal Social Media Communications.....	77
Cameras, Camera Phones, and Video Equipment.....	78
Personal Communications Devices.....	79
Internet Access and Electronic Mail.....	80
External Communications.....	82
Solicitation and Distribution.....	82
ACKNOWLEDGMENT OF RECEIPT.....	84
APPENDIX A.....	85
Code of Conduct Policy.....	85

Welcome to Town!

Welcome to the Town of Wenham team, we are glad to have you on board!

A key part of an employee's success is a work environment that fosters excellence and is supportive of employees. The Town of Wenham has established a set of policies and a comprehensive benefits program designed to be fair to all. This handbook will serve as an introduction to these policies and programs.

The more productively we work together to deliver effective and efficient services, the more successful the Town of Wenham will be. An employee's individual success and the professional satisfaction derived from employment with the Town of Wenham are integral parts of achieving these goals. The Town of Wenham strives to provide employees with a positive work experience. Together we can create and sustain an exceptional work environment that serves the town well and creates an environment where employees can excel in their professions.

This employee handbook is designed to outline our current benefits, and to familiarize employees with our policies and procedures. We have attempted to provide employees with as much information as possible on the Town's policies so that they can more effectively perform their work. An employee's Supervisor will assist them with information and details concerning their individual job responsibilities.

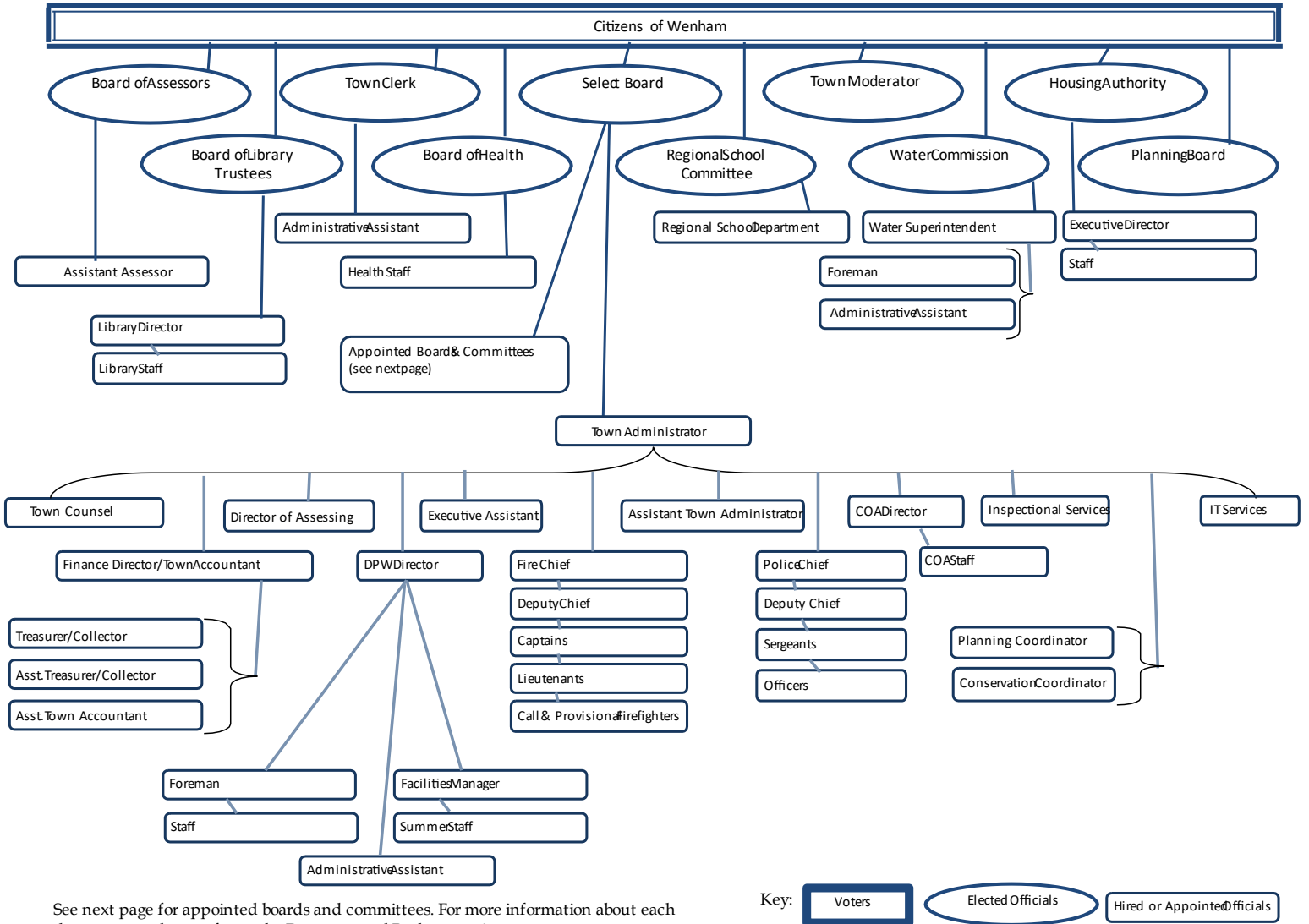
Our overarching goal is to work together to sustain an effective and efficient operation. Consequently, from time to time, new or revised policies will be developed by management to keep in step with modern trends and philosophies, and to stay current with employment laws. Significant changes or additions will be communicated to employees in as timely a manner as possible.

Best wishes to all employees and thank you for being part of the team!

Wenham Town Administrator and Select Board

Organizational Chart

Organizational Chart



See next page for appointed boards and committees. For more information about each department, please refer to the Departmental Budget section.

Key: Voters Elected Officials Hired or Appointed Officials

Organizational Chart

Citizens of Wenham

Select Board

Appointed Boards & Committees:

- Affordable Housing Trust (AHT)
- Board of Election Registrars
- Cemetery Commission
- Community Preservation Act Committee (CPC)
- Conservation Commission (ConCom)
- Council on Aging (COA)
- Election Officers
- Finance and Advisory Committee (FinCom)
- Hamilton-Wenham Cable Access & Media Committee (HWCAM)
- Hamilton-Wenham Cultural Council
- Hamilton-Wenham Joint Recreation Committee
- Historical Commission/Historic District Commission (HDC)
- Iron Rail Commission
- Master Plan Advisory Committee (MPAC)
- Open Space and Recreation Committee (OSRC)
- Veterans Committee
- Wenham Human Rights Committee
- WISSH (Wenham Issues of Social Service Help)
- Zoning Board of Appeals (ZBA)

Key:

Voters

Elected Officials

Appointed Officials

September 2023

Purpose and Scope

The purpose of these personnel policies and procedures is to establish a system of personnel administration governing employment within the Town of Wenham, which is consistent with Massachusetts General Law, Chapter 151B; also, to ensure that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, skill and performance under fair and open processes. The personnel system shall be administered without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, and with proper regard for privacy and employee rights.

These Policies and Procedures are adopted pursuant to the authority granted under the Wenham Town By-Laws, by Article LXXXIX of the Constitution of the Commonwealth and General Laws, Chapter 41, Section 108A and 108C.

These policies shall apply to all employees of the Town of Wenham except:

- Those appointed or employed by the Hamilton Wenham Regional School District
- Those who serve in offices filled by popular election and persons appointed to fill vacancies in elective offices
- Those who serve on voluntary boards, commissions, committees or authorities
- Others exempted by the Select Board
- Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by the agreement.

Contractors or tenants, with offices in a Town facility and/or accept the use of Town resources, are required to comply with all relevant provisions of this document, particularly access provisions (i.e. Information Technology).

Additionally, Police and Fire Department policies, procedures, guidelines and general orders supersede any like policy or procedure in this manual. Changes to Police and Fire internal policies and procedures will be reviewed annually with the Town to ensure compliance with Town policies.

Since the nature of municipal government is subject to constant change, the Town reserves the right to change any of its policies at any time, including those covered in this Handbook. The Town will notify you of changes in advance whenever possible. Changes will be effective on dates determined by the Town and you may not rely on policies that have been superseded.

If you are uncertain about any policy or procedure, please check with your supervisor or the Assistant Town Administrator/HR Director.

Administration

The Town Administrator, under the policy direction of the Select Board, is responsible for the proper administration of these policies. Specifically:

- The Town Administrator is vested with all the powers and duties specified in their contract.
- The Town Administrator will establish such procedures as he or she deems necessary for the proper administration thereof and will assign to the Assistant Town Administrator/HR Director such duties as he or she deems necessary.

Definitions

As used in these policies the following words and phrases shall have the following meaning unless a different meaning is clearly required by the laws of the Commonwealth:

Appointing Authority - The Select Board, department head or any board, commission, committee or manager so empowered by statute, bylaws, charter or directive, that has the power to appoint an employee to any non-elective position is referred to as the Appointing Authority.

Collective Bargaining Agreement - The document resulting from the mutual obligation of employers and employees' representatives to meet at reasonable times and confer in good faith with respect to wages, hours, standards of productivity and performance, and other terms and conditions of employment. This includes the mutual obligation to negotiate an agreement and bargain over questions arising under an agreement.

Continuous Employment - Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, domestic violence leave or other approved leave of absence.

Department - Any department or agency of the Town subject to these policies.

Department Head - The officer or other body having immediate supervision and control of a department.

Exempt Employee - A salaried employee who is employed in an executive, administrative, or professional capacity and is not generally entitled to overtime pay as he or she meets the following criteria as defined by the Fair Labor Standards Act., 29 USC Sections 201-216:

- 1.) Executive — primary duty is to manage a department
- 2.) Administrative — primary duty is office or non-manual work directly related to management policies, or directly assisting an executive.
- 3.) Professional — primary duty requires advanced knowledge acquired by specialized study, work is intellectual and the result is not standardized.

Employee - as used in the Personnel Policies shall be any person paid and employed by the Town whether full-time, part-time, seasonal, special, regular, probationary or temporary.

Full-time Employee - A full-time employee is one who has completed the probationary period and who is scheduled to work an average of at least 36.5 hours per week throughout the year. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Grievance - A complaint or dispute between an employee and his/her supervisor.

Manual Laborer - A non-office worker position that requires regular lifting, carrying of objects, cleaning or other physically strenuous labor.

Non-Exempt Employee - An employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions.

Overtime – For non-exempt employees, time worked more than the normal work week of 40 hours, or as otherwise calculated under a collective bargaining agreement or employment contract, subject to certain conditions.

Part-time Employee benefits eligible - A part-time employee is eligible to receive certain benefits depending on their schedule and average weekly hours. An employee who regularly is scheduled to work 20 or more hours per week but fewer than 36.5 hours per week throughout the year (except for school employees) is eligible for health insurance and life insurance benefits. Hours worked as an elected and/or appointed official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Part-time Employee not-benefits eligible - A part-time employee working on average, fewer than 20 hours per week, annually, is not eligible for health insurance or life insurance benefits. Hours worked as an elected and/or appointed official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Probationary Period - A working test period during which time an employee is required to demonstrate ability to meet acceptable standards of performance prior to an appointment to a classified position; generally, 6 months unless otherwise specified by law.

Public Safety Position - Any position included in the Fire Department, Police Department; any ambulance attendant, Emergency Medical Technician, or other similar position, not including administrative or housekeeping staff of said departments.

Regular Employee - A regular employee is one who has completed his/her probationary period and is retained in a position where the intent is more than six months' continuous employment.

Temporary Employee - A temporary employee is a full- or part-time position that is not likely to require the services of an employee on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees. Temporary employees are not eligible for any benefits offered by the Town. Temporary employees, after a six-month period of continuous employment with the town, may be considered for permanent employment. Grant-funded employees shall also be considered temporary employees.

Employment Practices

Equal Employment Opportunity Policy

In accordance with Federal and State civil rights laws, Massachusetts General Laws c 151B, S4.1 and Executive Order 592, the Town of Wenham, recognizing the right of an individual to be hired, work, and advance on the basis of merit, ability and potential without regard to race, gender, color, disability, creed, religion, national origin, ancestry, age, genetics, military status, sexual orientation, gender identity/expression, pregnancy, handicap or participation in discrimination complaint-related activities (retaliation), resolves to take necessary measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment.

Non-discrimination and equal opportunity are the policies of the Town of Wenham and are to apply to all of its programs and activities. To that end, all employees and elected or appointed representatives of the Town shall take steps to ensure equality of opportunity in the internal affairs of all departments and committees, as well as in their relations with the public, including those persons and organizations doing business with any agent of the Town. Each department, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity.

The Town actively seeks ways to ensure equal opportunity for all individuals and is committed to responding promptly to any complaints of violations. The Town Administrator is the Equal Employment Opportunity representative of the Town. The Town Administrator is responsible for compliance and shall inform Department Heads, board and committee chairs and employees of any remedial actions they need to take in order to comply. All Department Heads, chairpersons, and employees are expected to actively participate in promoting, complying with, and implementing the Equal Employment Opportunity Policy.

Employment-at-Will

Nothing in this handbook should be taken to establish or imply a contract of employment or a guarantee of continued employment. The Town of Wenham values all employees and hopes that they will have a rewarding career at the Town of Wenham. However, all employment with the Town of Wenham is “at-will”, which means that employment can be terminated with or without cause, and with or without notice, at any time, at the option of either the Town of Wenham or the employee, except as otherwise prohibited by law. Nothing in this handbook or in any document or statement shall limit the right of the Town or the employee to terminate employment-at-will. No Supervisor or employee of the Town may enter into any agreement for employment for any specified period of time or make any agreement, implied or expressed, for employment other than on an at-will-basis. Only the Town Administrator of the Town of Wenham has the authority to make any such agreement, and then, only in writing.

Valuing and Managing Diversity

The Town of Wenham believes that workforce diversity is essential to the Town's growth and long-term success. By valuing and managing differences at work, the Town of Wenham can maximize the skills, knowledge, and abilities of all employees while increasing employee and customer satisfaction. By recognizing and celebrating each employee's unique contribution toward meeting the Town's objectives, the Town of Wenham will achieve superior individual and group performance.

Recruitment Policy

The Town shall be proactive in the recruitment of candidates for Town positions. Individuals responsible for recruitment and selection will actively seek the most qualified individual while taking positive steps to ensure compliance with national, state, and local affirmative action and equal employment opportunity policies and guidelines.

The Town Administrator, or other appointing authorities, with the participation of Department Heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans or union contracts.

Notice of Vacancies

Department heads, upon the identification of a vacancy or on the authorization of a new position, shall notify the Town Administrator or other appointing authority of their intention to fill the position. The Town Administrator or other appointing authority shall review and approve filling all vacancies prior to commencement of recruitment activities to ensure that the advertised salary conforms to the existing Town policies.

Posting and Advertisement of Job Vacancy Notices

Department heads and the appointing authorities should ensure that notices of vacant positions be posted on the Town website. An email will be sent to all Town staff notifying them of any vacancies. Finally, vacancies will also be posted in online media sources such as the Massachusetts Municipal Association (MMA) job board. Said advertisements shall identify the position, duties and salary range.

Nepotism

When in the normal selection process, relatives of Town employees or officials are being considered for appointment or promotion, the Town Administrator will be notified by the Department Head. No person shall be hired or promoted based upon their family relationship to another Town employee or official. No employee shall be in a position that provides supervision over his/her relative. Any employee or official with appointing authority shall delegate such

authority if a relative is under consideration for appointment even if the appointing authority will not be a direct supervisor of the candidate. This policy is not for the purpose of depriving any person of an equal opportunity for employment with the Town but is solely intended to eliminate the perception of or potential for preferential treatment of the relatives of government personnel. The Town may modify schedules, shifts, squads or work units to eliminate any potential for conflict under this policy. Relatives, for the purpose of this policy, shall include all members of the immediate family including spouse, parents, brothers, sisters, direct line aunts and uncles, nieces and nephews, children, grandparents, grandchildren and in-laws. Cousins and aunts, uncles, nephews and nieces by marriage are not regarded as members of the immediate family for purposes of this policy.

References

The appointing authority as part of the selection process may contact a candidate's former employers, Supervisors, and other references as supplied by the candidate. References and any other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment, in accordance with the law.

Application Records

The application, documentation of reference checks, and related documents submitted shall be maintained in the employee's personnel file. Upon appointment of an employee, the appointing authority shall maintain all applications of those candidates not selected for employment for the period required by law. The appointing authority, and the Department Heads, to the extent possible, shall maintain the confidentiality of all applications.

Appointments

All appointments shall be made in writing by the appointing authority after the candidate has successfully passed a pre-placement medical examination, as required. The appointing authority shall be the Town Administrator, the library director for library employees, and the Library Board of Trustees for the library director. The appointment of Department Heads by the Town Administrator shall also require a vote of the Select Board. The written notice of appointment shall include the salary, the starting date, any unique or unusual conditions of employment and appropriate additional information. Copies of the letter of appointment shall be provided to the Department Head prior to the start date.

Pre-Placement Medical Examination

All potential new employees regularly scheduled to work more than twenty hours per week before beginning work, may undergo a pre- placement medical examination, at the discretion of the

Department Head, and if appropriate to the position requirements. Results may impact employment opportunities.

Failure to Report

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

Disciplinary and Grievance Procedures

Problem Resolution Procedures

The Town of Wenham is committed to providing the best possible working conditions for its employees. Part of this commitment is to encourage an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Town of Wenham Administration and Management. Employees are encouraged to share their concerns, seek information, provide input, and resolve problems/issues through their immediate Supervisor, or as appropriate to consult with the Department Head. Managers should listen to all employees' concerns, encourage their input, and seek resolutions to their issues. No employee will be penalized, formally or informally, for voicing a concern with the Town of Wenham in a reasonable, professional manner, or for using the problem resolution procedure.

