



TOWN OF MILLIS PERSONNEL PLAN

***SCHEDULE D ADOPTED BY BOARD OF SELECTMEN OCTOBER 24, 2011**

***SCHEDULES A, B, & C ADOPTED BY TOWN MEETING NOVEMBER 7, 2011**

Amended 5-12-14

Amended 6-8-15

Amended 11-2-15

Amended 11-10-22

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INTRODUCTION

GENERAL INFORMATION

This handbook of the Millis Personnel Plan, Schedules A, B, C & D, has been prepared as a guideline to acquaint new and current employees with the Town of Millis' classification plan, salary/wage plan, employee benefits, and personnel policies. This handbook outlines some privileges and benefits that the Town currently offers. Also, this handbook explains certain employee responsibilities and duties as well as proper procedure.

To the extent that specific provisions of this personnel handbook conflict with mandatory provisions of a collective bargaining agreement, applicable to a specific employee, or conflict with federal, state or local law, said collective bargaining agreement, or conflicting federal, state or local law shall prevail.

Employees are employed as "at-will" employees. This handbook does not alter the "at-will" relationship between the Town and such employees and does not grant any Town employee an expectation of continued employment, or a property interest in employment with the Town. This Plan does not create a contract for employment.

Employees are required to read this handbook carefully so that they are aware of the Town's employment policies and procedures. After reading this handbook carefully employees will be asked to sign a form stating that they have read and understood all the information that is contained herein.

PURPOSE

The purpose of the Personnel Policies is to establish and operate an efficient system of public personnel administration and to provide for a fair and equitable employee relations policy in municipal government in conformity with state and federal laws. Nothing contained herein shall be construed as an employment contract.

APPLICATION

In general, these Personnel Policies shall apply to all employees of the Town and to all positions whether permanent full-time, permanent part-time, reserve, temporary, seasonal or on-call employees. Elected officials, members of boards, committees, commissions, and volunteers are subject to policies to the extent applicable by law. (For example: Sexual Harassment, Safety, and Conflict of Interest).

ADMINISTRATION

The Town Administrator, who serves as the Personnel Administrator, department heads and the Board of Selectmen shall be responsible for the proper administration of these policies.

The Town Administrator may establish, rescind or amend such administrative procedures as he/she may consider necessary for the implementation of these rules. Such rules and any amendments thereto shall become effective upon approval by the Board of Selectmen.

EMPLOYEE DEFINITIONS

At Will Employees: At will employees serve at the pleasure of the town and as such may be removed from their position for any reason or no reason, so long as it is not unlawful. This is a legal doctrine that provides that the employment relationship may be terminated at any time by the Town or the individual, with or without cause or notice.

Employees: All persons who receive wages or salaries from the Town.

Exempt Employees: Employees who are paid on a salaried basis and do not receive overtime pay.

Non-Exempt Employees: Employees who are paid on an hourly basis. Actual time worked over 40 hours in one week will be compensated at the rate of one and one half times the FLSA rate. Non-exempt positions may be full-time or part-time.

Permanent Full-Time Employees: Employees who work 35 - 40 hours per week, 52 weeks per year. Regular full-time employees are eligible to receive employee benefits as defined in this manual.

Permanent Part-Time Employees: Employees who work less than 35 hours per week, 52 weeks per year. Part-time employees who work at least 20 hours per week are be eligible to receive certain pro-rated benefits as defined within these policies.

Reserve or Seasonal Employees: Employees who are scheduled to work less than 20 hours per week and/or less than six months per year. Those employees that work on an "as needed" basis or "fill in" basis. Such employees are not eligible for employee benefits.

Temporary Employee, Full and Part Time: Employees who are non-permanent who are hired either to cover illness or vacancy. Individual circumstances, such as length of appointment and average hours may impact the eligibility of benefits as determined by the Town Administrator.

Years of Service: For the purpose of calculated benefits and leave, years of service shall be defined as continuous years of service to the Town, with the following exception. If an employee leaves the Town and returns to employment with the Town within 3 years of his/her termination, his/her previous years shall be included for the purpose of benefit and leave calculations. In no instance will forfeited leave balances be restored.

PERSONNEL RECORDS

The Town Administrator's office shall maintain the official employee personnel files. Department heads may maintain files supporting departmental employees' personnel actions. Employees will be notified when items outside ordinary paperwork are placed in the personnel file. The Town shall notify an employee within ten (10) days of the employer placing in the employee's personnel record any information to the extent that the information is, has been used 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. Within five (5) business days of such request, employees may review their personnel files. The review shall take place at the place of employment

and during normal business hours. An employee shall be given a copy of his/her personnel record within five (5) business days of submission of a written request for such copy to the employer. An employee may request, in writing, that material be removed from the file and, if denied, a written rebuttal from the employee may be included in the permanent files. It is the responsibility of employees to inform their departments of changes in their name, address, telephone number, marital status, and person(s) to be notified in an emergency and to notify the Town and the Retirement Board of changes in their personal status to insure proper coverage in the health benefit, life insurance and retirement plans. The Town shall not be required to allow an employee to review the employee's personnel record on more than two (2) separate occasions in a calendar year; provided, however, that the notification and review caused by the placing of negative information in the personnel record shall not be deemed to be one (1) of the two (2) annually permitted reviews.

