



## **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 at Town Meeting 5-12-14**

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**Amended at Town Meeting 11-10-22**

**Amended at Town Meeting 05-03-23**

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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, the Human Resources Manager, department heads and the Select Board 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 Select Board.

## **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 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**

See Appendix A

**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	\$900 per year
At completion of 10 years	\$1,000 per year
At completion of 15 years	\$1,100 per year
At completion of 20 years	\$1,200 per year

Said payments shall be made on the in the first payroll following 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.

### **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.

### **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 180 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 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 **\$2,800.00**

### **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 Select Board 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 a 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
10-14-years	20 days
15 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.) **At the time of appointment, new employees will accrue vacation time in the first year and are eligible to use up to one week of vacation time between six months and one year of employment.**

F. Employees may only carry over a maximum of **fifteen (15)** earned vacation days from one anniversary year to the next. Any earned vacation time in excess of **(15) 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 three (3) personal days per fiscal year. Eligible part-time employees shall be granted two days on a pro-rated basis.

### **BEREAVEMENT LEAVE**

A. 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.

B. Removed 11/10/22 Town Meeting.

### **JURY SERVICE**

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.

**TOWN OF MILLIS  
PERSONNEL PLAN  
SCHEDULE D  
POLICIES AND PROCEDURES**

**EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

The Town of Millis is committed to a policy of equal opportunity for all employees. The Town of Millis actively seeks and employs qualified people and administers all personnel actions affecting employees without discrimination on the basis of race, sex, color, disability, religion, national origin, sexual orientation, age, or any other basis prohibited under applicable law.

**RECRUITMENT AND SELECTION**

**A. POLICY**

The Town shall make every effort to attract and employ qualified persons. Every person, regardless of race, sex, color, disability, religion, national origin, sexual orientation, age, or any other basis prohibited under applicable law, applying for employment in the Town will receive fair and equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates are attracted for various positions. The recruitment, selection, and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices and the principles and practices of Equal Employment Opportunity and Affirmative Action.

**B. VACANCY**

Upon becoming vacant, positions subject to this plan shall be reviewed by the Personnel Director. If the knowledge, skills, and abilities of the position have changed, appropriate changes shall be made to the position description.

**C. RECRUITMENT**

Recruitment of a position shall not begin until the job vacancy notice is approved by the Personnel Director. The Personnel Director shall determine if the position will be filled internally by promotion or recruitment. If recruitment is used, the following process will be followed.

- 1. Notice of Vacancies.** The job vacancy notice shall include: the job title, summary of duties, qualifications, salary level and range, a closing date for applications and application instructions.
- 2. Posting and Advertisements of Job Vacancies.** Notice of vacancies shall be concurrently posted in a conspicuous public place and advertised locally or on-line. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.
- 3. Applications.** All candidates applying for employment in the Town shall complete an official Employment Application Form and a Release and Authorization for Investigation and Reference Check.

Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All applications shall be filed at the office of the Personnel Director.

- 4. Interviews.** Standardized interviews of selected candidates shall be conducted by the department head, Personnel Director, or an appropriate designee. Questions shall be standardized and asked of each candidate.
- 5. Examinations.** The Town Administrator or appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, or any combination thereof, and shall be relevant to the requirements of the position.
- 6. References.** A candidate's references from current and former employers, supervisors, and others are considered an important part of the selection process. Refusal to provide consent to contact references may result in the application being denied further consideration. References and other background investigations, such as credit checks when applicable, 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.
- 7. Employment Eligibility.** All persons selected for employment with the Town must meet employment eligibility requirements in accordance with applicable Federal and State laws and regulations. New employees must provide proof of authorization to work in the United States prior to beginning employment with the Town as mandated by Federal law. After making an offer of employment, the Town will verify the candidate's eligibility to work in the United States, using the "Employment Eligibility Form" (I-9 Form).

Prospective employees must sign the I-9 Form and provide the appropriate documentation no later than the first day, and prior to beginning work. All offers of employment are contingent on the candidate's providing the Town with the appropriate documentation prior to being placed on the payroll.

- 8. Application Records.** The application, reference checks, and related documents submitted shall be maintained by the Town Administrator for the period required by law. The Town shall make a reasonable effort to maintain the confidentiality of the application records.

#### **D. OFFER OF EMPLOYMENT**

All offers of employment shall be made in writing by the Town Administrator or Appointing Authority. The written offer of employment shall include the salary, the starting date and any conditions of employment not covered in these personnel policies. All offers are conditional, subject to the satisfactory completion of pre-employment requirements set out in the offer letter. Such requirements may include a drug screen for a safety sensitive position, a CORI check, and a pre-employment physical.

#### **E. SALARY INCREMENTS/BENEFIT LEVELS**

Employees shall be employed at the minimum rate of their grade unless the Personnel Director authorizes a higher starting rate. Salary steps shall increase in the amount indicated by the pay schedule and shall be paid to employees each year on the anniversary date of employment, or



anniversary date of appointment to a new position if different from anniversary date of employment, upon approval of the appointing authority, until the maximum for their grade is reached. Employees shall be employed at the minimum benefit level unless a higher starting level is authorized by the Personnel Director. However, in no case shall benefit levels exceed the maximum allowed under the Personnel Plan.

#### **F. PRE-EMPLOYMENT PHYSICAL EXAMS**

A physical examination shall be mandatory before the employment of any full-time or regular part-time person in any position covered by the Personnel Plan. The Town shall pay the fees for such examinations. The scope of the examination shall be appropriate to the work to be performed and shall be conducted by a physician designated by the Town.

#### **G. CRIMINAL OFFENDER RECORDS INFORMATION**

The Town will adhere to laws regarding Criminal Offender Record Information (CORI) checks. The Criminal Offender Record Information (CORI) system is administered by the Massachusetts Criminal History Systems Board (Board). The Board adopts general grants for organizations when a number of applicants fit squarely into specific categories that are appropriate to receive CORI. General grants include, but are not limited to, those applicants for positions that have unmonitored access to children, the disabled, or the elderly. In addition, the Town can apply to the Board for CORI authorization for any position it deems appropriate. The Town will only request CORI information after a conditional offer is made to a candidate.

#### **H. PROBATIONARY PERIOD**

The first twelve months of employment is a probationary period. During the probationary period, the employee may be terminated for any reason or no reason, so long as it is not unlawful.

#### **SERVICE RECOGNITION**

- A. Whenever a permanently appointed employee serves in a temporary capacity prior to completing his or her probationary period and the duties performed in the temporary capacity are exactly the same as the employee's permanent duties, the employee's permanent starting date shall be considered the first day of temporary employment.
- B. This section shall be null and void if there is a break in the employee's service to the Town.
- C. Part-time service shall be recognized for the purposes of this section on a pro-rata basis if the part-time service averaged more than twenty hours per week.
- D. Employees employed by the Town for three years or more, who leave Town employment for a period of three years or less and then return to employment with the Town, shall receive credit for vacation and longevity purposes for the time of their original employment with the Town.

#### **PERFORMANCE APPRAISAL SYSTEM**

All employees subject to the Personnel Plan shall be evaluated according to the Performance Appraisal System designed by the Personnel Director.

### **REFERENCE POLICY**

Employees, supervisors, and department heads are prohibited from providing references for current or former employees. The verification of employment with respect to position(s) held, duties performed and dates of employment is permitted by department heads and/or the payroll administrator. All other reference inquiries are to be forwarded to the Town Administrator's office.

### **HOURS OF WORK AND OVERTIME**

#### **A. Payroll Form Submission**

All payroll forms submitted to the Town Accountant for payment shall specify hours worked during a given period before being processed. Exempt employees shall submit payroll indicating any exceptions to their salary and documenting any leave taken.

#### **B. Compensatory Time for Non-Exempt Employees**

For nonexempt employees, compensatory time off in lieu of pay ("comp time") for hours worked under 40 hours per week may be granted by the department head at a rate of one hour off for each hour worked. For hours worked over forty hours per week, the rate shall be 1.5 hours off for each hour worked. The department head shall approve the accrual and use of compensatory time. All hours accrued and used shall be reported to the Town Accountant on weekly/monthly payroll sheets. Accrued "comp time" shall be used within a month from the time it is earned and shall not be carried over to the next month without permission of the Department Head. However, no compensatory time shall be carried over from one fiscal year to the next. Accrued time not carried over shall be paid.