The appointing authority, Department Heads, and Supervisors shall be responsible for enforcing standards of conduct, rules and regulations, and performance standards. Failure to comply with any of the above may result in disciplinary action. The type of disciplinary action imposed is at the discretion of the appointing authority and Department Heads and is dependent upon the nature of violation. Disciplinary action shall include only the following: oral warning, written warning, written reprimand, suspension, and discharge. Department heads shall be responsible for preparing written documentation of disciplinary action. All written documentation shall be provided to the appointing authority and the employee and shall be filed in the employee's personnel file in the centralized personnel record keeping system.

Grievance Procedure

Grievances shall relate to improper application of the Town of Wenham's Personnel Rules and Regulations or disciplinary procedures and shall be resolved in the following manner:

First Step (a)

An aggrieved employee shall discuss any matter of dispute with an immediate Supervisor in a mutual effort to resolve any problem or misunderstanding. Upon failing to resolve any grievance in an informal manner an aggrieved employee may present a grievance in writing to the Department Head within ten (10) days from the time the employee has knowledge or reasonably should have had knowledge of the occurrence which gave rise to the grievance. The written grievance shall contain the following information: the section of the regulation upon which the grievance is based;

the occurrence(s) being grieved; applicable dates and time; any pertinent information relative to the grievance; and an indication of the relief that is desired. The Department Head within five (5) working days of receipt of the grievance shall provide an answer in writing to the aggrieved employee. If the immediate Supervisor and the Department Head are the same, the employee may follow procedures set forth in subsection (b) below.

Second Step (b)

If the grievance has not been resolved as provided in (a) above, the aggrieved employee may within five (5) working days after receipt of the written answer from the Department Head or within ten (10) working days after presentation of the grievance to the Department Head present the grievance in writing to the appointing authority (Town Administrator, Library director, or Library Board of Trustees.) If the appointing authority and the Department Head are the same, then the employee shall immediately follow procedures set forth in sub section (c) below. The appointing authority shall answer the grievance in writing within ten (10) days after its receipt.

Third Step (c)

If the grievance has not been resolved as provided in (b) above, the aggrieved employee may within ten (10) working days after receipt of the written answer from the appointing authority, present the grievance and a request for a hearing before the Select Board to the Town Administrator in writing. The Town Administrator shall schedule a hearing before the Select Board on the grievance and the Board shall respond to the grievance within thirty (30) days of its receipt. The Select Board may support, modify or reverse the action of the appointing authority. Any such decision shall be final.

Procedural Protection

Counsel or other representative may represent employees during the grievance process. Any expenses incurred by an employee while the grievance process shall be borne by the employee. If the employee is required or requests to be present at hearings on a grievance, the employee shall not lose pay for work time lost. Department heads or Supervisors shall not retaliate or take any disciplinary action against an employee based on the filing of any grievance.

Failure to Act

Grievances are expected to be filed in a timely manner and the employee filing a grievance and the town shall meet all time limits specified in the grievance process. Any time limit may be extended by written agreement of the Town Administrator and the employee filing a grievance. Failure of the employee to meet the time limits specified in this section shall result in a grievance being declared null and void. Failure by the town to act in accordance with the time limits set forth in this section shall be an automatic denial of the grievance and shall move the grievance to the next step.

Immigration Law Compliance

The Town of Wenham is required by the federal Immigration Reform and Control Act of 1986 (IRCA) to verify the identity and legal authorization to work of all individual applicants and employees.

In keeping with this obligation, the Town of Wenham must inspect documentation that shows each person's identity and legal authorization to work in the United States, and each employee must attest to their identity and legal authorization to work by completing a federal government form (known as Form I-9), which will be supplied upon hire at the Town. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three (3) years or if their previous I-9 is no longer retained or valid.

All offers of employment and continued employment are conditional upon an individual's being able to furnish the Town with satisfactory evidence of both their identity and legal authorization to work on behalf of the Town in the United States.

Criminal Background Check Policy (CORI)

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns in certain positions. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment or volunteer work, the following practices and procedures will be followed.

Conducting CORI Screening

CORI checks will only be conducted as authorized by law and only after an authorization form has been completed. If a new CORI check is to be made on a subject within a year of signing the Acknowledgement Form, the subject shall be given seventy-two (72) hours' notice that a new CORI check will be conducted.

Access to CORI

All CORI obtained is confidential, and access to the information must be limited to those individuals who have a need to know. This may include, but not be limited to, hiring Supervisors, staff submitting the CORI requests, and staff charged with onboarding, benefits, and payroll processing.

CORI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the Massachusetts Department of Criminal Justice Information Service (DCJIS).

Use of Criminal History in Background Screening

CORI used for employment purposes shall only be accessible for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability

based on background checks will be made consistent with this policy and any applicable law or regulations.

Verifying a Subject's Identity

If a criminal record is received, the information is to be closely compared with the information on the Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

Inquiring About Criminal History

In connection with any decision regarding employment or volunteer opportunities, the subject shall be provided with a copy of the criminal history record prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

Determining Suitability

If a determination is made that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- Relevance of the record to the position sought
- The nature of the work to be performed
- Time since the conviction
- Age of the candidate at the time of the offense
- Seriousness and specific circumstances of the offense
- The number of offenses
- Whether the applicant has pending charges
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS'

Information Concerning the Process for Correcting a Criminal Record.

Secondary Dissemination Logs

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

Equal Pay Act - An Act to Establish Pay Equity

Effective July 1, 2018, Chapter 177 of the Acts of 2016, An Act to Establish Pay Equity, amends the Massachusetts Equal Pay Act (MEPA), M.G.L. c. 149, § 105A to generally provide that “No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work.” The law defines “comparable work” as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions.

MEPA permits differences in pay for comparable work only when based upon:

- 1.) a system that rewards seniority with the employer (provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority);
- 2.) a merit system;
- 3.) a system which measures earnings by quantity or quality of production, sales, or revenue;
- 4.) the geographic location in which a job is performed;
- 5.) education, training or experience to the extent such factors are reasonably related to the particular job in question; or
- 6.) travel, if the travel is a regular and necessary condition of the particular job.

Importantly, MEPA makes clear that employees’ salary histories are not a defense to liability. Moreover, an intent to discriminate based on gender is not required to establish liability under the law.

Orientation and Probationary Period

The performance of all employees must meet acceptable work standards. The orientation period shall be utilized to help new and promoted employees achieve effective performance levels. To ensure that new employees are aware of their duties and responsibilities, Department Heads and/or Human Resources shall inform new employee of their responsibilities, duties and obligations and shall provide the employee with a copy of the Employee Handbook, job description, and any applicable collective bargaining agreement (CBA).

All newly appointed and promoted employees shall be required to successfully complete a probation period to begin immediately upon the employee's starting date or promotion date and to continue for 6 months may be extended by the number of days the employee may be absent from work. The probation period shall be utilized to help new and promoted employees achieve effective performance standards. The probation period shall be used by the appointing authority to observe and evaluate the employee's attitude, conduct, and work habits. Upon expiration of the probation period, the appointing authority shall notify the employee in writing that:

- The employee's performance meets satisfactory standards, and the individual will be retained in the position;
- The employee's performance, due to extenuating circumstances, requires additional observation and that the probation period will be extended by up to sixty (60) days up to the discretion of the Town Administrator days; or
- The employee will be discharged, and the employee may not appeal the removal provided within these regulations.

During the probation period of any employee, Department Heads shall at reasonable intervals discuss work performance with the probationary employee. The Department Head shall be responsible for documenting these discussions and copies of such documentation shall be submitted to the Treasurer and/or Human Resources. Any recommendation for an employee termination by a Department Head will be reviewed and confirmed by the Town Administrator.

Pre-employment Physical Examination

All safety sensitive job offers are conditioned upon successful completion of a pre-employment physical. The Town of Wenham pays for the examination. If the candidate fails to complete the physical, that action will be treated as a rejection of the conditional job offer.

All applicants will be required to sign the standard consent and release form permitting the physician to disclose to the Town whether the applicant is able to perform the job in question and whether any restrictions apply. The essential functions of the position will be given to the physician. Any medical recommendation not to hire the individual must specifically state that the individual is not able to perform the essential functions of the position, even with reasonable accommodation. The essential functions that cannot be performed shall be identified. If the applicant questions the results of the physical, they will be given an opportunity to comment, submit additional information including statements from other physicians, and/or request another physical.

All medical information provided to the Town will be maintained in confidence in accordance with the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), and any other applicable law. No candidate will be permitted to report to work until satisfactory completion of the physical.

The Town of Wenham has a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of employee health. The Town of Wenham firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol and marijuana, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive

and safe work environment. The illegal use, sale, or possession of narcotics, or the use of alcohol or marijuana while on duty or on Town property, is expressly prohibited. Such activity may result in discipline, up to and including termination. Some Police Officers, Firefighters, and employees who hold a Commercial Driver's License, as a requirement of their position, may be subject to drug testing pursuant to Bargaining Agreements or other legal requirements.

Transfer, Promotion, Demotion, Reinstatement and Resignation

Transfer

Employees may be transferred from one position to another without significant change in level ideally if the employee has been in the original position for one (1) year and meets the qualifications for the particular position, but this may be waived in necessity circumstances.

Promotion - Filling of Vacancies

Vacancies occurring in existing positions above the lowest rank in any department in the town service may be filled as far as practical by the promotion of employees in the town service. Any promotions are subject to the availability of funds.

Demotion

An employee may be demoted to a position of lower grade for which they are qualified for any of the following reasons:

When an employee would otherwise be laid off resulting from the abolition of a position; the employee's position is reclassified to a higher grade for which the employee is not qualified; lack of work; disciplinary action; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules of leave.

When an employee does not possess the necessary qualifications to render satisfactory service in the position.

When an employee voluntarily requests such demotion.

All demotions must receive the approval of the Town Administrator, or other appointing authority and all Department Heads concerned. The employee must be notified in writing of their demotion and of the reason for such action. Within ten (10) days of such notice they may request a public hearing before the Town Administrator or other appointing authority, who must hold such hearing not less than ten

days or more than twenty (20) days after such a request. The appointing authority may support the action or may modify it.

Review of Paid Position Openings

The purpose of local government is to provide efficient services to citizens of the Town. We should

regularly review staffing needs to determine if our current level of staffing is adequate. An excellent time to review staffing is when a position vacancy occurs in a department.

Position vacancies should not be filled automatically. A thorough review of each position and the needs of the department should be done before the position is advertised. Requiring departments to justify the need to fill a position will ensure that a careful internal review of departmental needs has taken place.

When a paid position in a department becomes vacant due to resignation, retirement, or other reason, the Department Head shall notify the Town Administrator immediately. The Town Administrator shall review the position opening. If the Town Administrator recommends against filling the vacancy, they shall meet with the Department Head to discuss the vacancy further.

Separation of Employment

Notification of Termination by Employee

Employees who consider leaving the Town's employ should discuss the situation with their supervisor. With a better understanding of the employee's concerns, it may be possible to make an adjustment that will satisfy the employee and retain the advantages earned by working with the Town. If, after due consideration, the employee should decide to terminate employment, the employee must submit a resignation letter to their supervisor.

Notification of Termination by Employer

The Town maintains the right to terminate employees as it deems appropriate on an at-will basis, with or without cause, and with or without notice. Subject to Town discretion, the employee may be placed on disciplinary or performance probation in an effort to give the employee additional time to remedy the problem which led to the probation.

Exit Interviews

Employees who leave the Town's employ will generally be interviewed prior to final separation and will complete necessary termination forms and procedures.

Work Environment & Conduct

Policy Against Sexual Harassment and Other Forms of Unlawful Harassment

I. POLICY

It is the policy of the Town of Wenham to maintain a working environment free from sexual harassment, or any other form of unlawful harassment or practice. Inappropriate or disrespectful conduct and unwanted communication of a sexual nature or harassing nature is prohibited. All town employees, other workers and representatives (including vendors, customers, and other town representatives) are prohibited from harassing employees and other covered persons based on an individual's sex or gender (including pregnancy/pregnancy related conditions and gender identity and expression) regardless of the harasser's sex or gender. The Town of Wenham will not tolerate conduct which creates an intimidating, hostile, humiliating, or sexually offensive work place or work environment. Sexual Harassment or any other unlawful harassment or practice by any Town employee or officer of the Town is prohibited. The Town recognizes the importance of an employee's right to work in a non-hostile environment regarding sexual and other unlawful harassment. To that end, the Town of Wenham will take all reasonable actions to ensure that no employee be subjected to sexual or other unlawful harassment by any member of the public.

This policy affords those who feel they are victims of harassment with a procedure for making the Town aware of the problem and allowing it to attempt to remedy the situation. It is the policy of the Town to promptly investigate all complaints of harassment. When it has been determined that inappropriate conduct has occurred, the town will act promptly to eliminate such conduct and impose any necessary corrective action, including disciplinary action where appropriate.

II. SCOPE

This policy applies to all "employees", defined as staff, official volunteers, interns, and appointed and elected officials of the Town of Wenham. An employee is a person hired or authorized to perform work or carry out tasks, duties, or responsibilities on behalf of the Town of Wenham, whether or not the person receives compensation for these activities. An independent contractor or any employee of any independent contractor shall not be considered an employee of the Town of Wenham for the purpose of the policy unless the independent contractor performs his/her work for the town in a workplace controlled by the Town of Wenham under the supervision of a Town employee, office, board, or committee. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

A) Sexual Harassment is not limited to conduct by one gender or defined solely by whether a supervisory relationship exists. Employees should be aware that both men and women might be either the victim or the harasser. The harasser does not have to be the victim's direct supervisor; it may be a co-worker or a supervisory employee who does not supervise the victim. The victim does not have to be the opposite sex from the harasser. Lastly, the victim does not have to be the person to whom unwelcome sexual conduct is directed. The sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another co-worker or

unreasonably interfere with his or her work performance. The town will respond to all situations wherein an employee believes they have been victimized and a complaint has been made or unlawful conduct alleged.

B) Unlawful Harassment or Practice: For the purpose of this policy shall include definitions of unlawful practices as stated in guidelines issued by the United States Equal Employment Opportunity Commission in connection with Title VII of the Civil Rights Act of 1964 that prohibits discrimination against any employee due to their race, color, religion, sex or national origin. Massachusetts General Laws Chapter 151 B, Section 4 identifies as an unlawful practice any discrimination because of the race, color, religious creed, national origin, sex, sexual orientation, genetic information or ancestry of an employee, gender identity, and pregnancy, childbirth or related condition. Harassment becomes unlawful where enduring the offensive conduct becomes (a) a condition of continued employment or (b) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

III. DEFINITION OF SEXUAL HARASSMENT

“Sexual Harassment” for the purpose of this policy shall include the definitions of sexual harassment as stated in the guidelines issued by the United States Equal Employment Opportunity Commission in connection with Title VII of the Civil Rights Act of 1964 and Massachusetts General Laws, chapter 151B, Section 1, and Title I of the Civil Rights Act of 1991.

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

A “hostile work environment” is a particular form of sexual harassment, individually recognized by law, where pervasive and sexually hostile working conditions unreasonably interfere with an employee’s ability to do their job.

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

1. Unwelcome sexual advances, whether they involve physical touching or not;
2. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding

one's sex life; comment on an individual's body comment about an individual's sexual activity, deficiencies or prowess;

3. Displaying sexual suggestive objects, pictures, cartoons;
 4. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
 5. Inquiries into one's sexual experience; and
 6. Discussion of one's sexual activities.
7. Other forms of unlawful harassment, practices, or conduct may include, but are not limited to: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or putdowns, offensive objects or pictures, and interference with work performance.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated.

Please Note: All forms of harassment are prohibited both at the workplace and at Town-sponsored events.

IV. RETALIATION IS PROHIBITED

The Town of Wenham prohibits retaliation against any individual who reports discrimination or discriminatory (including sexual) harassment or participates in an investigation of such reports. Retaliation against an individual for reporting discriminatory harassment (including sexual harassment) or discrimination or for participating in an investigation of a claim of such harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will not be tolerated, and will be subject to disciplinary action, up to and including termination of employment.

In all instances in which a complaint is made, the employee making the complaint, or any witness involved in an investigation, will be afforded protection from retaliation. Any form of retaliation against a complainant or witness is prohibited and unlawful and will result in appropriate disciplinary action (please see section VII).

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

V. RESPONSIBILITY OF SUPERVISOR

The Town shall provide department heads and supervisors training in preventing sexual and unlawful harassment in the workplace and each department head and supervisor shall communicate the Town's Policy Against Sexual and Unlawful Harassment to their staff. Employees shall receive positive assurance that no employee is required to endure any form of sexual harassment or other unlawful harassment. Any supervisor, department head or other Town official in charge of a work place who knows of any sexual harassment or other unlawful harassment shall take appropriate

remedial action to stop, correct, or terminate the behavior. This action shall be taken even if no complaint is filed by an in connection with such harassment. No supervisor or department head in charge of a work place shall permit any form of sexual harassment or other unlawful harassment to be directed at any employee in the work place by any vendor, customer, and member of the public or any other person present in the workplace. Supervisors and Department Heads should clearly communicate to employees that unwelcomed and unlawful harassing conduct will not be tolerated.

VI. REPORTING PROCEDURE

If a Town employee feels that they, or someone else, may have been subjected to conduct that violates this policy, they should report it immediately by contacting Steve Poulos, Town Administrator, Wenham Town Hall, 138 Main St., Wenham, MA 01984. Alternatively, this may be done in writing or orally to the supervisor, union representative, or Assistant Town Administrator. Members of the public who are not employees or Town representatives who believe they have been subjected to harassment by an employee or other Town representative may file a complaint with either the Town Administrator or Assistant Town Administrator.

