

Personnel Policies & Procedures

TOWN OF SOUTHBOROUGH



*** The policies and procedures outlined herein are subject to change without notice provided that the changes are made in accordance with federal and state laws and Town Bylaws. These policies are a guide only, and it is not the intent of the Town to grant any employee any contractual commitment expressed or implied by its adoption.*

Welcome to Southborough

Dear Town of Southborough Employee,

Whether this is your first day or you are a long-time employee, we are happy to have you here. We hope you find the Town of Southborough an engaging, professional, and welcoming place to work.

The Town of Southborough values the talents and abilities of our employees and seeks to foster an open, cooperative, and dynamic environment in which employees and the Town, as a whole, can thrive. We encourage you to talk with your Department Head regarding any questions or issues as they arise; the administration is always available for your input as well as resolution of issues.

This handbook is a compilation of the policies, procedures, benefits, and working conditions that will be followed by all employees of the Town, subject to the applicable collective bargaining agreements. They are adopted by the Southborough Personnel Director under the oversight of the Personnel Board and are subject to change. Be advised there may be additional departmental policies that may not be contained herein which town employees may be subject to.

If you belong to a Union, the provisions of your collective bargaining contract will govern if they are different than the provisions of this handbook.

We will make every effort to notify employees when an official change in policy or procedure has been made, but employees are responsible for their own up-to-date knowledge about Town policies, procedures, benefits, and working conditions.

The Town of Southborough is an equal opportunity employer as is outlined in this handbook. We welcome and value diversity. We also provide for fair treatment of employees based on merit and comply with all applicable Federal, state, and local labor laws.

Please review the policies, procedures, working conditions, and benefits described in this handbook, then sign and date the last page and return to the Assistant Town Administrator. There are hyperlinks from the Table of Contents to the section headings, and within each section, there are hyperlinks to applicable policies in the addendum

Sincerely,

Mark Purple
Town Administrator/Personnel Director

Barry Rubenstein, Chair
Personnel Board

Contents

Section 1:	Title and Purpose.....	8
Section 2:	Scope of Policies	8
Section 3:	Administration.....	9
Section 4:	Definitions	9
Section 5:	Employment Practices.....	11
	Equal Pay Act - An Act to Establish Pay Equity	11
	Recruitment.....	12
	Nepotism	12
	Reasons for Rejection of Application	13
	CORI Check	13
	Medical Exam/Substance Screening.....	13
	Appointments.....	14
	Immigration	14
	On-boarding.....	14
	Probationary Period	15
	Separation from Service	15
	Exit Interview.....	17
	Disciplinary Policy	17
Section 6:	Employee and Workplace Policies.....	20
	Code of Conduct	20
	Americans with Disabilities Act (Non Discrimination Notice of Rights)	20
	Drug and Alcohol Free Workplace.....	21
	Workplace Violence.....	21
	Confidentiality	22
	Conflict of Interest/Ethics.....	22
	Smoking/Smoke-Free Workplace (No Smoking Policy).....	22
	Workplace Safety.....	23
	Use of Town Property.....	23
	Outside Employment.....	24
	Vehicle Use	24
	Employees Private Property	25
	Injury on the Job.....	25

Illness on the Job	25
Inclement/Severe Weather Closing.....	25
Information Technology	26
Social Media Use	26
Section 7: Personnel Records.....	27
Personnel File	27
Payroll Records.....	27
Access to Employee Personnel Records.....	28
Section 8: Employee Benefits.....	28
Sick Leave Bank.....	30
Personal Days	31
Military Leave	31
Miscellaneous Paid Time Off	31
Domestic Violence Leave.....	31
Bereavement Leave.....	32
Jury Duty/Court Duty.....	32
Unpaid Leave of Absence	32
Parental Leave	33
Family and Medical Leave	34
Health Insurance.....	35
Payment for Health Insurance Opt Out Program	35
Dental Insurance.....	36
Accidental Death & Dismemberment and Life	36
Health Reimbursement Arrangement.....	36
Retirement.....	37
OBRA.....	38
Deferred Compensation	38
Injured on Duty/Workers Compensation.....	38
Training and Educational Assistance	39
Employee Assistance Program (MIIA EAP)	39
Section 9: Classification & Compensation.....	40
Job Descriptions.....	40
Compensation	40
Fair Labor Standards Act and Massachusetts Wage and Hour Laws.....	41

Break Time	41
Overtime	41
Call Back Pay	42
Emergency Closing	42
Payroll Period	42
Section 10: Reimbursements	42
Section 11: Transfers and Promotions	43
Section 12: New Personnel: Rate of Pay	43
Section 13: Part-time Employees Working Full-Time Hours temporarily	43
Section 14: Appointment of “Acting” Department Heads	44
Section 15: Repeal & Amendment of the Employee Handbook	44
Section 16: Severability	44

Section 1: Title and Purpose

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

These policies and procedures are adopted pursuant to the authority granted under the Southborough Code, the Constitution of the Commonwealth and General Laws, Chapter 41, Section 108A and 108C.

Section 2: Scope of Policies

These policies shall apply to all non-union employees of the Town of Southborough except:

- Those appointed or employed by the School Committee
- Those who serve in offices filled by popular election and persons appointed to fill vacancies in elective offices
- Those who serve on voluntary boards, commissions, committees or authorities
- Others exempted by the Select Board

Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by the agreement. Contractors or tenants with offices in a Town facility and/or accept the use of Town resources are required to comply with any and all relevant provisions of this document, particularly access provisions (i.e. Information Technology).

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

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

Section 3: Administration

The Town Administrator [who also serves as the Personnel Director per Article IX of the Town Code], under the policy direction of the Select Board, shall be responsible for the proper administration of these policies.

Specifically:

- The Town Administrator shall be vested with all the powers and duties specified in the Town Code [including the Town Administrator Bylaw] and Personnel Bylaw [Salary Administration Plan].
- The Town Administrator shall establish such procedures as the Town Administrator deems necessary for the proper administration thereof and assigns to the Assistant Town Administrator such duties as the Town Administrator deems necessary.

Section 4: Definitions

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

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

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

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

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

Department Head - The officer or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Town Administrator, the officer, board, or other body responsible to the Select Board for the administration of the department.

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

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

Employee - any person paid and employed by the Town whether full-time, part-time, seasonal, special, regular, probationary, or temporary.

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

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

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

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

Probationary Period – A working test period during which time an employee is required to demonstrate ability to meet acceptable standards of performance prior to an appointment to a classified position; said period shall be 6 months of active employment or service, which period may be extended if so determined by the department head or appointing authority. Employees may be disciplined or discharged during this period with or without cause, without recourse.

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

Temporary Employee - A temporary employee is a full- or part-time position that is not likely to require the services of an employee on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees.

Temporary employees are not guaranteed continued employment and may be discharged with or without cause, without recourse. *Temporary employees are not eligible for any benefits offered by the Town.* Temporary employees, after a six-month period of continuous employment with the town, may be considered for permanent employment but are not required to be so considered. Positions that are funded by a source that may not be deemed permanent may be considered temporary in nature [i.e. Grant funded].

Section 5: Employment Practices

It is the [policy](#) of the Town of Southborough to select and hire the best-qualified candidate for the position, as noted in the Town's Hiring policy.

The Town of Southborough strives to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated.

The Town of Southborough is an equal employment opportunity employer. Unlawful discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other term or condition of employment because of political affiliation, race, creed, color, national origin, ancestry, genetic information, ethnicity, age, sex, disability, religion, creed, sexual orientation, military or veteran status, gender identity or expression, marital or family status, or any other legally protected classification is prohibited.

Equal Pay Act - An Act to Establish Pay Equity

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

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

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

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

Recruitment

The appointing authority shall make known all approved vacancies for positions by collaborating with the Assistant Town Administrator to recruit new town employees. Advertisements shall be posted in any official Town location as well as on all Town of Southborough social media accounts. When it is necessary to recruit from outside the Town government, the Assistant Town Administrator shall advertise online or in publications to the extent necessary to ensure a sufficient number of qualified candidates.

The Town shall recruit from a geographic area as wide as is necessary to ensure obtaining well-qualified candidates for the various types of positions, free from bias and which promotes innovation, creativity, and better results through a diverse candidate pool and by providing equal opportunity to those candidates.

Nepotism

When in the normal selection process, relatives of Town employees or officials are being considered for appointment or promotion, the Town Administrator will be notified by the Department Head. No person shall be hired or promoted based upon their family relationship to another Town employee or official. No employee shall be in a position that provides supervision over the employee's or official's relative. Any employee or official with appointing authority shall delegate such authority if a relative is under consideration for appointment even if the appointing authority will not be a direct supervisor of the candidate.

This policy is not for the purpose of depriving any person of an equal opportunity for employment with the Town, but is solely intended to eliminate the perception of or potential for preferential treatment of the relatives of government personnel.

The Town may modify schedules or shifts to eliminate any potential for conflict under this policy.

Relatives, for the purpose of this policy, shall include all members of the immediate family including spouse, parents, brothers, sisters, direct line aunts and uncles, nieces and nephews, children, grandparents, grandchildren, and in-laws. Cousins and aunts, uncles, nephews, and nieces by marriage are not regarded as members of the immediate family for purposes of this policy.

Reasons for Rejection of Application

The appointing authority may reject any application where there is an indication that the applicant does not possess the minimum qualifications required for the position or which was not filed by the announced closing date for receiving applications.

References/Background

The appointing authority will contact references, or conduct a background check, as necessary and with the prior approval of the candidate. The candidate shall execute a release permitting the same, which release shall hold the Town harmless from acting upon any information provided to it. All reference and background checks shall be considered personal and confidential in an effort to protect the candidate's present employment status.

CORI Check

The Town of Southborough recognizes the need to ensure a safe environment for those we serve. As one means of providing a safe and credible environment, the Town has implemented a [Criminal Offender Record Information \(CORI\) Policy](#). An applicant for a Town position will be required to undergo a CORI check after a conditional offer of employment, volunteer assignment, or other municipal relationship has been made.

Medical Exam/Substance Screening

Certain offers of employment are contingent upon the successful completion of a pre-employment medical and/or psychological examination and/or substance (drug and alcohol) screening performed by a physician or testing company of the Town's choice at its expense. All candidates to whom a conditional offer has been made and who have been requested to submit to a pre-employment medical or psychological examination or substance screening will be required to furnish the Town (on a form provided by the Town) a signed authorization form

allowing the Town to have access to the prospective employee's medical exam or screening reports.

Appointments

All offers of employment shall be made in writing by the appointing authority and shall include the salary, the starting date, and other appropriate information, based upon an approved Hiring Letter template, provided by the Assistant Town Administrator. An applicant who accepts an appointment and fails to report to work on the starting date set by the appointing authority, except for good cause, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

Immigration

All employees will be asked to provide documentation that indicates their United States citizenship or, if not citizens, that they are legally authorized to work in the United States. All new employees must complete the Employment Verification Form I-9, Section 1.

The law requires that both the employer and employee sign forms attesting to examination of documents and employment authorization.

On-boarding

The purpose of the probationary period is to ensure that new and promoted employees are aware of and understand their duties, responsibilities, and required work standards and to help employees achieve an effective level of performance. Following the initial orientation, it is the ongoing responsibility of department heads to assist employees in understanding these duties, responsibilities, and standards of performance. This covers all employees.

No later than the first day a new employee is scheduled to work, the employee shall report to the Treasurer/Collector Department and Assistant Town Administrator for the purpose of completing all necessary employment paperwork. This provides an opportunity to review documents, ask and answer questions, and ensure each is done in a timely manner to facilitate an accurate payroll process and smooth transition to the new position.

Following the initial orientation session, department heads shall provide on-site training and orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department, including all safety policies and procedures. New employees affirmatively shall seek the assistance of the Assistant Town Administrator and the employee's department freely during this period to ensure that the employee's questions are answered and to ensure proper understanding of the Town's policies and procedures, as well as job duties and responsibilities.

Probationary Period

Unless otherwise stipulated, all employees begin employment with a six-month probationary period. During the probationary period, benefit-eligible employee(s) will earn vacation, sick, and personal time in accordance with Section 11(b-d) of the [SAP](#). During this period, an employee is entitled to pay for holidays and other benefits provided to eligible employees. Any vacation time that an employee has pre-scheduled shall be negotiated before hiring.

An at-will employee may be terminated during the probationary period for any reason or no reason at all. The probationary period may be extended by the appointing authority at its discretion as deemed necessary.

Separation from Service

Employment with the Town has no specified term or length. Employees are free to resign at any time, and the Town reserves the right to terminate employment for any reason permissible by law. All employees, except contract employees, are considered employees at will. Any employee who separates from services can elect to continue to receive health insurance through [COBRA](#). Contact the Treasurer/Collector's office for specific information.

At the time of separation and prior to final payment, all records, assets, or other items of Town property in the employee's custody shall be transferred to the appropriate department. The IT department shall remove access to e-mail and other accounts which the employee has credentials for at this time. In the event of a shortage in the above, an amount representing the value of unreturned property shall be calculated and withheld from the employee's final compensation or collected through other appropriate action. Employees who separate from Town service shall receive payment for all earned salary and accumulated vacation leave, subject to appropriate deductions and any indebtedness in accordance with the Massachusetts Wage Act. Sick and personal leave shall not be compensable upon separation from service.

Resignation – An employee may resign from the Town in good standing by submitting in writing the reasons and the effective date to the department head or appointing authority at least 14 calendar days in advance. The department head or appointing authority may permit a shorter period of notice because of extenuating circumstances. If the employee is in a supervisory capacity, the Town requires a one-month written notice.

Abandonment – Any employee who has not reported for scheduled work hours for a period of three days without contacting his or her supervisor will have been deemed to have abandoned his or her position, except for good cause, and therefore be discharged.

Lay-off - A position may be discontinued or abolished because of a change in duties, reorganization, lack of work or lack of funds. The appointing authority shall determine the order of lay-off of employees at its discretion. Employees subject to lay-off shall be notified at least

one week in advance, except in cases of emergency over which the Town has no control. Employees laid off from work may be eligible for state unemployment compensation.

Disability - An employee may be separated for a disability when that employee, with accommodations, cannot adequately perform the essential duties of the position because of physical or mental impairment. Such separations may be initiated by the employee, the Town, or an authorized legal representative of either. Reasonable accommodations for said disabilities supported by medical evidence acceptable to the appointing authority shall be made following the interactive process. The Town may require an examination at the Town's expense performed by a physician of the Town's choosing. Job-related injuries are subject to Workers' Compensation laws.

Non-Renewal of Appointment – Non-Renewal of appointment occurs when the Select Board or other appointing authority determines not to renew the appointment to the position. Non-renewal shall not be deemed discipline or discharge subject to a for-cause standard.

Death - Separation shall be effective as of the date of death of an employee. All compensation shall be paid as soon as possible to the estate of the employee, except for such sums which by law may be paid to the surviving spouse.

Retirement - The Worcester County Retirement System is available to employees scheduled to work 20 hours per week or more throughout the year. Information about retirement is available from the Treasurer/Collector's Office or the Worcester County Retirement System at (508) 832-6314 or <https://www.wrrboard.org/>. Part-time, seasonal or temporary employees of the Town, not eligible to participate in the Retirement System or covered under a section 218 agreement, may be required to participate in the Massachusetts Deferred Compensation SMART plan, or another alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA), or may be subject to social security deductions.

Dismissal - If, after remedial disciplinary measures have been implemented, an employee's performance, conduct, or other unsatisfactory behavior does not improve, it may be necessary to discharge an employee. Certain offenses may occur which are of such seriousness that immediate dismissal of an employee may be necessary without first imposing remedial disciplinary measures. The Town Administrator or appropriate appointing authority, following a pre-determination meeting, may dismiss any employee upon giving the employee written notice of the reasons for the discharge and the effective date, as well as their final check on the date of their last day of employment.

Unemployment Compensation – The town must pay the cost established by the Commonwealth of Massachusetts to provide unemployment compensation for its eligible employees. If you resign or separate from your position, you may qualify for benefits, which, if approved, would be paid by the Commonwealth of Massachusetts. Information as to unemployment

compensation may be found at <https://www.mass.gov/doc/information-on-employees-unemployment-insurance-coverage-form-2553a/download>.