#### **C. Meal & Break Periods**

1. All full-time employees shall be granted regular meal periods which shall be scheduled at the middle of the normal workday whenever possible. Time allowed for meal periods shall not constitute a part of the paid workday.
2. All employees' work schedules shall provide for ten-minute paid breaks during each one-half shift of the normal workday.

#### **D. Emergency Closing Policy**

The Town Administrator may at his/her discretion close any or all offices of the Town as a result of inclement and/or severe weather or other emergency issues. This may include closing early, opening late or not opening at all.

If an employee has reported to work and is sent home, they will be paid for their regular pay for the day. Likewise, if delayed opening is approved the employee will be paid for his/her scheduled hours.

Any non-exempt employee who does not report to work when there is no approved closing or delayed opening shall not be compensated for hours not worked. However, employees may use personal or vacation time with the approval of the Town Administrator.

Any employee who would not have reported to work due to illness, vacation, any other leave, or schedule, shall be charged such leave as if the offices were not closed.

### **CONDUCT POLICY**

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

B. Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient, polite and competent manner, to maintain specified standards of performance; to comply with reasonable employer instructions on policies to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties legally and efficiently.

C. The intent of this policy is to ensure that: 1) employees meet the Town's legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and 3) disciplinary action initiated against an employee is fair and appropriate.

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

### **CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE**

The purpose of this policy is to ensure that Town employees and officials comply with the requirements of M.G.L. Ch 268A, which governs conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, as outlined below. Town employees and officials may not:

A. Ask for or accept anything (regardless of its value) if it is offered in exchange for you agreeing to perform or not perform an official act.

B. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include sports tickets, costs of drinks and meals, travel expenses,

conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes, and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.

C. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse’s immediate family.

D. Take any type of official action which will affect the financial interests of your immediate family or your spouse’s immediate family. For instance, you may not participate in licensing or inspection processes involving a family member’s business.

E. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance: you may not take any official action regarding an “after hours” employer, or its geographic competitors; you may not participate in licensing, inspection, zoning, or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization or its competitors.

F. Have more than one job with the same municipality or county or more than one job with the state unless you qualify for an exemption.

G. Have a financial interest in a contract with your public employer except under special circumstances. For instance: if you are a Town employee, a company you own may not be a vendor to that Town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.

H. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

I. Ever disclose confidential information, data, or material which you gained or learned as a public employee.

J. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure.

K. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to you officially to propose private business dealings.

L. Use public resources for political or private purposes. Examples of “public resources” include: computers, phones, fax machines, postage machines, copiers, cars, staff time, sick time, uniforms, and official seals.

M. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

### **Mandatory Training**

All employees and officials shall participate and comply with the required training provisions of M.G.L. Ch. 268A.

### **POLITICAL ACTIVITY**

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

### **TOWN PROPERTY**

All Town property furnished to employees shall be returned to the Town immediately on request of a supervisor. Failure to return Town property may result in corrective disciplinary action, including, but not limited to, termination.

### **CREDIT CARD USE POLICY**

It is the policy of the Town of Millis not to approve the use of department issued credit “charge” cards.

The Town does allow departmental use of store charge cards for use with specific retailers. The use of these charge cards is strictly governed.

- The use of store charge cards is restricted to individuals given expressed permission from the department head.
- Permission is granted for purchase of goods and/or materials needed for immediate use where mail order purchase is not timely.
- Permission is granted for immediate order of materials and/or supplies for building safety and security.

Should an approved employee exercise use of a store charge card he/she must immediately return the charge card and purchase receipt upon return to the Town Hall to the Town Accountant.

- Purchases and receipts will be tracked and logged in
- The log will be balanced with the store charge bill each month
- Each log entry must be signed by the purchaser

## **VEHICLE USE AND REIMBURSEMENT POLICY**

### A. Purpose and Scope

The purpose of this policy is to set forth the guidelines for reimbursement or compensation for employee use of personal vehicles; the guidelines under which Town vehicles will be authorized to Town personnel; and the guidelines under which Town vehicles may be used.

### B. Applicability

The provisions of this policy, which relate to expense reimbursement, apply to all employees in Town service with the exception of those employees who have separate contracts or collective bargaining agreements with the Town. The entire policy applies to all General Government employees. Employees whose employment is regulated by a collective bargaining agreement are subject only to those provisions of the policy not specifically regulated by agreement.

### C. Definitions

Expense Reimbursement – that payment for approved expenses relating to personal automobile use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

Municipal Vehicle – those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town and licensed for travel on the public way.

Personal Automobile – that automobile owned or available for private use by the employees.

### D. Policy

1. Municipal Vehicles. It is the policy of the Town of Millis that certain positions require employee access to municipal vehicles, either during the work shift or on a 24-hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of Millis and are assigned solely for purposes consistent with providing services to those citizens.

2. Expense Reimbursement. It is the policy of the Town of Millis to reimburse employees for reasonable expenses, which they incur as a result of personal automobile use on behalf of the Town. Receipts and a personal automobile travel expense report must be submitted in order for an employee to be reimbursed for such expenses.

The Board of Selectmen shall determine the rate of reimbursement per mile annually after the Board receives appropriate information from the Town Accountant. Such information shall include, but not be limited to, cost of vehicle operation and survey of other government agencies.

E. Procedures

1. Expense Reimbursement – Personal Vehicles

- a. When an employee is authorized to use a personal automobile for work-related travel, she/he shall be reimbursed at a rate established by the Board of Selectmen.
- b. The mileage rate is intended to include the costs of gasoline, repairs, insurance and general wear and tear on the automobile.
- c. In addition to the mileage rate, the Town will reimburse employees authorized to travel for tolls and reasonable parking expenses, when receipts are provided. Employees will not be reimbursed for tolls which would normally be paid by the employee during his or her normal commute to work.
- d. An employee who uses her/his personal automobile to travel from home to a temporary assignment, rather than his or her regularly assigned work location, shall be allowed personal automobile expense between home and the temporary assignment, or between the temporary assignment and the regular work location, whichever is less.

2. Assignment of Municipal Vehicles

The assignment of municipal vehicles during work time use is based upon job description. Appointing authorities that have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. The Town Administrator or appointing authority/department head may rescind the assignment of vehicles at any time.

3. Assignment of Municipal Vehicles for 24 Hour Use (Vehicles Use for Commuting Purposes)

- a. The Board of Selectmen will make the assignment of vehicles for 24-hour use annually.
- b. The Board shall make this determination after receiving and reviewing a recommendation from the Town Administrator. The recommendation shall include all the following criteria:
  1. Officially designated on-call status
  2. Requirement for emergency availability
  3. Issuance of a pager or other communication device
  4. Emergency or other equipment contained in the vehicle
- c. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.
- d. Whenever a position becomes vacant, the authorization or 24-hour use shall be reevaluated. This evaluation will employ the same process as the original determination under the provision of this section.
- e. Employees assigned vehicles for 24-hour use residing in a community of more than 25 miles one way shall reimburse the Town for the additional fuel cost as determined by the Town Accountant.
- f. Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy

and will be required to sign a confirmation receipt.

g. Imputed Income Taxation

1. Employees who are assigned marked and unmarked police or fire vehicles, and/or marked municipal vehicles carrying tolls and meeting certain other eligibility criteria will not be subject to imputed income taxation as a result of the vehicle assignment.
2. Other employees authorized to commute in a Town vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Town Accountant shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal one-way commuting distance on each December 1<sup>st</sup>.