The recipient of the complaint, or the appropriate authority, will then investigate the allegation in a fair and expeditious manner. All sexual harassment complaints shall be investigated in a manner to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses if applicable. They will also formally notify and interview the person alleged to have committed the harassment. The investigator may, if necessary, request written statements in addition to the private interviews.

This procedure is not a criminal procedure, and the respondent does not have the right to question the complainant directly. The basis for a finding in the administrative procedure is the “preponderance of evidence,” not the “innocent until proven guilty beyond a reasonable doubt” basis that applies to criminal procedures.

Employees should note that while Town Counsel may be consulted in the process of an investigation, the role of Town Counsel is to represent the interests of the Town, not those of an individual employee. An employee should seek their own legal counsel should they feel that is necessary for advice and/or representation.

If the investigation reveals that harassment did occur, the Town will act promptly to eliminate the offending conduct, and where appropriate, will also impose disciplinary action. In addition, when the investigation is completed through formal or informal procedures, the Town will inform the person filing the complaint and the alleged harasser of the results of that investigation, including allegations that have not been sustained.

Complaints alleging forms of discrimination, harassment, retaliation, or other conduct that would violate this policy, other than sexual harassment, will be processed according to the first paragraph of this section, with the recipient of the complaint addressing the matter with the employee or advancing the complaint to the Town Administrator or Assistant Town Administrator.

VII. DISCIPLINARY ACTION

If it is determined that there has been a violation of this policy, including but not limited to

inappropriate conduct or any failure of an employee to meet their obligations under the policy, the Town will take such action as is appropriate under the circumstances up to and including termination of employment.

Actions can range from counseling to termination from employment, and may include other forms of disciplinary action, as the Town deems appropriate under the circumstances. In the case of allegations made against elected officials of the Town, upon the conclusion of the investigation the Town will take such action as is appropriate under the circumstances including the release of public censure.

VIII. CONFIDENTIALITY

Given the sensitive nature of complaints of discrimination and/or harassment, the investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. It is of the utmost importance to protect the complainant, respondent and the Town, and the integrity of the investigation. Lack of confidentiality may lead to damaged careers or reputations and may undermine confidence and trust in the Town. All communications regarding the complaint, both written and oral, should be confidential. Information should be disclosed only on a need-to-know basis and with the understanding that the recipient has a duty to preserve confidentiality.

All employees are reminded of the provisions of Massachusetts G.L. 268A, § 23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law, and is acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/official's personal interest. Violations of Section 23 may lead to disciplinary action, up to and including termination.

None of the above however, precludes the Town's responsibility to follow Massachusetts Open Meeting Law and Public Records Law.

IX. STATE & FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to unlawful harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using the Town complaint process does not prohibit anyone from also filing a complaint with these agencies. Please note the required time periods for filing a claim with the agencies.

1. The United States Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-3200
1-800-669-4000
<https://www.eeoc.gov/field-office/boston/location>
<https://publicportal.eeoc.gov/Portal/Login.aspx>

300 day filing requirement, from date of alleged violation, if the alleged basis for discrimination is also prohibited by state law. Otherwise, 180 day filing requirement.

2. Massachusetts Commission against Discrimination (MCAD)

Boston Office
1 Ashburton Place, Suite 601, Boston, MA 02108
1-617-994-6000
mcad@mass.gov
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>
300 day filing requirement, from date of alleged violation.

Reasonable Accommodation/ADA

The Americans with Disabilities Act (ADA) protects individuals with disabilities from discrimination in employment. The ADA defines a “qualified individual with a disability” as an individual with a “disability,” defined as a physical or mental impairment that substantially limits one or more major activities of such individual, a record of such an impairment, or being regarded as having such an impairment, who can perform the essential functions of the job that such individual holds or desires, with or without reasonable accommodation. Reasonable accommodations to the known physical or mental limitations of the employee will be provided unless the accommodations impose an undue hardship on the operation of the Town of Wenham or the individual is incapable of performing the job functions without creating a substantial risk of harm either to himself, herself, or others.

Accommodation suitable for individual employees will be determined on a case-by-case basis by the Town of Wenham in consultation with the individual and medical experts if appropriate. The Town will engage in an interactive process with the employee and determine the feasibility of the requested accommodation, considering various factors, including but not limited to, whether the accommodation is effective, the nature and cost of the accommodation, the availability of outside resources, the overall financial resources of the organization and the accommodation's impact on the operation of the business.

Employees who are disabled and believe an accommodation is necessary to enable them to perform the essential functions of their job should advise management of the limitation or impairment and suggest the nature of the accommodation they believe is necessary to enable them to perform their job. All information concerning disabilities will be kept confidential and will be distributed on a need-to-know basis. Anyone found to be engaging in any type of unlawful disability discrimination will be subject to disciplinary action, up to and including termination.

The Town may require that the individual requesting the accommodation provide adequate medical certification and a job-related functional assessment. It may, under certain circumstances, request and finance an independent medical examination. Also, in some instances, the Town may not approve the accommodation requested by the employee but may provide an alternate accommodation. Generally, the employee will be informed of the decision on the accommodation request by the Department Head, and/or Town Administrator.

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To

comply with this law, the Town asks that employees not provide any genetic information when submitting their requests. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Grievance Procedures

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies of the provision of services, activities, programs, or benefits by the Town of Wenham.

The complaint shall be in writing and contain information about the alleged discrimination such as name, address, telephone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint shall be submitted by the grievant and/or a designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

ADA Coordinator, Council on Aging Director, 10 School Street, Wenham, MA 01984

Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the ADA Coordinator shall respond in writing, and where appropriate, in a format accessible to the complainant, such as large print or audio tape. The response will explain the position of the Town and offer options for substantive resolution of the complaint.

If the response by the ADA coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision of the ADA Coordinator within fifteen (15) calendar days after receipt of the response to the Select Board or its designee.

Accommodations Related to Pregnancy

In accordance with the Massachusetts Pregnant Workers Fairness Act of 2018, it is the Town of Wenham's goal to promote a workplace that is free from discrimination in relation to pregnancy or a condition related to the employee's pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child. Further, the Town strives to provide employees with reasonable accommodations for conditions related to pregnancy.

With respect to pregnancy, the Town will not:

- Take adverse action against an employee who requests or uses a reasonable accommodation under this policy, including but not limited to, failing to reinstate the employee to the original employment status or to an equivalent position when the need for a reasonable accommodation ceases;
- Deny an employment opportunity to an employee based on the Town's obligation to make a

reasonable accommodation for any known condition related to the employee's pregnancy;

- Require an employee affected by pregnancy or a condition related to the employee's pregnancy to accept an accommodation if it is unnecessary to enable the employee to perform the essential functions of the job;
- Require an employee to take a leave of absence if another reasonable accommodation may be provided without undue hardship to the Town; or
- Refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy, provided, however, that the person is capable of performing the essential functions of the position with a reasonable accommodation that would not impose an undue hardship to the Town.

The law also sets up a process for a pregnant employee or pregnant prospective employee, or an employee or prospective employee with a pregnancy related condition to engage with an employer in establishing reasonable accommodations.

Upon the request of an accommodation from the employee or prospective employee, the employee and employer must engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation to enable the employee to perform the essential functions of the position.

Reasonable accommodations: Under the law, reasonable accommodations include, but are not limited to:

- More frequent or longer paid or unpaid breaks
- Time off to attend to a pregnancy complication or recover from childbirth with or without pay
- Acquisition or modification of equipment or seating
- Temporary transfer to a less strenuous or hazardous position
- Job restructuring
- Light duty
- Break time and private non-bathroom space for expressing breast milk
- Assistance with manual labor
- Modified work schedule

Nursing Mothers Accommodation

In accordance with Section 4(1E) of Chapter 151B of the Massachusetts General Laws and Section 7 of the US Fair Labor Standards Act (FLSA), the Town of Wenham will provide reasonable unpaid break time for employees who are nursing mothers to express milk. The employee will be provided with a private location, other than a restroom, that is shielded from view and free from intrusion. Employees should work with their supervisor and the Town Administrator to determine how best to accommodate their nursing needs,

Standards of Ethical Conduct

Preamble

The citizens and businesses of the Town of Wenham are entitled to have fair, ethical and

accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;

Public officials be independent, impartial and fair in their judgment and actions;

Public office be used for the public good, not for personal gain; and

Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of cooperation.

To this end, the Wenham Select Board has adopted a Code of Ethics for our public officials to assure public confidence in the integrity of local government and its effective and fair operation.

Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Wenham and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

Comply with the Law

Officials shall comply with Federal and State laws, as well as the Town of Wenham policies in the performance of their public duties.

Conduct of Officials

The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other officials, the staff, or public.

Respect for Process

Officials shall perform their duties in accordance with the processes and rules of order which have been established by their respective board, commission or committee, and which govern the deliberation of public policy issues, meaningful involvement of the public, and the ability of Town staff to implement policy decisions as authorized by the Select Board

Conduct of Public Meetings

Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Endorsement of Candidates

Officials have the right to endorse candidates for all Select Board seats or other elected offices. It is

inappropriate to mention endorsements during public meetings or other official Town functions.

Keep political support away from public forums

Just as Board and Commission members may offer political support to a Select Board Member, but not in a public forum while conducting official duties, Select Board Members may also support Board and Commission members who are running for office, but not in an official forum in their capacity as a Select Board Member

Communication

Officials shall publicly share substantive information that is relevant to a matter under consideration by a board, commission, or committee, which they may have received from sources outside of the public decision-making process.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, officials shall not use their public positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Gifts and Favors

Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

Confidential Information

Officials shall respect the confidentiality of information concerning the property, personnel or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Use of Public Resources

Officials shall not use public resources not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

Representation of Private Interests

In keeping with their role as stewards of the public interest, Public Officials shall not appear on behalf of the private interests of third parties before any Board, Commission, Committee or proceeding of the Town. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Wenham nor will they allow the

inference that they do.

Advocacy

Officials shall represent the official policies or positions of the Town to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Wenham, nor will they allow the inference that they do.

Policy Role of Officials

Officials shall respect and adhere to the Select Board structure of government. In this structure, the Select Board determines the policies of the Town with the advice, information and analysis provided by the public, other boards, committees, commissions, and Town staff.

Public Officials therefore should not interfere with the administrative functions of the Town or the professional duties of Town staff.

Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, public officials shall refrain from using their position to unduly influence the deliberations or outcomes of proceedings. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Wenham or will they allow the inference that they do.

Positive Workplace Environment

Officials shall support the maintenance of a positive and constructive workplace environment for Town employees and for citizens and businesses dealing with the Town. Officials shall recognize their special role in dealings with Town employees to in no way create the perception of inappropriate direction to staff.

Implementation

As an expression of the standards of conduct for public officials expected by the Town of Wenham, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the written orientation materials for candidates for all Town positions, applicants to boards, committees, and commissions, and newly elected and appointed officials. All public officials shall annually review the Code of Ethics, and the Select Board shall consider recommendations to update it as necessary.

Compliance and Enforcement

This Standard of Ethical Conduct and the Wenham Code of Conduct (Appendix A) express

standards of ethical behavior expected for all Public Officials. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions have the additional responsibility to intervene when actions that appear to be in violation of these policies are brought to their attention.

A violation of these policies shall not be considered a basis for challenging the validity of a board, committee, or commission decision.

Customer Service Policy

It is the commitment of the Town of Wenham that all municipal employees will strive to provide exceptional Customer Service both internally (employees, contractors, and elected/appointed Officials) and externally (residents, visitors, businesses, vendors, Federal, State, and Municipal representatives or the general public customers that we serve).

All Town of Wenham employees are responsible for understanding and adhering to the following objectives:

1. Raise awareness of the importance of achieving excellent customer service.
2. Promote excellence as part of the day-to-day operations of the Town.
3. Ensure interaction and communications with all residents and visitors is prompt, respectful, friendly, sincere, and sensitive to the individual's concerns with the goal of helping to meet their needs.
4. When customers arrive at department windows, staff should greet them with a smile, professional appearance, and genuine willingness to help.
5. Listen to what is being asked, show you care, and respond appropriately. If you are unable to assist, refer them to someone who can respond more appropriately.
6. To encourage openness and transparency, clarify how and why decisions are made.
7. To redress certain issues, acknowledge when mistakes are made and find effective solutions when possible.
8. Help to ensure that consistent, professional customer service standards are applied by all Town of Wenham employees.

The Town Administrator and Assistant Town Administrator are responsible for ensuring that all employees are advised of, understand, and comply with the terms of this policy.

Drug and Alcohol Policy

The Town of Wenham has a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of employee health. The Town of Wenham firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol and marijuana, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The illegal use, sale, or possession of narcotics, or the use of alcohol or marijuana while on duty or on Town property, is expressly prohibited. Such activity may result in discipline, up to and including termination. Some Police Officers, Firefighters, and employees who

hold a Commercial Driver's License, as a requirement of their position, may be subject to drug testing pursuant to Bargaining Agreements or other legal requirements.

Anti-Bullying Policy

I. Introduction

The Town of Wenham (the "Town") is committed to providing all employees with a safe work environment. Bullying is unacceptable behavior because it breaches equality, fairness, health, and safety, and it frequently represents an abuse of power or authority. The purpose of this policy is to communicate to all individuals that the Town will not tolerate bullying behavior.

Intimidating and threatening behavior is inappropriate and contrary to the Town's mission. When it occurs, the Town is committed to correcting any such inappropriate conduct and to disciplining those who engage in it. While this policy sets forth the Town's goals of promoting a workplace that is free of bullying, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct meets the definition of bullying as articulated in this policy.

II. Workplace Bullying Definition

Workplace bullying is repeated, health-harming mistreatment by one or more employees of an employee: abusive conduct that takes the form of verbal abuse; or behaviors perceived as threatening, intimidating, or humiliating; work sabotage; or in some combination of the above. Some examples of bullying behavior include, but are not limited to:

- spreading malicious rumors, gossip and innuendo
- shouting, raising voice at individual in public and/or in private place
- insults, teasing, practical jokes
- copying memos that are critical about someone to others who do not need to know
- picking on an individual or setting an individual up to fail
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- deliberately undermining a competent worker with excessive demands and unreasonable criticism
- intentionally blocking promotion or training opportunities
- Deliberate exclusion
- Criticizing in public
- Belittling or disregarding of opinions or suggestions

The above list shall also apply to anything "online" such as virtual meetings and social media pages.

III. The Rule

It is against Town policy for any individual to bully another. It is also against Town policy for any retaliation against an individual for filing a complaint of bullying. Bullying is prohibited in all work-related settings, both inside and outside the workplace, and extends to business trips and business-related social events.

IV. Complaints

(a) If any individual believes he or she has been subject to bullying, the individual should initiate a complaint by contacting the Town Administrator's Office as soon as possible. The individual will be requested to write out his or her complaint to document the charge. (b) If an employee prefers to discuss a possible bullying problem with his or her supervisor, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting bullying and may go directly to the Town Administrator's office.

V. Investigation

On receiving the complaint, the Town Administrator, or her or his designee, will promptly undertake an investigation into the matter. The investigation may include interviews with the employee making the complaint, with witnesses, and with the person accused of bullying. The investigation shall be conducted in such a way as to maintain confidentiality to the extent possible under the circumstances.

VI. Decision

When the investigation is completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the bullying, of the results of the investigation. If the investigation reveals that bullying did occur, the Town will act promptly to eliminate the conduct.

VII. Retaliation

It is unacceptable to retaliate against any employee who in good faith files a complaint of bullying or who cooperates in an investigation of a complaint of bullying. Any retaliatory action will result in disciplinary action, up to and including discharge.

VIII. Violation of Policy

Any individual violating this policy will be subject to appropriate discipline, up to and including possible termination of employment, depending on the severity of the incident.

Conflicts of Interest

In so far as this section is consistent with provisions of General Law, Chapter 268A, no employee shall maintain an outside business or financial interest or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities. Conduct of an employee shall be in accordance with the laws of the Commonwealth. No person employed by a department or office of the Town shall, at the same time, serve as a member, paid or unpaid, of an appointed board governing said department or office.

Anti-Fraud Policy

Introduction

The Town of Wenham recognizes the importance of protecting the Town and its operations, citizens, taxpayers, employees and assets against financial risks and unethical activities. It is the intent of the Town to institute and clearly communicate an anti-fraud policy in an effort to prevent and deter all forms of fraud that could threaten the security of our assets and our reputation. The

Town of Wenham has a zero-tolerance approach with regard to fraud and is committed to education, prevention, detection, investigation, and corrective action as tools to prevent and identify fraud.

Definition of Fraud

Fraud is defined as a deception deliberately practiced to secure unlawful gain. Fraud, as defined by this policy, includes any misuse or attempt to misuse a Town asset for personal gain or purposes unrelated to Town business. It may include, but is not limited to:

- Forgery, alteration or misappropriation of cash, checks, bank drafts, promissory notes, securities or any other financial document
- Unauthorized use or disposition of funds or property
- Falsifying timesheets or payroll records
- Falsifying travel expenses and/or utilizing Town funds to pay for personal expenses or for personal gain
- Theft
- Embezzlement
- Falsification of expenses, invoices, or receipt of funds
- Use of or assigning of a Town employee to other than Town business
- Actions which cause the Town's financial reports and/ or records to be inaccurate
- Profiteering
- Bribery
- Extortion
- Concealment of material facts
- Collusion or conspiracy to commit any of the above

Applicability

This Policy applies to all employees and elected or appointed officials, full, part-time and temporary, all Town Board members, Town Committee members and Town Commission members, hereafter, referred to as Employees.