Exit Interview

All separating regular full-time and part-time employees will be given the opportunity to have an exit interview prior to separation from employment. The objectives of the exit interview, to be conducted by the department head, appointing authority, or Assistant Town Administrator, are:

- To identify problems and determine any trends that are developing in a particular department.
- To establish a clear understanding of the reasons for the separation, including but not limited to salary, benefits, employee practices, etc.
- To obtain information that will improve the screening of job applicants.

Disciplinary Policy

All employees are responsible for observing regulations necessary for proper operation of town departments. Disciplinary action shall be the responsibility of supervisors, department heads, and appointing authorities, who shall exercise their responsibility with discretion and with concern for the employee and co-workers. Any matter that may be viewed as disciplinary in nature shall be reviewed by the Town Administrator or their delegatee, in consultation with the Town's Labor Counsel, as necessary. The following is intended to serve as a guideline in the determination as to when disciplinary action is appropriate and what form it should take. The Town will consider all relevant factors including the circumstances of the particular infraction; the seriousness of the incident; the employee's overall employment record; and the detriment or risk to the town, its employees, residents, or visitors as a result of the infraction. This disciplinary policy does not constitute a contract or grant contractual rights to any employee. Disciplinary action may be imposed upon an employee for conduct or actions that interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

The following shall be sufficient cause for disciplinary action. The list is illustrative only and shall not be considered to include all reasons for disciplinary action:

- Incompetence, inefficiency, or negligence in performance of assigned duties
- Inability or refusal to perform one or more critical elements of the position
- Abuse of sick leave or absence without leave
- Violation of safety rules, practices and policies

- Refusal to perform a reasonable amount of work, violation of any reasonable official order, or failure to carry out any lawful and reasonable directions made by a supervisor
- Habitual tardiness or absence from duty
- Falsification of payroll records
- Use or possession of illegal narcotics while on or off duty or use or possession of alcohol while on duty
- Theft, misuse, negligence, destruction or unauthorized use of town property or conversion of Town property for personal use or gain
- Fraud, falsification of information, omission of material information in securing appointment
- Disclosure of confidential information
- Conviction of a felony
- Engaging in harassment, sexual harassment, or any discriminatory behavior
- Activities prohibited by Town bylaws, rules, regulations, policies, charter, or state law
- Insubordination
- The use of abusive language or other forms of workplace bullying toward a superior, another employee, or the public
- Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of employment duties
- Falsification of records or use of official position for personal advantage
- Any other situation or instance of seriousness that disciplinary action is warranted.

Investigations

Certain conduct may require investigation. Investigations may be conducted by the Department Head, the Town Administrator or delegatee, Town Counsel, or a third-party investigator. While an investigation is ongoing, employees may be placed on paid administrative leave by the Town Administrator to protect the integrity of the investigation or for the protection of employees.

Paid Administrative Leave: At the discretion of a Department Head or the appointing authority an employee may be placed on Paid Administrative Leave, a temporary leave from a job assignment, with pay and benefits intact, to conduct an internal review or investigation. Paid administrative leave shall not be deemed discipline.

Types of Discipline

Disciplinary action may include a verbal reprimand, written reprimand, disciplinary probation, adherence to a corrective action plan, suspensions, and/or discharge. Suspensions may be in lieu of verbal reprimand, written reprimand, and disciplinary probation and suspension may be effective immediately.

Verbal reprimand: A Department supervisor, or appointing authority, if no supervisor exists, upon observing conduct warranting discipline, may issue a verbal warning to the employee. The verbal warning shall be presented in a manner that limits embarrassment to the employee and shall include a statement concerning the purpose of the warning. A verbal reprimand may be noted in the employee's personnel file by written memorandum.

Written reprimand: If a verbal warning fails to correct conduct warranting disciplinary action, or the conduct warrants more serious discipline, the Department Head or the appointing authority, may issue a written warning. This shall include the reason(s) for the warning and an offer of assistance from the Department Head or from the appointing authority in correcting the problem.

A copy of the written warning signed by the Department Head or the appointing authority and the employee shall be placed in the employee's personnel file and the warning shall set forth a specified period in which the behavior shall be corrected. The employee may submit a written response to the reprimand to be placed in their file. If the employee refuses to sign the written warning, the department supervisor or appointing authority shall so note on the warning.

Disciplinary Probation: If a written warning fails to correct conduct warranting disciplinary action, or the conduct warrants more serious discipline, the Department Head or the appointing authority, may place an employee on disciplinary probation for a period of up to three months. The employee shall receive a written notice stating the reason(s) for the disciplinary probation, the requirements for satisfactorily completing the disciplinary probation, and the effective starting and ending dates of such probation. At the expiration of the disciplinary probation period, the appointing authority shall notify the employee in writing that the probation has been removed or that further disciplinary action will be taken.

Suspension: At the discretion of a Department Head or the appointing authority an employee may be suspended with cause without pay. Within forty-eight working hours of the effective date of the suspension, the employee shall be provided with a written notice stating the reasons for and the length of suspension.

Discharge: An employee may be discharged for cause following progressive discipline principles or when the conduct warrants the most serious discipline. The Department Head shall provide the employee with a written notice stating the reason(s) for the discharge and the effective date of discharge. Such notice shall also be placed in the employee personnel file.

Section 6: Employee and Workplace Policies

Code of Conduct

The purpose of the Code of Conduct policy is to indicate conduct expected by employees and officials of the Town of Southborough when conducting business with other employees, customers, vendors, and visitors, who interact with the Town, either on a daily or more infrequent basis. This policy extends to private conduct, to the extent the law has additional requirements on public employees and to the extent that such conduct may interfere with the effective and efficient operations of the Town.

Americans with Disabilities Act (Non-Discrimination Notice of Rights)

The Town of Southborough fully supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of disability. No applicant or employee shall receive less favorable treatment because of disability.

The Town of Southborough will provide reasonable accommodation(s) to an employee or job applicant with a disability unless doing so would cause an undue hardship.

An employee or applicant with a disability may request a reasonable accommodation, verbally or in writing, at any time during the application process or during the period of employment.

The Assistant Town Administrator and the employee with a disability will engage in an informal, interactive process to clarify individual needs and identify the appropriate reasonable accommodation, requesting reasonable and relevant information and documentation or requiring a medical examination as necessary.

If you believe you have been discriminated against on the basis of disability, you may file a formal complaint with the [Massachusetts Commission Against Discrimination](#) (MCAD). You may also have the right to file a complaint with the Equal Employment Opportunity Commission. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

After appointment to town service, the appointing authority may require a medical examination if the Town of Southborough believes that an employee is not able to perform the essential duties of the job successfully or safely because of a medical condition or to support an employee's request for a reasonable accommodation. When required, such examination shall be performed by a practicing physician appointed or approved by the Town and at the expense of the Town.

Pregnant Workers Fairness Act

[The Pregnant Workers Fairness Act](#) ("the Act") amends the current statute prohibiting discrimination in employment, [G.L. c. 151B, §4](#), enforced by the Massachusetts Commission

Against Discrimination (MCAD). The Act expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

Drug and Alcohol-Free Workplace

The Town of Southborough has a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of employee health. The Town of Southborough firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, marijuana or prescription medication, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The focus of this policy is to observe the mandates in accordance with provisions of the [United States Drug-Free Workplace Act of 1988](#) (PL 100-690; 41 U.S.C.S. 701-707), as well as the Drug Free Workplace policy.

Workplace Violence

It is the policy of the Town of Southborough to maintain a safe environment in all Town buildings, facilities, and properties. Threats of violence will not be tolerated by or toward our employees, customers, the general public, or anyone who conducts business with the Town of Southborough. All employees are to immediately notify their supervisor should they hear of any threat of violence. Per the Town policy, except as required by their job duties, no employee may possess a firearm, explosive device or a knife or other bladed weapon while on duty or on town premises and/or vehicles.

Customer Service

The Town of Southborough is committed to operating in an efficient, customer service-oriented manner throughout its course of business. Every employee of official capacity representing the Town organization provides services to the public. It is the responsibility of every employee to promote a positive, helpful, and friendly environment for the benefit of our customers, residents, and our fellow employees. All employees are required to treat customers, residents, and our fellow employees with respect and dignity in interactions both written and verbal. All employees are required to use their best judgment and effort in assisting customers, residents, and our fellow employees. The workplace shall be free from interactions that are demeaning, belittling, vulgar or use offensive words or conduct.

Confidentiality

The Town deals with many organizations, state and federal agencies, private businesses, and residents/citizens. In many cases, the Town is dealing with issues that are of a confidential and sensitive nature. Town employees are responsible for maintaining this confidentiality at all times with regard to information provided or known to them.

Conflict of Interest/Ethics

All employees shall comply with the [State Conflict of Interest Law](#) [MGL Ch 268A] in all respects. Every two years, all current municipal employees must complete online training. New employees must complete this training within 30 days of beginning public service, and every two years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the Town Clerk.

[Smoking/Smoke-Free Workplace \(No Smoking Policy\)](#)

Smoking has been identified as the single most important detriment to an individual's health. For the smoker, the adverse effects of smoking contribute to a loss of personal health. Smoking may also adversely influence the health of those who are exposed to second-hand smoke.

The Smoke-Free Workplace Law, M.G.L. Ch. 270, §22, mandates that enclosed workplaces with one or more employees, and outdoor areas near open windows and doors through which smoke may migrate, must be smoke-free. The full text of the law and additional information is available at www.mass.gov/dph/mtcp. Smoking is prohibited in all enclosed workplaces, including but not limited to all buildings owned, leased, or otherwise occupied by the Town of Southborough, and outdoor areas near open windows and doors through which smoke may migrate. Smoking is not allowed in Town vehicles. Individuals who violate the statewide smoking ban may be subject to civil penalties under the law or may be subject to disciplinary action.

Wage Garnishment

Garnishment action against an employees' wages or salary is permitted by law in Massachusetts. Federal laws also permit the preferential attachment of wages by the Internal Revenue Service for delinquent Federal Taxes and child support before other garnishments. The Town recognizes all applicable restrictions, rules, and laws regarding the garnishment or attachment of an employee's wages. Questions on this matter shall be referred to the Treasurer/Collector's office.

Workplace Safety

Pursuant to the Act to Further Define Standards of Employee Safety, the Town of Southborough is subject to the standards of the federal Occupational Safety and Health Administration (“OSHA”). Further, it is the policy of the Town of Southborough that every employee is entitled to work under the safest and healthiest possible conditions in all occupations. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, proper materials and to establish and insist upon safe methods and practices at all times. Accidents that injure people, damage machinery or equipment and destroy materials or property cause needless suffering, inconvenience, and expense. Any incidents resulting in personal injury or property damage shall be reported immediately to the appropriate department head or designee who shall immediately report it to the Town Administrator.

All safety rules and regulations developed by the department head or appointing authority are to be considered directive in nature and applicable to all employees. It is the basic responsibility of everyone to make safety realization a concern. Employees shall observe the rules of conduct and safety and properly use the safety equipment provided. Any employee who notices an unsafe working condition shall report immediately the condition to the employee's supervisor.

Please contact the Select Board office for any matter relating to the clinic which the Town uses for medical or pre-employment needs.

Use of Town Property

According to the Massachusetts Conflict of Interest Law, publicly owned or supported property, equipment, labor or services shall be used for public purposes only. Employees shall not use, while on-duty or off-duty, Town property for personal use or gain, nor shall an employee allow such use by any other individual, town, company, or organization. Please refer to Chapter 268A of the Massachusetts General Laws for further information on the Massachusetts Conflict of Interest Law.

Telephones and Mobile Phones

Personal phone calls, including texting, whether on a town or personal device shall not interfere with the effective operations of the town.

Office Equipment

Every effort must be made not to use office equipment such as computers, photocopiers, printers, or other technology for personal purposes.

Salvage and Surplus Materials

No surplus supplies or materials may be given away, auctioned off, or otherwise sold without the permission of the Town Administrator. Salvage materials such as tree trimmings, bark,

mulch, gravel, and excavated boulders may be left at designated locations for public use. Neither Town employees nor their family members are allowed, under any circumstances, to take materials that have been left for the public as salvage.

Handling Requests for Private Use of Town Property/Services

Employees may not allow any committee member, citizen, or other organization, group, or individual to use Town property or the services of Town employees while working for private use or for any other use than for Town business. All requests for private use of Town property must be referred to the Town Administrator's Office.

Conduct of Private Business

In no circumstances may an employee use Town property for any personal business enterprise.

Outside Employment

Any outside employment must not conflict in any way with an employee's responsibilities with the Town or impair an employee's performance of their duties. Employees should ensure that any outside employment complies with the State's Conflict of Interest Law, Chapter 268A. Employees may contact the State Ethics Commission for advice and guidance. Employees should notify the Town/their manager of any other employment.

Vehicle Use

It is the policy of the Town of Southborough that certain positions require employee access to Town vehicles. Town vehicles are not personal vehicles and are not for personal use unless otherwise specified by the Select Board, contract, or collective bargaining agreement. Town vehicles should be viewed as belonging to the citizens of the Town and are utilized for the purposes consistent with providing services to those citizens. It should be noted the use of a Town vehicle may be considered a fringe benefit by the IRS, and if so determined will be added to the employee's W2 at year-end.

This policy applies to all Town employees who are afforded the use of Town vehicles. The purposes of this policy are as follows:

- To encourage safe operation of Town vehicles
- To set forth the guidelines under which Town vehicles may be used
- To minimize transportation costs and liability
- Employees using town vehicles are required to follow all state and local laws, maintain a valid driver's license, and adhere to rules and regulations for the safe operation of

vehicles, including but not limited to observation of the speed limit, wearing of seatbelts for the operator and passengers and hands-free cell phone use.

Employees Private Property

Employees shall be responsible for all personal property brought onto Town premises. It is each employee's responsibility to secure all personal items in accordance with the property's value. Purses, wallets, and technology devices shall be kept with the employee at all times. If this is inconvenient, such items shall be locked in a desk, file cabinet, or other similar depository for safekeeping. The Town shall not be responsible for theft or loss.

Injury on the Job

If an employee is injured while working for the Town, such employee shall immediately inform the department head or supervisor. The employee's supervisor shall arrange to complete all necessary liability insurance paperwork with the Town's insurance provider. It is important that every injury be reported. Worker's compensation and Injury on Duty laws provide benefits for employees injured on the job. Medical expenses and the amount of compensation to which an employee is entitled for lost time are set by state law. All injuries must be reported immediately to a supervisor so that necessary reports may be completed. If medical attention for the injury is required, a medical statement shall be required before the employee returns to work. Please immediately refer any incidents to the Select Board Office.

Illness on the Job

If an employee becomes sick while at work, the department head or supervisor shall arrange for emergency first aid treatment if needed. Beyond this care, the treatment of an employee who becomes ill is the responsibility of the employee and the family physician, unless the illness is related to the employee's work or job site. If an employee tests positive for COVID while on the premises, this shall be immediately reported to the employee's Supervisor, as well as the Town's Health Agent who shall provide further instruction. Employees with a contagious illness such as flu, COVID, or cold may be required to isolate, take precautionary measures to prevent spread, or sent home by the employee's supervisor so as to protect the health of co-workers in accordance with OSHA standards.

Inclement/Severe Weather Closing

Inclement/severe weather closing(s) apply during declared Massachusetts State of Emergencies or as declared by the Town Administrator. This decision shall apply to all Town Offices and clerical staff of other departments. Public safety and public works personnel shall be required to report to work.

Information Technology

Town of Southborough employees have access to and the use of information technology resources provided by the town. There is no expectation of privacy in the use of information technology resources provided by the Town and the Town retains the right to inspect its information technology resources. These information technology resources (ITRs) include computers, printers and devices, programs, data, the local area network, e-mail, and internet access. Any person with questions regarding the application or meaning of this policy should seek clarification from the Information Technology Department (IT). Use of IT-related applications and infrastructure are intended for and should be used for Town business only

- 1.) A copy of the full Acceptable Uses Policy is attached hereto under Attachment A.
- 2.) Data Confidentiality - In the course of performing their jobs, Town employees often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about businesses and organizations. Under no circumstances is it permissible for employees to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees disseminate any confidential information that they have access to unless such dissemination is required by their jobs.