4. General Rules Governing Municipal Vehicle Use

- a. Municipal vehicles may only be used for legitimate municipal business.
- b. Municipal vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors). Family members shall not be transported in Town vehicles.
- c. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
- d. Employees are expected to keep municipal vehicles clean and to report any malfunction or damage to the Town Mechanic immediately.
- e. Employees assigned vehicles for commuting purpose are expected to park such vehicles in safe locations.
- f. Employees must wear seatbelts in vehicles so equipped, during operation of the vehicle.
- g. Employees may not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications, which may interfere with effective and safe operation.
- h. Employees who operate municipal vehicles must have a valid Massachusetts motor vehicle license and may be required to provide proof of valid motor vehicle license once every six (6) months.
- i. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
  1. Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fines unless the Town administrator approves the payment of such fines by the Town.
  2. Employees who are issued citations for any offense while using a municipal vehicle must notify her/his supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice will be grounds for disciplinary action.
  3. An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in her/his personal vehicle or in a municipal vehicle must notify her/his supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of vehicle privileges and/or further disciplinary action.
- j. No employee may use a municipal vehicle for out of state use without advance approval of the



Town Administrator.

F. Special Circumstances

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of Millis and as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Town Administrator who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

G. Sanctions

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination.

H. Designation of Town Vehicles

All automobiles and other vehicles owned by the Town shall be so designated by a circular label not less than six (6) inches in diameter bearing the words "Town of Millis" and the name of the Department, with the exception of those vehicles exempted from this policy by the Board of Selectmen.

**TRAVEL AND EXPENSE REIMBURSEMENT POLICY**

It is the policy of the Town of Millis to encourage participation in related professional staff development seminars, meetings, and national conferences.

Such participation is beneficial to the employees, their departments, the Town and the community. The community benefits through the introduction of new ideas and techniques for improving customer service often discussed at workshops. The networking process and the related exchange of information between management and peers from across the state and occasionally out of state is another benefit for the Town and the community.

In certain cases, out-of-state travel is necessary in order to provide technical training for management and non-management employees. The opportunity to attend such conferences or workshops carries with it a responsibility to ensure that such travel is maintained at the lowest reasonable cost. In order to meet this goal, out-of-state travel guidelines have been established for all employees.

The following guidelines will provide clarity.

- Length of stay
- Meals
- Hotel rooms
- Room service
- Phone
- Gratuities
- Air/train/bus transportation to the event
- Automobile transportation

Spouses and/or significant others  
Cancellations  
Stay before and after the conference  
Payment  
Budget requests

A. Length of Stay

- The length of your stay is limited to the length of the conference and will include arriving the night before the conference.
- A Saturday night stay-over is allowed if it will provide an overall less expensive cost for the conference.
- The following will be reviewed to determine the least expensive costs:
  - Hotel
  - Transportation to the conference
  - Meals
- The maximum stay at any conference is five (5) nights
- If circumstances require a longer stay, pre-approval must be obtained from the Town Administrator.
- When making reservations, consider geography and good judgment to economize on transportation costs.

B. Meals

- The maximum food allowance is \$55.00 per day times the number of days for the conference, including gratuities.
- If unusual circumstances require additional funds, they will need to be approved by the Town Administrator.
- Receipts are required for all amounts.
- Be mindful to budget:
  - Breakfast      \$10.00
  - Lunch            \$15.00
  - Dinner            \$30.00
- The maximum for travel is the cost incurred to travel by the least expensive mode of transportation possible from lodging to a conference site.
- No reimbursement for alcohol or tobacco is allowed.

C. Hotel Room

- Employees are responsible for paying the difference between the room rate for a single and a double when a spouse or significant other attends the conference.
- Employees traveling individually are requested to reserve a single room, unless the cost between a single and a double is insignificant, or a single room is not available during the time period of the conference.

D. Room Service

- In normal circumstances, room service is not reimbursable for food.
- Alcohol, movies, laundry, and snacks are not reimbursable under any circumstances.

E. Phone/Fax/Calls

- All Town related phone calls and fax transmissions will be reimbursed.
- Personal calls are restricted to one phone call home per day and will be reimbursed.
- If there are extraordinary circumstances, the additional cost must be approved by the Town Administrator.

F. Gratuities

- Gratuities to cover ground transportation, food service and baggage handling will be provided.
- This amount should be provided for in your budget request and not exceed the per day maximum.
- Please retain Taxi receipts.

G. Air/Train/Bus Transportation

- A Saturday night stay is permitted if the net cost of the hotel, transportation (to and from conference) and meals is less expensive than a later flight.
- Travel to the conference is permitted on the day prior to the beginning of the conference.

H. Spouse or Significant Others

- Expenses associated with spouses, family members or significant others will not be reimbursed or paid by the Town.

I. Cancellations

- Cancellation insurance should be reviewed wherever possible.

J. Stay Before and After the Conference

- Stay before and after the conference is permitted as vacation leave.
- Any associated costs are the responsibility of the employee.

K. Payment

- It is recommended that individuals use charge cards to cover expenses and submit reimbursement claims upon return.
- Employees who have paid in advance will be reimbursed once the appropriate documentation has been submitted to the Town Accountant's office.

L. (Intentionally left blank)

M. Budget Request

- The Town Administrator must approve all requests in writing before any conference-related costs are incurred.
- The amounts stated in this policy are maximums that may be requested.

**ANTI-FRAUD POLICY**

The Town of Millis recognizes the importance of protecting the Town, its operations, its citizens, its taxpayers, its employees and its assets against financial risks and unethical activities. It is the policy of the Town of Millis to institute and clearly communicate a fraud prevention 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 Millis has a **Zero Tolerance** policy with regard to fraud and is committed to undertake the following steps as part of its anti-fraud policy:

1. Education
2. Prevention
3. Detection
4. Investigation
5. Corrective Action

**Education**

The most effective way to reach most employees is through education. Actively fighting fraud means implementing policies and procedures that prevent and detect fraud. The Town's goal is to establish and maintain an environment of fairness, ethics and honesty. To maintain such an environment requires the active assistance of every employee, every day.

**Definition of Fraud**

Fraud is defined as a deception deliberately practiced to secure unfair or unlawful gain. The term includes such acts as: bribery, deception, embezzlement, extortion, false representation, forgery, the concealment of material facts, the misappropriation of money or assets and collusion or conspiracy to commit any or all of the above acts. Acts of fraud may include:

- Breach of fiduciary duty.
- Bribery.
- Concealment of material facts;
- Theft of money or physical property.
- Theft of secrets or intellectual property;
- Other statutory offenses.

**Fraud**

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:

### **Misappropriation of Assets**

- 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 benefit
- Theft
- Embezzlement
- Fictitious reporting of receipt of funds
- Falsification of expenses and invoices

### **Profiteering**

- Offering, giving, soliciting and/or accepting an inducement or reward that may improperly influence the action of an employee of the Town and School Department.

### **Related Policies**

This is a Town wide 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.

### **Internal Controls/Investigations**

The Town Administrator and Finance Director or designee shall be responsible for developing internal controls to aid in preventing and detecting fraud or financial impropriety or irregularity. Reports of suspected fraudulent activities shall be investigated in a manner that protects the confidentiality of the parties and avoid unfounded accusations. Employees involved in the investigation shall be advised to keep information about the investigation confidential.

If a preliminary investigation substantiates occurrence of a fraudulent activity, the department head or designee shall issue a report to the Town Administrator. Final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. Results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know, or in accordance with a requirement to disclose under the provisions of the Public Records Law.

### **General Policy and Responsibilities**

The Town Administrator or his/her designee is responsible to investigate any suspected acts of fraud or misappropriation of property. 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. Department heads are responsible for instituting and maintaining programs and controls to prevent deter and detect fraud.

All Millis employees, upon discovery of any violation of this policy, must notify his/her supervisor of the violation through the normal chain of command.

The Town Administrator or his/her designee has the primary responsibility for overseeing the investigation of all suspected fraudulent acts as defined in this policy. The Town Administrator will

involve such individuals, but not limited to the Town Accountant, Town Treasurer, Director of Finance, Town Law Enforcement, Legal Counsel and others deemed appropriate.