Related Policies

This is a Town policy that is designed to augment Chapter 268A - "The Conflict-of-Interest Law". It is not intended to replace or preclude it in any way. This policy will be administered in accordance with Massachusetts General Laws, Chapter 149 Section 185 "Retaliation against employees reporting violations of law or risks to public health, safety or environment; remedies".

Procedures for Reporting

Any employee who reasonably believes that fraud has occurred is encouraged to notify the Town Administrator or their designee. In cases where an employee reasonably believes the Town Administrator is involved, the employee is encouraged to notify the Town Accountant. If it is reasonably believed that the Town Accountant is also involved, then the employee is encouraged to notify the Police Chief.

Investigation

The Town Administrator or their designee is responsible to investigate any suspected acts of fraud or misappropriation of property. The Town Administrator may involve such individuals, but not limited to: the Select Board, Town Accountant, Town Treasurer, Town Law Enforcement, Legal

Counsel and others deemed appropriate. An objective investigation will be conducted of any person, group or organization reasonably believed to have committed fraud, regardless of position, job title, and length of service or relationship with the Town. If the suspected fraud involves the Town Administrator, then the investigation will be conducted by the Town Accountant. If the suspected fraud involves both the Town Administrator and the Town Accountant, then the investigation will be conducted by the Police Chief.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records shall be initiated. The records will be adequately secured until the investigation is complete.

Confidentiality

All participants and all persons questioned in a fraud investigation will keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

Outcomes

Upon conclusion of the investigation, if there are reasonable grounds to believe that a fraud may have occurred, then the Town Administrator will report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the Town taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover Town assets. If the Town Administrator determines that corrective action may be provided for internally within the department, the Department Head will notify the Town Administrator as to the steps taken to correct the violation. If a suspicion of fraud is substantiated by the investigation, then the Town Administrator or their designee shall take disciplinary action, up to and including dismissal and appropriate legal measures. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

False Accusations

If an allegation is made predicated upon the reasonable belief that a violation has occurred, but it is not confirmed by the investigation, then no action will be taken against the originator. If, however, the allegation is made and predicated without the reasonable belief that a violation has occurred, then appropriate disciplinary action may be taken against the individual making the false allegation up to and including termination.

Whistle-Blower Protection

No person covered by this policy acting honestly and in good faith in attempting to comply with its provisions shall: be dismissed or threatened with dismissal; be suspended or threatened with suspension; be subject to any discipline or any other retribution; or be intimidated or coerced. Any person violating these whistle blower protections will be subject to disciplinary action, up to and including dismissal.

Motor Vehicle Record Check Policy

The Town of Wenham seeks to safeguard employees and others when the operation of a motor

vehicle is required in the course of conducting Town business.

Town Driving Permit Procedures

The Town of Wenham conducts motor vehicle record checks on all job candidates in safety sensitive positions, such as those operating a town-owned vehicle or a personal vehicle for business use, following a conditional offer of employment. Motor vehicle record checks are also conducted annually for all employees for which driving a motor vehicle is an essential function of their job, or when employees must obtain and drive rental vehicles while conducting town business. The Town Administrator's Office and/or Department Head will review motor vehicle records and make determinations as to the drivers' status for candidates and employees, according to the Town-wide classification system listed below:

- The individual is eligible to drive while conducting Town business. The driving record indicates no, or no more than one (1), moving violations in the past twelve (12) months.
- The individual is eligible to drive while conducting Town business with the stipulation that the individual's motor vehicle record will be checked periodically over a period of probation. The driving record indicates more than one (1) moving violation in the past twelve (12) months, but no more than two (2) moving violations in the past twenty-four (24) months.
- The candidate for employment for a position that requires the operation of a motor vehicle will not be hired if his or her driving record reflects:
 - Suspended or revoked license
 - Three (3) or more moving violations in the past thirty-six (36) months
 - One (1) or more instances of driving under the influence (DUI) or driving while intoxicated (DWI) within the past twenty-four (24) months
 - At fault in a fatal accident within the past five (5) years
 - Leaving the scene of an accident within the past thirty-six (36) months; or
 - Reckless driving within the past twelve (12) months.

The motor vehicle record check will include review of all states listed on the individual's employment application and resume. If an applicant does not have a valid driver's license, the applicant may not be hired, subject to the individualized assessment described above. If an applicant has a driving record that falls at or below the criteria listed unacceptable status, as defined above, the applicant may not be hired.

Any covered employee without a valid driver's license will not be allowed to operate a town owned vehicle or drive on The Town of Wenham business. If driving is an essential job function, and the employee cannot be reasonably accommodated, the employee will be terminated. If an existing employee has a valid driver's license, but the employee's driving record falls at or below probationary status criteria, as defined above, the employee will be placed on probationary status and will be subjected to the requirements of that status until the end of the probation.

Whistleblowers

The Town of Wenham encourages its employees to report improper activities in the workplace and

will protect employees from retaliation for making any such report in good faith.

Employees are encouraged to report any activity by the Town of Wenham or a Town of Wenham employee that the employee reasonably believes: 1) violates any state or federal law or regulation; or 2) violates fiduciary responsibilities to the Town. In addition, employees can refuse to participate in any such activities. Employees are also protected from retaliation for reporting any such activities.

Employees should first report the problem internally to their supervisor or another appropriate member of management before disclosing the matter to any public body. This will give the Town a reasonable opportunity to correct the activity.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of the Town of Wenham such as the attorney-client privilege.

Attendance and Tardiness

The Town's successful operation depends in large part upon the regular and punctual attendance of each of its employees. Absences that are excessive, either in duration or frequency, unexcused absences, unauthorized departures from work, and/or unreported absences may result in loss of pay and disciplinary action, up to and including immediate termination.

Employees are expected to report for work regularly and punctually.

If an employee is going to be late or absent for any reason, they must notify their supervisor or Department Head within one (1) hour prior to normal starting time. This notice must include an explanation for the absence or tardiness and a statement of the expected arrival time at work. Additional supporting documentation may be required. Unavoidable tardiness is not an excuse for absence from a scheduled shift. Employees should, therefore, make every effort to get to work as soon as possible after notifying their Supervisor/Department Head.

Employees are required to notify their supervisor or Human Resources for each subsequent day of absence. Failure to provide notification will result in disciplinary action, up to and including immediate termination.

If an employee is absent for three (3) consecutive scheduled shifts/days without proper notification to their supervisor or Department Head, they will be considered to have voluntarily terminated their employment.

A health-related absence may require a health care provider's certificate that an employee is fit for duty before the employee returns to work. Ordinarily, any absence due to illness that extends beyond five (5) days requires this certificate.

When an employee knows in advance that there will be an unavoidable absence or tardiness, they must make arrangements with their Supervisor/Department Head. However, even pre-arranged absences will become part of an employee's attendance record and will be considered when evaluating their overall record.

The Town will not take any adverse employment action against employees for taking leave or time off that is protected under the law.

Political Activity Policy

Participation in political activities is to be carried on outside of the normal working hours. No political activities or solicitations will be conducted on Town owned property by an employee, during work hours or in work areas. Use of Town-owned assets in support of political activities or solicitations is prohibited.

Employment of Relatives

The Town of Wenham recognizes that immediate family members often represent an excellent recruitment source. In order to prevent any possible conflict of interest, individuals may not be hired, transferred, promoted, or demoted into jobs that are in the same department or reporting to the same Supervisor as an immediate family member. The hiring of immediate family members with town-wide responsibilities will be reviewed in advance by the Town Administrator and/or Human Resources in order to rule out any potential conflict of interest. The Town of Wenham will permit the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Town, create actual or perceived conflicts of interest, disruptions in the workplace, or other performance problems. For purposes of this policy, “relative” is defined as a spouse, significant other, child, parent, sibling, grandparent, aunt, uncle, or corresponding in-law or “step” relation. The Town will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

Individuals, who are related as defined above, are permitted to work in the same facility, provided no direct reporting or Supervisory relationship exists. That is, no employee is permitted to work within the “chain of command” for a relative such that one relative’s work responsibilities, salary, or career progress could be influenced by the other relative; and

No relatives are permitted to work in the same department or in any other positions in which the Town believes an inherent conflict of interest, disruption in the workplace, or other performance problem may arise. Employees who become related while employed are treated in accordance with these guidelines. That is, if, in the opinion of the Town, a conflict, disruption, or other performance problem arises as a result of the relationship, one of the employees may be transferred.

Performance Management

The Town will strive to complete performance reviews for all employees on an annual basis. The Town of Wenham utilizes a performance evaluation process as a way to promote the development of each employee. The performance appraisal process provides a format for employees and their supervisor to:

- Review the objectives of the department;
- Recognize an employee’s contribution to these objectives;
- Set new goals and responsibilities going forward;
- Establish a basis for an employee’s career development; and
- Discuss development of improvement plans to enhance an employee’s current performance.

Performance evaluations are an important management tool and employees should feel comfortable actively participating with their supervisor in the review process to keep the lines of communication open. Supervisors and employees are strongly encouraged to discuss job performance and goals on a regular basis, and day-to-day interaction between the employee and Supervisor should provide the employee with a good sense of how their performance is perceived.

While performance evaluations are typically conducted annually, an evaluation may also be conducted in the event of a promotion, change in duties and responsibilities, or to address any open issues. When the job requirements are not being met, problems occur, or improvement is needed, this date may be adjusted in order to assist in meeting goals and objectives. Specific timetables may be set for further review.

Non-Fraternization

In accordance with the principles and guidelines set forth in the Employment of Relatives policy, the Town discourages employees from engaging in casual or serious romantic relationships with other employees at the Town. Relationships among employees raise issues of equity, fairness, and favoritism regarding the involved employees' work responsibilities, salary, and/or career progress. If, in the opinion of the Town, a conflict, disruption, or other performance problem arises as a result of such relationships, one of the involved employees may be transferred and/or disciplinary action may be imposed.

Both the Employment of Relatives and Non-Fraternization policies apply to all categories of employment, including full-time, part-time, and temporary classifications.

Outside Employment

The Town of Wenham does not limit an employee's activities during non-working hours unless those activities interfere or conflict with the employee's ability to fully and effectively perform their job responsibilities, whether directly or indirectly. All employees will be judged by the same performance standards and will be subject to scheduling demands, regardless of any existing outside work requirements.

Outside employment or work that constitutes a conflict of interest is prohibited. If an employee accepts outside employment, they should notify their supervisor to ensure that their position does not pose a conflict of interest. Employees may not receive any income or material gain from individuals outside the Town of Wenham for materials produced or services rendered while performing their job with the Town.

If it is determined that an employee's outside work interferes with performance or the ability to meet the requirements of their position, they may be asked to terminate the outside employment if they wish to remain with the Town. The holding of a second job does not eliminate the employee's obligation to work overtime when necessary.

Use of Town-Owned Vehicles

The Town is keenly interested in the safety of the Town's employees and citizens. The Board, as chief elected officers of the Town, hereby notifies all employees and departments that it is vitally interested in the safe operation of all Town-owned vehicles at all times.

The Board requests that every department with responsibility for the care, maintenance, and operation of Town-owned vehicles develop standards, procedures, and training for employees and volunteers authorized to operate Town-owned vehicles. These shall be reviewed by the Select Board before final adoption by the respective department. Town-owned vehicles include any mode of transportation owned, leased, or rented by the Town.

All accidents shall be reported to the Department Head who shall, in turn, notify the Town Accountant's Office. The Accounting Office will notify the Town's Insurance Broker immediately, as required.

Gratuities

In so far as this section is consistent with the provisions of General Law, Chapter 268A, no individual employee of the Town may accept any form of gifts or gratuities over fifty (\$50) dollars in value, special favors or preferential treatment.

Dress Code

A neat and professional appearance contributes to a positive impression. All employees of the Town of Wenham are expected to dress and groom in accordance with accepted professional standards, particularly if the employee's job involves direct interaction with residents. Although the dress code at the Town of Wenham is professional, there could be variations by work area based on the type of work done. Department Heads are responsible for establishing a reasonable dress code appropriate to the job(s) in each department. Because this is a place of business, clothing that is torn, frayed, or sleeveless is inappropriate. Tank tops, bare backs and/or shoulders, undershirts, and ripped jeans are some examples of inappropriate dress. The Supervisor or Department Head will speak with anyone who is not dressed or groomed appropriately. Any employee who violates this standard will be subject to appropriate disciplinary action.

Employees who believe they cannot comply with this policy due to religious or disability-related reasons should contact their supervisor to discuss possible reasonable accommodations.

Violence

Nothing is more important to the Town of Wenham than the safety and security of its employees and residents. Threats, threatening behavior, or acts of violence against employees, residents, or guests of the Town will not be tolerated. Violations of this policy will lead to disciplinary action, up to and including immediate termination. In addition, the Town is sensitive to issues of domestic violence and the potential danger it poses to employees and the Town's workplace. Accordingly, the Town will not hesitate to contact the appropriate law enforcement authorities in the event of any threatening behavior or act of violence against employees or residents of the Town, and to initiate criminal prosecution, if appropriate.

No employee shall be permitted to bring any guns, knives, or other items which could be used as weapons onto Town premises. The Town reserves the right to prohibit employees from carrying any items which management, in its sole discretion, deems to be dangerous or potentially dangerous.

If an employee becomes aware, either directly or indirectly, of any violence or threats of violence, whether vague, direct, or indirect, employees must notify their supervisor immediately. In addition, the Town requests that employees who currently hold or seek to obtain temporary or permanent

restraining orders against others who have threatened or committed violent acts against them to inform their supervisor in order to apprise the Town of any potential threats to their security or the security of others within the workplace. The Town of Wenham management understands the sensitivity of this type of information and will make every effort to protect the confidentiality and privacy of the person(s) involved.

Issuance of Town Property

Certain positions within the Town require that the employee be issued Town-owned equipment and/or property to be used for work purposes either onsite at the Town premises or at the employee's residence. It is expected that such issued equipment or property will be utilized and maintained in an appropriate way according to product standards, solely for work-related purposes. Although in the employee's possession, all such Town property and equipment remains Town property and can be inspected at any time, including in locked cabinets or lockers. Should the employee leave The Town of Wenham employment for any reason, all equipment and property issued to the employee must be returned.

Smoke-Free Workplace

The Town of Wenham is dedicated to providing a healthy, comfortable and productive work environment for our employees, residents and visitors. Under the authority granted to the Wenham Board of Health, under Massachusetts General Laws Chapter 111, Section 31, that "boards of health may make reasonable health regulations" smoking is prohibited in any building, facility or vehicle owned, leased, operated or occupied by the municipality, including school buildings or grounds, parks, playgrounds, and beaches; and any enclosed area open to the general public including, but not limited to, retail stores, restaurants, bars, private and public clubs, food establishments, public and private social functions, retail food stores, libraries, boat cruises, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, inn/hotel/motel lobbies, private and public educational facilities, shopping malls, common areas of residential buildings, public restrooms, lobbies, staircases, halls, exits, entrance ways, elevators accessible to the public and licensed child-care locations.

Bulletin Boards

Employees should be aware that the Town of Wenham uses bulletin boards to communicate important Town information such as general notices of Town policy, directives, various labor laws, and safety rules. Each employee has the responsibility to read the information that is posted. Employees are not permitted to post unauthorized materials on bulletin boards.

Safety

The Town of Wenham wants employees to have the safest working conditions possible. This can only be accomplished with help from each employee. The Town of Wenham expects employees' strict observance of all safety rules since they exist for their protection. If an employee knows of

any unsafe condition, they must notify their supervisor immediately. Employees must not continue to work if an unsafe condition exists. In general, the following are some safety guidelines for all employees:

Learn and understand every aspect of their job;

Know the location of fire alarm boxes, extinguishers, first aid kits, and eye-wash stations in their work area;

Promptly record and bring to the attention of their supervisor unsafe areas (such as slippery floors, items left in hallways, etc.);

Do not attempt to work with defective equipment, and bring such matters to the attention of their supervisor immediately;

Note all proper methods for lifting and adhere to them strictly;

Wear all proper safety equipment (i.e. safety glasses, safety shoes, protective clothing, etc.);

Promptly report any injury, no matter how minor, to their supervisor.

All positions are covered by certain safety guidelines and employees are obligated to abide by them. Employees should carefully read and refer to individual contracts, if applicable. An employee's Supervisor will familiarize their employees with all aspects of the job and verify their knowledge and understanding of what is expected of them, relative to safety.

The Town of Wenham expects its employees to conduct themselves and perform their jobs in a safe manner. Employees are encouraged to use good judgment and common sense in matters of safety, and to observe all safety rules posted in various areas. Refer to your department's OSHA guidelines.

Emergency Closings

Inclement Closing Policy

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

I. Absence from Work Due to Weather When Town Operations are Not Reduced or Cancelled: All employees are expected to be present at work regardless of weather conditions unless appropriate leave is requested and granted by the Town Administrator. Reasonable late arrivals during adverse weather will be excused at the discretion of the Department Head, no compensation will be granted for this time.

Personal safety in travel to and from work is an important individual consideration for non-emergency employees to consider, based on their individual circumstances. Appropriate, available leave (personal leave and vacation time) should be requested by non-emergency employees who decide they should stay at home due to the weather. Alternatively, non-emergency employees can request to work remotely that day, to avoid using paid time off. The decision on whether or not to allow work from home will be at the discretion of the Town Administrator. Sick leave should not be used in the event of inclement weather unless the employee is ill and the

Department Head authorizes the leave.

II. Early Departure from Work: The Town Administrator shall have the sole authority to authorize early departures for non-emergency employees. The Town Administrator will monitor weather conditions and communicate the decision to dismiss personnel as promptly as possible.