Social Media Use

Town social media sites will be used strictly for conveying information about the Town to the public. The Town of Southborough's official website (www.Southboroughma.gov) will be the primary internet presence. Other social media sites may be used with authorization from the ITD. Wherever possible, all authorized Social Media sites shall link back to the Town of Southborough's official website.

The establishment and use by any Town department, division, or employee of an official Town of Southborough social media site is subject to approval by the Town Administrator and the ITD. Once a site is requested and established by a Town department, the department head shall be the site administrator unless he/she designates another member of the department. It is the responsibility of the department head to monitor and ensure that the established site is abiding by all guidelines outlined in this policy.

Personal Social Media by town employees and officials must be used in a responsible manner and avoid content that may: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees; (2) expose the Town to legal liability for behavior that may be false, deceptive, libelous, slanderous, offensive, malicious, misleading, violates discrimination or harassment laws, or causes harm to others; or (3) interfere with productivity and/or ability to perform duties and responsibilities as Employees of the Town.

Section 7: Personnel Records

Personnel File

Personnel records of all Town employees shall be kept by the Assistant Town Administrator or the Town Administrator in an electronic or paper format and shall contain the following, in segregated files if necessary according to state or federal law:

- 1.) Employee application and/or resume.
- 2.) A copy of any background investigation report will be stored in a locked file in the Town Administrator's office or on a secure electronic computer folder.
- 3.) A copy of any physical and psychiatric examination reports or health reports [separate medical file], also stored in a locked file in the Town Administrator's Office.
- 4.) Any results of tests and examinations taken to demonstrate qualifications.
- 5.) A report of all actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff or relevant to the employee's rate of pay or position, title, commendations, records of disciplinary action, training records, performance evaluations and other records that may be pertinent to the employee's employment record.

Employees are responsible for notifying their supervisor and the Treasurer/Collector's Office of any change in their personal status including address changes, telephone number, dependents, marital status, or name change.

The Town is required to give notice to an employee within 10 days of the Town 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. The notification and review caused by the placing of negative information in the personnel record cannot be counted against the employee's right to two reviews in a calendar year.

Any medical information shall be separated per the Americans with Disabilities Act [ADA].

Payroll Records

Each Department Head or his or her designee shall submit to the Treasurer/Collector's Department a bi-weekly time sheet for each employee. This timesheet shall accurately specify the number of hours worked and any leave taken, as well as any pertinent information for the personnel records, as legally required. The Treasurer/Collector Department shall be responsible

for maintaining a permanent record of the time worked for each employee. Time sheets must be signed by the supervisor to approve the hours worked and pay amount.

Access to Employee Personnel Records

Personnel records shall be considered confidential to the fullest extent permitted by the Public Records Law, and access to records shall, unless circumstances dictate otherwise, be limited to the Town Administrator or designee. Any employee, upon request, may have access to review their personnel file or be provided with a copy of their personnel file on two separate occasions per calendar year. Access and/or copies shall be provided within five business days of the employee's written request. The employee's review of their employment record shall be in the presence of the employee's department head, Town Administrator or designee. If any employee disagrees with any information contained in their personnel record, he/she may submit a written statement to the Town Administrator explaining their position which shall become part of the permanent record.

Unless written authorization is received from an employee, except to verify employment, no information concerning an employee shall be released unless required by law.

Section 8: Employee Benefits

Note: Employee benefits outlined in this Handbook may be updated as necessary. Employees receiving benefits exceeding those outlined in the approved Handbook will continue to receive their present benefits until such time as they terminate or retire from the employment of the Town of Southborough or their contract or collective bargaining agreement is renegotiated. To the extent employee benefits set forth herein conflicts with the SAP or the applicable collective bargaining agreement, the [SAP](#) or CBA [as may be applicable] shall control.

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what state or federal law may otherwise require. The benefits set forth in this section are applicable to full-time employees only, except where noted.

All forms of paid leave set forth in this section are based on a 40-hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

Holidays with Pay

Full-time employees shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Juneteenth	Christmas Day
Independence Day	Day before <u>or</u> after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

**Holiday schedules within Collective Bargaining Agreements supersede this section.*

Vacations with Pay: Full-time employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned Per Month	Vacation Earned Per Year (Pro-rata)
0 - 2	6.666	Two weeks
2+ - 7	10.0	Three weeks
7+ - 15	13.333	Four weeks
15+ - or more	16.666	Five weeks

At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year

one year's worth of earned vacation. Employees hired on or after July 1, 2023, shall be permitted to carry over a maximum of two weeks to the following fiscal year. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or their delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

In the event of termination of employment, the employee shall be paid the sum total for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

Sick Leave: Full-time employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work-connected accident, or work-connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007, may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave. Employees of the Town of Southborough hired on or after July 1, 2023, will not be subject to any payout of accumulated sick leave.

Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

Sick Leave Bank

A voluntary Sick Leave Bank will be maintained for use by qualified members whose allotment

of paid leave has been depleted through illness or accident, and who require additional leave to permit recovery from extended illness. Rules and eligibility requirements for participation shall be developed by the Town and made available to employees.

Personal Days

Full-time employees shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's Start Date. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

Military Leave

Reserve Duty: An employee in full-time employment in the military guard or reserve forces shall be paid the difference between compensation received while on guard/reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed thirty-nine days in any twelve-month period, per Title 10 of the United States Code.

Active Duty: Pursuant to Article 8 of the April 11, 2005, Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the department head.

- Medical examinations or inoculation required by the town
- Blood donation authorized by the department head
- Attendance at professional/educational programs authorized by the department head

Domestic Violence Leave

The Town of Southborough is committed to the health and safety of its employees and their families. An employee who is a victim of domestic violence or abusive behavior, or whose immediate family member is such a victim, is encouraged to contact the Assistant Town Administrator in confidence about the situation.

G.L. c. 149, s. 52E entitles employees up to fifteen (15) days of leave from work in any twelve (12) month period if an employee, or family member of an employee, is a victim of domestic violence or abuse. The employee shall be required to use the employee's accrued leave prior to taking domestic violence leave. The Town of Southborough defines a twelve-month period as a rolling twelve-month period, beginning on the date an employee commences leave. The Domestic Violence policy advises employees of their rights in accordance with state law.

Bereavement Leave

In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Department Head may authorize up to two additional days of travel time.

Jury Duty/Court Duty

Jury duty: Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court. MGL Chapter 234 governs regulations by which employees are eligible for leave

Court time: If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, such appearance and related travel time shall constitute work time for purposes of calculating weekly hours worked.

Unpaid Leave of Absence

Reasonable requests for leaves of absence may be granted by the Department Head, with the approval of the Town Administrator and Personnel Board. At their discretion, such leaves of absence shall fall into one of the following categories:

- (1) Personal - Allowable only if the employee has exhausted their vacation and/or personal days and only if the workload permits and the absence of the employee will not cause undue hardship to the department. The Town will require any such employee on personal leave to pay for all health, dental, life, FSA or any outstanding premium (both employee and employer share) if they are on an unpaid leave of absence. The employee will be responsible for coordinating such payment with the Treasurer/Collectors office prior to going out on leave. No paid leave will accrue while an employee is on unpaid leave.

Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

- (2) Unpaid Leaves of Absence: A leave of absence without compensation may be granted by the Personnel Board. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and upon return to work, the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

Parental Leave

Parental - An employee who has completed the initial probationary period, not to exceed three months (this shall not affect the length of the probationary period only the qualification for such leave), shall be entitled to 8 weeks of unpaid parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child; provided, however, that any 2 employees of the Town shall only be entitled to 8 weeks of parental leave in aggregate for the birth or adoption of the same child. The employee shall give at least 2 weeks' notice to the Town of the anticipated date of departure and the employee's intention to return or provide notice as soon as practicable if the delay is for reasons beyond the individual's control. The employee shall be restored to the employee's previous, or a similar, position with the same status, pay, length of service credit, and seniority, wherever applicable, as of the date of the leave. An employee on parental leave for the adoption of a child shall be entitled to the same benefits offered by the Town to an employee on parental leave for the birth of a child. If the Town agrees to provide parental leave for longer than 8 weeks, the Town shall not deny the employee the rights under this section unless the Town clearly informs the employee, in writing, prior to the commencement of the parental leave, and prior to any subsequent extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

- a. The Town shall not be required to restore an employee on parental leave to the previous or a similar position if other employees of equal length of service credit and status in the same or similar positions have been laid off due to economic conditions or other changes in operating conditions affecting employment during the employee's parental leave; provided, however, that the employee on parental leave shall retain any preferential consideration for another position to which the employee may be entitled as of the date of the leave.

- b. The parental leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans, or programs for which the employee was eligible at the date of the leave or any other advantages or rights of employment incidental to the employment position; provided, however, that the parental leave shall not be included, when applicable, in the computation of the benefits, rights, and advantages; and provided further, that the Town need not provide for the cost of any benefits, plans or programs during the parental leave unless the employer provides for such benefits, plans or programs to all employees who are on a leave of absence. Nothing in this section shall be construed to affect any bargaining agreement or town policy that provides for greater or additional benefits than those required under this section.
- c. The Town will require any such employee on parental leave to pay for all health, dental, life, FSA, or any outstanding premium if they are on an unpaid leave of absence. The employee will be responsible for coordinating such payment with the Treasurer/Collectors office prior to going out on leave.
- d. An employee may voluntarily use any accrued sick, vacation, or personal time the employee has concurrently with all or part of her maternity leave. The Town cannot require an employee to use their accrued paid vacation or personal time concurrently with all or part of their parental leave. Such an election is to be made at the time of the request for leave.
- e. Parental Leave shall run concurrently with Family and Medical Leave, provided that all FMLA requirements are met.

Family and Medical Leave

The [Family Medical Leave Act](#) (FMLA) entitles eligible employees to take up to twelve weeks of unpaid, job protected leave each year for specified family and medical reasons. The FMLA does not affect any other federal or state law that prohibits discrimination, nor supersede any state or local law that provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights where applicable. To be eligible for FMLA benefits an employee must have worked for the town for a total of at least 12 months and have worked at least 1,250 hours over the previous 12 months (average 24 hours per week) immediately preceding the leave.

Small Necessities Leave Act [SNLA]: The State Legislature provides for leave for employees for certain family obligations. This law is known as the Small Necessities Leave Act. It requires that employers grant to employees eligible leave during the workday for essential, and narrowly defined, family matters. The SNLA allows employees who qualify under the federal family and medical leave act to take off up to 24 hours in a 12 month period for:

- your child's school activities, such as parent-teacher conferences
- your child's medical appointments
- your elderly relative's medical appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Small Necessities Leave is in addition to leave pursuant to the FMLA. The Town applies a "rolling" 12-month period measured backward from the date an employee uses any leave under the Act for this purpose. Leave may be taken intermittently as required but in no less than one hour increments. Employees shall be required to use vacation or personal leave concurrently with such leave; employees shall use sick leave provided sick leave is normally allowable.

Health Insurance

The Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan for employees only working on average more than 20 hours per week.

Payment for Health Insurance Opt Out Program

Opt Out Program: If you are a fulltime employee with the Town of Southborough, you may be able to take advantage of an incentive program being offered by the Town if you can demonstrate you have access to health care through another plan. The Town is providing this incentive for employees currently covered under the Town's health plan to "opt out" of their election (either individual or family coverage provided by Harvard Pilgrim Health Care) provided they can prove they have other coverage.

The program is renewed every three years by the Select Board and the Board reserves the right to change the annual payment amount.

Eligibility: Any active employee, who has participated in a sponsored health insurance program (dental and life are not included in this program) continuously for 24 months in either an individual or family plan prior to electing to opt-out, is eligible. If an employee has a spouse who is also a Town employee, said employee may not switch to their spouse's plan to become eligible. Likewise, an employee may not switch from a Family plan to an Individual plan to become eligible.

Payment Amount: The annual fiscal year payment amount for opting out is \$1,750 [Individual] or \$3,500 [Family].

Dental Insurance

Employees working a minimum of twenty hours per week are offered dental insurance. The premium is split equally between the employer and employee, i.e. 50% of the premium is paid by the employee through payroll deduction. Employees declining coverage must sign a waiver of dental coverage.

Accidental Death & Dismemberment and Life

Employees working a minimum of twenty hours per week are offered a \$10,000 Life and Accidental Death & Dismemberment policy. The premium is split equally between the employer and employee, i.e. 50% of the premium is paid by the employee through payroll deduction. Employees have the ability to increase the value of this policy voluntarily, through a higher contribution.

Health Reimbursement Arrangement

The Town of Southborough offers a [Health Reimbursement Arrangement](#) (HRA) for Hospital Admission, Out-Patient Surgery, Therapy/Counseling and Hi-Tech Imaging to reimburse co-payments paid by the employee. This is available to all benefit eligible and Non-Medicare Retirees participating in the Town's HPHC HMO or PPO plans. Application forms are available at the Treasurer's Office in the Town House or online at <https://www.southboroughma.gov/280/Treasurer-Collector>.

Current Reimbursements are:

In-Patient Hospital Admission (Each Admission)	up to \$1,000.00
Out-Patient Surgery (Each Procedure)	\$500.00
Hi-Tech Imaging (Each Service)	\$250.00
Therapy/Counseling Co-pay	\$25.00 (max \$250 annually) (July thru June)

NOTE: DEDUCTIBLES ARE NOT ELIGIBLE FOR REIMBURSEMENT – CO-PAYS ONLY

Process: **Three Items Required –**

1. Complete and sign Health Reimbursement Form
2. Copy of Insurance Activity report showing Service rendered or any health provider report showing the service rendered.
3. Copy of payment (check, credit card statement, or other confirmation proving payment was made). You cannot use your FSA card and then request reimbursement per the IRS – you must pay by cash, check, or credit card.

Flexible Spending Account

The Town of Southborough offers a [flexible spending account](#) (FSA). An FSA is a type of savings account that allows employees to contribute a portion of their regular earnings to pay for health-related costs. Funds contributed to the account are deducted from earnings and are not subject to income and payroll taxes. Distributions from the account must be used to reimburse the employee for qualified expenses related to medical and dental services. The employee has the option to not participate at all or to participate at any amount subject to the below annual limits.

Annual contribution limits are set by the IRS are set annually.

Note: Dependent care contributions can be used to pay for childcare expenses for children age 12 and under and also can be used to pay for the care of qualifying adults, including a spouse, who are unable to care for themselves. Please contact the Treasurer-Collector's Office with any additional questions.

Post Employment Benefits

Worcester Regional Retirement Membership:

- All full-time employees of the Town of Southborough are eligible for membership in the [Worcester Regional Retirement System](#).
- Employees who work 1040 hours or more in a calendar year must become members of the system.
- For new employees, WRRS requires the Town to withhold 9% of an employee's regular compensation, up to \$30,000.00 annually, with an additional 2% withheld on any regular compensation exceeding that amount. If the new employee has been previously employed in a Massachusetts state or local job and was a member of the Massachusetts Retirement System, then the withholding amount may be 5 %, 7 %, 8 %, or 9 %.
- Part-time, provisional, temporary, seasonal, or intermittent employment or service less than 1040 hours in a calendar year is not eligible for membership.
- Additionally, for all service rendered on or after July 1, 2009, no creditable service will be granted unless the individual was employed in a position for which the rate of annual compensation was fixed at least at \$5,000.

The Worcester Regional Retirement Board shall have (and exercise) full jurisdiction to determine eligibility for membership in the system. Please contact them directly for any questions.

Retirement

If you are approaching the age of 65, you should contact the [Social Security Administration](#) at least three months before your 65th birthday to verify if you are eligible for Social Security benefits. Regardless of your age, the Treasurer-Collector's office also must be notified of your

approaching retirement so that there will be no lapse in health insurance coverage. If you wish to continue working beyond your 65th birthday, you should also contact the Treasurer-Collector's office for an administrative change regarding your health insurance benefits. This change will not affect your coverage.