Upon conclusion of the investigation, the results will be reported to the Town Administrator or his/her designee. If there are reasonable grounds to believe that a fraud may have occurred, the Town Administrator may report the incident(s) to the appropriate authorities. Whatever action is taken by such appropriate authorities will not preclude the Town from taking disciplinary action where it believes discipline is warranted. Every reasonable effort will be pursued to recover Town assets.

### **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.

### **Personnel Actions**

If a suspicion of fraud is substantiated by the investigation the Town Administrator shall take disciplinary action, up to and including dismissal and appropriate legal action. Such disciplinary action may be taken independent of any findings and conclusions reached by any appropriate authority to which the fraud allegations are reported.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If however, the allegation was made in bad faith or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the erroneous allegation up to and including termination.

## **ACCESS AND USE OF TELECOMMUNICATION SYSTEMS**

A. The purpose of this policy is to convey the Town's standards for the use of the Town's telecommunications systems including, but not limited to telephones, cell phones, radios, computers, electronic equipment, data systems, electronic mail (e-mail), facsimile machines, and the Internet.

B. The Town provides staff with the ability to send messages and information through voice mail, fax, electronic mail, and, in some cases, through the Internet. 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.

C. 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. Employees should use discretion in utilizing this resource and should generally do so before or after normal working hours or during designated lunch periods.

D. Use of the system for any commercial activity 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.

E. Employees should not assume that voice mail or 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 are stored automatically on the Town's computer system and deleting such messages will not erase them from the Town's computer files. Subject to certain exceptions in the law, e-mail messages and Internet postings may also be considered public records.

F. 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. With the exception of the provisions contained herein, employees should not use a password, access a file, or retrieve any stored information unless authorized to do so.

G. The telecommunications 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.

H. The telecommunications systems should not be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.

I. Upon the request of the department head, with the approval of the Town Administrator, or at the initiation of the Town Administrator, the monitoring of telecommunications systems usage may be authorized and conducted. Reasons for monitoring include, but are not limited to, review of employee productivity, communications, investigations into possible disciplinary actions, claims of possible criminal activity, and investigations into violations of this policy.

J. 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. Employees shall not provide such information without approval of the Town Administrator. The Office of the Secretary of State has promulgated a schedule of allowable charges for the retrieval of data which has been determined to be a matter of public record.

K. 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. 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.

L. E-mail 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 (false identity).

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

N. The personal use of cell phones or other communication devices while on duty, whether town issued or not, shall not be excessive or affect business operations or activities. Department heads are responsible for determining when use is excessive and affects business operations and shall meet with the employee to discuss how to remedy the matter. Continued use thereafter as described herein shall be subject to the discipline policy.

### **Sanctions**

The use of the Town's telecommunication system constitutes employee consent to monitoring of systems and is conditioned upon strict adherence to this policy. Any employee who violates this policy or uses the Town's telecommunications system for improper purposes shall be subject to disciplinary action, up to and including termination.

### **SOCIAL MEDIA POLICY**

The Town of Millis understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. It is also a tool that may be used to communicate more effectively with residents about town services. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to anyone who is employed by the Town of Millis.

#### Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room, whether or not employed or affiliated with the Town of Millis, as well as any other form of electronic communication.

The same principles and guidelines found in the Town of Millis personnel policies apply to your activities online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects people who work on behalf of the Town of Millis may result in disciplinary action up to and including termination.

#### Know and Follow the Rules

Carefully read these guidelines, the Town of Millis Conduct Policy, State Ethics Law, and the Town of Millis Discrimination and Harassment Prevention Policy to ensure your postings are consistent with



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

### Be Respectful

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

### Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town of Millis, fellow employees, residents, vendors, or people who work or volunteer on behalf of the Town of Millis.

### Post Only Appropriate and Respectful Content

- Maintain the confidentiality of The Town of Millis' private or confidential information. Do not post internal reports, policies, procedures, or other internal confidential information.
- Do not create a link from your blog, website, or other social networking site to the Town of Millis website without identifying yourself as an employee of the Town of Millis.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Town of Millis. If the Town of Millis is a subject in the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Town of Millis, fellow employees, residents, or companies working on behalf of the town. If you do publish a blog or post online related to the work you do or subjects associated with the Town of Millis, make it clear that you are not speaking on behalf of the Town of Millis. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town of Millis".

### Using Social Media at Work

Social media may not be used while on work time or on equipment we provide unless it is work-related as authorized by your department head and is consistent with the *Town Telecommunications Systems Policy*. Do not use the Town of Millis email to register on social networks, blogs or other online tools utilized for personal use.

### Retaliation is Prohibited

The Town of Millis prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against

another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### Media Contacts

Employees should not speak to the media on the Town of Millis' behalf without first contacting your department head.

## **SEXUAL HARASSMENT POLICY**

### **A. Introduction**

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

Because the Town of Millis takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

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

### **B. Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace

environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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

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

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

### **C. Complaints of Sexual Harassment**

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Human Resources Manager or the Town Administrator, 900 Main St., Millis, MA 02054 508-376-7041. They are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **D. Sexual Harassment Investigation**

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

### **E. Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from

employment and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

**F. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies.

<b>MCAD Boston Office</b>	<b>EEOC Boston Office</b>
One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196	John F. Kennedy Federal Building 475 Government Center Boston, MA 02203: Phone: 1-800-669-4000 Fax: 617-565-3196 TTY: 1-800-669-6820

**WORKPLACE VIOLENCE PREVENTION**

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

B. It is the policy of the Town to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

C. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

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

E. The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing,

intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to a supervisor or department head, whether or not the alleged offender is a Town employee. Supervisors and department heads who receive such reports should contact the Town Administrator immediately for response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

F. The Town is committed to providing a safe environment for working and conducting business, in so far as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against Town employees or members of the public on Town property, or during the performance of Town business, regardless of location.

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

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

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

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

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

## **DISCRIMINATION PREVENTION POLICY**

A. The Town recognizes the right of individuals to work and advance on the basis of merit, ability, and potential without regard to race, sex, color, disability, religion, national origin, sexual orientation or age. Non-discrimination and equal opportunity will be the policy of the Town in all of its employment programs and activities.

B. The policy of the Town is to:

- Recruit, hire and promote in all job classifications without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age.
- Make decisions about employment so as to encourage the development of a diverse workforce.
- Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, sex, color, disability, religion, national origin, sexual orientation, or age.
- Prohibit any kind of harassment based on race, sex, color, disability, religion, national origin, sexual orientation, or age.

## **DISABILITY DISCRIMINATION PREVENTION POLICY**

A. The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

B. The Town will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless such action would cause an undue hardship to the operations of the Town.

### **C. Procedures for Establishing Standards**

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

### **D. Reasonable Accommodation Procedures**

1. The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee unless such accommodation will impose undue hardship on the Town.
2. The Town will provide reasonable accommodation to ensure equal employment opportunity in the application process; to enable a qualified individual with a disability to perform the essential functions of the job; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.
3. The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
4. The duty to provide reasonable accommodation is ongoing and may arise any time that an employee's job changes.
5. It is the obligation of the individual with the disability to request the accommodation.

**E. Non- Discrimination in the Hiring Process**

1. Job Advertisements and Notices. Recruitment information should highlight the essential functions of the job.
2. Accessibility of Job Information. Information about job openings should be accessible to people with different types of disabilities. The Town is not obligated to provide written information in alternative formats in advance but should make such available upon request.
3. Recruitment. Consistent with the purpose of the ADA, the Town will continue to extend its outreach to include sources of candidates with disabilities.

**F. Pre-employment Inquiries**

The ADA prohibits any pre-employment inquiries about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess such qualifications and to ensure health and safety on the job.

Before making a job offer, the Town may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The Town may not make inquiries about specific disabilities.

**G. Health and Safety Considerations**

Even if the applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Town Administrator or his/her designee after careful review of the circumstances.