Department Heads are not authorized to dismiss personnel due to weather conditions without authorization, without charging the appropriate leave bank, except in extenuating circumstances. Leave taken by an employee to depart early will not be restored if a subsequent early departure or closing is authorized.

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

III. Delay or Cancellation of Work for Non-Emergency Employees Prior to the Start of the Work-Day: Any delay or cancellation of non-emergency operations will be authorized by the Town Administrator based on weather conditions. This decision will be made after careful consideration of whether to delay or cancel non-emergency Town operations, and any such decision will be made as early as possible.

Delays or cancellations to the workday will be sent to all non-emergency employees via the call tree through phone call or text notification alerting employees and residents of the closure or delay.

Recordkeeping

Personnel Files and Personal Information

The Town of Wenham and its employees shall take the maximum feasible efforts reasonably needed to ensure the security, confidentiality and integrity of personal information, as defined in MGL Chapter 93H, maintained by all Town departments (hereafter “personal information”). Each Department Head or Board/Commission Chair and all Town employees shall ensure compliance with this policy and with applicable federal and state privacy and information security laws and regulations.

All Departments, Boards and Commissions shall collect the minimum quantity of personal information reasonably needed by practicality and by law to accomplish the legitimate purpose for which the information is collected; to protect the information against unauthorized access, destruction, use, modification, disclosure or loss; to provide access to and disseminate the information only to those persons and entities who reasonably require the information to perform their duties (or as limited by law); and to destroy the information as soon as it is no longer needed or required to be maintained by state or federal record retention requirements (after receiving permission as noted above). All adequate administrative, technical and physical safeguards shall be put in place to comply with all federal and state privacy and information security laws and regulations. Physical security shall include locking any space where records are kept if an employee is not present to monitor access to that space. Electronic security shall include password protection and/or encryption.

Accidents do happen and legitimate accidents generally shall not be considered violations. If an employee accidentally violates any aspect of this policy, it is incumbent upon them to report the accidental circumstances to their supervisor or the Town Administrator immediately. An accidental situation that is not reported immediately shall constitute a violation of this policy.

The Town Administrator and the Treasurer/Collector’s Office shall be responsible, or delegate the responsibility, for establishing and maintaining a centralized personnel record keeping system. The personnel record-keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and Department Heads shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator. The Town Administrator may authorize or delegate authority for maintaining specific or duplicate personnel records. All employees, including those covered by collective bargaining agreements (CBA), are covered by this policy.

The Town maintains a personnel file for each employee that is the property of the Town of Wenham. Only those individuals authorized to view an employee file will be allowed to do so. Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the employee, Town Administrator, Human Resources, persons authorized by the Town Administrator to administer the personnel system, and appointing authorities and Department Heads.

An employee will be notified within ten (10) days of the employer placing any information in the employee's personnel record that has been or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation, or the possibility that the employee will be subject to disciplinary action.

All inquiries by outside parties about present and former employees are to be directed to the Town Administrator, Treasurer, and/or Human Resources. One of these parties will verify the identity of the inquirer and disclose only permissible employment data.

Employee Access

The Town of Wenham abides by the law with respect to disclosure of personnel files. Employees who wish to review or copy their personnel file need to submit a written request to the Assistant Town Administrator. Upon such request, employees may review and copy their employee file within five (5) business days under supervision in the appointed record keeping office.

Changes to Status

Any time an employee's personal data changes, they are required to notify the Treasurer/Collector. Name changes, personal mailing addresses, telephone numbers, number and names of dependents, emergency contacts, educational degrees and accomplishments, and other such status reports should be accurate and current at all times.

Since changes may affect an employee's benefits, taxes, insurance status, etc., it is imperative that employees report all changes as soon as possible so that their personal information is always current and correct. Of course, this information will be kept confidential and will be provided only to individuals who have a need-to-know.

Public Records

Employees are expected to exercise reasonable judgement in interpreting this section and in making decisions about Town Telecommunications Systems and Town Records. Any persons with questions regarding the application or meaning of this policy should seek clarification from their Department Head, their Records Access Officer (hereinafter RAO) or the Town Administrator. The Town of Wenham has designated the Town Clerk as the RAO. Failure to observe this policy may subject individuals to disciplinary action, up to and including termination of employment. The Department Head or Board/Commission Chair for a given department is responsible for knowing the standards that apply to all records in their possession. If unclear, please ask the Town Administrator or your RAO.

Public Records Management

All written, digital, photograph or recorded materials created or received by the Town (excepting Junk Mail and SPAM, see note below) must be considered Public Records. The Public Records Laws in Massachusetts impose strict standards for the maintenance and management of Public

Records and some records are exempt from public disclosure under certain circumstances. The details in the various laws are complex and a number of guides have been published by the Secretary of the Commonwealth (www.mass.gov/sec). Employees are encouraged to review these guides to become more familiar with the details; however, such review is not required. What is required is that no action regarding public records shall be taken if the person involved is either not authorized to do so or does not fully understand the correct course of action.

NO original or sole instance of a public record (whether eligible for disclosure or not) may ever be deleted or destroyed in any way without the express permission from the State Supervisor of Public Records, as outlined in the Massachusetts Municipal Records Retention Schedule. In the Town of Wenham, no individual is allowed to delete or destroy original or sole instances of records of any type, regardless of medium, without the State Supervisor's permission AND the permission of their RAO. When in doubt about the ability to delete or destroy original or sole instances of records DO NOT ACT. Instead, consult with your supervisor, RAO or the Town Administrator.

“Junk Mail” (i.e., any mail or letters that are not welcome or solicited and obviously sent in bulk; especially mail of a commercial nature such as advertising circulars, catalogues, form letters, and general marketing materials) is not considered a public record.

“SPAM” (i.e. unsolicited bulk e-mail, usually advertising or inappropriate material, sent to large numbers of people) is not considered a public record.

Transport of Paper Records

Original paper records may not be transported to locations beyond official Town of Wenham buildings. If original paper records must go beyond this realm, the original records must be copied and the copies, not the originals, shall be transported. The only exception to this rule would be the need to create duplicate copies of an original document that the Town does not have the capability to duplicate in house (for example, large format plans).

Confidentiality and Proprietary Information

Confidentiality is an extremely important aspect of employment with the Town of Wenham and is established to protect the confidential or proprietary information of the Town and its residents, vendors and business partners and the private information of employees. It is of utmost importance that employees do not disclose or discuss confidential, proprietary, or nonpublic information of the Town or its residents, vendors, or business partners, except in the performance of official duties or with specific authorization to do so. It is also of utmost importance that employees do not disclose or discuss private information of fellow employees.

The Town of Wenham employees must be responsible for securing all confidential or proprietary information about the Town and its residents, vendors and business partners and the private information of employees in the course of their duties. This may mean putting sensitive information in locked drawers, password protecting documents and computers, shredding outdated documents, etc. All employees must be careful in giving access to sensitive information. Passwords and security codes should never be shared or kept in a conspicuous place. Information should only be shared with those individuals who have a legitimate business need-to-know.

Employees who improperly use or disclose confidential, proprietary, or nonpublic information of the Town or its residents, vendors or business partners or private employee information will be subject to disciplinary action, up to and including immediate termination. Legal action, even if the employee does not actually benefit from the disclosed information, may also result. If employees are ever in doubt whether information is of a confidential or proprietary nature, they should not hesitate to ask their Supervisor, Department Head or the Town Clerk.

Benefits

The Town of Wenham provides a range of benefits to demonstrate a solid investment in employees. The Town will periodically review the benefits program and will make modifications as appropriate. Some benefits (workers' compensation and unemployment insurance) are government mandated, while others are provided at the discretion of the Town of Wenham and may be altered from time to time as circumstances and needs require. The following paragraphs summarize the major benefits the Town of Wenham offers. The specific terms and conditions of employee benefits plans are governed at all times by the complete provisions of the insurance contracts or agreements under which the plans are administered.

Health Insurance

The Town of Wenham offers medical insurance for all regular, full-time and part-time employees, who work twenty (20) hours or more per week, and their eligible dependents upon hire. Once an employee has made their enrollment decision, they may not change their elections until the next open enrollment period in May (effective July 1st), unless there is a qualifying event such as loss of coverage, marriage, divorce, or birth. The Town of Wenham pays a percentage of the medical insurance premiums and employees contribute the balance. Employees should refer to the plan summary for further coverage details.

Rules and Regulations Regarding Eligibility for Health Insurance Benefits

The following rules and regulations are adopted by the Select Board of the Town of Wenham pursuant to M.G.L. Chapter 32B, Section 14, and any other applicable provision of the laws of the Commonwealth of Massachusetts or the United States. The Select Board, as the appropriate public authority, is the source of final appeal within this municipal jurisdiction for the rules contained herein and on behalf of the Town of Wenham and its employees. In the event of any conflict between these rules and regulations and any applicable State or Federal law, the provisions of such law shall be controlled. These rules and regulations do not create any contractual entitlements and are subject to amendment at any time by the Wenham Select Board.

Qualification for Group Insurance

Employees must be compensated by the town.

Employees must be regularly scheduled to work a minimum of twenty (20) hours per week during the work year.

Seasonal and short-term temporary employees working less than one (1) full year are not eligible for insurance.

In the case of layoffs or reduction in personnel due to lack of work or budgetary cutbacks, any employee rehired within one (1) year of the date of separation shall be considered as having uninterrupted service for the purposes of establishing benefit costs upon rehire. An individual rehired following an absence longer than one (1) year will be treated as a newly hired employee subject to all the contributory responsibilities existing for the current period of employment.

Grant Employees Paid Through Third Party Sources

Unless otherwise provided by law, grant employees and employees whose compensation is funded through payments by third parties are eligible for benefit participation. Any grant or fee billing system, under which insurance benefits are an eligible cost, must include sufficient funds to reimburse the town for its share (employer portion) of insurance premiums on behalf of participating employees, and the town must be reimbursed in full for its payment of these premiums.

Supporting grant documentation must be placed on file at the office of the Town Accountant. Grant employees must meet the eligibility requirements stipulated above in order to participate in the town's plans.

COBRA Qualifying Subscribers

COBRA and Title XXII of the Public Health Service Act, as they may be amended from time to time, define and govern continuation coverage requirements (including qualifying events that trigger continuation coverage, notice requirements, premium payments, and eligibility) of covered employees and other beneficiaries.

The Town Treasurer or his or her designated third-party administrator shall provide initial notification of COBRA coverage availability when an employment-qualifying event occurs and/or when a covered employee or other qualified beneficiary notifies the office within prescribed time limitations of a divorce or legal separation, a dependent child ceases to meet dependency requirements, or, during the qualified beneficiary's initial eighteen (18) month period of COBRA continuation, of a disability determination by Social Security. An employee has up to sixty (60) days to elect coverage after receiving notice from the town of rights to COBRA coverage.

Your spouse dies; your spouse's employment with the Commonwealth or participating municipality ends for any reason other than gross misconduct or his/her hours of employment are reduced; or you and your spouse divorce or legally separate.

If you have dependent children who are covered by health benefits program, each child has the right to elect COBRA coverage if he or she loses GIC health coverage for any of the following reasons (known as "qualifying events") the parent dies; the employee-parent's employment is terminated (for reasons other than gross misconduct) or the parent's hours of employment are reduced; the parents legally separate or divorce; or the dependent ceases to be a dependent child under GIC eligibility rules.

Retiree Health Insurance

Retirees from the town, defined as former employees who are eligible for and receiving their pensions from the Massachusetts Teachers Retirement or the Essex Regional Retirement System, are generally eligible to participate in the town's health insurance program.

Spousal Health Insurance Upon Death of an Employee

Upon the death of an active employee or retiree, the surviving spouse may continue the group

coverage, including dependent coverage, until remarriage or death of said surviving spouse, in accordance with M.G.L. Chapter 32B §9B (100% paid by spouse). As applicable, these situations will also be subject to the provisions of COBRA (100% paid by individual) and Title XXII of the Public Health Service Act.

Continuation of Benefits (COBRA)

If an employee's employer-provided group health care coverage is terminated for the employee or their dependents, they may be eligible for continuation coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The details of this coverage are set forth in the plan documents. Employees should review those documents for further information.

Dental Insurance

The Town of Wenham offers Dental insurance for all regular, full-time and part-time employees, who work twenty (20) hours or more per week, and their eligible dependents upon hire. Once an employee has made their enrollment decision, they may not change their elections until the next open enrollment period in May (effective July 1st), unless there is a qualifying event such as loss of coverage, marriage, divorce, or birth. The Town of Wenham pays a percentage of the Dental insurance premiums and employees contribute the balance. Employees should refer to the plan summary for further coverage details.

Pension Plan

Any individual who is permanently and regularly employed twenty (20) or more hours per week and who receives at least five thousand dollars (\$5,000) in wages shall become a member of Essex Regional Retirement System (ERRS). Participation in the pension plan is mandatory if the employee meets these qualifications.

Employees hired after July 1, 1996, contribute nine (9%) percent of all regular compensation plus an additional two (2%) percent on all regular compensation over thirty thousand (\$30,000) dollars per year.

Please see Essex Regional Retirement Guide for percentages for employees hired prior to 7/1/1996

Employees must have ten (10) years of creditable service in order to be considered vested. When an employee is vested, they have earned the right to a retirement allowance at a later date. Employees no longer have to remain in service to be eligible to collect it.

The Pension Reform Act of 2011 created new requirements for employees who became members after April 2, 2012. These new requirements affect the time at which an employee can retire as well as the calculation used to determine the pension, among other significant changes. Employees should contact Essex Regional Retirement System with any questions or concerns on their retirement benefit. The website is www.essexregional.com and the phone number is (978) 739-9151.

Workers' Compensation Benefits

The Town of Wenham provides a comprehensive workers' compensation insurance program as legally required. If an employee is injured while on the job, they may be eligible for benefits in accordance with the Massachusetts Workers' Compensation law. If an employee sustains a work-related injury or illness, they should inform their supervisor immediately. Despite the severity of the injury, it must be reported. Forms are available for employees and their supervisors to complete and submit to the Assistant Town Administrator/HR. Injuries sustained in any other manner, such as recreational or athletic activities, that are not work-related are not covered under workers' compensation insurance.

The Town, through its Department Head, may supplement worker's compensation payments in the amount which is the difference between the amount paid in Worker's Compensation payments and the employee's regular compensation to the extent the employee has accumulated sick leave. Such supplemental payments shall be charged against accrued sick leave and/or vacation/personal until such leave has been exhausted at which time such supplemental payments shall cease. All applicable payroll deductions will continue to be withheld from Workers Compensation payments. Sick leave benefits will continue to accrue for a period of up to three (3) months.

Supplemental Insurance Policies

The Town of Wenham makes available to all regular, full-time employees a variety of additional supplemental insurance benefits. These optional benefits are paid at one hundred (100%) percent employee contribution level. The various benefit options include Vision, Life, Accidental Death and Dismemberment, Accident, Cancer, and Disability Insurances. These plans are offered and administered by various vendors and are made available upon hire and during the annual open enrollment period. Additional information on the plans and vendors can be obtained in the Treasurer's Office.

Basic Life and Accidental Death and Dismemberment Insurance

The Town of Wenham provides all regular, full-time employees with the option to elect a Basic Life and Accidental Death and Dismemberment (AD&D) insurance policy at a forty (40%) percent premium contribution level through Boston Mutual Life Insurance Company. The policy is a guaranteed issue for first time applicants in their initial eligibility period with no medical questions for amounts up to five thousand (\$5,000) dollars. Coverage does not continue for termination of

employment outside of retirement, though there may be options available for Portability and Conversion of the policy within thirty-one (31) days from the date of termination. Additional coverage levels above five thousand (\$5,000) dollars are available for first time applicants in their initial eligibility period at one hundred (100%) percent employee premium contribution level. Upon an employee’s enrollment in the policy, as part of coverage, they are asked to designate a beneficiary in the future event that their policy is exercised. An employee may change their beneficiary at any time. Employees should refer to the plan summary for further coverage details.

457 Retirement Savings Plan

The Town of Wenham offers a 457 Retirement Savings Plan that allows employees to contribute a predetermined amount of their compensation on a pre-tax or post-tax basis through payroll deductions (up to the IRS maximum). All full-time Town employees are eligible to participate in the 457 Retirement Savings Plan upon hire or at any point during their employment.

Flexible Spending Accounts (FSA)

The Town of Wenham offers a Flexible Spending Account (FSA) to enable employees to fund certain healthcare and dependent care expenses on a pre-tax basis in accordance with IRS regulations. The Two (2) plans the Town of Wenham offers are:

Plan Type	Maximum Pre-Tax Contribution	Eligible Expenses for Reimbursement
Dependent Care Plan Account (DCAP)	Up to annually established maximum dollar amount	Child or elder care during work hours such as: Daycare Day camp Preschool tuition Before and after school care Some elder care
Medical Expenses Reimbursement Plan	Up to annually established maximum dollar amount	Expenses not covered by the medical insurance plan such as: Deductibles Co-payments Non-reimbursed medical, dental or vision expenses

If electing the DCAP or Medical Expenses Reimbursement plan, employees should:

- Estimate their annual eligible expenses
- Determine their desired contributions on a yearly basis
- Estimated expenses should be calculated carefully since, per IRS regulations, payroll deductions may only be changed annually upon date of hire, every open enrollment in May (effective July 1st) or within thirty (30) days of a qualifying life event (birth, death,

divorce, marriage, etc.), and any unused money unused after a 75-day grace period in an FSA account at is forfeited

- Authorize deductions from their paychecks. Once deducted, the money is deposited into the employees' FSA account(s).
- Use FSA card for eligible expenses: Employees may use their FSA card for eligible expenses, provided it is accepted at the location of the expense. If the FSA card is not accepted, the employee will need to pay for the expense out of pocket and submit a request for reimbursement.