**TOWN OF MILLIS
PERSONNEL PLAN
SCHEDULE A CLASSIFICATION PLAN
SCHEDULE B SALARY/WAGE PLAN**

Insert here

**TOWN OF MILLIS
PERSONNEL PLAN
SCHEDULE C
EMPLOYEE BENEFITS**

HEALTH INSURANCE

All eligible employees are entitled to participate in the health insurance programs offered by the Town. Eligibility is in accordance with these policies, M.G.L. c.32B and various federal laws. Employees must comply with notice requirements regarding dependents and selection of benefits.

BASIC LIFE INSURANCE

The Town will offer a basic life insurance policy for all eligible employees at the time of initial employment.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT

The Town will comply with the Consolidated Omnibus Budget Reconciliation Act (COBRA) which requires employer-sponsored group medical plans to allow covered employees and their dependents to elect to have their current medical coverage continued at the employee and dependents' expense, at group rates, following a qualifying loss of coverage.

RETIREMENT

Employees who are hired to work twenty hours or more per week throughout the year (1,040 hours) shall be required to join the Norfolk County Retirement System. Contribution rates and eligibility is further defined within M.G.L. c.32.

Employees who are not required or eligible to contribute to the Norfolk County Retirement System will be required to contribute to an Omnibus Budget Reconciliation Act (OBRA) account.

LONGEVITY

Employees are eligible for longevity payments based on the completion of years of service to the Town as follows:

At completion of five years	\$750 per year
At completion of 10 years	\$850 per year
At completion of 15 years	\$950 per year
At completion of 20 years	\$1050 per year

~~Longevity payments will be made 1/2 on the first December payroll and 1/2 on the first June payroll. For those employees whose longevity is earned for the first time, the full longevity payment will be made on the employee's anniversary date, but subsequent payments will be made on the semi-annual schedule.~~

Please use the following example for the first time longevity earners:

~~Assumed anniversary date: August 1~~

~~Assumed year in which employee reaches five years of employment: 2014~~

~~Payment on August 1, 2014: \$650~~

~~Payment on first payroll in December 2014: $\frac{5}{6}$ (for months of August – December) of \$325 = \$270.83~~

~~Payment on first payroll in June 2015 – \$325~~

~~All payments thereafter for years 5-9, \$325 in December and \$325 in June.~~

~~The next increment of longevity is attained during July through December, then $\frac{1}{2}$ of that higher increment is paid in December and $\frac{1}{2}$ in June. If an anniversary date and next increment of longevity is attained during January through June then $\frac{1}{2}$ of the 5-9 year increment is paid in December and $\frac{1}{2}$ of the 10 – 14 year longevity increment is paid in June. For the example, when a ten year anniversary date is completed in March, the December longevity payment would be $\frac{1}{2}$ of \$650 and the June payment would be $\frac{1}{2}$ of \$750.~~

Said payments shall be made on the anniversary of the employee's full time date of hire.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. Introduction

The Federal Family and Medical Leave Act of 1993 ("FMLA" or "the Act") was enacted on February 5, 1993. The new law was effective on August 5, 1993, however, where a collective bargaining agreement ("CBA") was in place on that date, the Act became effective on February 5, 1994.

The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee's right to FMLA leave began on August 5, 1993 or February 5, 1994 as applicable.

B. Employee Eligibility

To be eligible for FMLA benefits with the Town of Millis, an employee must:

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

C. Leave Entitlement

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

- For the birth or placement of a child for adoption or foster care;

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

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

Under some circumstances, employees may take FMLA leave intermittently.

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

D. Maintenance of Health Benefits

The Town of Millis will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee will make arrangements with the Town Treasurer to pay his or her share of health insurance premiums while on leave. The Town of Millis may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

E. Job Restoration

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

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

F. Notice and Certification

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

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the FMLA form;
- Second or third medical opinions and periodic recertification (at the Town's expense) if requested by the Town of Millis; and

- Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the employee's department head.

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

G Other Provisions

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Nor does it affect the Town of Millis's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, where applicable.

SMALL NECESSITIES LEAVE ACT (SNLA) POLICY

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

The SNLA permits an employee leave for the following purposes:

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

The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

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

An employer may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided for by the SNLA. A department head may require that written certification or documentation support a request for leave under this act.