## H. **Non-discrimination in Other Employment Practices**

1. **Opportunity for Advancement.** The non-discrimination requirements that apply to initial selection also apply to all aspects of employment, including opportunities for advancement. As a result, current employees applying for promotions may not be discriminated against based upon disability.
2. **Training.** Employees with disabilities will be provided equal opportunity to participate in training to improve job performance and will be provided opportunities for advancement. Training opportunities will not be denied because of the need to make a reasonable accommodation unless the accommodation would create an undue hardship for the Town.
3. **Evaluation, Discipline, Discharge.** The Town will hold employees with disabilities to the same standards of performance as other similarly situated employees.
4. **Compensation.** The Town will not reduce the pay of an employee with a disability because of the elimination of a marginal job function, or because it has provided a reasonable accommodation at its expense. However, an employee who is reassigned to a lower paying job may be paid the corresponding lower salary.
5. **Health Insurance/Employee Benefits.** The Town will provide the same coverage to its employees regardless of disability.
6. **Leave.** The Town will not refuse to grant a leave to an employee with a disability if other employees are granted comparable types of leave.
7. **Collective Bargaining Agreements.** The Town may not do anything through a contractual relationship that it cannot do directly.

## I. **Drug and Alcohol Abuse**

1. **Illegal Use of Drugs.** The Town will discharge or deny employment to current illegal users of drugs, in accordance with existing policy.
2. **Alcoholism.** An employee who is an alcoholic is considered to be a person with a disability under the terms of the ADA. However, the Town may discipline, discharge, or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct to the extent that he or she is "not qualified" for the position.
3. **Recovering Addicts.** Persons addicted to drugs, but who are no longer using drugs illegally and who are receiving treatment for drug addiction, or who have been rehabilitated successfully, are protected from discrimination by the ADA.
4. **Pre-employment Inquiries.** The Town may ask questions regarding the use of alcohol or illegal use of drugs. However, the employer may not ask whether the applicant is a drug addict or alcoholic or whether he/she has ever been in a drug or alcohol rehabilitation program.



## **DISCRIMINATION GRIEVANCE PROCEDURE**

- A. The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action.
- B. Anyone who feels that he or she has been discriminated against by the Town on the basis of race, sex, color, disability, religion, national origin, sexual orientation, or age in employment practices may file a grievance.
- C. The grievance should be in writing and should contain information about the alleged discrimination such as name, address, phone number of grievant and location, date, and description of the problem. Reasonable accommodation, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.
- D. The grievant should first attempt to resolve the grievance at the level of the department head. The department head will notify the Town Administrator if such a grievance is submitted.
- E. If the grievance is not resolved to the satisfaction of the grievant, or if the department head lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Town Administrator:

Millis Town Administrator  
900 Main Street, Millis, MA 02054  
508-376-7040

## **WHISTLEBLOWER POLICY**

- A. This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act. It is the policy of the Town:
1. To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
  2. To protect Town employees who have reported improper government actions in accordance with this policy.
- B. The Town encourages the reporting of improper governmental action taken by any Town officers or employees and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

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

D. In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person's department head, the Town Administrator, or other governmental agency. In all other cases, the employee must first follow the reporting procedure outlined above.

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

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

F. Town employees who fail to make a good faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary action, up to and including termination.

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

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

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

J. The Town Administrator is responsible for implementing the Town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. Town officials and department heads are responsible for ensuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including termination.

### **DRUG FREE WORKPLACE**

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

B. Accordingly, the Town hereby notifies every employee that the manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited when employed by the Town.

C. Violation of this policy shall result in a disciplinary action, including, but not limited to, suspension and/or termination.

D. The purpose of establishing a drug-free workplace is to inform Town employees about:

1. the serious danger of drug abuse in the workplace.
2. the Town's policy of maintaining a drug-free workplace.
3. the availability of drug counseling, rehabilitation, and employee assistance programs;  
and
4. the consequences of employee drug use in the workplace.

E. The Town establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy and that each employee must notify his or her supervisor within five (5) days of any conviction for violation of any federal or state criminal drug law occurring in the workplace.

F. Employees who are taking prescription narcotic medications authorized by a physician are required to inform their supervisor of such and submit a physician's note authorizing the employee to work and perform essential functions, such as drive and operate equipment.

G. The Town shall notify the appropriate federal agency within ten (10) days of receiving notice of a violation of statute and shall have up to thirty (30) days, from the time of notification by the employee of a conviction for a workplace offense, to take appropriate personnel action up to and including discharge.

H. The Town may require the employee to participate in an approved drug abuse assistance rehabilitation program.

I. All employees will be given a copy of this policy to retain and review.

J. The Town of Millis will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.

K. Employees having any questions in regard to this policy are invited to contact their supervisor to discuss their concerns.

## **ALCOHOL AND DRUG USE POLICY**

### **A. Purpose and Scope**

The purpose of this policy is to outline the responsibilities of employees, supervisors, and department heads with regard to drug and alcohol use in the workplace, the testing of employees for drug and alcohol use, and the testing of employees in safety-sensitive positions for drug and alcohol use in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

### **B. Definitions**

Words or phrases used in this policy are defined in 49 CFR 382, 107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

For the purposes of this policy, safety-sensitive shall refer to all employees required by the United States to obtain and retain a Commercial Driver's License (CDL).

### **C. General Policy Regarding Drugs and Alcohol in the Workplace**

The Town firmly believes that the use of drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment.

1. In accordance with the Federal Drug Free Workplace Act, the use, sale or possession of narcotics, illegal drugs or controlled substances while on the job or on Town property is prohibited and an offense warranting disciplinary action up to and including termination.
2. Employees who are under the influence of alcohol, either on the job or when reporting to work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their coworkers' safe and efficient job performance. Such conditions will be the basis for disciplinary action up to and including termination of employment.
3. Employees are expected to follow any directions of their health care provider concerning prescription medications and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.
4. Any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, sells or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol

or drugs, may be placed on administrative leave or suspended immediately pending further investigation. If use, sale, or possession is substantiated, disciplinary action, up to and including termination will be imposed.

5. The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.
6. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a direct result of seeking treatment, where such a program is designed to provide care and treatment to employees who need rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

#### **D. Policy Regarding Drug and Alcohol Testing**

1. CDL Holders
  - a. It is the policy of the Town to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing issued by the U.S. Department of Transportation ("DOT"). This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of the Town.
  - b. Under the regulations, performance of DOT safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, the Town prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
  - c. Use of drugs by safety-sensitive drivers is prohibited.
  - d. A driver is performing a safety-sensitive function at the following times:
    - 1) All time on Town property, public property, or other property waiting to be dispatched or drive.
    - 2) All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
    - 3) All driving time.
    - 4) All time other than driving time in or upon any commercial motor vehicle.
    - 5) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded.
    - 6) All time spent performing driver requirements relating to accidents; and
    - 7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## 2. Non-CDL Holders

It is the policy of the Town to test applicants for designated positions that do not require a Commercial Driver's License and to test employees where probable cause exists and post-accident for such testing for drug and alcohol use.

### E. Procedures

#### 1. Types of Tests for CDL Applicants and Employees

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

- a. Pre-employment (Pre-use): All applicants for employment in positions requiring a Commercial Driver's License (pre-employment), or candidates for transfer or promotion to such a position (pre-use), are subject to screening for use of controlled substances.
- b. Post-Accident: Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.
- c. Reasonable Suspicion: Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or drug use. If a driver's behavior or appearance suggests alcohol or drug use, a test must be conducted. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours and may be placed on administrative leave. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion.
- d. Random: Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs for CDL drivers. Each year, the number of random alcohol tests conducted by the Town must equal at least 10% of all the safety-sensitive drivers. Random drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
- e. Return to Duty and Follow-up: Conducted when an individual who has violated the alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

## 2. Types of Tests for Non-CDL Applicants and Employees

- a. Pre-employment: With their consent, all applicants for employment in designated positions that do not require a Commercial Driver's License (pre-employment) are subject to screening for use of controlled substances.
- b. Probable Cause: Conducted when a trained supervisor or manager observes behavior or appearance that gives probable cause of alcohol or drug use. If facts and circumstances warrant a reasonable belief that a non-CDL employee more probably than not has used alcohol or drugs, a test must be conducted.