Request reimbursements: Once the expense has been incurred, employees complete a reimbursement form and submit receipts for eligible services provided and the available money will be returned to them from their account.

Employees need to sign up for these accounts each year during open enrollment in May and submit outstanding receipts for previous year's health or dependent care claims by September 30th. Employees must refer to the plan summary for further coverage details.

Employee Assistance Program (EAP)

The Town of Wenham offers the services of an Employee Assistance Program (EAP) through the MIIA EAP, All One Health, at no cost to the employee. The EAP can assist employees, their dependents, and members of their household in dealing with challenges, issues, and problems at work or at home through counsel, information, problem-solving, and personalized referrals 24 hours a day by calling the toll-free number at (800) 451-1834 or through the website at <https://allonehealth.com/MIIAEAP/>. Usage of this benefit is voluntary and strictly confidential between the employee and MIIA unless the employee provides written consent to share information.

Expert consultants, including licensed counselors, can assist with a wide range of issues such as job or work stress, parenting issues, relationship problems, alcohol/substance abuse, anxiety/depression, legal issues, financial issues, grief or bereavement, etc. The EAP provides short-term care to employees and their families; however, will make referrals to longer-care providers should the employee desire.

Longevity Pay

Any regular full-time Town employee not covered by a union agreement and contributing to the Essex Regional Retirement System shall be eligible for longevity pay once per fiscal year as follows:

Five (5) to nine (9) years of service – one hundred (\$100) dollars

Ten (10) to fourteen (14) years of service – two hundred (\$200) dollars

Fifteen (15) to nineteen (19) years of service –three hundred (\$300) dollars

Twenty (20) to twenty-five (25) years of service – Four hundred (\$400) dollars

Longevity pay shall not be considered part of an employee's base pay for purposes of future pay increases.

Insurance Portability

Employees who leave the Town of Wenham may be eligible to continue some of their insurance coverages through the insurance companies as individual policies billed directly to the employee and paid directly by the employee. Information will be distributed on these plans during the exit interview or mailed.

Unemployment Insurance

The Town of Wenham is self-funded for unemployment insurance. If an employee becomes unemployed, they may be eligible for unemployment compensation, under certain conditions, for a limited period of time. Unemployment compensation provides temporary income for workers who have lost their job. If an employee's employment with the Town of Wenham terminates for any reason, they may contact the Department of Unemployment Assistance (DUA) regarding how to file for unemployment insurance benefits.

Work-Related Seminars

The Town of Wenham encourages employees to take ownership for their own professional development. As such, should there be an outside seminar that would benefit professional or technical skill development, the employee should feel free to pursue this option with their supervisor. Actual approval of seminar attendance and reimbursable expenses are up to The Town Administrator's discretion. Reimbursable expenses may include the basic cost of the course, associated registration fees, lodging and mileage.

Leave: Holidays, Sick leave, Vacation

Holidays

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

- New Year's Day;
- Martin Luther King Day;
- President's Day;
- Patriot's Day;
- Juneteenth
- Memorial Day;
- Independence Day;

Labor Day;
Indigenous Peoples' Day;
Veterans' Day;
Thanksgiving, the day after; and
Christmas Day.

Part-time employees (those that work less than twenty (20) hours per week do not qualify for holiday pay. If the number of hours worked varies, the amount of holiday pay to which an employee is entitled shall be determined by the employee's appointing authority or Department Head.

Non-exempt employees who are required to work on a Town of Wenham holiday will be paid for the holiday at one and one-half (1½) times their regular hourly wage for hours worked on the holiday.

If a federal holiday falls on Friday, Saturday, or Sunday, employees shall receive a floating holiday. This shall be used within 90 days and is subject to the Town Administrator's approval.

Vacation Time

The Town of Wenham provides paid vacation for all full-time employees. Vacation time will be earned upon the completion of each month of continuous service. All employees, not represented for collective bargaining purposes, occupying a full-time position, in which they customarily work more than one thousand forty (1,040) hours per year, shall accrue vacation time monthly in each calendar year based on their guaranteed and regular scheduled weekly hours as follows:

Two weeks prorated until July 1st

Two weeks after one year of service

Three weeks after five years of service

One additional day for every year of service beyond five years, to a maximum of four weeks.

Vacation accruals awarded on July 1st of each fiscal year

The Town may, in the discretion of the Select Board or Town Administrator, where the Select Board has granted hiring authority, determine that a new employee to the Town is entitled to a greater amount of vacation time than is provided in the schedule above, based on prior professional experience or commensurate with the amount of vacation to which they were entitled in a prior position. Incoming employees may provide the Town with proof of their annual vacation entitlement from their immediately prior position, and the Appointing Authority may consider such proof in making its determination. If a new employee is granted a greater starting vacation entitlement than what the schedule provides, any subsequent increase in their annual vacation entitlement shall be governed by and consistent with the above-referenced schedule.

New employees are eligible to take accrued time following ninety (90) days of continuous service. Employees will not accrue vacation during approved leaves of absence.

Employees should submit vacation requests in advance for vacation time to their supervisor. The scheduling of vacations is subject to the staffing requirements of the employee's department, on a first-come, first-scheduled basis, with conflicts settled based on the length of service of employees involved.

Vacation is paid at the employee's base pay rate at the time it is taken and does not include any other forms of compensation. The Town strongly encourages employees to utilize their available vacation. Employees may carry over a maximum of one (1) week into the next calendar year. An employee's total vacation time cannot exceed annual accrual as defined by each employee's years of service plus two weeks. The deadline to use vacation time shall be June 30.

Upon termination of employment, employees will be paid for accrued and unused vacation up to the maximum amount that has been accrued through the employee's separation from payroll. If the employee's vacation accrual balance is in deficit as of the date of separation, those hours may be recovered in the final check.

In the event of a death of an employee, the estate of the deceased will be paid for accrued and unused vacation up to the maximum amount that has been accrued through the employee's separation from payroll. Deficit vacation hours will not be recovered.

Sick Time

All full-time and part-time employees shall accumulate up to one and one-half (1½) days of sick leave with pay for each full calendar month of service, up to a maximum of 15 days per calendar year. An employee may roll-over unused sick leave days into the following calendar year and may accumulate up to a maximum of 180 days of sick leave total. Employees who work less than forty (40) hours per week will accrue on a prorated basis.

Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury, exposure to a contagious disease, or the sickness, injury or exposure to a contagious disease of a dependent living in the same household, who normally requires the care or direct supervision of the employee.

Sick leave shall be authorized by the Department Head. Notification of illness shall be made to the employee's Supervisor, if possible, prior to starting time or as soon as practical thereafter. The Department Head may require a physician's certificate of illness if an absence lasts longer than five (5) days. A Department Head may grant an employee leave with pay in the event of serious illness of a member of the employee's immediate family, which leave shall be sick leave of such employee.

A full-time or regular parttime employee who voluntarily or involuntarily, terminates service, after the after the age of 55 years and after ten years of service to the town, shall be entitled to reimbursement for one-half of his or her accumulated sick leave at the employee's regular pay scale at retirement (exclusive of over-time or any other extra credit) Employees whose services are terminated shall not be entitled to compensation in lieu of sick leave not taken.

Absence Notification Procedures

If an employee determines that the employee needs to be absent, to be late or to leave work early, the employee must give advance notice to their supervisor. Notice should be provided in person, by telephone or e-mail.

If the absence is foreseeable (for example, if the employee will be absent to attend a previously

scheduled appointment), the employee must provide seven (7) days advance notice, or more if possible.

If the absence is not foreseeable, the employee must provide notice to their supervisor at least one (1) hour before the start of the employee's shift. If one (1) hours' notice is not feasible due to accidents or sudden illness, notice must be provided as soon as practicable.

If an employee is going to be absent on multiple days, the employee or the employee's surrogate (e.g., spouse, adult family member or other responsible party) must provide notice of the expected duration of the leave or, if unknown, provide notice on a daily basis, unless the circumstances make such notice unreasonable.

Interaction with Other Types of Leave

If any time off covered under this policy is also covered under the Town's FMLA, Parental Leave, Leave to Address Abusive Behavior, SNLA leave or other leave of absence policies, sick time shall run concurrently with such leave unless otherwise approved in writing.

Personal Days

Regular, full-time and regular part-time employees (who work more than twenty (20) hours per week who have been with the Town for at least ninety (90) days may be eligible for up to three (3) personal days per calendar year. Specific dates must be pre-approved by the employee's Supervisor in advance. These days are in addition to vacation days and may be used for personal reasons. Personal days cannot be carried over from year to year. Employees who work less than forty (40) hours per week will have their personal time prorated.

Personal Leaves of Absence

The Town of Wenham recognizes that at times personal circumstances may create situations that necessitate a leave of absence, and while such leaves are rare, every effort will be made to accommodate the employee should the circumstances warrant it. A personal leave of absence is an unpaid period of time, up to a maximum of three (3) months, that an employee is absent from work without loss of employment or seniority for reasons that do not qualify under the Family Medical Leave Act (FMLA).

All personal leaves of absence are at the discretion of the Town. Requests for such a leave must be in writing and include the circumstances surrounding the request. All leaves of absence are without pay, unless an employee has available paid time off. Employees taking a leave of absence must use available paid time off before the unpaid leave portion of the leave begins unless otherwise approved in writing. Should a leave be granted, the employee is still responsible for the usual benefit contributions during this time and vacation/sick accrual will stop during any unpaid periods.

Requesting a Leave of Absence

An employee seeking a leave of absence must submit a written request for leave to their Department Head and Town Administrator and/or Human Resources. The request for leave must include:

Name of employee;

Name of Supervisor/Department Head;
Date of request;
Reason for leave (please provide specifics);
Anticipated timing and duration of leave; and
Signature of employee.

Employees must provide thirty (30) days' advance notice of the need to take a leave of absence when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable, which should be on the same day or next business day of the date the employee becomes aware that the leave is needed. Employees who provide less than thirty (30) days' notice are required to provide an explanation as to why they were unable to do so. In all cases, employees taking a leave of absence are expected to comply with the Town's normal call-in procedures for taking time off. Employees who fail to meet these notice requirements may be denied leave.

Employee Obligations during a Leave of Absence

Employees on a leave of absence are required to report to the Department Head, Town Administrator, and/or Human Resources periodically regarding their status and intention to return to work. Employees on a leave of absence are also prohibited from holding outside employment or consulting jobs without the written permission of the Town. Doing so may result in disciplinary action up to and including termination.

An employee returning from a leave of absence due to a serious health condition will be required to present a fitness-for-duty certificate prior to being restored to work.

If an employee fails to report to work on the first day after the expiration of the leave of absence, they will be considered as voluntarily terminating their employment.

Leave: Family and Medical Leave Act (FMLA) and Parental Leave Act

Eligibility for FMLA Leave

Employees are eligible for FMLA leave if they have worked for the Town for at least one (1) year, for one thousand, two hundred and fifty (1,250) hours over the previous twelve (12) months, and if at least fifty (50) employees are employed by the Town within seventy-five (75) miles. Periods of absence from work due to military leave covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) are counted in determining an employee's eligibility for FMLA leave.

Types of FMLA Leave

Eligible employees can take FMLA leave for the following reasons:

Parental Leave

Employees may take FMLA leave for incapacity due to pregnancy, prenatal medical care, or

childbirth. Such leave may also be used to care for the employee's child after birth, or placement for adoption or foster care.

Leave Due to the Employee's Own or a Family Member's Serious Health Condition

Employees may take FMLA leave for a serious health condition that makes the employee unable to perform the employee's job. Employees may also take FMLA leave to care for the employee's spouse, child/dependent, or parent, who has a serious health condition.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying Exigency Leave

Eligible employees with a spouse, child/dependent, or parent on covered active duty or called to covered active-duty status in (a) the National Guard or Reserves in support of a contingency operation, or (b) the regular armed forces who are in or called to cover active duty in a foreign country, may use FMLA leave to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty, and attending post-deployment reintegration briefings.

Military Caregiver Leave

Eligible employees may take FMLA leave to care for a child/dependent, parent, or next of kin who is a covered service member. A covered service member is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the definition of "serious health condition" for other types of FMLA leave, as set forth above. Employees seeking military caregiver leave should see Human Resources for more information.

Length of FMLA Leave

Employees may take up to twenty-six (26) weeks of Military Caregiver leave during a single

twelve (12) month period.

For all other types of FMLA leave, each employee may be granted leave for a period up to twelve (12) weeks (during any twelve (12) month period). In determining eligibility for leave, a “rolling” twelve (12) month period is used, measuring backward from the date the employee uses any FMLA leave.

In circumstances where both spouses work for the Town, the employees may be limited to a combined total of twelve (12) weeks of leave for parental leave or for leave to care for the employee’s parent with a serious health condition, or a combined total of twenty-six (26) weeks of military caregiver leave.

If an employee is eligible for FMLA leave and takes time off for an FMLA-qualifying purpose, such leave shall be counted as FMLA leave. Leaves taken pursuant to other Town policies (for example, workers’ compensation, parental leave, short term disability, sick time) shall be deemed to run concurrently with FMLA leave.

Required Certifications

Employees seeking leave due to a family member’s serious health condition are required to submit a completed “Certification of Health Care Provider for Family Member’s Serious Health Condition” form.

Employees seeking FMLA leave due to the employee’s own serious health condition are required to submit a completed “Certification of Health Care Provider for Employee’s Serious Health Condition” form.

In all cases of leave due to the employee’s or a family member’s serious health condition, the Town reserves the right to request a second medical opinion at the Town’s expense and further medical opinion, where appropriate. Periodic recertification also may be required for requested extensions of medical leave, lengthy leaves of absence, and other appropriate circumstances.

Employees seeking Qualifying Exigency leave are required to submit a completed “Certification of Qualifying Exigency for Military Family Leave” form.

Employees seeking Military Caregiver leave are required to submit a completed “Certification of Serious Injury or Illness of Covered Service Member” form. In lieu of the form, the employee may provide invitational travel orders (ITOs) or invitational travel authorizations (ITAs).

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Town asks that employees not provide any genetic information when submitting the required certifications. 'Genetic information,' as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Compensation During FMLA Leave

Employees on FMLA leave must apply any accrued paid time off such as vacation or sick time while taking FMLA leave. Employees must comply with the Town's normal policies for use of accrued paid time off.

If an employee does not have any accrued paid time, and is not eligible for other benefits, such as workers' compensation payments or short or long-term disability payments, the FMLA leave will be unpaid.

Benefits During FMLA Leave

An employee on FMLA leave will be retained on the Town's health plan on the same condition as active employees, except that the employee must make arrangements with the Treasurer's office for timely payment of the employee's portion of the premium to continue such coverage. If any premium payment is more than thirty (30) days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck.

Arrangements may also be made with the Town Administrator and/or Human Resources for the continuation of certain other benefits during the period of leave. The employee may be eligible for the accrual of seniority or earn additional employee benefits (e.g. vacation or sick leave) during the period of the leave. However, any FMLA leave will be treated as continued service for purposes of the Town's pension and other retirement plans.

An employee on an FMLA leave of absence will not be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of FMLA leave, the holiday will count towards the employee's annual FMLA total. If the employee is taking less than a full week of FMLA leave, the holiday will only count as FMLA leave if the employee would have been scheduled and expected to work on the holiday.

If an employee fails to return from leave, the employee shall be liable for the employer's share of the insurance premiums unless: (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or the failure to return stems from circumstances beyond the control of the employee.

Reduced Work Schedule/Intermittent FMLA Leave

For all types of FMLA leave, except Parental leave, an employee does not need to use the leave entitlement in one (1) block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Town's operations. Further, where a reduced work schedule or intermittent leave is foreseeable based on planned medical treatment, the Town reserves the right to temporarily transfer the employee to a position of equal pay status that better accommodates the employee's recurring periods of leave.

Town Notifications Regarding FMLA Leave

Employees requesting leave will be notified regarding whether they are eligible under FMLA. If the employee is eligible, the notice will specify any additional information required, as well as the employee's rights and responsibilities. If the employee is not eligible, the Town will provide a reason for the ineligibility.

The Town will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the Town determines that the leave is not FMLA-protected, the employee will be notified.

Return from FMLA Leave

Upon return from FMLA leave, most employees must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms, except that the employee will not be entitled to any employment rights or benefits greater than those they would have had in the absence of taking such a leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

If an employee is unable to return from FMLA leave on the date set forth in the leave request and/or certification of healthcare provider, the employee is expected to contact the Town prior to the anticipated return to work date. If an employee fails to return from FMLA leave when scheduled and does not contact the Town in advance, the employee may be deemed to have resigned.

Employee Protections Under the FMLA

The FMLA prohibits the Town from:

Interfering with, restraining, or denying the exercise of any right provided under the FMLA; or
Discharging or discriminating against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for violation of the FMLA.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Massachusetts Parental Leave

Massachusetts' employees may be eligible for leave under the Massachusetts Parental Leave statute, which allows eligible employees up to eight (8) weeks of unpaid job protected leave for the birth or adoption of a child under eighteen (18) years of age (or under twenty-three (23) years of age, if the child is disabled). If two (2) employees working for the Town are eligible for parental leave for the same child, they may be eligible for a combined total of eight (8) weeks of unpaid parental leave between them.

Regular, full-time employees working in Massachusetts, who have completed at least three (3) months of employment, are eligible to request Massachusetts Parental Leave. The employee must

give at least fourteen (14) days written notice of the anticipated date of departure and intention to return to the job or provide notice as soon as practicable if the delay in notice is for reasons beyond the employee's control. Employees may be required to provide proof of birth or adoption to Human Resources.