The Town offers a retiree Medicare Advantage plan with prescription coverage that renews annually for a term of January 1st to December 31st. The Town contributes 75% of the monthly cost and the remaining 25% is paid by the retiree. Health insurance is paid by the town for employees wishing to stay on health insurance under 65 years of age with the Town paying 75% of the monthly premium.

A Medicare Advantage Plan is available to retirees eligible for Medicare A & B coverage; of which Medicare will remain the primary insurer. The Town also contributes 75% of the monthly cost and the remaining 25% is paid by the retiree. Health insurance is paid by the town for employees who elect to stay on health insurance under 65 years of age with the Town paying 75% of the monthly premium.

Employees are required to elect coverage prior to retirement in order to be eligible for coverage at any point in retirement, including coverage for their family and/or spouse.

OBRA

Part-time, not qualifying for Worcester County retirement benefits, seasonal or temporary employees of the Town are required to participate in [Omnibus Budget Reconciliation Act of 1990](#) (OBRA). This is an alternative to Social Security as permitted by the OBRA. OBRA requires that employees not eligible to participate in their employer's retirement program be placed in Social Security or another program meeting federal requirements. OBRA meets those federal requirements. Part-time employees who are not eligible for retirement benefits must contribute 7.50% of their gross wages to the OBRA plan.

Deferred Compensation

For full-time employees, the Town offers deferred compensation in a 457 plan, which allows employees to deposit a portion of their pre-tax earnings in an account, in addition to that contributed to the Worcester County retirement pension. See the Treasurer/Collector's Office for more details.

Injured on Duty/Workers Compensation

Sworn Police and Fire employees are covered under the provisions of [M.G.L. Ch. 41 S. 100](#) and [111F](#) when injured in the line of duty and are entitled to the rights and benefits of these laws.

All other employees are covered under the [Massachusetts Workers Compensation Law](#) when suffering a work-related injury and are entitled to the benefits and provisions of this law. Worker's Compensation law provides payment of a portion of lost wages for disabilities lasting for more than five (5) days; following the fifth day of disability, coverage is retroactive to the first day of injury. For on-the-job injuries that result in lost time of less than five days, the employee will be given leave without loss of pay. All injuries shall be reported immediately to the supervisor or department head and proper forms completed to qualify for insurance coverage.

Employees may use their accumulated paid leave to make up the difference between their regular pay and the amount of pay received under Workers' Compensation. In some instances, employees may be charged for the difference in cost of certain benefit deductions as Worker's Compensation payments are made directly to the employee and the earnings from use of accrued sick and vacation leave may not cover the full cost of deductions. Administration of these claims is managed by the Town Administrator's office.

Training and Educational Assistance

Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earn a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus, subject to appropriation, according to the following schedule:

Associates Degree	\$ 800.00
Bachelors Degree	\$1,200.00
Masters Degree	\$1,500.00

A copy of the completed transcript, diploma, or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable. Determination as to the applicability of the degree achieved to the position shall be made at the discretion of the Town Administrator, whose decision shall be final.

Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by a separately promulgated [Personnel Board policy](#).

Employee Assistance Program (MIIA EAP)

The Employee Assistance Program is a **CONFIDENTIAL** counseling and referral service providing professional help for Work/Life challenges, large and small. All employees and members of their household are entitled to call for services 24 hours a day. Caring staff consists of licensed professional counselors with a wide range of experience. The current Town sponsored programs are listed here:

MIIA Employee Assistance Program:
<https://myassistanceprogram.com/miia-eap/>

MIIA Well-Aware Program (a wide range of activities designed to promote well-being):

<http://www.emiia.org/well-aware/services-and-programs>

Section 9: Classification & Compensation

Job Descriptions

The Personnel Board shall maintain such criteria as it deems appropriate for the positions and classes in the schedules within the SAP. Each department or public body (board, committee, commission) with SAP employees shall maintain current job descriptions for such employees. All such job descriptions and any revisions thereto must be submitted to the Personnel Board for approval following review and approval by the Select Board or appropriate public body. The criteria for any class shall not be deemed to limit the duties or responsibilities of any position as set forth in the job description, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

Compensation

Annually, the Personnel Board shall recommend a pay schedule for all town positions that receive compensation, but are not subject to an employment contract or collective bargaining agreement. The compensation schedule [\[Section 20 of the SAP\]](#) for the following fiscal year must be approved by Town Meeting.

Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible for consideration of a salary increase annually on July 1. Employees hired between April 1 and June 30 will be eligible for a salary increase the July 1st following their twelve-month anniversary. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Select Board or their designated appointee in the case of departments within the jurisdiction of the Select Board, or the appropriate Boards, Commissioners or Trustees in the case of departments outside the jurisdiction of the Select Board.

The salary schedules set forth in Schedule A of Section 20 reflect the minimum and maximum salaries for each grade.

The annual salary set forth in Schedule A represents a 40-hour work week and in the event an employee works less than 40 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

Fair Labor Standards Act and Massachusetts Wage and Hour Laws

Southborough follows the Fair Labor Standards Act and Massachusetts Wage and Hour laws as applicable to municipalities.

[The Fair Labor Standards Act \(FLSA\)](#) is a federal law that establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. More information may be found on the poster in your workplace or online here:

<https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa>.

The Attorney General's Fair Labor Division enforces laws about minimum wage, overtime, payment of wages, sick time, meal breaks, temp workers' protections, domestic workers' protections, recordkeeping, and more. More information may be found here:

<https://www.mass.gov/wage-and-hour-laws>.

Break Time

Employees have a right to a 30-minute unpaid meal break for each 6 hours worked in a calendar day. If employees choose to take an unpaid meal break, they may extend their daily hours to compensate for this break.

Overtime

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. If an assignment requires work in excess of forty hours per week, such overtime work must be authorized in advance by the Department Head.

Non-exempt employees subject to the Salary Administration Plan shall be paid one and one-half times their regular hourly rate for the hours worked beyond forty in the work week; vacation, personal, sick, and holiday time are NOT included as hours worked.

Supervisory, professional, and managerial employees are exempt employees under FLSA and are not eligible for overtime pay. In recognition that the municipal workload often requires an employee to attend work-related activities outside their normal schedule, certain employees may earn "flex time" even if they are not covered under the Fair Labor Standards Act. "Flex time" under these circumstances, is earned at straight time, not at time and a half, and is generally for work performed on days not usually scheduled for work – weekends and holidays,

for instance. Permission to earn 'flex time' is at the discretion of the Town Administrator. Flex time allows the employee to leave early or late but is not compensable upon separation.

Call Back Pay

Any regular, full-time non-exempt, employees called into work during non-scheduled hours shall be paid hour for hour at one and one-half times the employee's pay rate. The on-call member of the Facilities Department shall be eligible to earn a weekly stipend for on-call service if the department head has required them to be available to respond to situations outside of their normal work schedule. This weekly stipend shall be equal to a set rate of \$300 per week. If the on-call staff member must report to work outside of their normal work schedule, compensation for this time shall be based on the standard SAP overtime practices. Additionally, if the on-call staff member is faced with a situation that renders them unable to serve as the on-call individual on a particular day that they are scheduled to be on call, said employee may request that another eligible staff member cover their on-call time, with the approval of the department head. In such an event, the regularly scheduled employee's weekly stipend will be reduced by \$45.00 per day that they are unable to be on call; this stipend amount will instead be paid to the covering employee per day of coverage. There is no provision to accrue compensation time in lieu of payment for on-call time.

Emergency Closing

In the event that employees may not be able to work due to an emergency closing of a building, employees will not be required to make up the lost time without loss of pay.

Payroll Period

Employees are paid on a bi-weekly basis. Direct deposit is required for all employees. The Direct Deposit Enrollment Form can be found online or at the Treasurer-Collector's office and is to be completed and signed by the employee to authorize this transaction to the employee's bank account. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

No payroll deductions other than legally required deductions will be made from an employee's paycheck without the employee's written approval.

Section 10: Reimbursements

Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the

employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

Section 11: Transfers and Promotions

An employee who is promoted to a position with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board, provided the rate of pay does not exceed the maximum rate of pay of the Grade for such position. This is contingent upon the Department Head's recommendation that qualifications and performance warrant it.

An employee transferred to a position with a lower range or rate of pay shall enter it at the rate pay of the employee's previous position or at the maximum rate of the Grade for the position, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head, and the Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter. The Personnel Board's decision shall be final.

Section 12: New Personnel: Rate of Pay

The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding Step 8 of the pay scale set forth in Schedule A of the [Salary Administration Plan](#).

The Personnel Director or their delegatee shall notify the Personnel Board in writing of all appointments and resignations.

Section 13: Part-time Employees Working Full-Time Hours temporarily

A Part-Time employee may work 20 hours or more per week for no longer than two bi-weekly pay periods, or four bi-weekly pay periods in the case of an Election Worker during an election cycle, if requested by their Department Head due to exigent circumstances, or for longer if recommended by the appointing authority or the Personnel Director, with the authorization of the Finance Director and approval of the Personnel Board. In such cases, the employee will remain a Part-Time employee with no change in status.

Department Heads may submit requests for additional compensation for Part-Time employees temporarily working Full-Time hours, subject to available funding as authorized by the Finance Director and approved by the Personnel Board.

Section 14: Appointment of “Acting” Department Heads

In the absence or retirement of a Department Head for three consecutive weeks, the Select Board or appropriate board or commission may appoint an “Acting” Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Select Board or other appropriate board or commission for each such extension. In no case shall an appointment of an “Acting” Department Head exceed one year.

Duly appointed “Acting” employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the “Acting” employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

Section 15: Repeal & Amendment of the Employee Handbook

These policies may be altered, repealed, or amended at the Personnel Board or Town Administrator’s discretion providing, whenever possible, sixty (60) days written notice is provided to employees of changes to any policy. Some policies may require approval of the appointing authority. Any policies stemming from a Massachusetts General Law are governed and administered by the Massachusetts State Legislature.

Section 16: Severability

If any provision of this Handbook shall conflict with any Federal or State statute or Wage and Hour Law or regulation applicable to any position, or any other law, it shall be deemed modified by the law or regulation. Each provision of this Handbook shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee handbook of the Town of Southborough. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, Town practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I understand that no representative of the Town has any authority to enter into any agreement for employment for any specified period of time or to ensure any other personnel action or to ensure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing, unless otherwise permitted by law or bylaw.

I also understand and agree that this agreement may not be modified orally and that only the Select Board or designee may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the Select Board or designee.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

Please return this completed Acknowledgment Form to the Payroll and Benefits Coordinator

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

ADDENDUM

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

ACCEPTABLE USE POLICY

Date Approved: June 7, 2018

Board approval: Select Board

1. Definition

The correct use of Town of Southborough Information Technology (“Information Technology”) is a concern for all employees and officials of the Town of Southborough. Information Technology in this context is defined as items belonging to and/or provided by the Town of Southborough such as:

- Computers (including servers, workstations, laptops, and related components housed within these systems)
- Computer-Related Hardware (peripherals including printers, plotters, scanners, cameras and other special devices)
- Office equipment (fax machines, copiers, mailing machines)
- Software (including operating systems, applications, utilities and databases)
- Network - Intranet and Internet (includes all devices and software that allow for internal, external and remote access)
- Tablets and other portable devices.

Together these comprise a technology platform that is essential to providing efficient and effective services to Southborough residents.

Use of Information Technology by any employee, contractor, consultant, and/or volunteer (“user”) shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Town.

2. Scope

This policy is a general guideline for technology use. Additional policies that address specific issues such as social media should be referred to for more information.

All existing state, federal, and local laws and Town policies apply to users of Information Technology, particularly those that govern intellectual property protection, sexual or other harassment, misuse of Town resources, privacy rights, and confidentiality.

This policy applies to the use of Information Technology whether it is being used during work hours or outside of those hours.

This policy shall be reviewed by the Municipal Technology Committee annually. Any changes to this policy shall be presented to the Board of Selectmen for approval.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

ACCEPTABLE USE POLICY

3. Purpose

Information Technology has only two sanctioned uses:

- The conduct of Town government for the Town of Southborough
- Incidental personal use (see subsequent section)

Other uses, such as commercial or political use, are expressly prohibited and are considered inappropriate use.

4. Responsibility

4.1. Appropriate Use

Use of Information Technology in the conduct of Town government for the Town of Southborough is considered appropriate use. Care should be taken to use technology in an efficient and effective manner to avoid wasting resources.

The appropriate use of the Internet is a major concern. Examples of job-related use of the Internet include but are not limited to:

- Accessing websites to obtain reference information or conduct research for official purposes
- Accessing the websites of vendors or organizations with which the town has official dealings, in relation to those dealings
- Using Email to communicate with residents, Town Departments and other parties in order to conduct Town business (also refer to Southborough's Email Policy)
- Posting information on the official Town Website

Even appropriate uses of Information Technology must comply with other Town policies, such as respectful treatment of others and civility.

4.2. Incidental Use

Incidental personal use of technology such as Email or web browsing is permitted but subject to monitoring. Costs incurred in the personal use of technology (such as long distance charges for telephone calls) may be periodically assessed and billed to the user.

Remember that all data created or held within the Town of Southborough's Information Technology infrastructure (including logs and activity records) is considered the property of the Town of Southborough and may also be considered Public Record. No assumption of privacy can be made.

4.3. Inappropriate Use

Inappropriate use of technology includes any activity that is illegal, such as the creation or distribution of pornography, and activities such as political lobbying, or personal or business use to benefit those other than the Town of Southborough government.

Inappropriate use also includes the use of technology to violate any other established Town policies.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

ACCEPTABLE USE POLICY

Examples of inappropriate use include but are not limited to:

- Activities that could cause disruption to the Information Technology infrastructure
- Use of abusive or objectionable language
- Use of technology to harass or create a hostile work environment
- Misrepresentation of oneself or the Town of Southborough
- Lobbying Town Boards or elected officials to advocate for personal or extradepartmental issues
- Sending chain letters
- Using official dissemination tools to distribute personal information
- Commercial operations

If you are unsure whether some particular activity constitutes appropriate use, refer the question to the Technology Manager.

5. Privacy

All data contained within the Town of Southborough Information Technology infrastructure is considered property of the Town. Most items are considered Public Record and may be requested in accordance with the Freedom of Information Act.

Town of Southborough Information Technology shall not be used to infringe on the privacy of others.

Users should not expect any right of privacy for any activity conducted on Information Technology, including communications and stored data. Users should also be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any equipment.

6. Information Technology Security

6.1. System Access

Most Town systems require that users are authorized. Users are prohibited from trying to gain unauthorized access to systems. This includes the unauthorized use of another user's password. Users are required to maintain the privacy of passwords and are prohibited from publishing, sharing or discussing passwords. Should a user suspect that their password or access has been observed or compromised, the user shall immediately notify the Technology Department to request a new password.

6.2. Software Installation

In order to maintain compliance to licensing and copyright law, and to increase security and reliability of systems, software installation is allowed only within the following parameters:

- The software is licensed to the Town of Southborough
- The person installing the software is expressly authorized to do so by the Technology Manager

6.3. Hardware & Peripheral Installation

In order to maintain a secure, stable and operational network, hardware and peripheral installation is allowed only within the following parameters:

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

ACCEPTABLE USE POLICY

- The equipment is owned by the Town of Southborough and has been accepted for use by the Technology Manager
- The person installing the equipment is expressly authorized to do so by the Technology Manager
- Since all data within the Town of Southborough Information Technology infrastructure is subject to monitoring and is considered public information, attaching personal equipment (such as a laptop) to the Town of Southborough IT Infrastructure is not permitted unless expressly authorized by the Technology Manager.

6.4. Data Security

Each user is the custodian of their data and must not share passwords or other restricted information with unauthorized users. Users also must not intentionally delete town-owned data, particularly Email, documents and other items considered Public Record. Consult the Information Security Policy for more information.

The Technology Department will ensure all critical systems are backed-up on a daily basis. Backups will be stored in redundant offsite locations. The Technology Department will provide users access to secure network storage that is included in the daily backups. It is the user's responsibility to store critical data on these backed-up locations and not on their local hard drives.