## 3. Conducting Tests

Tests will be conducted in accordance with DOT and U.S. Department of Health and Human Services rules and procedures. These procedures are outlined below.

### a. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.

### b. Drugs

1. Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility and in accordance with U.S. Department of Health and Human Services procedures. Specimen collection procedures and chain of custody requirements will be followed to ensure that the specimen's security, proper identification, and integrity are not compromised.
2. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the individual tested has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
3. All urine specimens are analyzed for the following drugs:
  - Marijuana (THC metabolite)
  - Cocaine
  - Amphetamines
  - Opiates (including heroin)
  - Phencyclidine (PCP)

4. Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
5. All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the Town. If the laboratory reports a positive result to the MRO, the MRO will contact the individual who was tested and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.

#### **F. Refusal to Submit to an Alcohol or Drug Test and the Consequences**

Refusal to submit to an alcohol or controlled substances test as authorized by this policy means that an applicant or employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy, or (3) engages in conduct that clearly obstructs the testing process.

Pursuant to the Town's authority, employees who refuse to submit to a test will be subject to discipline, up to and including termination. Refusal to submit to a test will be treated as a failed test for purposes of this policy.

#### **G. Consequences of Alcohol/Drug Misuse**

1. Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours and may be placed on administrative leave by the Town as deemed appropriate.
2. Pursuant to the Town's authority, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).
3. Drivers who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions and may be placed on administrative leave by the Town.
4. Drivers who engage in prohibited alcohol or drug conduct who wish to continue employment with the Town must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health



insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate.

5. Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken and passed a return to duty alcohol or drug test, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
6. Pursuant to the Town's authority, drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years may be terminated.
7. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.
8. Employees in non-safety sensitive positions who fail alcohol or drug tests under this policy may be placed on administrative leave and shall be subject to discipline, up to and including termination.

#### **H. Information and Training**

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment 1).
2. All supervisors and managers must attend at least two hours of training on alcohol and drug use symptoms and indicators used in making determinations for alcohol or drug testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
3. This policy will be posted on employee bulletin boards and will be available to all employees.
4. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre- and post-employment drug screening and testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
5. All recruitment advertising may include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
6. All final candidates for employment will be given a copy of this policy and be given the opportunity to read the policy in its entirety.

#### **I. Record Keeping**

1. The Town shall keep detailed records of its alcohol and drug prevention program.
2. Alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the Town, the substance abuse professional, the MRO and any arbitrator of a grievance. Any other release of this information may only be made with the employee's consent or in response to a court order or subpoena.

**J. Pre-employment References**

1. The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be hired.
3. If the previous employer indicates that positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.
4. The Town must provide the same information to subsequent employers of current Town employees when provided with a written release by the employee.

**K. Questions**

Any employee with a question regarding this Policy should contact his or her supervisor.

**L. Rules of Procedure**

The Town may issue rules of procedure to implement and carry out this Policy.

**WORKPLACE SAFETY**

**A. General Policy**

The Town shall provide and maintain safe working conditions. As appropriate, employees shall be provided with necessary safety equipment, including vehicle seat belts. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

**B. Safety Belts**

All municipal personnel are required to wear safety belts when operating or riding in municipally owned or leased vehicles or in other vehicles, including personal vehicles, while engaged in Town-related business. Town Management insists that all municipal employees comply with this policy, including the Police, Fire and School departments.

**C. Safety Belt Policy For Millis Police Department ONLY:**

The following is a list of exceptions for Millis Police and Fire Department employees ONLY and indicates when seat belts may not be required:

1. This policy shall not apply to person occupying a seating position that is not equipped with a safety belt system;
2. To any officers(s) or passenger(s) possessing a written indication from a physician or the Chief of Police that for medical or physical reasons this person is unable to use the seat belt system;
3. Unless a replacement vehicle is unavailable, no person shall operate a departmental vehicle in which any belt in the front seat is inoperable;
4. Any passenger or prisoner in a vehicle in which all seating positions equipped with safety belts are occupied by other passengers who are using the seat belts;
5. Officers may release seat belts prior to approaching an assigned call or traffic stop;
6. Officers need not wear their seat belts when in the process of conducting a search for suspect(s) at large, when there is a possibility of leaving the cruiser in foot pursuit;
7. While in the process of checking the security of business establishments when his/her duty/duties require constantly getting in and out of the cruiser;
8. During surveillance or undercover operations;
9. When operating radar from a stationary position;
10. While writing reports in cruisers;
11. While in the process of transporting injured passengers or prisoners where seat belts would tend to further aggravate an existing injury;
12. While transporting violent or combative prisoners where there is a possibility of injury to officers or prisoner(s) if he/she attempted to use the seat belts restraining system;
13. During an approved training course when instructed to do so by a certified instructor; and
14. Motorcycle operators are not required to wear safety belts while assigned to motorcycle duty.

**D. Smoking Prohibition**

Smoking is not allowed in any publicly owned or leased building or vehicle.

**E. Cell Phone Use & Texting**

Employees shall comply with all federal and state laws regarding the usage of cell phones, texting and other electronic and/or telecommunication equipment while operating a vehicle. Fire department staff shall also comply with the Fire Department cell phone policy.

**F. Responsibilities of Department Heads and Employees**

1. Department heads and supervisors shall be responsible for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or

conduct; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

2. Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; and report all accidents promptly to the appropriate supervisor.

## **G. Disciplinary Action**

Employees violating safety rules, practices, and policies may be subject to disciplinary action, up to and including termination.

## **DISCIPLINE POLICY**

### **A. Purpose**

As with the Conduct Policy, the purpose of this policy is to ensure that:

- Employees meet the Town's legitimate expectations in the areas of performance, behavior and adherence to all Town policies;
- Employees whose performance or behavior is deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and
- Disciplinary action initiated against an employee is fair and appropriate.

### **B. General Discipline Policy**

The Town's disciplinary policy is one of progressive discipline. However, nothing herein shall be construed to limit the Town's right to impose discipline of any degree, up to and including termination, in a particular case without regard to the existence or non-existence of prior disciplinary action.

Employees who have not been appointed to a specific term of office are on an indefinite appointment and, as such, are considered at-will employee.

Discipline such as verbal and written reprimands shall be within the discretion of the department head and Town Administrator. Suspension without pay, other disciplinary action and termination are within the discretion of the appointing authority.

### **C. Discipline Policy Provisions**

During the course of performing their duties, all Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon the Town of Millis. Town employees shall avoid any action that might result in, or create the impression of using public office for private gain, giving preferential treatment to any person or losing complete impartiality in conducting Town business. Employees are expected to keep in mind that they are public employees and are to conduct themselves accordingly in a manner which in no way discredits the Town, public officials, or other employees.

The Town expects its employees to perform their jobs and conduct themselves in a manner consistent with Town standards and policies. However, when violations or problems occur, disciplinary action will result. Commission of any of the following acts by an employee while performing Town duties may result in disciplinary action up to and including termination:

- Violation of any Town policy;
- Misrepresentation, falsification or omission on the employment application or resume or other information on which hiring decisions was based;
- Falsification of records, including signing in or out for another employee or allowing another employee to sign in or out for you;
- Engaging in fraud;
- Failure to perform job assignments satisfactorily and efficiently;
- Engaging in unprofessional conduct, including comments;
- Failure to follow safety rules or to report unsafe actions or conditions;
- Unexcused absences;
- Excessive or patterned absenteeism or lateness;
- Revealing or making available any information of a confidential nature to any person not authorized or entitled to receive it;
- Stealing, theft or misappropriation of citizen, employee or Town property; unauthorized removal of any of the above;
- Misuse or destruction or damage of the property of the Town, any employee or citizen;
- Malingering, loitering or sleeping on the job;
- Reporting for duty impaired by alcohol or drugs, including prescription drugs;
- Engaging in behavior that could violate the Sexual Harassment policy;
- Gambling while on duty or on Town premises;
- Possession of weapon not required by duties;
- Provoking or instigation of a fight with another employee or any other person during working hours or on Town property;
- Insubordination;
- Conduct contrary to the best interest of the Town, its residents or employees while on or off duty.