Those eligible for Parental leave may use accrued time off to substitute for any unpaid leave. For any period of leave in which an employee is unavailable to work prior to delivery because of pregnancy, she may use earned sick leave. A physician's statement may be required to justify the use of sick leave at this time. However, paid time off may accrue during the leave. Health coverage will continue the same as before the leave. Employee is responsible for making all benefit premium payments.

At the conclusion of the Parental leave, the Town of Wenham will offer reinstatement to the employee's previous position, or a similar position with the same status, at a salary equal to that which they received at the commencement of the leave. However, there are no greater rights provided because of the leave than if the employee were not on leave. The Town of Wenham reserves the right not to reinstate an employee on Parental leave to their previous or similar position if other employees of equal seniority and status in the same or similar position have been laid off due to economic or other conditions affecting employment during the period of the leave.

If an employee fails to report to work on the first day after the expiration of the leave of absence, and has not applied for an extension, the Town of Wenham will consider this a voluntary termination of employment, as is the policy with any leave. If unable to return to work at the end of a leave because of an extended disability due to recovery from childbirth, an employee will be treated in accordance with appropriate disability program provisions.

Leave: Other Types of Leave

Small Necessities Leave Act (SNLA)

The Massachusetts Small Necessities Leave Act provides eligible employees with up to twenty-four (24) hours of unpaid leave during any twelve (12) month period for the purposes of:

Participation in school activities directly related to educational advancement of a child or dependent of the employee, such as parent-teacher conferences or interviewing for a school; Accompanying a child or dependent to routine medical or dental appointments, such as checkups or vaccinations; and Accompanying an elderly relative to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes. An elderly relative is an individual who is at least sixty (60) years old and who is related by blood or marriage to the employee.

Eligible employees are those who meet the eligibility requirements of the Family and Medical Leave Act.

Where SNLA leave is foreseeable, employees must provide at least seven (7) days advance written notice to the Town. Where leave is not foreseeable, employees must notify the Town as soon as practicable. Employees may be required to provide a certification (which can serve as notice), for

each period of leave taken pursuant to this policy.

The available twenty-four (24) hours of SNLA leave does not need to be taken all at once. Rather, leave may be taken intermittently, in minimum increments of one hour.

Employees are required to substitute accrued vacation or sick time towards SNLA leave. Once paid leave is used up, SNLA leave is unpaid.

Leave to Address Abusive Behavior

The Massachusetts Domestic Violence Leave Law requires employers with fifty (50) or more employees to provide all employees, regardless of their eligibility for other leaves, for up to fifteen (15) days of unpaid leave in any (12) twelve-month period to address the consequences of “abusive behavior” to themselves or family members.

Eligibility

To be eligible, an employee must be taking the leave from work to seek or obtain medical attention, victim services or legal assistance, to secure housing, to obtain a protective order from a court, to appear in court before a grand jury, to meet with a district attorney or other law enforcement official, to attend child custody proceedings, or to address other issues directly related to the abusive behavior against a family member.

Any employee who is the perpetrator of the abusive behavior against their family member is not eligible for leave under this law.

Definitions

For the purposes of this policy, the following words shall have the following meanings:

“Family members” means:

Spouses, parents and stepparents, children and stepchildren, siblings, grandparents, grandchildren, persons with whom an employee has a substantive dating or engagement relationship, persons with whom an employee has a child in common, and persons with whom an employee is in a guardianship relationship.

“Abusive behavior” means:

Domestic violence – defined as abuse against an employee or the employee’s family member by (i) a current or former spouse of the employee or the employee’s family member, (ii) a person with whom the employee or the employee’s family member shares a child in common, (iii) a person who is cohabitating with or has cohabitated with the employee or the employee’s family member, (iv) a person who is related by blood or marriage to the employee, or (v) a person with whom the employee or employee’s family member has or had a dating or engagement relationship;

Stalking – defined as willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period directed at a specific person that seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and making a threat with the intent to place the person in imminent fear of death or bodily injury;

Sexual assault – defined as rape or assault with intent to commit a rape; indecent assault and battery; enticement of a minor into prostitution, human trafficking, or commercial sexual activity; or subjecting, recruiting, enticing, harboring, transporting, providing, or obtaining by any means, or attempting to subject, recruit, entice, harbor, transport, provide, or obtain by any means,

another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography, or causing a person to engage in commercial sexual activity or a sexually-explicit performance or the production of unlawful pornography; or kidnapping.

“Abuse” means:

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, which includes 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.

Compensation and Benefits during Leave

Leave taken under this policy will not be paid. Employees taking leave will be required to use any unused vacation or sick time. Vacation or sick time benefits may not accrue during leave if leave is unpaid.

An employee on leave will be retained on the Town’s health plan on the same condition as active employees, except that the employee must make arrangements with the Treasurer’s office for timely payment of the employee's portion of the premium to continue such coverage. If any premium payment is more than thirty (30) days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck.

An employee on leave of absence will not be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of leave, the holiday will count towards the employee’s fifteen (15) days of total leave.

If an employee fails to return from leave, the employee may be liable for the employer's share of the insurance premiums.

Return from Leave

Upon returning to work, an employee will be restored to their original or an equivalent position, unless economic, business, or other circumstances unrelated to their use of leave under this policy would have resulted in a change in their employment status or position.

The use of leave under this policy shall not result in the loss of any employment benefits accrued prior to the date on which the leave taken under this policy commenced. Employees shall not be subject to retaliation for their use of leave under this policy.

Town Notifications Regarding Leave

Except in cases of imminent danger to an employee or an employee’s family member, an employee must provide thirty (30) days’ advance notice of the need to take leave when the need is foreseeable. When thirty (30) days’ notice is not possible, an employee must provide notice as soon as practicable, which should be on the same day or the next business day of the date that the employee becomes aware that the leave is needed.

If leave is due to imminent danger to an employee or an employee's family member and advance notice cannot be provided, the employee must then notify the Town within three (3) workdays. Such notice may be communicated by the employee, a family member, or any professional person who may be assisting in addressing the abusive behavior and its consequences, such as a counselor, a social worker, a health care worker, a member of the clergy, a shelter worker, a lawyer, or a legal advocate.

When seeking leave, an employee is required to provide documentation within thirty (30) days from the last day of the unscheduled absence showing that the leave was taken to address issues directly related to the abusive behavior, as defined above. Any of the following documents are sufficient. An employee need not show evidence of an arrest, conviction, or other law enforcement documentation.

- A protective order, order of equitable relief, or other documentation issued by a court because of abusive behavior sought or issued on the date(s) of leave.
- A document on the letterhead of the court, provider, or public agency stating that the employee sought assistance relating to the abusive behavior on the date(s) of leave.
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior on the date(s) of leave.
- Documentation that the perpetrator of the abusive behavior 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 under this section.
- Documentation of medical treatment or counseling because of the abusive behavior on the date(s) of leave.
- A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted in addressing the effects of the abusive behavior on the date(s) of leave.
- A sworn statement signed under the penalties of perjury, from the employee attesting to being a victim of abusive behavior or is the family member of a victim of abusive behavior.

If an unscheduled absence occurs because of abusive behavior, no negative action will be taken against an employee, within thirty (30) days from the last unauthorized absence in the instance of consecutive days of unauthorized absences.

Any documentation provided to the Town in connection with abusive behavior leave will be maintained in the employee's employment record only for as long as required for the Town to make a determination of eligibility for leave.

All information related to a leave due to abusive behavior will be kept confidential and will not be disclosed, except to the extent that disclosure is (i) requested or consented to, in writing, by the employee, (ii) is ordered to be released by a court, (iii) is otherwise required by applicable federal or state law, (iv) is required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general, or (v) is necessary to protect

the employee's safety or the safety of other employees at the Town.

Military Leave

An employee shall be entitled in each calendar year up to 17 consecutive days compensated leave of absence for the purpose of attending military training and/or required active duty in State of Federal Armed Services activities. The Town will make up the difference between the employee's lost wages and the military pay received.

(excluding any travel allowances) upon presentation of certification the military pay received. If military pay exceeds the employee's lost wages, the employee is not required to reimburse the Town for the difference. Additional leave of absence for such scheduled training activities will be granted by the department head, as required by law, but without pay.

Time Off for Veterans

Town of Wenham will grant veterans time off, if requested on Veterans Day, regardless of whether the veteran employee participates in Veterans Day celebrations. The Town will also grant veterans time off on Memorial Day to participate in an exercise, parade, or service in their community. Leave covered under this policy is unpaid.

Bereavement

When a death occurs in an employee's immediate family (spouse, child/dependent, stepchild/dependent, parent, mother-in-law, father-in-law, grandparent, grandchildren, sister or brother, upon request, regular, full-time and part-time employees will be granted paid leave for up to four (4) working days, to include day of death and the day of the funeral, up to three paid (3) working days for the death of non-immediate household, members and one (1) paid working day for the death of an aunt, uncle, niece, nephew, brother-in-law, or sister-in-law. Proof of death may be required by the Town.

Employees can petition the Town Administrator to use bereavement leave for the loss of relations not listed above.

Jury Duty

Town of Wenham encourages employees to fulfill their civic responsibilities by serving on jury duty when required. If an employee is called to serve on jury duty, their supervisor should be notified, and a copy of the employee's jury duty notice must be on file so that arrangements may be made to accommodate the absence. Employees selected for jury duty will be paid their regular base salary for up to three (3) days. In order to receive jury duty, pay an employee must present the statement of jury service and any subsequent payment information. Employees who report to jury duty and are not selected to serve on the panel are expected to use their judgment as to whether they should report back to work based on the hour they are dismissed.

Time Off to Vote

Generally, employees can find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, they should speak with

their supervisor in advance to discuss other accommodations. Time taken during regularly scheduled hours is unpaid. In Massachusetts, an employee is granted the first two (2) hours after the polls open to vote.

Witness Duty

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the Town of Wenham. Employees are free to use any available paid leave benefit (such as vacation leave) to receive compensation for the period of this absence.

The subpoena should be shown to the employee's Supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

Employee Status and Compensation

*Collective Bargaining Agreements (CBA) have priority where applicable. *

Fair Labor Standards Act and MA Wage and Hour Laws

Wenham follows the Fair Labor Standards Act and Massachusetts Wage and Hour laws as applicable to municipalities. The Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. More information may be found on the poster in your workplace or online here: <https://www.dol.gov/whd/regs/compliance/hrg.htm>.

The Attorney General's Fair Labor Division enforces laws about minimum wage, overtime, payment of wages, sick time, meal breaks, temp workers' protections, domestic workers' protections, recordkeeping, and more. More information may be found on the poster in your workplace or online here: <https://www.mass.gov/wage-and-hour-laws>.

Employment Categories and Classification

The town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equitable pay. Health insurance requirements may not be considered.

The Town Administrator shall have responsibility for the administration of the classification plan and shall be authorized to: (a) complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions; (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification; (c) conduct periodic studies to insure the classification plan remains uniform and current; and (d) develop procedures to determine the proper classification of each position and classify positions.

It is the intent of the Town of Wenham to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either exempt or non-exempt from federal and state overtime laws. Non-exempt employees are eligible for overtime pay under specific provisions of the Fair Labor Standards Act (FLSA), while exempt employees are excluded from specific provisions of federal and state wage and hour laws.

Non-exempt employees are eligible for overtime pay and are required by law to maintain time records of all work performed. In addition to the above categories, each employee will belong in one other employment category:

Regular, Full-Time Employees

Employees who are guaranteed a regular and consistent work schedule of 32.5 hours per week and maintain a continuous, regular employment status. Generally, regular, full-time employees are eligible for all employee benefits, holiday pay, and group insurance, subject to the terms, conditions, and limitations of each benefit program.

Part-Time Employees

Employees who are not guaranteed a regular and consistent schedule of twenty more than (20) hours per week but less than 32.5. While part-time employees participate in all legally mandated benefit programs (workers' compensation insurance), they are not eligible for the Town of Wenham's other benefit programs, except where otherwise noted.

Temporary/Seasonal Employees/Part times

Employees who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specified project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees participate in all legally mandated benefit programs, they are not eligible for the Town of Wenham's other benefit programs.

Non-Union Employees and Retroactive Pay

Non-Union employees shall be eligible to receive retroactive compensation. Pursuant to MGL Chapter 44 Section 68 for Retroactive salary increases; whenever a city, town or district votes to grant a salary increase to all or any of its employees, such increase may be retroactive to a date not earlier than the beginning of the fiscal year prior to the date of such vote.

Work Week

The work week of employees occupying full-time positions shall fall between twenty (20) to forty (40) hours per week as determined in writing upon hire or in subsequent written notification.

Pay Period

For all employees of the Town of Wenham, the standard pay period is biweekly and the employees are paid for work performed in the previous fourteen (14) day period. Paychecks are received every other Thursday. When payday falls on a holiday, employees will be paid on the preceding workday. No advances will be made before payday.

Overtime Pay

When operating requirements or other needs cannot be met during regular working hours, Non-exempt employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Supervisor's

prior authorization. The Town of Wenham has the sole and exclusive right to decide who will receive particular overtime assignments and when.

Non-Exempt Employees

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions, at the following rate: one and one-half (1½) times the regular hourly wage for any time actually worked over forty (40) hours per week (non-public safety personnel). The work week runs from Sunday through Saturday. Vacation and holiday time are included in the calculation of hours worked; however sick time, jury duty, and bereavement are not included as hours worked when calculating overtime.

All overtime must be approved in advance by an employee's Supervisor. Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

Exempt Employees

The nature of employment for exempt employees is that they may be required to work additional hours or hours at times other than the normal work week.

Breaks

Rest and meal periods are intended to provide employees with an opportunity to take a break and relax. All non-exempt employees who take meal breaks or other unpaid breaks must clock in and out and will be relieved entirely from duty. Employees must be prepared to resume work promptly at the end of their meal period.

An employee's Supervisor will grant breaks as business needs allow and as required by local laws. Breaks may not be combined, added, saved up, or used to leave work early without permission from an employee's Supervisor. Smokers are not entitled to additional break time. Supervisors will designate any specified break areas.

Timekeeping Procedures

Accurately recording total time worked is the responsibility of every employee. Federal and state laws require the Town of Wenham to keep an accurate record of time worked in order to correctly calculate employees' pay and benefits. "Time worked" is all the time actually spent on the job performing assigned duties.

Non-exempt employees shall record on their timesheets when they begin and end their work, as well as the beginning and ending time of each meal period and/or unpaid break. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Unless otherwise requested, non-exempt employees should report to work no more than eight (8) minutes prior to their scheduled starting time and not stay more than eight (8) minutes after their scheduled stop-time without prior authorization from their supervisor. Tardiness will not be tolerated, and may be grounds for disciplinary action, up to and including immediate termination.

Exempt employees must record the total hours worked each day. They should also note if the time recorded is for vacation, personal, sick, or holiday time, as provided by the Town of Wenham.

The employee's Supervisor will review and approve timesheets before submitting them to Treasurer/Collectors office for processing. Employees must immediately report any omissions or errors in their time documentation to their immediate Supervisor so that the required adjustment can be made. If corrections or modifications are made to the time record, the modified record must be initialed and kept with the original.

Timekeeping documentation procedures are in place to provide accurate work records for all Town of Wenham employees. Altering, falsifying, tampering with time records, recording time on another employee's time record, or any violation of the procedures outlined above, may result in disciplinary action, up to and including immediate termination.

Payroll Procedures

Payroll Deductions

An employee's earnings and payroll deductions are itemized each pay period on their check stub or electronic pay statement. The Town of Wenham is required to make proper deductions on the employee's behalf. Amounts withheld vary according to how much the employee earns, their marital status, government employment regulations, and other factors. These mandatory deductions are made until the maximum amount is reached. Mandated withholdings include the following:

- Federal Income Tax;
- State Income Tax;
- Medicare; and
- Retirement (Pension)/OBRA.

Other deductions may be made from an employee's paycheck with their permission such as:

- Health/Dental Insurance Premiums;
- Life and Long-Term Disability Insurance;
- 457 Contributions; or
- Other Services Requested by the Employee.

The Town of Wenham takes all reasonable steps to pay employees the correct amount of pay and promptly on the scheduled pay day. In the unlikely event that there is an error in the amount or type of pay or an improper deduction, employees should promptly bring the discrepancy to the attention of their supervisor. Every effort will be made to investigate and resolve complaints immediately. If the Town determines that a deduction was taken improperly, corrections will be made as quickly as possible, and the Town will reimburse the employee for the improper deduction. All employees may file complaints or raise concerns regarding deductions from wages without fear of reprisal.

The Town of Wenham prohibits improper deductions to employee pay (as stated in the FLSA regulations). The Town of Wenham is committed to preventing improper deductions. Supervisors who are uncertain about whether a deduction is proper should seek guidance from the Treasurer/Collector before making or ordering the deduction. Supervisors who knowingly make or

authorize improper deductions are subject to disciplinary action, up to and including termination. Employees with questions or complaints about any deductions to their pay should see their supervisor immediately for clarification or correction.

Section 125

The Town of Wenham participates in an IRS Section 125 Plan, which allows employee- authorized deductions for medical, dental, and life insurance premiums to come out as pre-tax dollars. This means employees do not have to pay any taxes on the amount they contribute to such benefits. If employees enroll in this benefit, they will automatically be part of this plan.

Garnishments

In some circumstances the Town of Wenham may be obligated to execute a court- ordered wage assignment, tax levy, or garnishment against an employee's wages. Withholding shall continue until the Town of Wenham is provided with a written release from the creditor or the court.