MATERNITY LEAVE PARENTAL LEAVE

The Town will provide leave in accordance with Massachusetts General Laws, Chapter 149, Section 151B, Section 11A. Leave will run concurrently with the Town of Millis Family Medical Leave as outlined in policy.

~~An employee, upon request, shall be granted up to eight work weeks of unpaid maternity leave in accordance with Massachusetts General Law. (M.G.L. c. 149, sec. 105D and M.G.L. c. 151B, sec. 11a)~~

SICK LEAVE

- A. Employees shall accrue sick leave with pay at the rate of .0577 per hour for each hour of actual service cumulative to 150 days. Sick leave accrual will be adjusted for periods of Worker's Compensation.
- B. Sick leave may only be used when an employee is unable to work because of illness or other physical incapacity; however, such time may be granted with the approval of the department head when serious illness in an employee's immediate family as defined by the FMLA or household requires his or her presence. Such family or household member sick leave usage will be capped at the equivalent of five days per year.
- C. Sick leave will not be granted unless the employee or a representative notifies the appropriate supervisor.
- D. ~~The Town reserves the right to request a doctor's note verifying the need for sick leave .~~

The Town Administrator reserves the right to request a doctor's note verifying the need for sick leave after three (3) consecutive days of sick leave use, or if the Town observes a pattern of abuse of sick leave. It shall do so in writing with a reason for said request.

- E. Employees who have sick leave credits and who are injured on the job and receive Worker's Compensation shall, on request, be paid such sick leave payments so that, when added to Worker's Compensation payments, it will result in the payment of their full salary in accordance with the provisions of Chapter 152, M.G.L. The total dollar value of such sick leave payments shall be computed to its equivalent and charged against sick leave credits accordingly. In no case shall an employee receive total compensation in excess of full pay.
- F. **Sick Leave Buy Back.** Upon Retirement only, an employee shall be entitled to a sick leave buy back lump sum payment equal to one quarter of his or her unused accumulated sick leave, provided that such payment does not exceed \$1,800. **\$2200.00**

SICK LEAVE BANK

A Sick Leave Bank for use by eligible employees shall be established, subject to the following terms and conditions:

The Sick Leave Bank is designed for use by employees who are undergoing a prolonged illness or disability and who intend to return to work immediately after the prolonged illness or disability. Prolonged disability or illness is construed to be an absence of twenty (20) consecutive working days or more.

The Sick Leave Bank shall maintain a maximum of one hundred fifty (150) days. Any unused days remaining in the Sick Leave Bank will be carried forward to be used in subsequent years.

To be eligible for the benefits of the Sick Leave Bank, an employee must donate to the Bank one (1) day or one (1) pro rata day from accumulated sick leave by August 1st of each fiscal year, except or in the case of a new employee, within seven (7) months of his/her first workday. The total contribution per employee per year shall not exceed two (2) days. If no days from the bank are used each year the contributed days shall be returned to the contributing employees' balance. If some days are used from the bank, the remaining days above 150 at year end shall be returned to the employees on a proportionate basis based on number of days donated.

To be eligible for Sick Leave Bank benefits, the applicant must have accumulated at the beginning of the prolonged illness twenty percent (20%) of the maximum accumulated sick days available to the employee since the beginning of his/her employment. Further, the employee must have exhausted his/her accumulated sick days during the prolonged illness or disability before being eligible for Sick Leave Bank benefits.

Employees using the benefits of the Sick Leave Bank must sign a Sick Leave Agreement in which they state their intent to return to service immediately after the prolonged illness or disability for a minimum of the length of the Leave and to meet all terms of the regulations. Default of this signed Agreement for reasons other than permanent disability or death of employee will result in refunding to the Town of Millis the full amount of the salary received while covered by sick leave from the Sick Leave Bank.

No leave benefits will accrue for the period that Sick Leave Bank time is being utilized.

The Sick Leave Bank shall be administered by a Sick Leave Bank Committee of two (2) members, which shall have the authority to make further regulations, consistent with the terms of this Article. The Sick Leave Bank Committee will be composed of one member designated by the employees under the Personnel Plan and the Personnel Director or his designee. In case of impasse between these two members, the Board of Selectmen will make the final decision.

The Sick Leave Bank Committee shall determine the eligibility for the use of the Bank and the amount of leave to be granted, except that the initial grant of sick leave to an eligible employee shall not exceed twenty (20) days. Additional grants may be given at the discretion of the Sick Leave Bank Committee. Eligibility requirements for additional granting of leave may be waived by the Committee depending on the circumstances of an individual case.

The Sick Leave Bank Committee shall consider at least the following criteria in administering the Sick Leave Bank and in determining eligibility and the amount of leave:

- Adequate medical evidence of serious illness or disability, as determined by the Sick Leave Bank Committee in its sole discretion;
- Length of service in the Town; and
- Propriety of the use of previous sick leave.