## **WORKPLACE INJURIES**

### **A. Introduction**

Despite the careful efforts of supervisors and employees to maintain safe working conditions and practices, accidents do happen. The Town of Millis is responsible for providing protection against loss of income and medical expenses incurred for job-related injuries or illness. If an employee is injured on the job, the incident must be reported to the supervisor immediately. If the employee requires emergency medical care, the supervisor should call 911. Non-emergency injuries are treated by the employee's primary care physician or the Town's occupational health provider at the discretion of the employee. Prompt medical attention helps to avoid the escalation of a minor injury into a major problem. The supervisor will prepare the necessary paperwork for the Worker's Compensation Insurance carrier and submit it to the Administrative Assistant for processing. The Payroll Clerk should

also be notified if it appears that the employee will be out for any period of time beyond a portion of the work day. Individual employees are responsible for ensuring that required medical reports/notes are provided as requested.

The Town of Millis manages its Worker's Compensation Insurance program through a third party administrator (TPA). The Town pays all state-approved claims and contracts with the TPA to manage the program, arrange for providers and services, provide case management and pay bills.

## **B. Workers' Compensation Claims Processing Procedure**

Millis' Workers' Compensation Claims Procedure (MGL Chapter 152) and Fire and Police Injured on Duty (MGL Chapter 41 Section 111f) procedures are provided in accordance with Massachusetts General Laws. The text below incorporates the claims process and the "lost time" procedures for employees covered by Workers Compensation and Police and Fire Injured on Duty.

Upon notification of any work-related accident involving an employee, the supervisor must investigate the incident to determine the necessity of immediate medical attention. If the employee requires emergency medical care, the supervisor should call 911. Non-emergencies can be handled by the employees' primary care physician or the Town's occupational health provider.

If a supervisor is notified of any incident involving an employee who may qualify for Workers Compensation benefits, lost work time and/or medical coverage, the injured employee, if able, or the supervisor must call or email the Administrative Assistant to provide a formal notification of the incident.

The following information must be provided:

- Name of injured employee;
- Day, time and place of incident;
- Name of person making the call;
- Type of injury;
- Cause of the incident; and
- Medical treatment sought.

The supervisor must then file a Supervisor's Report of Accident Form – Intake Form with the Administrative Assistant within 24 hours of the incident. The supervisor, not the employee, must complete this form. Upon receipt of the completed report which has been signed by both the supervisor and the department head, the Administrative Assistant will begin a file separate from the employee's personnel file. The report is called in to the TPA and then faxed. Upon investigation, the supervisor may or may not verify that the incident warrants a valid claim. If the incident is not validated, the employee has the right to appeal the supervisor's decision to the Town Administrator and then to the State Department of Industrial Accidents.

A verified incident may or may not result in a claim. An employee may not require professional medical attention. However, another incident may result in an employee's need for medical attention and perhaps even lost time from work due to a work-related disability. If an employee (not Police or Fire) requires either of these benefits, the TPA assigns the employee a claim number for the future processing of claims.

### **C. Workers' Compensation Claims**

Any employee requiring a claim number should personally contact the TPA. As the employee procures services related to a work-related injury, he or she should advise the provider to send all bills directly to the TPA.

### **D. Lost Time**

If an employee has been disabled due to a work-related injury for five days or longer, he or she may qualify for worker's compensation benefits. Days of disability include non-work days (weekend days). Upon notification to the Administrative Assistant that the employee has been disabled due to a work-related injury for five or more days, the TPA is instructed to prepare a Form 101 and file it with the State Department of Industrial Accidents within seven work days of knowledge that the injury has resulted in the five days of disability. The employee's 52-week wage schedule is obtained from the Payroll Clerk and faxed to the TPA Claims Adjuster. The employee is charged for any accrued sick or vacation leave until the Workers Compensation claim has been established.

### **E. Approval**

If the claim is approved, the TPA determines the amount of the weekly pay and mails the checks directly to the employee. The Payroll clerk may adjust the employee's attendance record to reflect the time charged between the date of the accident and the date of the claim approval. The first five days of leave are charged at 100% of sick or vacation time while absences beyond five days are charged at the rate of 40% if the injured employee requests this option. If the employee has been disabled due to a work-related injury for a total of twenty-one days, the employee is retroactively compensated for the first five days of absence at the same rate of the 60%/40% split and the employee's attendance record is adjusted to reflect the newly charged, pro-rated amount of leave time. When the employee receives a check from the TPA for these first five days, they must immediately sign it over to the Town.

By law, workers' compensation is not subject to tax withholding and therefore, voluntary deductions for things such as life and health insurance must be funded either directly by the employee out of pocket or through some other form of compensation that is subject to deduction. The employee must contact the Payroll Clerk to make arrangements for payment. The Payroll Clerk will notify the employee if the municipal check for 40% is insufficient to cover voluntary deductions. The 40% not only provides the employee with a full paycheck when it is added to the 60% compensation benefit, but it also provides the Town with compensation from which deductions can be made.

The Administrative Assistant will notify the TPA as to the date the employee returns to work. This will require written notification from the treating physician.

### **F. Disapproval**

If the claim is not approved, the Department charges the employee for accrued sick or vacation time used beginning with the day following the accident. Payroll records submitted to the Payroll Clerk should indicate this usage. The Payroll Clerk notifies the Department of the date accrued sick or vacation time is being exhausted. After this date, no payroll submissions for that employee will be

accepted. The employee has the right to appeal any disapproval of a lost time claim to the Town Administrator and the State Department of Industrial Accidents.

## **G. Fire and Police Injuries**

Workers' Compensation law does not pertain to or include full-time firefighters and police officers. Public Safety employees in those departments are covered under General Laws, Chapter 41. Sec. 111f. Employees should not assume they will be reimbursed for any service or prescriptions they procure while a decision is pending or after a determination has been made that an accident is not work-related. Employees approved for injured-on-duty status receive pay due them for the duration of the disability in accordance with the collective bargaining agreement.

## **HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT**

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

B. To assure this commitment to compliance the Town Administrator designates a Privacy Contact who shall have the responsibility:

1. To ensure that the Town Administrator is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations;
2. To ensure that documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that the Town's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
4. To ensure that any protected health information disclosures are tracked;
5. To ensure that authorizations for disclosure and use of protected health information are properly processed;
6. To resolve complaints from participants about possible privacy violations;
7. To ensure that appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;
8. To ensure that all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
9. To monitor the Town's compliance with HIPAA privacy regulations on a regular basis.



C. Only those Town officials with a legitimate business purpose and bona fide need to know may be given access to protected health information in order to legally perform the position duties and administer the program.

D. As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

E. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

F. Protected employee health information may be released for other purposes only by the employee's authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.

G. The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the Town committing to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

H. Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Contact within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. What unauthorized protected health information was released;
2. Who received the protected health information and/or is knowledgeable of the protected health information;
3. When was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information; and
4. What was the result of the release of the unauthorized protected health information.

I. The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of Town management and, if necessary, legal counsel. The Privacy Contact will provide

a written report of his/her findings and recommended action, if warranted, to the Town Administrator and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Contact is unable to conduct this meeting and/or investigation the Town Administrator shall appoint an alternate senior manager to perform these duties.

J. Complainants may also contact the Federal Department of Health and Human Services for assistance.

K. The Town will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination.

### **ATTENDANCE POLICY STATEMENT**

Good attendance is an essential function of every Town employee's job and excessive absenteeism will not be tolerated. Since good attendance is required of every employee, patterns of attendance abuse, such as frequent absences on Fridays and/or Mondays, will be scrutinized closely and if improper use is found, employees will be subject to progressive discipline up to and including termination. Further, if an employee exhausts all of his/her accrued leave and has not been granted by the Town additional leave for an essential and lawful purpose as determined by the Town, he or she will be considered to be on unauthorized leave and will be subject to discipline up to and including termination.

### **EMPLOYEE GRIEVANCE PROCEDURE**

A. The grievance procedure shall be available to employees of the Town to permit the prompt and equitable disposition of any grievances. Grievances, for the purpose of this section, shall mean any dispute between an employee and his or her supervisor(s) arising out of an exercise of administrative discretion in the implementation of this plan by such supervisor(s).