All data received from sources outside the Town of Southborough including the Internet, Email, CD-ROMs, DVD-ROMs, Flash Memory (Thumb Drives) and other sources are to be scanned for viruses. If any source is questionable, the Technology Manager should be consulted prior to downloading or uploading data to Town of Southborough computers or other devices.

Users must cooperate with the Technology Department in their attempts to keep the systems free from malware (e.g. viruses, worms, Trojans etc) by observing safe Internet use habits. A guide to such habits may be found at OnGuardOnline.gov, the federal government's website to "help you be safe, secure and responsible online". If users suspect that their equipment or systems have become infected or had their security compromised, they should report it immediately to the Technology Department.

7. The Purchase of Information Technology

All procurement of Information Technology (as defined in section 1) shall be made through the Technology Department. The Technology Manager is responsible for approving all Information Technology requests and purchases.

8. Sustainability

Computer users are expected to use hardware and software in a manner that enables its ongoing operation. Care should be taken to use technology in an efficient and effective manner. If a piece of equipment or software malfunctions or is damaged or broken, the user is to notify the Technology Department in a timely manner so that the equipment may be assessed and replaced or repaired to prevent the loss of critical data.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

BENEFIT ELIGIBLE POSITION POLICY

Date Approved: November 3, 2016

Board approval: Select Board

1. Policy Statement

When the Town of Southborough hires an employee for a position of more than 19 hours per week, the cost of providing health insurance and other related benefits must be taken into consideration. With the rising costs of health and dental insurance, these expenses incurred by the Town can often times exceed the gross pay of employees working between 19.5 and 25 hours per week. In order to proactively address this issue, the Board of Selectmen are issuing guidelines for establishing new employee positions, as well as the expansion of working hours for existing employee positions. Not only does this curtail additional benefit expenses for the Town now, but it also helps the Town by containing OPEB (Other Post-Employment Benefits) liabilities when these employees retire from active service with the Town.

2. Policy Description

1. All new employee positions created by the Town shall either be less than 19.5 hours per week or more than 35 hours per week. Those positions that fall at 19.5 hours per week or less shall continue to be ineligible for benefits.
2. This policy does not apply to current employees working between 19.5 hours and 35 hours per week.
3. All existing employee positions that are currently at or less than 19.5 hours per week may only be increased up to a minimum of 35 hours per week. Existing positions that are currently less than 19.5 hours per week may be considered for consolidation with other positions as job shares, if the Town determines it is financially beneficial to do so.
4. This policy affects all Town departments under the jurisdiction of the Board of Selectmen. All other Town departments not under the Board of Selectmen are strongly encouraged to adhere to the terms of this policy when considering new employee positions or additional hours for existing employee positions under 19.5 hours per week.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CODE OF CONDUCT POLICY

Date Approved: April 25, 2016
Board approval: Select Board

1. Purpose and Scope

1.1 The purpose of this policy is to indicate conduct expected by employees and officials of the Town of Southborough when conducting business with other employees, customers, vendors, and visitors, who interact with the Town, either on a daily or more infrequent basis. This policy extends to private conduct, to the extent the law has additional requirements on public employees.

1.2 Nothing in this policy limits or replaces rules of conduct described in Massachusetts General Laws Chapter 268A, (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws") regarding the conduct of a public employee, including Town employees as described in the law and regulations.

1.3 Nothing in this policy limits or replaces other Town policies that address employee conduct, such as the Town's Workplace Violence Prevention Policy, Policy Against Sexual and Discriminatory Harassment, and the Town's Alcohol & Drug Policy, and other policies applicable to employee conduct.

2. Applicability

2.1 This policy applies to all full and part-time compensated positions, excluding employees of the School Department. Employees whose positions are covered by collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by a collective bargaining agreement. Persons employed under individual employment agreements shall follow all of the provisions of this policy.

2.2 This policy does not replace applicable law, including State Public Employee Ethics Laws, but instead applies in addition to applicable law. In the event this policy conflicts in any way with laws governing employee conduct, the law will apply over this policy, to the extent that it is stricter.

3. Policy

3.1 Employees and town officials must act with fundamental honesty and integrity in all Town dealings, comply with all by-laws/regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies. Town employees and officials are required to consistently treat fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity.

3.2 As further described in State Public Employee Ethics Laws, and among other requirements set forth in the law, Employees and town officials may not, directly or indirectly, ask, demand, exact, solicit, seek,

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CODE OF CONDUCT POLICY

accept, receive or agree to receive anything of value for themselves or for any other person or entity for or because of any official act performed or to be performed by the employee, to influence any official act performed or to be performed, to influence or attempt to influence any official act performed or to be performed, or to act in a manner which would cause a reasonable person to conclude that the employee could be influenced in such a manner.

3.3 Examples of conduct that is considered inappropriate and/or unprofessional under this policy may be physical and/or verbal and include, but are not limited to, the following:

- a) Asking or requiring another individual to act unethically or violate the Town's Professional Conduct Policy or the law;
- b) Disparaging or misrepresenting the Town or any Town employee or official;
- c) Engaging in gambling, such as sports' pools, card games, games of chance, and raffles while conducting Town business or representing the Town;
- d) Discriminating against others on the basis of race, sex, sexual orientation, age, handicap, religion or national origin in the course of your employment;
- e) Engaging in any behaviors that are harassing, including sexual harassment or offensive comments or jokes;
- f) Consuming and/or using alcohol, non-prescribed narcotics or controlled substances during work time, or reporting to work under the influence of alcohol, intoxication, non-prescribed narcotics or controlled substances in any form. You should inform the Assistant Town Administrator or your supervisor at the start of the workday if you are taking medication that might impair your work performance, in order that proper accommodations can be considered and made where reasonable.
- g) Unprofessional behaviors, commentary, written correspondence and/or gestures directed at another Town employee or official, supervisor, customer, visitor or resident that a reasonable person would find offensive, humiliating or intimidating or that adversely affect staff performance.

3.4 Employees and town officials shall obey the laws of the United States and the Commonwealth of Massachusetts. Any employee who is convicted of a crime relating to their employment or impacting their employment, or crimes which may disqualify them from holding necessary certifications or licenses, may be subject to disciplinary action, up to and including termination. Employees are, where applicable, subject to meeting CORI background screening requirements, subject to Town requirements and applicable law, including the law governing CORI.

3.5 Employees shall comply with all of the policies and operating procedures of the department in which they work and the Town of Southborough. Employees shall respond forthright to the work-related directives of their supervisor.

3.6 Employees and town officials are expected to conduct themselves in their official relations with the public and with their fellow employees in a manner which will enhance public respect for, and

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CODE OF CONDUCT POLICY

confidence in, the employee and the Town as a whole. Employees and town officials must not only perform their duties in a wholly impartial manner, but must avoid any conduct which gives a reasonable basis for the impression of acting otherwise. Specifically, all employees and town officials shall avoid any action which may result in or create a reasonable basis for the impression of:

- a) Using public office for private gain;
- b) Giving preferential treatment to any citizen;
- c) Making work-related decisions contrary to departmental town policy; and,
- d) Using one's official position to harass or intimidate any person or entity.
- e) No municipal employee shall, otherwise than as provided by law for the proper discharge of his/her official duties, directly or indirectly receive or request compensation from anyone other than the town or municipal agency in relation to any particular matter in which the same Town is a party or has a direct and substantial interest.
- f) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.
- g) No municipal employee shall, otherwise than in the proper discharge of his/her official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the town, or as agent or attorney for anyone in connection with any particular matter in which the same town is a party or has a direct and substantial interest.
- h) Employees and town officials shall not solicit or accept, directly or indirectly, any gift or benefit, including any gratuity, favor, entertainment, loan, or any other item of value, from a person who or entity which the employee knows or has a reason to know:
 - Has, or is seeking to obtain, contractual or other business or financial relations with his/her department or the Town;
 - Conducts business or other activities which are regulated or monitored by the department or the Town, except as permitted by statute or regulation;
 - Has interests that may be substantially affected by the employee's performance or non-performance of his/her duties or has the appearance of being substantially affected; or
 - Seeks to influence the employee in performance of his official acts or any act within their official responsibility.

Exceptions- the restrictions set forth in Section 3 do not apply to the following gifts provided that such gift or benefit has not been solicited by the public employee, and is not for any of the purposes identified as prohibited above, and/or in the State Public Employee Ethics Laws:

- a) *De Minimis* Gifts. Anything with a value of less than \$25, other than cash. *De minimis* gifts include multiple gifts or benefits given or offered to a public employee within a calendar year by one person or by an organized group of persons having a common interest in a particular matter or legislation before that public employee, if the aggregated value is less than \$25;

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CODE OF CONDUCT POLICY

- b) *Inheritance.* Anything received by inheritance;
- c) *Gifts from Immediate Family and Relatives.* Anything received by a public employee from a member of the public employee's immediate family or from a great grandparent, great grandchild, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, step-parent, stepchild of the public employee or of the employee's spouse and given for reasons unrelated to the public employee's official position or duties;
- d) *Informational material.* Informational material relevant to a public employee's official functions and intended for use by the public employee in the exercise of official duties or solicited for the purpose of promulgating, administering and enforcing agency regulations, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, electronic, or visual format;
- e) *Professional Organization Membership Fees.* Reduced or waived membership or other fees offered by a professional organization if the only requirements for membership relate to professional qualifications;
- f) *General Discounts.* A rebate, discount or promotional item available to the general public or to a class consisting of all public employees from a city or town, county or state on the same terms as offered to the general public;
- g) *Display Items for Meritorious Public Service.* An item intended for display and given by a civic, charitable, professional, religious, or fraternal organization in recognition of meritorious public service that has no or minimal resale value. Such items shall include but not be limited to trophies, plaques, bowls, and certificates;

Honoraria. Honoraria not exceeding \$250.00 for participating in a legitimate speaking engagement provided that:

- Delivering the speech is not part of the public employee's official duties;
- Public resources are not used in the preparation of the speech;
- Public time is not taken for the preparation or delivery of the speech;
- Neither the sponsor of the address nor the source of the honorarium is a person or entity with whom the public employee has had or reasonably expects to have dealings in his official duties;
- The public employee makes a prior written disclosure.

4. Actual or Potential Conflicts of Interest, Violations of this Policy, or Violations of the

Law: Employees and town officials should immediately report and make inquiry about questionable items, gifts, benefits, or matters. Inquiries can be made with the Town or employees may go directly to the Town Administrator or to the Ethics Commission at 1-888-485-4766 (Attorney of the Day).

5. Procedures / Investigations

5.1 A violation of any aspect of this policy can damage the integrity and harm the reputation of

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CODE OF CONDUCT POLICY

the Town of Southborough and all employees and town officials, and may additionally place the employee in violation of Massachusetts law. The Town is fully committed to reviewing and/or investigating, as necessary, any and all reported incidents. Employees who become aware of inappropriate conduct should report it to their Department Head or Town Administrator.

5.2. When management becomes aware of an incident, they shall document the incident as soon as possible and forward said information to their supervisor.

5.3. A decision to deal administratively with the employee and/or to have the employee consult with EAP shall be made as promptly as possible by the Town Administrator or his/her designee, and management should continue an on-going review.

5.4 Employees may have separate reporting requirements under the Massachusetts Ethics Law, which are in addition to those described in this policy. Employees must be aware of these reporting requirements, and when and under what circumstances Massachusetts State Ethics law requires employees to make such Disclosures, including as directed by State law.

6. Applicable Statutes / Laws

A number of laws are implicated by this policy, which outline unacceptable or unethical conduct in the workplace. These include, but are not limited to, any number of criminal and civil laws prohibiting unethical conduct, such as Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. Seq. (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws"), as well as any criminal or civil laws in the areas of anti-stalking laws, anti-bullying laws, OSHA, anti-discrimination, Civil Rights, etc.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CORI POLICY

Date Approved:

Board approval: Select Board

1. PURPOSE

The Town of Southborough recognizes the need to ensure a safe environment for those we serve. As one means of providing a safe and credible environment, the Town has implemented this Criminal Offender Record Information (CORI) Policy.

2. APPLICABILITY

This policy is applicable to the criminal history screening of prospective and current employees, contractors, volunteers and interns, vendors, and professional licensing applicants. Where CORI and other criminal history checks may be part of a general background check for employment, volunteer work, or licensing purposes, the following practices and procedures will be followed.

This policy applies to any Town position paid, or unpaid, or contracted that may in the course of its duties have access to vulnerable populations such as the elderly, the disabled, or children or any other position that the Town must or is authorized to perform CORI checks on pursuant to law or regulation.

3. CONDUCTING CORI SCREENINGS CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. With the exception of screening for the rental or leasing of housing, and except as noted below in Annual Checks, 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. A CORI Acknowledgement Form may be withdrawn by providing the Town with written notice thereof.

Initial CORI Checks

All prospective and current employees, contractors, volunteers and interns, vendors, and professional licensing applicants of the Town of Southborough will be subject to a CORI screening in accordance with these policies before an offer of employment, volunteer assignment or other municipal relationship has been made.

Annual CORI Checks

The Town may conduct annual CORI checks for those working with vulnerable populations (with reappointment to be conditioned on an updated CORI check):

- All Library Employees or Volunteers
- All Council on Aging Employees or Volunteers
- Recreation Commission Employees or Volunteers who are running programs or classes where children age eighteen (18) or younger will participate

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CORI POLICY

- All Fire, Police and Rescue Department Employees
- All Emergency Management Team Members and Volunteers
- Any other employee where appropriate

4. ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications.

The Town of Southborough 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.

5. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town of Southborough will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, the Town of Southborough is an agency required by MGL c. 6, s. 171A to maintain a CORI Policy, therefore, the Town of Southborough shall ensure that all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

6. USE OF CRIMINAL HISTORY IN 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.

7. VERIFYING A SUBJECT'S IDENTITY

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.

8. INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CORI POLICY

obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

9. DETERMINING SUITABILITY

If a determination is made, based on the information as provided in section V 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, factors considered in determining suitability may include, but not be limited to, the following:

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

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

10. ADVERSE DECISIONS BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately in accordance with 803 CMR 2.18 (if you use non-DCJIS information, 2.19 (for info obtained from DCJIS). The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record.

11. 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.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CUSTOMER SERVICE POLICY

Date Approved:	April 25, 2016
Board approval:	Select Board

1. Policy Statement

The Town of Southborough is committed to operating in an efficient, customer service oriented manner throughout its course of business. Every employee of official capacity representing the Town organization provides services to the public. Customer service is not simply based on processes and procedures, but also on personal effort, creativity, and problem solving. Each person within the Town organization should strive to provide more than the expected customer service to our visitors and residents, and offer prompt and courteous service. It is the responsibility of every employee to promote a positive, helpful, and friendly environment for the benefit of our customers, residents, and our fellow employees.

2. Policy Description

2.1 Employee Responsibility

All employees of the Town of Southborough are to be made aware of the importance of customer service within the Town's operation. All employees are part of a team, and the actions of a single employee affects the overall image and efforts of the team. An employee's customer service abilities in all levels of their work will greatly impact their performance evaluations and promotional opportunities, and it is imperative every employee be made aware of this.

A. Supervisors and Management Personnel

Leadership by example is a key component to excellence in customer service. Town management must continually promote in their actions, words, and mode of communication the paramount importance of customer service standards. Managers should project a professional image in their appearance, as well as their written and spoken word. A manager's ability to provide high levels of customer service and to train and supervise employees to do the same will greatly impact their performance evaluations.

2.2 Standards of Performance

The Town recognizes that for a successful interaction with a customer, the entire experience must be reflective of a quality organization, not simply the end result. Many aspects of our operations must clearly be based in the ideal of excellent customer service.

A. Processes

There are many processes within Town government that require formal procedures be followed. Departments must ensure these processes are as simple as possible for customers to access and complete. Key examples of efforts that demonstrate effective customer service processes

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CUSTOMER SERVICE POLICY

include simplifying forms and directions, instituting systems to conduct Town business online, and prompt response times. Employees should be intimately familiar with their job, their responsibilities, and the services offered by the Town of Southborough, so as to best help customers solve their problems.