The Sick Leave Bank Committee may establish other criteria and may seek additional medical opinions and evidence of the serious illness or disability.

Decisions of the Sick Leave Bank Committee or any decision of the Board of Selectman due to an impasse regarding the Sick Leave Bank are final and binding and are not subject to the grievance procedure.

PAID HOLIDAYS

A. The following shall be regarded as paid holidays:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
Presidents Day	Veterans' Day
Patriots Day	Thanksgiving Day
Memorial Day	The day after Thanksgiving
Independence Day	Christmas Day
Juneteenth	

B. Employees shall be paid their normal compensation (8 hours or prorated where applicable) for such days.

C. Any non-exempt employee who is assigned to work on a holiday shall receive straight time compensation for the hours actually worked in addition to holiday pay.

D. If a holiday falls on a regular day off or during a vacation period, the employee shall be granted another day off at a time mutually agreeable to the employee and the department head. If such a day off cannot be granted, the employee, subject to the approval of the department head, shall be paid a day's pay in lieu thereof.

E. If a holiday falls on a Saturday, Friday will be celebrated as the holiday. If a holiday falls on a Sunday, Monday will be celebrated as the holiday.

F. These provisions shall apply only to shifts regularly scheduled to start within the twenty-four (24) hour period of the holiday and shall not apply to regularly scheduled shifts, which start prior to and run into the holiday period.

VACATION LEAVE

A. The use of earned vacation time must be requested through the employee's supervisor and is subject to the supervisor's approval.

B. Vacation requests will not be arbitrarily denied but will depend on departmental workload, available staffing, and other operational considerations. In the event of a dispute between the department head and the employee relative to scheduling vacation time, the Town Administrator shall make the final decision.

C. Vacation is granted on the employees anniversary date according to the following schedule:

Upon completion of:	Granted:
1-4 years	10 days
5-9 years	15 days
10-19 years	20 days
10-14-years	20 days
15 years	25 days
20 years	25 days
21 years	22 days
22 years	23 days
23 years	24 days
24 years	25 days

D. Deleted 5-12-14

E. At the time of appointment, the Town Administrator may grant a higher vacation accrual rate. (*For purposes of this provision only, future vacation allotments shall be granted assuming the employee has the amount of earned employment time associated with the amount of vacation granted at time of hire and shall continue forward in the schedule assuming that earned employment time.)

F. Employees may only carry over a maximum of ten (10) earned vacation days from one anniversary year to the next. Any earned vacation time in excess of ten (10) days that remains on the employee's anniversary date will be lost.

G. Upon termination, any unused vacation balance will be paid to the employee at the current rate.

PERSONAL LEAVE

Employees eligible for benefits under the Personnel Plan shall be granted two personal days per fiscal year. Eligible part-time employees shall be granted two days on a pro-rated basis.

BEREAVEMENT LEAVE

A. ~~An employee shall be granted not more than three days leave with pay upon the death of the following: Spouse, Children, Stepchildren, Siblings, Parents, Stepparents, Mother-in-law, Father-in-law~~

B. ~~One day leave with pay shall be granted in the event of the death of either a grandparent or grandchildren.~~

Bereavement Leaves: Upon the death of any member of the employee's immediate family (wife, husband, father, mother, father-in-law, mother-in-law, children, stepchildren, sister, brother, stepfather, stepmother), the employee shall be granted leave with pay to the extent necessary but not to exceed three (3) working days. One day's leave with pay shall be granted in the event of a death of the employee's grandparents, sister-in-law, brother-in-law and the employee's personal aunt or uncle or grandchild.

JURY SERVICE

~~Any employee required to be absent to serve on a jury shall be paid their regular wage, less any pay received for serving as a member of a jury (excluding allowances), for such time as the employee is required to be absent. A statement signed by the Clerk of Courts certifying each day of jury duty shall be submitted to the Town Accountant.~~

Jury Duty: If an employee is called to jury duty and required to be present in court, he or she shall be entitled to an amount equal to the difference between his or her normal compensation of eight (8) hours of pay of straight time and the amount, excluding any travel allowances, received from the court upon presentation of evidence of the amount paid by the court.

MILITARY LEAVE

Federal and state laws require that veterans and reservists be granted certain employment rights. The Town will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long-term active duty.

Time off for required military reserve duty will be granted as required by law. Any employee with less than six months consecutive service to the Town shall receive such time off without pay. Employees with six months or more continuous service to the Town shall receive the difference between their weekly base pay and their taxable military pay for the period of training. Copies of military orders and pay receipts must be presented prior to payment. If a holiday occurs during the time an employee is on military reserve training duty, the employee shall not be entitled to an additional day's pay.