B. The grievance procedure shall consist of the following steps:

Step 1. The aggrieved employee shall meet and take up the grievance or dispute in writing with the department head within five (5) working days of the date of the grievance or the employee's knowledge of its occurrence. The department head shall attempt to adjust the matter and shall respond to the employee, in writing, within five (5) working days.

Step 2. If the grievance remains unsettled, it shall be presented to the Town Administrator in writing within five (5) working days after the response of the department head is due. The Town Administrator shall respond in writing within ten (10) working days of the presentation of the grievance to him or her.

Step 3. If the grievance remains unsettled, it shall be presented to the Board of Selectmen. The appeal shall be submitted, in writing, to the Board of Selectmen within five (5) working days after the response of the Town Administrator is due. The Board of Selectmen shall meet with the aggrieved and/or his representative. The Board of Selectmen shall respond, in writing, within ten (10) working days of the presentation of the grievance to the Board. The decision of the Board of Selectmen shall be final.

## **EMPLOYEE REQUESTS FOR CLASSIFICATION AND/OR PAY GRADE REVIEWS**

- A. An employee who believes his/her position should be classified by different title and/or in a different pay grade shall have the opportunity to request a hearing on the matter before the Personnel Director.
- B. Any such request should be submitted to the employee's department head in simple written form. The request should include the reasons for the request.
- C. Following a review of the request, the department head shall forward it to the Personnel Director together with a written recommendation and the reasons therefore.
- D. Approved changes in classification and/or pay grades shall be effective upon approval by the Board of Selectmen and must be ratified at the next Town Meeting. If ratification is not obtained, the position will be returned to the previous grade.

## **DRESS CODE**

Town of Millis employees are required to dress in an appropriate manner that is consistent with their work environment and not distracting to other employees or customers. Employees should take pride in their appearance by looking neat and clean at all times, keeping in mind that their role with the Town requires an acceptable appearance.

"Business casual" attire is appropriate for our work environment. Employees shall refrain from wearing items that fall into the following categories:

- Tee shirts, any shirts or sweaters with slogans or large pictures or logos
- Tank tops or halter tops
- Micro or mini skirts
- Clothing made from sheer material or which reveal undergarments
- Jeans, shorts, sweatpants, sweat shirts, track pants
- Crocs, flip flops or sneakers

The above list includes items that should not be worn to work. However, it is not all-inclusive. Complaints that arise regarding employee attire will be reviewed on a case-by-case basis.

Clothing that is ripped, tattered, torn or stained should not be worn.

It is understood that there are employees who work in the field or other places where more casual clothing is required. These employees should use discretion when varying from the above listed standards but are allowed to wear clothing conducive to their work environment and responsibilities.

The Town Administrator has designated Friday as "Casual Friday". On Fridays only, employees may wear appropriate jeans (not ripped or torn) with a shirt that is in line with the above standards.

The department head or Town Administrator may ask an employee to leave the workplace when violations occur. The employee will not be paid for the time not worked and may be subject to appropriate disciplinary action. Any questions regarding this policy shall be directed to the department head or Town Administrator.

## **CORI POLICY**

### I. PURPOSE

This Policy outlines the requirements for the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing.

### II. APPLICATION

State law and regulations govern the use of Criminal Offender Record Information (CORI) and other criminal history checks by a municipality. When such checks are conducted, such as in connection with an application for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and may also result in disciplinary action against an employee found to have violated said laws and regulations, up to and including termination from employment.

### III. POLICY

#### A. Access to CORI

All CORI obtained from the Massachusetts Department of Criminal Justice Information System (DCJIS) shall remain **CONFIDENTIAL**, and CORI may only be disclosed to those individuals who have a “need to know” the information in order to fulfill their duties. This may include hiring managers, staff submitting the CORI requests, and staff charged with processing applications. However, every effort will be made to limit the number of individuals authorized to access or receive CORI. The Town must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

Pursuant to state regulations, all CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

#### B. Training

All personnel authorized to review or access CORI, which includes all personnel authorized to conduct criminal history background checks, shall review and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

#### C. Conducting CORI Screening

CORI checks will only be conducted as authorized by the DCJIS and G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed by the individual to be checked.

With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every CORI check.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification (such as a driver's license). If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government-issued non-photographic identification, such as a birth certificate or social security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgment Form, shall be maintained on file by Town for at least one year from the date the Form was signed by the applicant.

In no instance will the applicant be asked or required to provide a copy of his/her own CORI.

D. Use of Criminal History in Employment Background Screening

CORI used for employment purposes shall only be accessed 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.

E. Use of a Credit Reporting Agency to Conduct CORI Checks

If a Credit Reporting Agency (CRA) is used to conduct CORI checks on applicants, Town will comply with the state regulations particular to use of a CRA.

F. Verifying Subject's Identify Once CORI Record is Received

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI 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.

G. Inquiring About Criminal History

In connection with any decision regarding employment, volunteer opportunities, housing, or licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history, and

**PRIOR** to making any adverse decision based upon the applicant's criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

#### H. Determining Suitability

If a determination is made, based on the information as provided in Section F of this Policy, 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, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulation. Factors to be considered in determining suitability may include, but not be limited to, the following:

- (1) Relevance of the offense(s) noted on the record to the position or license sought, or to public housing;
- (2) The nature of the work to be performed (where applicable);
- (3) Time since the conviction;
- (4) Age of the candidate at the time of the offense;
- (5) Seriousness and specific circumstances of the offense;
- (6) The number of offenses;
- (7) Whether the applicant has pending charges;
- (8) Any relevant evidence of rehabilitation or lack thereof; and
- (9) Any other relevant information, including information submitted by the candidate or requested by the organization.

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

#### I. 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 promptly. The subject shall be provided with copies of: 1) the organization's CORI Policy; 2) the criminal history at issue, indicating the source(s) of said criminal history; and 3) DCJIS' **Information Concerning the Process for Correcting a Criminal Record**, or other similar information published by DCJIS relating to the process for correcting CORI.

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or the DCJIS, the Town shall review the information. If the CORI record does not exactly match the identification information provided by the applicant, the Town will make a determination based upon a comparison of the CORI record and documentation provided by the applicant. The Town shall document all steps it takes in this regard.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

## J. Maintenance of CORI

All CORI information, including CORI Acknowledgment Forms and copies of government- issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password protected and encrypted. No CORI shall be stored using public cloud storage methods. CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later. Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which they are stored and from any system used to back up the information. Appropriate measures shall be taken to “clean” any computer used to store CORI, prior to disposal or repurposing of such a computer.

## H. 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. That log must contain the following information: 1) the applicant/subject’s name; 2) the applicant/subject’s date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5) the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained electronically or on paper in the same secure manner as other CORI information; and are subject to audit by DCJIS.

## **INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD**

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617)660-4640 or go to the [Massachusetts iCORI service](#)
2. The DCJIS charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please contact the Constituent Assistance and Research Unit at 617.660.4640 between 8:00AM and 6:00PM Eastern Time, Monday – Friday or via email at [iCORI.INFO@state.ma.us](mailto:iCORI.INFO@state.ma.us)
4. The DCJIS does not offer “walk-in” service but you may call our Legal Division at (617)660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617)727-5300.
5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.
6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report

that the court incorrectly entered a disposition on your criminal record.

7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought.

8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.

9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617)660-4640.



**ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING**

I am in receipt of the Town of Millis Personnel Plan, Schedules A, B, C & D. I received them on \_\_\_\_\_ (date). The enclosed policies were explained to me, and I had an opportunity to review and read the policies.

I understand it is my responsibility to be familiar with and adhere to the provisions of these policies and procedures.

\_\_\_\_\_  
EMPLOYEE PRINTED NAME

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
SUPERVISOR SIGNATURE

\_\_\_\_\_  
DATE

For Employees Only - Note: A copy of this acknowledgement form will be placed in the employee's personnel file.