B. Marketing and Communication

The Town provides information and services to residents on an ongoing basis. Communication with the public, be it oral or written, must be clear, concise, consistent, and easy to access. Departments should strive to utilize all communication possibilities as efficiently as possible to ensure that the residents remain informed and aware of Town issues on a regular basis. Use of the town website and social media pages should be emphasized as much as possible as venues of offering the most up-to-date information for Town residents.

C. Printed Material

All printed material issued by the Town of Southborough should be professional in appearance. This includes all posts on social media pages. Professional appearance constitutes correct grammar and spelling, appropriate language, and a neutral tone.

D. Phone and Written Inquiries

All inquiries, whether phone or writing, will be responded to by the proper person in an expeditious manner. If an employee promises a response by a given time, they must make every effort to comply with that timeline. If for some reason an employee realizes they are unable to meet the required response time, they must communicate this to the customer as soon as possible, and with an updated timeline.

Employees should answer phone calls specifically designated for them as often as possible. Initial phone messages must be returned within a 24-hour period. Employees at all levels must adhere to this timeline. If an employee is not available, the caller should be made aware and informed when the person will be available. Alternative help should be offered in the interim.

All written inquiries, whether complaints, compliments, or suggestions, should be acknowledged in an appropriate manner. The initial response should be within no more than three days of receipt of a letter or email. The presentation and content of emails should be professional in nature, and should not contain personal modifications such as elaborate signatures, color schemes, mottos, or quotes, other than those authorized by the Town.

Departments possessing an automated phone answering system must assure that it can be easily bypassed to achieve direct contact with the office.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CUSTOMER SERVICE POLICY

E. Information and Referral

Residents will often inquire at Town Hall or other departments about issues that are not within our domain. Every effort should be made to refer them to the governmental agency or community service agency that is best able to handle their concern. All referrals should include a phone number, or location of the suggested agency, if at all possible. If the answer to a question is unknown, do not be afraid to admit that to the customer, with a promise to follow up with an answer at a given time. Deliver on these promises, in order to maintain organizational credibility. Refer any questions to the Town Administrator or his Assistant at any time.

Internal referrals should be handled in a similar manner. If a person on the phone is being referred to a different department, the caller should be given the direct dial number for future reference and then automatically transferred to the requested department. Customers should not be made to call back, or return to the Town Hall physically, at that time if this can be avoided.

If a referral is made to another Town department, there must be certainty that the referral is correct. If there is some doubt as to the proper referral, the referring department should ascertain the appropriate contact before connecting or directing the customer. If this information is not obtainable, the customer should be directed to a supervisor in the initiating department, or the Town Administrator.

3. Internal Service Departments

Several Town departments are in existence to serve other Town departments directly and not the general public, such as Accounting or Facilities. The Town's customer service standards are fully applicable to our internal service departments. The ability of the Town to meet its own needs in a professional, efficient, and customer service oriented manner is a key component to offering such service to the public.

4.. Measurement

The Town of Southborough is committed to continual improvement of its operations based on the philosophy of excellence in customer service. Proper measurement of customer service initiatives is vital to this goal.

A. Complaints

Each department must have a complaint log. Whether a complaint is formal, informal, written, or verbal, it must be entered into the complaint log. The substance of the log is up to individual departments, but must include at minimum the name of the complainant, if available, the time and date of the complaint, the nature of the complaint, the employee handling the situation, and the disposition of the situation.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

CUSTOMER SERVICE POLICY

B. Monitors

From time to time, the Town will utilize monitors for the express purpose of evaluating customer service responses from various Town agencies. The monitors will file a complete report of their experience with the Assistant Town Administrator and the involved Department Head, describing any perceived strengths and weakness in detail. The purpose of this initiative is to be instructive in nature and not punitive.

C. Customer Service Evaluation Card

The Town will establish a process whereby each department will possess a card containing information on an electronic survey, allowing customers to offer feedback on the services received from the respective department. These cards should be prominently displayed with easy customer access.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

DRUG-FREE WORKPLACE POLICY

Date Approved: December 5, 2006

Board approval: Select Board

1. PURPOSE AND SCOPE

To provide a drug-free workplace for all of Town of Southborough employees in accordance with provisions of the United States Drug-Free Workplace Act of 1988 (PL 100-690; 41 U.S.C.S. 701-707).

2. POLICY

- A. The Town, as a federal Grant recipient, hereby notifies every employee that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited when in the employ of the Town.
- B. The possession or use of Alcohol while at work or the reporting for work under the influence or effect of alcohol is prohibited.
- C. Violation of this policy may result in a disciplinary action, up to and including discharge.
- D. The purpose of establishing a drug-free workplace is to inform Town employees about:
 - (a) the serious danger of drug abuse in the workplace;
 - (b) the Town's policy of maintaining a drug-free workplace;
 - (c) the availability of drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the consequences of employee drug use in the workplace (see Paragraph C, above).
- 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 supervisory within five days (5) of any conviction for violation of any federal or state criminal drug law occurring in the workplace. The department head should then bring the matter to the attention of the Town Administrator.
- F. 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.
- G. The Town may require any employee who violates this policy to participate in an approved drug abuse assistance rehabilitation program.
- H. All employees will be given a copy of this policy to retain and review.
- I. The Town will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.
- J. Employees having any questions in regard to this policy are invited to contact the Assistant Town Administrator to discuss their concerns.
- K. This policy is effective as of December 5, 2006

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

FLEXIBLE SPENDING ACCOUNT BENEFIT

Date Approved:

Board approval:

The Town of Southborough offers a flexible spending account with TASC -a third party benefits administrator- which is sometimes referred to as a flexible spending arrangement (FSA). It is a dedicated savings account that is designed to help workers save money on anticipated health care costs. FSAs let employees set aside money to pay for expenses such as out-of-pocket medical and dental costs the worker will incur throughout the year.

Because FSA contributions are deducted from an employee's earnings, they are not subject to payroll or income taxes. Disbursements from an FSA must be used to reimburse employees for qualified expenses, which typically include costs for medical, dental or vision services. If the money is not used by the end of the plan year or the designated grace period, the employee forfeits the funds. Employees choose how much they may contribute per bi-weekly deduction for the FSA. The 2024 FSA contributions limit set by the IRS has been raised to \$3,200 for employee contributions. Employees may elect or cancel this benefit annually at open enrollment in May.

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

SCAN ME



TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
HEALTH INSURANCE OPT-OUT PROGRAM POLICY FY23-25

Date Approved:

Board approval: Select Board

What is an “Opt-Out” program?

If you are a fulltime employee with The Town of Southborough, you may be able to take advantage of an incentive program being offered by the Town if you can demonstrate you have access to health care through another plan. The Town is providing this incentive for employees currently covered under the Town’s health plan to “opt out” of their election (either individual or family coverage provided by Tufts Health Plan or Fallon Community Health Plan) providing they can prove they have other coverage.

ELIGIBILITY

Any Town active employee is eligible who has participated in a sponsored health insurance program (dental and life are not included in this program) continuously for 24 months in either an individual or family plan. Any employee wishing to be eligible for payment must have insurance coverage via another source, such as spouse coverage, a private plan, etc. and provide proof of this.

All eligible employees may participate in this program. If you have a spouse who is also a Town employee you may not switch to their plan and be eligible. A switch from a Family plan to an Individual plan is also not eligible.

PAYMENT AMOUNT

The annual fiscal year payment is:
\$1,750 Individual Plan
\$3,500 Family Plan

Payment to be made via payroll on a bi-weekly basis. Payments cease if program non-renews, employee re-enrolls, or the Board of Selectmen initiate other limitations in any new program year.

RE-ENROLLMENT BACK INTO TOWN HEALTH COVERAGE

An employee may re-enroll for Town health coverage only if the employee has a qualifying event. A qualifying event as recognized by the health plan’s underwriting rules are:

- A. Marriage or Divorce
- B. Birth or adoption of a child
- C. Death of a family member
- D. Lack of other coverage through no fault of the employee or subscriber
- E. Change in hours, which results in change of employment hours

In order to re-enroll in the Town Health Insurance program, the employee must notify the Payroll Benefits Coordinator in the Finance Department within thirty (30) days of the qualifying event and provide written documentation of same. If the employee has a qualifying event and needs to re-enroll in the Town’s sponsored insurance, the employee’s “opt-out” benefit shall be stopped for the time the

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
HEALTH INSURANCE OPT-OUT PROGRAM POLICY FY23-25

employee re-subscribes into Town health benefits. Any employee who voluntarily terminates their employment after the “opt-out” incentive has been paid will be required to reimburse the Town the applicable, pro-rated amount for the period after termination. Also, employees are restricted to one “opt-out” per program period, meaning an employee cannot opt-out, re-enroll, and then opt back out again within the same three year program period before 6/30/25.

HOW TO PARTICIPATE

Complete the “Southborough Health Insurance Opt-Out Employee Form” and return to the Benefits Office in Town Hall. You will be required to provide a copy of evidence of new health coverage. For any questions, please call us or e-mail the Benefits Coordinator at the Treasurer/Collectors Office in Town Hall. The form must be completed during the annual open enrollment for coverage that begins on July 1. Any opt out request due to a qualifying event outside open enrollment must be received in the Treasurer’s Office within 30 days of the qualifying event (otherwise the opt out will not be approved until the next July 1st of the new fiscal year).

Important notes: This program will sunset on 6/30/25 (three years) but may be extended by the BOS. Employees who are planning to retire will still be required to have Town Health Plan coverage at date of retirement in order to be eligible for retiree health care benefits so please plan accordingly.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
HEALTH INSURANCE OPT-OUT PROGRAM POLICY FY23-25

Town of Southborough Health Insurance Opt-Out Employee Form

Employee Name: _____

Department: _____

Address (Street, City, St, ZIP): _____

Health Plan: _____

FAM/IND: _____

Please provide the following:

- Health Form to cancel Insurance
- Proof of new insurance (ID Card, etc.)
- Section 125 Plan Form

Payment: The Town will make the appropriate payment via payroll check over 21 pay periods or 26 pays. The total annual payment will either be \$1,750 for an individual plan or \$3,500 for a family plan. If there is a qualifying event in which an employee chooses to opt out of the Town's health insurance, the Town will cease payments so that the year is properly pro-rated.

EMPLOYEE SIGNATURE

DATE

**I have read the Opt-Out Policy and understand these terms to the best of my knowledge.*

Please submit to:

Treasurer/Collector
Payroll-Benefits Coordinator
17 Common Street
Southborough, MA 01772

DATE RECEIVED BY OFFICE: _____

APPROVED (Y/N) _____ INITIAL: _____

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

HIRING PROCEDURE

(Non-union and Union employees)

Updated by Labor Counsel: January 12, 2024

1. **Job Descriptions:** The department head and/or Board, Commission or other appointing authority shall be required to submit draft job descriptions to the Assistant Town Administrator who shall maintain a full set of all job descriptions. Any Salary Administration Plan [SAP] job descriptions will be forwarded to the Personnel Board (non-union positions) to review for clarification prior to advertising if they feel it should be updated, in accordance with Section 5 of the Town's Salary Administration Plan and Personnel By-laws or the appropriate collective bargaining agreement. Union job descriptions will be modified in accordance with G.L. c. 150E. Please refer to either the Salary Administration Plan or appropriate union contract for requirements for hiring, and information on probationary period, salary approvals etc.
2. **Job Posting:** Subject to the provisions of collective bargaining agreement or the SAP, as applicable, all openings must be advertised on an appropriate digital job board, in addition to the applicable professional association [i.e. the Mass Recreation and Park Association, Mass Town Planners etc] Advertisements on the Massachusetts Municipal Association website or in their publication, *The Beacon* are also strongly encouraged. The ad should include position details, education and/or experience requirements, salary range, a deadline to submit a resume or job application, and an equal opportunity employer/diversity statement. Jobs shall also be posted on the Town's website located at www.southboroughma.com. Ads should remain on the website until the deadline has passed. All job postings should also be posted on the bulletin board at the Southborough Town House.
3. **Application Period:** At least 10 days should be allowed for submission of applications from the day the ad appears on a job board.
4. **Interview Process:** The Personnel Director [i.e. Town Administrator] or Assistant Town Administrator shall manage all recruitment activities. Candidates for interview should be chosen based on suitability and meeting the requirements outlined in the advertisement and job description.
5. **Documents provided to applicants:** Prior to the interview, each applicant should be given a copy of the job description, details of the benefits provided and a copy of either the applicable collective bargaining agreement or Salary Administration Plan. Up-to-date copies are available in the Selectmen's Office or on the Town website.
6. **Salary:** The Personnel Board must approve the employee's pay rate above the Step 8 prior to finalizing the job offer. The Select Board must approve pay rates above the minimum for new union employees where permissible per the terms of the collective bargaining agreement.
7. **Appointment:** For all departments, the finalist must receive a conditional offer of employment subject to a background check and other applicable prerequisites. The finalist must also sign an

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

HIRING PROCEDURE

(Non-union and Union employees)

Employment Information Authorization and Release Form, CORI Authorization Form, and Background Investigation Authorization and Consent. For the Treasurer Collector's Department [and any other position deemed necessary by the Personnel Director], the finalist must meet the same conditions as above, in addition to a positive credit check. The finalist should also sign the Fair Credit Reporting and a Summary of Rights under the Fair Credit Reporting Act. For the Police and Fire Department, the finalist's conditional offer must include all the items required by their respective departments. The Police and Fire finalists must sign a Criminal Record affidavit, an Employment Information Authorization and Release Form, CORI Authorization Form, a Background Investigation Authorization, a Consent Form for Drug Testing, Disclosure and Authorization regarding the Fair Credit Reporting, and a Summary of Rights Under the Fair Credit Reporting Act Authorization.

A formal appointment letter [on a template provided by the Assistant Town Administrator] should include details of the offer such as start date, hourly pay rate, health insurance/benefit information and instructions related to on-boarding such as medical exam, drug test, etc.

8. **On-Boarding:** The finalist who has accepted the position may be required to submit to a pre-employment physical examination by the Town appointed physician and must provide proof of this exam to the Assistant Town Administrator indicating that he/she has passed the medical exam before the new employee reports to work. Information regarding the medical exam is available in the Selectmen's Office.
9. The new employee must also meet with the Benefit & Payroll Coordinator to complete all new employee paperwork (i.e. I-9 form, etc) required by law before reporting to work.
10. Southborough K-8 school employees are subject to a separate policy.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
HEALTH REIMBURSEMENT ARRANGEMENT INFORMATION (HRA)

Date Approved:

Board approval:

The Town will be continue to offer a Health Reimbursement Arrangement effective July 1, 2023 which will Reimburse each member who incurs an In-Patient Hospital co-pay, Out-Patient Surgery co-pay, Hi-Tech Imaging co-pay, and therapy/counseling co-pay as follows:

Expense Incurred as of July 1, 2023

In-Patient Hospital Admission (Each Admission) up to \$1,000.00

Out-Patient Surgery (Each Procedure) \$500.00

Hi-Tech Imaging (Each Service) – SEE ATTACHED \$250.00

Therapy/Counseling Co-pay - \$25.00 (max \$250 annually)

(July thru June)

NOTE: DEDUCTIBLES NOT ELIGIBLE FOR REIMBURSEMENT – CO-PAYS ONLY

Plan Sponsor: Town of Southborough

Plan Year: July 1, 2023 through June 30, 2024

Eligibility: Requires participation in the Town sponsored health insurance plans.

Process: Three Items Required –

1. Complete Health Reimbursement Form (attached) and Sign
2. Copy of Insurance Activity report showing Service rendered or any health provider report showing the service rendered.
3. Copy of payment (check, credit card statement, or other confirmation proving payment was made). You cannot use your FSA card and then request reimbursement per the IRS – you must pay by cash, check or credit card.

Please drop these documents off in person or if by mail sealed to the address below within 90 days of the service. Claims are processed through Accounting as with any Town payment and may take 2-3 weeks to be mailed to your residence.