Lost or Stolen Paycheck

Employees should report lost or stolen paychecks to their supervisor immediately. Supervisors will contact the Treasurer/Collector's office. A new check will be issued after the initial check has been cancelled. To eliminate the chance of losing or having someone steal an employee paycheck, the Town requires employees to take advantage of the Town of Wenham's direct deposit benefit.

Direct Deposit

It is the policy of The Town of Wenham that employees use direct deposit with any bank account(s) of theirs, in both checking and savings accounts. Money will be available in employee accounts on payday. To enroll, employees must complete a Direct Deposit form and attach a copy of a voided check. On payday, employees will receive a pay statement, as opposed to their actual paycheck. Employees may elect, change or cancel direct deposit at any time.

Expense Reimbursement

If an employee is asked to conduct company business using their personal vehicle, they may be reimbursed at the mileage reimbursement rate, which can be obtained through the Accounting Department. Travel expenses between the employee's home and work location are not reimbursable. If travel is required from home to a second location for business purposes, then to work or visa-versa, reimbursement will be the difference between the mileage from the home to work and the total miles driven on business.

Employees may receive reimbursement, subject to any state statutory requirements, for attending conferences or meetings sponsored by institutions or professional organizations for which the subject matter relates directly to the employee's position or provides beneficial information to enhance departmental operations. Prior approval of the Department Head is necessary and total expenses must be within departmental budget limits.

Approval of a town-sponsored membership in an appropriate professional organization and town-paid subscriptions to any appropriate professional publication must be approved by the employee's Department Head, subject to the availability of funds.

In order to be eligible for reimbursement for any authorized expenses, employees must submit an expense report accompanied by original or copies of original receipts with the necessary approvals. Requests for reimbursement should be made as soon as possible, preferably within one (1) week of the incurred expenses.

Communications

Personal Social Media Communications

The Town of Wenham understands the importance of social computing, networking and social media in today's world. Social media sites like Facebook, LinkedIn, Instagram and Twitter (X) are all very popular. Social media can also take other forms, too, such as blogs, wikis, file sharing sites, forums, discussion groups and chat rooms. Social media can be an extremely effective way of expanding our interactions with employees and residents. While embracing new technologies, we also want to make sure that the Town and our employees engage in social networking in a responsible manner.

This policy provides guidance on how to engage in social networking in a way to protect employees and the interests of the Town, vendors and residents.

Social networking sites should not be considered private. Generally, information posted on social networking sites should be considered public and employees should expect that even with the use of certain privacy settings what the employee posts on social networking sites will be seen by others outside the intended group of viewers.

Town policies still apply. Town policies still apply when using social media sites. Rules prohibiting the unlawful harassment of co-workers, for example, still apply to employees' on-line activities. The Town may monitor employee social media communications for compliance with Town policies.

- Use common sense/think before posting. Employees are responsible for the content they publish on social media sites. What the employee posts could be online for a long time. As a representative of the Town, employees should always consider how their comments will be viewed in light of protecting and enhancing both the Town's reputation as well as the employee's reputation.
- Respect others. Do not post defamatory comments about the Town, employees or its residents.
- Protect confidential information. Do not share or disclose non-public information.
- Be clear about who is speaking/writing. Without permission, employees are not authorized to make statements, comments or press releases on behalf of the Town. Employees should make clear that they are speaking on their own behalf and not on behalf of the Town. In some instances, it may be appropriate to add in this language: "The views expressed on this 'site' are my own and do not reflect the views and opinions of Town of Wenham."
- Use personal email addresses. Employees should always use their personal email address and not their Town of Wenham email address as their means of contact or identification on

social media.

- Respect copyrights, trademarks, and fair use. Remember to respect the copyrighted materials owned by others, and reference the sources used. Never distribute copyrighted materials (such as videos, photos, books, etc.) online as copyright infringement and plagiarism laws apply to posts on the Internet.
- Stay productive. Social media participation can be productive and beneficial both personally and professionally. However, employees must ensure that such personal activities do not interfere with work activities. Social media sites should not be used during work times except for work-related activities.
- Use social networking safely. Employees should always review the applicable privacy and security settings so that they understand how much or little information they are comfortable sharing.
- Rules of Conduct. Employees are expected to maintain behavior that is both honest and straightforward in accordance with the Rules of Conduct Policy.
- Other Social Media Policies. There might be additional social media policies within each department. Employees should become familiar with these policies.

This policy is not intended to infringe upon an employee's right to engage in certain union activities. Employees have the right to discuss terms and conditions of employment and mutual work-related concerns.

Social Media sites and services such as Facebook, Twitter and Instagram shall not be accessed from Town owned equipment unless the access is for official Town business and is approved by the employee's department head or appointing authority for a public purpose.

Employees are cautioned that inappropriate postings to social media sites on personal time and/or using solely personal devices and accounts may subject the employee to discipline, up to and including termination, if the postings adversely affect the Town or the workplace. By way of example, and not by way of limitation, inappropriate personal postings that may subject an employee to discipline include threats of violence, comments suggesting that the employee harbors any animosity or bias toward any protected class of individuals or any individual member of a protected class, and the disclosure of personal information or other confidential information gleaned in the workplace.

Cameras, Camera Phones, and Video Equipment

To safeguard confidential or proprietary information of the Town and its residents and business partners, the privacy of employees and visitors, and to reduce the opportunities for harassment, the Town of Wenham may regulate the use of electronic equipment used to capture images, such as camera phones, personal electronic devices with cameras, video equipment, cameras, handheld scanners, flash drives, and any other device capable of capturing or storing an image in its

facilities.

Employees are not to bring or use imaging equipment into Town facilities or into areas where personal privacy is generally acknowledged, including dressing rooms, restrooms, etc. Employees are not to photograph, video, or record work areas or anyone on Town premises without permission of the Town Administrator.

In other areas or at Town-sponsored events, employees and visitors may use cameras and similar equipment with permission, as long as they do not disrupt the workplace, annoy others, or violate a Town policy. For example, the Town's prohibition against harassment extends to include the use of electronic equipment, such as camera phones and personal electronic devices with camera and video capabilities.

Employees and visitors are not to use electronic equipment to create or convey offensive, harassing, vulgar, obscene, or threatening images or communications. Similarly, transmitting sexually oriented messages or images at work using camera phones or mobile devices with access to the Internet is strictly forbidden.

An exception to this policy concerning pictures and recordings of work areas would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety, and/or working condition concerns or other protected concerted activities.

Employee belongings, including electronic equipment, briefcases, backpacks, satchels, jackets, and purses, are subject to inspection to ensure compliance with this policy.

Personal Communications Devices

The Town of Wenham recognizes that cell phones and personal communications devices have become valuable tools in managing employees' professional and personal lives. However, use of these devices in the workplace can raise a number of issues involving safety, security, and privacy. Therefore, the Town of Wenham has adopted the following rules regarding the use of personal communication devices in the workplace during working hours:

- Except in cases of emergency, employees should conduct personal business during lunch breaks and other rest periods. This includes the use of personal communications devices (including cell phones) for personal business (including personal phone conversations and text messages, personal emails, and use of the Internet for personal reasons).
- Employees should be considerate of their co-workers and keep ring tones and alerts on vibrate or silent while at work. Phone calls made during an employee's lunch break or rest period should be made away from the employee's desk or work station so as not to disturb coworkers. Minimal or incidental use is permitted (e.g. child confirming safe arrival at home after school).
- When attending a meeting with residents, vendors or coworkers, employees should turn off or silence their cell phones and personal communications devices. Except in extraordinary

circumstances (e.g. family emergency), employees may not respond to personal calls during a meeting.

- Making discriminatory or harassing comments to coworkers via any electronic means of communication is prohibited. This includes offensive messages, photos, or images that are sexual in nature or that are offensive to a person based on their protected class status. The Town of Wenham policies on professional conduct, discrimination, and harassment apply to all electronic communications to its employees, residents and vendors.

Internet Access and Electronic Mail

The Town of Wenham provides employees with the ability to send messages and information through telephone, voice mail, fax mail, electronic mail, and, in some cases, through the Internet (hereinafter referred to as “Telecommunications Systems). The purpose of this technology is to allow the Town to serve the public more effectively. Therefore, it is the Town’s policy that the use of these capabilities and equipment is subject to the same management oversight as any other employee activity. The telecommunication systems are the property of the Town and should be used for appropriate business purposes.

Personal computers, personal computer software licenses, Internet access software and the confidential and proprietary information input into our systems are assets of the Town of Wenham. These assets are institutional tools and legal responsibilities for the Town and its employees under federal and state law. These tools are provided by the Town and access to them is a privilege which may be taken away. Employees are advised that they have no expectation of privacy in Town computers and, therefore, any information or data stored on them whether connected with work processing, Internet access or any other activity, may be accessed by Town personnel. The Town reserves the right to access and examine all data stored on Town computers to make sure employees are in compliance with this policy. Unauthorized use of personal computers, personal computer software licenses and the confidential and proprietary information of the town, damage to the computers or their programs, or unauthorized access to the Internet is prohibited. In addition, commercial use of the system, such as to offer, provide, or purchase products or services through the system or use the system for political lobbying, is prohibited.

E-mail, and related on-line services, are the property of the town and are to be used for business-related purposes. While sending and retrieving personal messages is not expressly prohibited, any personal use of the system must be at a level that will not interfere in any way with the system’s ability to serve its intended official purpose, or with individual employee performance. Use of the system for any commercial activity and/or for personal gain is prohibited. Abuse of this privilege could result in loss of the privilege for the individual and possibly others through the organization.

As indicated above, there is no right or expectation of privacy in the use of Town telecommunications systems. Therefore, employees should not assume that voice mail, e-mail messages or Internet postings are personal or confidential. The fact that employees have personal passwords does not render all electronic communication confidential or private. All messages sent or received by E-mail or the Internet may be stored automatically on the Town’s computer system and deleting such messages from one’s computer may not erase them from other Town computers.

Subject to certain exceptions in the law, e-mail messages and Internet postings may also be considered public records.

Notwithstanding the Town's right to retrieve and read any voice mail or e-mail messages or Internet postings for business purposes, such messages should be treated as confidential by other employees and should be accessed only by the intended recipient. Employees are not authorized to retrieve or read any messages that are not sent to them unless the intended recipient gives express permission. Employees should not use a password, access a file, or retrieve any stored information unless authorized to do so.

The telecommunication systems should not be used to create any offensive or disruptive messages or images. Among those which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

The telecommunications systems should not be used for any illegal activity, including but not limited to, the transmission and/or downloading of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. In addition, the telecommunications systems should not be used for participation in "chat rooms" and the like.

Upon the request of the Department Head, and subject to the approval of the Town Administrator, the monitoring of telecommunications systems usage may be authorized. Reasons for monitoring include, but are not limited to, review of employee productivity, investigations into claims of possible criminal activity, and investigations into violations of this policy. In general, no personnel action will be taken solely on the basis of personal information, which is unrelated to the reason for the monitoring, that may be unintentionally encountered in such monitoring.

All employees are expected to undertake precautions to prevent infection of Town computers by computer viruses. Executable programs imported from other sites to Town computers may not be used unless they have been authorized by the Town Accountant and have been subjected to virus detection procedures approved by the Town Accountant. Employees are not to download, upload, or otherwise install any software unless approved by the Town Accountant. The Town Accountant may, from time to time, impose additional restrictions or regulations on the importing of remote files and such restrictions or regulations shall be considered part of this policy.

In order to maintain compliance and in order to maintain a secure, stable and operational network, hardware and peripheral installation is only allowed within the following parameters: the equipment is owned by the Town and has been inventoried and accepted for use by the IT Staff.

Public records laws guarantee citizen access to governmental processes and require governmental accountability. However, they do not require unlimited access to governmental databases, or direct governmental employees to use their time responding to specialized data requests free of charge. Raw computer data and specialized analysis and reports do not fall within the traditional definition of public records. The Office of the Secretary of State has promulgated a schedule of allowable charges for the retrieval of data that has been determined to be a matter of public record. Please

also see “Public Records.”

For security purposes, employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. Employees should set their computers to automatically turn to a screen saver after fifteen (15) minutes of inactivity. Passwords should be changed every 90 days with complex character or word combinations. When leaving for the day, employees should log off. All electronic media should be kept away from magnets including those found in telephone receivers and paper clip holders.

Users are required to maintain the privacy of passwords and are prohibited from publishing or discussing passwords with others. Should a user suspect that their password or access has been observed or compromised, the user shall immediately change their password or request assistance in doing so from the IT Staff.

Email and Internet users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the Town. Neither should they construct a communication so it appears to be from someone else.

Department heads are responsible for ensuring that all their employees using the Town’s telecommunications systems have read this policy and understand its applicability to their activities.

External Communications

Only certain designated individuals are authorized to speak on behalf of the Town. Employees are not permitted to make public statements to the press or other news media or to speak on behalf of the Town without authorization or delegation from the Town Administrator. All requests for information or statements on behalf of the Town should be directed to the Town Administrator.

Solicitation and Distribution

To prevent litter and disruption in the operation of the Town, inconvenience to our residents and their families, the following rules apply to solicitation or distribution of literature and fundraising by or to Town employees.

Individuals who are not employed by the Town may not solicit or distribute materials on Town premises, unless otherwise granted permission.

No employee may distribute literature or materials for any purpose not directly related to his or her assigned work on the Town property during the employee's working time or the working time of any employee approached. In addition, distribution of written materials of any kind is prohibited in all working areas.

No employee may solicit residents for any purpose not directly related to his or her assigned work, such solicitation includes but is not limited to such as selling personal items, fundraising, etc.

No employee may solicit other employees for any purpose not directly related to his or her assigned work on the Town premises during his or her working time or the working time of the employee being solicited.

No employee may directly or indirectly sell any item or post literature or other matters on the Town premises without prior authorization.

As used in these rules, the term "working time" means the period of time that is spent in the performance of actual job duties, and does not include meal periods or breaks. Employees may not participate in any campaign activities while on work time.

Nothing herein shall be interpreted or applied to interfere with an employee's rights under the National Labor Relations Act.

ACKNOWLEDGMENT OF RECEIPT

I have received and read the Town of Wenham's Employee Handbook. I understand that the Department Head, Town Administrator or Human Resources will answer any questions I may have regarding the contents of the Handbook.

I understand that the policies contained in the Handbook are intended for information and guidance only, and may be unilaterally changed or amended by the Town of Wenham without notice. I understand that the Handbook does not make any promises or guarantees.

I further understand that the Handbook does not create a contract of employment, but rather my employment with the Town of Wenham is on an at-will basis. As such, I am free to resign and the Town of Wenham may terminate my employment at any time, for any reason or no reason at all, with or without notice. My at-will status may only be modified by a written contract of employment signed by the Town Administrator stating a specific term of employment. No oral or written statements by any other representative of the Town shall alter my at-will status.

Employee's Name (Print)

Employee's Signature

Date

APPENDIX A

Code of Conduct Policy

I. Purpose

The Town of Wenham recognizes that all individuals hired, elected, and/or appointed by the Town shall maintain and enforce respectful discourse with everyone they come in contact with while acting on behalf of the Town by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all hired and appointed officials in the Town.

II. Applicability

This policy and all its sections shall apply to every hired and appointed official acting on behalf of the Town, and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

III. Code of Conduct

All Town employees and elected and appointed officials are expected to act honestly, conscientiously, reasonably, respectfully, and in good faith at all times with regard to their responsibilities, the interests of the Town, and the welfare of its residents. All officials shall also fully comply with the Town's Policy Against Sexual Harassment And Other Forms Of Unlawful Harassment and any other anti-discrimination policies.

Specifically, all employees and officials of the Town need to abide by the following conduct expectations:

- A. Conduct of Elected and Appointed officials generally and in Relation to the Community
- Be well informed concerning the local and state duties associated with your role.
 - Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
 - Recognize that the chief function of local government is to serve the best interests of all the people.
 - Demonstrate respect for the public that you serve.
 - Safeguard confidential information.
 - Conduct yourself to maintain public confidence in our local government.
 - Unless specifically exempted, conduct official business in a manner that promotes open and transparent government.
 - When conducting Town business via Zoom teleconferencing, observe all the same protocols as you would at an in-person meeting, including proper decorum, speaking when recognized by the Chair, and respectful use of cameras and microphones.
 - Comply as fully as possible with all Town policies, including, without limitation, the anti-harassment and anti-discrimination policies.

- Comply as fully as possible with all applicable laws, including without limitation, The Open Meeting Law, Procurement Laws, and the Ethics/Conflict of Interest Statute (GL c.268A).

B. Conduct of Elected and Appointed officials in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion.
- Participate and interact in official meetings with dignity and decorum befitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairperson should you for any reason be unable or unwilling to continue to serve. Note that formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Be mindful of open meeting law and that anything shared in a public meeting becomes public record.
- Make informed decisions only after all the facts on a question have been presented and discussed.

C. Conduct of Appointed and Elected officials in Relation to Town Administrator and Town Staff

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Refrain from giving orders or directions to the Town Administrator or staff for action as an individual board/committee member. A direction from any committee/board requires a majority vote or a consensus during a public meeting.
- Concerns about staff performance should only be made to the Town Administrator through private communication.
- Appointed and elected officials who interact with Town staff shall do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. Distribution and Education

The Town Clerk shall provide a copy of this policy and the Town's Policy Against Sexual Harassment And Other Forms Of Unlawful Harassment and anti-discrimination policies to all employees, elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual. Everyone shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any individual

declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. Enforcement

In addition to any other remedies or enforcement options available under the law, the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct. Boards and committees may vote to censure any elected member whose behavior would amount to a violation of this Code of Conduct.