HIGH TECH IMAGING – ELIGIBLE REIMBURSEMENT

CT Scans (CAT Scans)

Computerized Tomography Angiography (CTA Scans)

MRI's

Magnetic Resonance Angiography (MRA)

Magnetic Resonance Spectroscopy (MRS)

Nuclear Cardiology

PET Scan

LOW TECH IMAGING –NOT ELIGIBLE FOR REIMBURSEMENT

X-rays

Mammograms

Bone-density Scans

Echo Cardiograms

Ultrasound

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
HEALTH REIMBURSEMENT ARRANGEMENT INFORMATION (HRA)

Town of Southborough
HEALTH REIMBURSEMENT FORM
Must be submitted within 90 days of service/procedure

Last	First	Birth Date
------	-------	------------

Street Address	City/State	Zip Code
----------------	------------	----------

Email	Telephone No.	SS#(Last 4 only)
-------	---------------	------------------

Date of Service	Medical Provider	Medical Expense Description	Eligible Amount *Documentation Required

TOTAL

I certify that the above information is true and that the amount requested has not been reimbursed by any other plan or entity. Expenses listed above qualify for reimbursement by me or by eligible members of my family.

SIGNATURE

DATE

Reminder: Three Items Required:

1. Complete Health Reimbursement Form (above) and sign this document.
2. Copy of Insurance Activity report showing Service rendered or any health provider report showing the service rendered.
3. Copy of payment (check, credit card statement, or other confirmation proving payment was made). You cannot use your FSA card and then request reimbursement per the IRS – you must pay by cash, check or credit card.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
PREVENTION OF DISCRIMINATION AND HARASSMENT POLICY

Date Approved:

Board approval:

1. Purpose

It is the purpose of this Policy to ensure that the Town provides a workplace that is free from unlawful discrimination, all forms of harassment, including sexual harassment, bullying, and retaliation.

This Policy shall not limit the Town's authority to discipline its employees or take other remedial action for workplace conduct that is otherwise prohibited but not included in this Policy.

This Policy applies to all Town employees;¹ however, to the extent that this Policy conflicts with any applicable collective bargaining agreement, the agreement shall control.

2. Definitions

“Bullying” means unreasonably hectoring an employee in a manner that prevents said employee from accomplishing his/her job duties. Such conduct includes, without limitation, repeated derogatory remarks, insults, unwelcome jokes, and epithets; verbal, non-verbal or physical threats or acts of intimidation or humiliation; and the sabotage or intentional undermining of an employee’s work performance.

“Cyber-bullying” is bullying using technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electronic mail, internet communications, instant messages, or facsimile communications. Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person; the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying; and the distribution by electronic means of a communication to more than one person or posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

¹ For the purposes of this Policy, the term “employee” is defined as the term is in G.L. c. 268A, §1(g).

² G.L. c. 4, § 7(59) provides “Gender identity” shall mean a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity,

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
PREVENTION OF DISCRIMINATION AND HARASSMENT POLICY

“Discrimination” means adverse or hostile treatment based on a characteristic protected by law, such as race, gender, color, gender identity,² pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, military background or adverse employment action against a Town employee or an applicant for said position based on said employee’s or applicant’s Natural Protective Hairstyle.

This includes discrimination toward or by employees occurring in the workplace or outside of the workplace when such conduct is associated with or could reasonably be expected to impact the workplace.

“Discriminatory Harassment” means unwelcome or hostile conduct, whether verbal or physical, that is based on that is based on, motivated by, or expresses a negative attitude toward a person’s characteristic protected by law, such as race, gender, color, gender identity, pregnancy, disability, religion, national origin, national ancestry, sexual orientation, genetics, military background, that creates an intimidating, hostile, or offensive work environment. Such conduct may include, without limitation:

- use of epithets, slurs or nicknames that refer to a person’s protected characteristic such as, but not limited to, race or sexual orientation;
- jokes that have the purpose or effect of demeaning or making fun of a person based on a protected characteristic;
- graffiti or other visual messages or displays that degrade a person based on a protected characteristic; and
- Discriminatory Harassment based upon a Town employee's Natural Protective Hairstyle.
- other verbal or non-verbal conduct that has the purpose or effect of creating a hostile work environment based on a person’s protected characteristic.

“Natural or Protective Hairstyles” means hair texture, hair type and hairstyles, which shall include, but not limited to, natural and protective hairstyles such as braids, locks, twists, Bantu knots, hair coverings, and other formations. The term is broadly defined and intended to protect a wide variety of hairstyles.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person’s core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
PREVENTION OF DISCRIMINATION AND HARASSMENT POLICY

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

Sexual harassment may include conduct by men toward women, men toward men, women toward men, women toward women, employees toward supervisors, supervisors toward employees, employees toward citizens or vendors, and citizens or vendors toward employees. Sexual harassment may include, without limitation:

- sexual advances or propositions or requests for sexual favors;
- preferential treatment or promises of preferential treatment for submitting to sexual conduct, or less favorable treatment or threats of less favorable treatment for not submitting to sexual conduct;
- physical attacks of a sexual nature, including rape, battery, and molestation, and attempts to do so;
- other unwelcome touching of a personal nature, including but not limited to, hugging, kissing, pinching, patting, grabbing, brushing against, and poking;
- sexual or obscene gestures, noises, whistling, remarks, suggestions, innuendo or jokes;
- comments or questions enquiring about a person's body or sexual abilities, deficiencies or experience;
- staring or leering;
- displaying (including, but not limited to, on walls, lockers, and computer screens), or by the reading or viewing, of sexually-suggestive or pornographic objects, pictures or other graphic or written material (materials being used in official police department investigations are exempt from this prohibition provided that investigating officers use reasonable care to shield the otherwise restricted material from all personnel other than those with a legitimate need to view such materials as part of the employee's job responsibilities);
- disseminating sexually-suggestive or pornographic graphic or written material by voice mail, email, or websites, or through other electronic means (with an exception for official police department investigations, as provided above);
- preference to employees because they are involved in a consensual sexual or romantic relationship or less favorable treatment of same because they are not involved in a consensual sexual or romantic relationship; and
- any other verbal or non-verbal conduct of a sexual nature that has the purpose or effect of subjecting a person to an intimidating, hostile or offensive environment.

Sexual harassment may be of or by employees occurring in the workplace or outside of the workplace, when such is associated with, or could reasonably be expected to impact the workplace. Such conduct may include, without limitation:

- following a person home from the workplace without the person's consent;
- making repeated unwelcome sexual overtures by telephone, by email or through other electronic means; and
- sending unwelcome sexual materials through the mail, email or through other electronic means.

3. Prohibited Conduct

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
PREVENTION OF DISCRIMINATION AND HARASSMENT POLICY

All bullying, discrimination, discriminatory harassment, and sexual harassment are strictly prohibited and will result in discipline, up to and including termination.

4. Retaliation

The Town strictly prohibits retaliation of any kind against a person for complaining of, reporting, or opposing acts of discrimination, sexual harassment and/or retaliation, or for participating or serving as a witness in an internal or external investigation or proceeding concerning such conduct. Prohibited retaliation may include, without limitation:

- demoting a person, or taking any other adverse job action against a person based on a person's protected conduct;
- denying Town services to a person on such basis; or
- subjecting a person to shunning, hazing, or name-calling, or any other hostile verbal or nonverbal conduct on such basis.

Retaliation will result in discipline, up to and including termination.

5. Falsification Related to Prohibited Conduct

Knowingly falsely denying, falsely accusing or pressuring, goading or encouraging false denials or accusations; as well as covering up, or attempting to cover up conduct prohibited by this Policy is also strictly prohibited and will result in discipline, up to and including termination.

6. Affirmative Duties

Town employees have an affirmative duty to avoid, discourage, and report any bullying, discrimination, discriminatory harassment, or sexual harassment. Failure to do so will result in discipline, up to and including termination.

7. Complaint Procedure

Any Town employee who has been bullied, discriminated against, discriminatorily harassed, sexually harassed, or retaliated against, or who has observed anyone else experiencing the same, has the right and is encouraged to file a complaint with the Town. The complaint may be made orally or in writing by following the reporting procedure set forth below.

Notwithstanding any provisions of this policy, the Town reserves the right to investigate and act on its own accord in response to any conduct prohibited under this Policy or any other conduct which may constitute harassment or otherwise be inappropriate, regardless of whether a complaint has been filed.

A. Filing the Complaint

- File the complaint with the Town Administrator; if possible, do so promptly, as the more time passes between the alleged incident and filing the complaint, the more difficult it will be to investigate the incident. In the absence of the Town Administrator, or if the Town

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
PREVENTION OF DISCRIMINATION AND HARASSMENT POLICY

Administrator is a party to the complaint, the employee shall report the complaint directly to the Assistant Town Administrator.

- The complaint may be filed in person, via phone, or via email.
- The Town Administrator will document that the complaint was received and may request that the complainant either provide a signed written statement detailing the alleged incident, or that the complainant sign the investigation file created for said complaint.
- Complaints may also be filed with a Supervisor or Department Head, who shall provide said complaint to the Town Administrator, or, if applicable, the Assistant Town Administrator, as soon as practicable.

B. Investigation

- As soon as practicable after receiving the complaint, the Town Administrator will conduct a preliminary fact-finding investigation, after which he/she shall advise the Select Board or Appointing Authority and Town Counsel of the complaint and the results of said investigation. The Select Board or Appointing Authority will then designate an Investigation Officer to conduct a full, fair, and thorough investigation of the complaint and provide a written report of said investigation, which shall include a conclusion as to what extent the complainant's allegation were corroborated. The Select Board or Appointing Authority may designate either the Town Administrator (or in the absence of the Town Administrator, or if the Town Administrator is a party to the complaint, the Assistant Town Administrator) or an outside investigator as the Investigation Officer.
- The full investigation shall begin as soon as practicable after the Investigation Officer has been appointed.
- The full investigation will consist of, at minimum:
 - interviewing the complainant;
 - informing him/her of the investigation process, including that those against whom allegations were made will be informed of the complaint;
 - informing the accused of the complaint;
 - interviewing the accused;
 - informing the accused and witnesses that retaliation is against the law; and
 - interview any witnesses to the alleged incident.
- The complaint and investigation will be confidential to the extent that doing so does not undermine the same.
- Upon completion of the investigation and investigation report, the Investigation Officer shall report the same to the Select Board or Appointing Authority. After reviewing the investigation report, the Select Board or Appointing Authority shall determine what action should be taken in response thereto.
- If the Select Board or Appointing Authority deem it necessary to hold a hearing, the principles will be notified according to the Open Meeting Law, M.G.L. Chapter 30A, Sections 18-25, not less than forty-eight (48) hours prior to any posted meeting.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES
PREVENTION OF DISCRIMINATION AND HARASSMENT POLICY

- Once the Select Board or Appointing Authority determines what action to take, it will inform the complainant and the accused immediately.

C. Contact Information

The Sexual Harassment Compliance Officer and ADA Coordinator is the Town Administrator Mark Purple, who may be contacted at 508-485-0710, 17 Common Street, Southborough, MA 01772 or via email at mpurple@southboroughma.com.

D. State and Federal Remedies

In addition to the above, if the employee believes he/she has been subjected to discriminatory harassment of any type, the employee may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit the employee from filing a complaint with these agencies. Each of the agencies requires that claims be filed by a specific filing deadline.

The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000

More information at the Federal level is available online by searching at <https://www.USA.gov>

The Massachusetts Commission Against Discrimination (MCAD) Boston Office:

One Ashburton Place,
Suite 601
Boston, MA 02108
(617) 994-6000

Springfield Office:
436 Dwight Street,
Room 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:
484 Main Street,
Room 320
Worcester, MA 01608
(508)-453-9630

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SMALL NECESSITIES LEAVE ACT POLICY

Date Approved: December 18, 2000

Board approval:

1. Policy

A. Eligibility

Employees that have been employed by the Town of Southborough (“the Town”) for at least twelve (12) months and have provided 1250 hours of service to the Town during the previous twelve (12) month period of time and qualify for Family Medical Leave status are eligible for leave under the Massachusetts Small Necessities Leave Act (“SNLA”).

B. Purpose and Amount of Leave

An eligible employee is entitled to 24 hours of SNLA leave for any of the following purposes:

1. to participate in school activities directly related to the educational advancement of the eligible employee’s son or daughter¹, such as parent-teacher conferences or interviewing for a new school²;
2. to accompany the eligible employee’s son or daughter to routine medical or dental appointments, such as check-ups or vaccinations; or
3. to accompany the eligible employee’s elderly relative³ to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

C. Twelve Month Period

The twelve (12) month period shall be consistent with that established under the Town’s Family and Medical Leave Act Policy.

D. Intermittent Use of Leave

Eligible employees may use SNLA leave in increments of time of one (1) hour or more.

E. Use of Accrued Leave

Eligible employees that have accrued vacation, personal or sick leave (for medical appointments only) at the time they use SNLA leave will be required to use such accrued leave during the time they are on SNLA leave.

Eligible employees that do not have accrued vacation, personal or sick leave (for medical appointments only or as otherwise permitted by Town by-law or collective bargaining agreement) at the time they use SNLA leave will receive unpaid leave.

¹ A “son or daughter” is defined as a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. Further, the son or daughter must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

² A “school” is a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a licensed children’s day care facility.

³ An “elderly relative” is an individual that is at least 60 years of age and who is related by blood or marriage.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SMALL NECESSITIES LEAVE ACT POLICY

F. Return to Work

An employee that receives SNLA leave will be restored to the position he or she held when the SNLA leave commenced.

2. PROCEDURES

A. Notice

Eligible employees must request SNLA leave at least seven (7) days in advance of the time for which SNLA leave is requested whenever the need for SNLA leave is foreseeable. If the need for SNLA leave is not foreseeable, an eligible employee must give the Town notice as soon as practical. All notices to the Town shall be made in writing unless circumstances prohibit written notice.

B. Certification

Each time an eligible employee takes SNLA leave, the eligible employees must complete a certification. Certification forms are available at the Town House. As required by law, the certification will be maintained in the eligible employee's personnel file for three (3) years.

3. VIOLATIONS

Any employee that violates this policy will be subject to appropriate discipline.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SMOKING POLICY

Date Approved: September 4, 2001

Board approval: Select Board

On July 25, 2001, the Board of Health adopted new smoking regulations. These regulations prohibit the use of any tobacco product inside and within 15 feet of the entranceway of all public facilities within the Town of Southborough. The regulation also prohibits smoking in all municipal vehicles. There are fines imposed if a manager in charge of the Town building permits a violation of this regulation.

The Board of Selectmen at its September 4, 2001 meeting endorsed this regulation. Therefore, the prior policy of this Board is voided and replaced with this regulation. You may obtain a copy of the regulation from either the Board of Health or the Town Clerk's Office.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SOCIAL MEDIA POLICY

Date Approved: June 7, 2018

Board approval: Select Board

1. Definitions

- **Town** – is used to refer the Town of Southborough
- **Social Media** – Online forums in which individuals participate in the exchange of ideas, messages, and content, including but not limited to, blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter).
- **Employees** – All persons employed by the Town regardless of position.
- **Official** – An individual who holds office in the Town, whether elected or appointed.
- **Users** – Employees and/or Officials

2. Purpose

To address the increasing importance of the Internet and the changes it brings to the way residents communicate and obtain information online, Town of Southborough departments, boards & committees may consider using social media tools to reach a broader audience. The town embraces the use of social media when it furthers the goals of the town and the mission of its departments.

Department Heads and boards/committees should carefully consider the commitment in time and resources that maintaining such a site will entail before embarking on it. Who will create it and add content? Will there be interaction with the public, and how will that be managed and moderated? Do the people involved have enough time available to properly oversee and maintain the site?

The town of Southborough has an overriding interest in deciding what is published on behalf of the town on social media sites. Therefore, this policy establishes guidelines for the use of social media.

The purpose of this policy is to provide notice to appointed and elected board and committee members that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees; (2) expose the Town to liability for behavior that may be harassing, offensive, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as Employees and Officials of the Town.

This policy shall be reviewed by the Municipal Technology Committee annually. Any changes to this policy shall be presented to the Board of Selectmen for approval.

3. General Provisions

While Employees and Officials may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SOCIAL MEDIA POLICY

representatives of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations.

The Town's image as a professional organization comprised of professionals is critical to maintaining the respect of its constituents. Although the Town recognizes that Employees and Officials may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the Town. That is, although the Town acknowledges its Employees and Officials have the First Amendment right to free speech, the right is not absolute and extends only to matters of public concern. Therefore, Employees and Officials should exercise caution with respect to comments they post, particularly those concerning the Town and the business of the Town.

4. Status of Sites

4.1 Official Sites

An official Town of Southborough social media or social networking site is one that is pre-approved by the governing board (i.e. Board of Selectmen, Library Board of Trustees, etc), or their designee, and then created and operated in full compliance with this Policy. Such a site shall describe itself as official (e.g. "The Official Site/Facebook Page/Twitter Account of the Southborough Technology Department").

Official sites shall attempt to feature the Town logo or seal and other relevant style elements.

Department Heads and boards/committee chairs shall designate which employees/members are authorized to publish content and moderate official Town sites. Only those employees who have been so authorized shall be permitted to publish content and moderate official Town sites. Town staff who choose to comment on Official Town sites in their individual capacity shall state that they are not acting or speaking in an official capacity on behalf of the Town of Southborough and that their views do not necessarily reflect those of the Town.

All official social media sites shall be archived in accordance with applicable Town Bylaws and State & Federal regulations.

4.2 Unofficial Sites

Any site that fails to satisfy the requirements of an Official Town site shall be considered an "unofficial" site. Such sites shall not be maintained by Town employees during work hours. This includes sites maintained for personal purposes. Such unofficial sites shall not suggest, imply or intimate in any way that its content has been approved or sanctioned by the Town.

It is important to note that content posted on unofficial sites may be used during any investigation related to other applicable Town Policies (i.e. harassment, disability claims, etc.)

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SOCIAL MEDIA POLICY

5. Creating Official Sites

- All official Town social media sites created by departments, boards, or committees will be subject to approval by the governing board (i.e. Board of Selectmen, Library Board of Trustees, etc), or their designee.
- The Town Clerk, in conjunction with the Technology Manager, shall maintain a list of all official social media sites.
- The Technology Department shall be provided an administrator-level username and password for each official social media site.
- The Technology Department shall maintain an archive of each official social media site.

6. Managing Social Media Accounts

6.1 Content / Online Conduct

Official Town Social media sites will contain communications sent to or received by Town employees or officials, and are thus considered Public Records under Massachusetts law. Department Heads shall retain a copy of all social media content in accordance with Public Records Retention Schedules.

All use of social media must conform to the following regulations:

- All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
- Images must meet the same standards of appropriateness, and additionally must not be intrusive or show individuals without their consent (unless taken at public events). Use of any photo of a person under 18 years of age requires written parental consent.
- Users are prohibited from posting protected personal information (e.g., information that is not public record under the Public Records Law, G.L. c. 66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Users shall seek permission from his/her Department Head prior to publishing any conversations that occur within the Town. Users are further restricted from posting information about policies or plans that have not been finalized and approved, unless express permission has been received. Users must be particularly careful to protect against the inadvertent disclosure of confidential information.
- Users must not harass any other Employees in contravention of the Town's Computers and Communications Policy, Sexual Harassment Policy, and Harassment of Individuals in Protected Classes Policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this Policy even if the Town's name or the names of any of its Employees are not posted in the comment.
- Users must ensure that they are always honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Users may not post any information or rumors they know to be false about the Town, fellow employees, constituents, suppliers, vendors, contractors or any other entities or individuals.
 - Upon an authorized user's posting of content on an official Town site, the content may not be deleted, removed or altered in any way. Only spelling and grammatical corrections may be made without expressly informing users that content changes have

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SOCIAL MEDIA POLICY

been made. If it becomes necessary to modify an earlier post, content may only be altered or removed if users are clearly informed that such a change has been made. This may be accomplished in the following ways:

- Strike through the error and provide the corrected information; or
- Create a new post containing the corrected information, providing a link to the new post from the outdated post.

Either method is acceptable as long as it is evident to users that a change in content has been made to the site.

- Users may express only their personal opinions and should never represent themselves as a spokesperson for the Town unless specifically designated by the Town. If the Town is a subject of the content created by an employee, the employee should be clear and open about the fact that he/she is an employee of the Town and should make it clear that his/her views do not represent those of the Town, fellow employees, suppliers, vendors, or any other agent of the Town. Users who publish blogs or other online posts related to the work they do or subjects associated with the Town must make clear that they are not speaking on behalf of the Town. further, an employee's decision to express their personal opinions does not alleviate their responsibility as an employee to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to a supervisor.
- Users are expressly prohibited from using social media to engage any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
- Access to and use of social media must not interfere with a User's productivity and/or a User's ability to perform the duties and responsibilities of Employment with the Town.
- Users are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its Employees.
- Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.

6.2 Applicable Law

Town of Southborough social media sites are subject to Commonwealth of Massachusetts public record laws, record retention laws, and open meeting laws. In effect, every posting is a press release. It is the responsibility of the Department Head or board/committee chair sponsoring the site to make sure that the operation of the site complies with those laws.

6.3 Content Review

The governing body and/or its designee may conduct periodic reviews of each official social media site to assess the currency, timeliness, and appropriateness of the information it contains. Review records will be submitted to the Technology Manager and kept on file. If sites are found to be frequently out of date, or if they have become vehicles for discussions which do not fall within their intended purpose, they may be closed down.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

SOCIAL MEDIA POLICY

Additionally, if the Board/Committee which created the social media account is dissolved, the account shall either be transferred to another Board/Committee/Department or be closed down.

6.4 Moderator Function

On sites where interaction with non-employees is allowed, the Department/Board/Committee operating the site must perform 'moderator' functions to ensure that postings meet the standards expected. If supported by the site, new postings shall be held for moderation before appearing. Users and visitors shall be notified of the policy regarding moderation of content (by a hyperlink to <http://southbororoughtown.com/smmod>). Department Heads, Board/Committee Chairs and designated department staff shall periodically review these standards.

6.5 First Amendment Protected Speech

Although the Town of Southborough reserves the right to moderate its official social media sites that allow outside users to post comments, as a means of restricting speech that is obscene, threatening, discriminatory, harassing, or off-topic (i.e. spam), Town employees may not restrict, modify or delete speech with which the Town merely disagrees (subject matter restrictions). Outside users maintain some First Amendment rights when posting content to public social media sites hosted by municipalities. Moderators must respect those rights by permitting all comments that are not obscene, threatening, harassing, off-topic or otherwise violate applicable standards of conduct.

6.6 Interactions with Other Sites

On sites that support "following" or "liking" so that another account's postings appear on your main feed, only follow or like other official Town accounts or other official government sites. Failure to observe this allows other parties to place uncontrolled content on your pages.

6.7 Copyright Law

Employees must abide by all laws governing copyright and fair use of copyrighted material owned by others when posting conduct on official social media sites. Employees shall not reprint or publish entire articles or publications without first receiving written permission from the publication's owner. Employees shall not quote an excerpt of someone else's work without acknowledging the source, and, where possible, providing a link to the original.

7. Violations

Employees who fail to comply with the provisions of this Policy may be prohibited from moderating, creating, managing, or posting content on official social media sites.

Additionally, Any User who violates this Policy shall be subject to appropriate discipline, up to and including termination of employment.' The Town intends to follow each provision of this Policy but reserves the right to change any provision at any time if circumstances warrant or require. A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy. This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

TUITION REIMBURSEMENT POLICY

Date Approved: July 1, 2020

Board approval: Personnel Board

1. Policy Statement

The Town of Southborough (Town), through its Personnel Board, is committed to providing its Salary Administration Plan (SAP) employees with opportunity and support for continued development of knowledge and skills to be applied in meeting the needs of their positions with the Town. The Town provides financial assistance to SAP employees to enhance their professional development within their current position or in preparation for future assignments. This Policy outlines the eligibility requirements, application process and reimbursement process for qualifying for and receiving tuition reimbursement under Sections 11(i)(2)- (4) of the Personnel Bylaw (SAP), Town Code Section 31. While this benefit is available to all eligible full-time and part-time employees, preference will be given to full-time employees, as defined in the SAP.

2. Employee Eligibility

To be eligible for tuition reimbursement:

- (A) An employee must be a full-time or part-time employee under the SAP with at least six (6) months' employment with the Town as of the date of application. Eligibility begins when the employee has been in the employ of the Town for six (6) months and ends on the date the employee resigns or receives a notice of termination.
- (B) An employee must not be under any disciplinary action, including written warnings, or a written Performance Improvement Plan (PIP) within the last twelve (12) months. Employees must meet minimum performance expectations (as determined by their manager). After successful completion of a written PIP, an employee must wait six (6) months prior to re-applying for tuition reimbursement.

3. Application Process

- (A) The employee and their manager must meet prior to the application process to create an individual development plan for the employee.
- (B) The employee and their manager discuss the pursuit of the specific degree or class in connection with the employee's individual development plan
- (C) The employee completes a "Tuition Reimbursement Application" in the form approved by the Personnel Board, which is signed by the manager.
- (D) The employee submits the application to the Personnel Board in accordance with the guidance provided by the Personnel Board for the fiscal year in which the courses are to be taken and reimbursement paid. *It is the obligation of applicants to find out the deadline for applications for the fiscal year for which they are applying.*
- (E) Applications that fulfill the requirements and are received on time will be acknowledged by the Personnel Board and reviewed at the next regular meeting of the Board after the deadline.

4. Requirements

- (A) Personal Time: The courses and related examinations and any other course requirements must be taken and completed on the employee's own time, not during working hours.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

TUITION REIMBURSEMENT POLICY

(B) Documentation Required for Payment:

- (1) **Minimum Grade Requirement:** reimbursement for fees and expenses will be approved only for courses in which the employee receives a grade of "B" or better or "Pass" in a Pass/Fail course (or equivalent under the applicable grading system). Reimbursement will only be given for P/F courses if P/F is the only option. Appropriate documentation of grade must be submitted by the employee to the Personnel Board prior to approval of payment.
- (2) **Proof of Payment:** as this is tuition reimbursement, not tuition assistance, payment for courses must be made in the first instance by the employee. Proof of employee's payment or payment by a third party on employee's behalf must be submitted to Personnel Board prior to approval of payment.

5. Repayment upon Resignation or Termination

Employees who have received tuition reimbursement money and who leave their employment with the Town through resignation or termination for cause may be required to return the money they received from the Town:

- (A) Money received **within one (1) year** of the date of resignation/termination: refundable 100% to the Town;
- (B) Money received **more than one (1) year** before the date of resignation/termination: not required to be refunded.
- (C) Pending reimbursements: if an employee resigns or is terminated for cause prior to completing coursework, no reimbursement payment will be made for this coursework or future coursework.

These provisions do not apply to employees who are laid off at the discretion of the Town. Such employees are entitled to (1) retain any monies paid and (2) obtain reimbursement after the date of termination if all other requirements are met, as if no termination action had occurred.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

VEHICLE USE POLICY

Date Approved:	July 15, 2016
Board approval:	Select Board

1. PURPOSE AND SCOPE

The purpose of this policy is to encourage safe operation of Town vehicles, set forth the guidelines under which Town vehicles may be used and to minimize transportation costs and liability. Town vehicles belong to the citizens of Southborough and are assigned solely for purposes consistent with providing services to its citizens.

2. POLICY

- A. General Rules Governing Use
 - 1. Town vehicles may only be used for legitimate Town business and not for personal use, except as otherwise contracted in writing by the Board of Selectmen.
 - 2. All Town vehicles are to be located at a Town facility unless authorized from the Board of Selectmen to take the vehicle home (i.e. for those on 24-hour call).
 - 3. Vehicles shall not be used to transport any individual that is not directly or indirectly related to Town business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.).
 - 4. 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.
 - 5. Employees are expected to keep Town vehicles clean, report any malfunction or damage to their supervisor immediately, and obey all state and local traffic and parking laws.
 - 6. Employee operator and all passengers must wear seatbelts in vehicles so equipped during operation of the vehicle.
 - 7. Employees operating Town vehicles must have a valid driver's license of the appropriate class.
 - 8. Employees have an obligation to immediately report any changes in license status to their department head. Drivers must carry a valid license while operating the vehicle. Department heads must report any and all changes in an employee's license to the Town Administrator.
 - 9. Employees are solely responsible for the consequences of any violations, such as parking or speeding tickets. Employees must report all vehicular accidents to their department head and complete a police accident report and an insurance accident report (which is to be turned in to the Town Administrator's office).

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

VEHICLE USE POLICY

10. Operators shall not operate vehicles under the influence of alcohol or any illegal substance. Possession of drugs and alcohol in a Town vehicle could result in discipline, up to and including termination.

11. Any hand-held phones or devices, town-issued or personal, shall be used only as necessary, and in no way shall inhibit the employee from their first responsibility of safe operation of the vehicle, and shall be in accordance with state laws.

12. All town vehicles shall have the town seal and the department name permanently and prominently displayed, with the exception of the purpose of public safety to be granted by the Board of Selectmen.

13. Smoking, texting & use of email is not allowed in any Town vehicle.

B. Take Home Vehicles

1. The following positions within the Town of Southborough shall have included a municipal vehicle as part of their overall compensation package or terms of employment, unless alternative provisions are agreed to. The Town recognizes that it is the common practice of Massachusetts' municipalities to provide employees in these positions with take home vehicles, and it is desirable for the Town of Southborough to do so to remain competitive in recruiting for said positions. The positions include:

- Police Chief
- Fire Chief
- Building Inspector
- Public Works Superintendent
- Facilities Director

2. Any position other than those listed above must be specifically designated as "on-call" or having the responsibility to respond on a 24/7 basis, to be considered eligible for use of a take-home vehicle. Employees that are "on-call" on a limited or periodic basis shall not take home any municipal vehicle when they are not officially designated as "on-call". The Department Head shall submit all such requests to the Town Administrator with the appropriate rationale for such an assignment. The Board of Selectmen shall have the final determination in these decisions.

3. All other rules as set forth in section A of this policy shall apply to take home vehicles.

3. TO WHOM THIS POLICY APPLIES

This policy applies to all Town vehicles purchased for/by any Town department, whether leased or owned, which are provided to certain employees in connection with their particular duties as town employees.

4. VIOLATIONS OF THIS POLICY

Violation of this policy may be subject to disciplinary action up to and including termination.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKERS' COMPENSATION PROCEDURE

Date Approved:

Board approval:

Workers Compensation

- In the first 5 days, the employee shall use their own sick leave [or other paid leave]. Holidays are not counted as part of the first 5 days. They should be paid as usual.
- If the employee is out for more than 21 calendar days, the first five days sick leave shall be restored to the employee's sick leave accrual. [MIIA will reimburse the Town for this cost; the MIIA check will be re-deposited into the General Fund.]
- State law further stipulates that 60% of the average wages, including overtime [based on the 52 weeks prior to the injury] will be compensated. This 60% will be paid to an employee by the insurance company. This is tax free income.
- An employee may elect to use paid leave [sick, vacation, personal] to cover the 40% balance if they wish to receive a full paycheck. The 40% portion will be taxed and all normal deductions, such as health insurance and retirement funds, will be made from this income.
- If an employee does not use any paid leave [if they have no paid leave available], then they will be required to pay the Town for all their health insurance benefit premiums during this period.
- An employee is not allowed to return to work without a doctor's note. If a doctor recommends light duty, the department head must first approve what tasks can be agreed upon on light duty before allowing the employee to return to work.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKPLACE VIOLENCE PREVENTION POLICY

Date Approved: **April 25, 2016**

Board approval: **Select Board**

1. POLICY STATEMENT:

It is the policy of the Town of Southborough (the Town), to afford employees and visitors [which include town officials] a workplace free from workplace violence, aggression and hazards. Acts and threats of workplace violence disrupt essential service delivery and undermine the integrity of the workplace and the personal safety of affected employees and visitors. The Town strives to foster a work environment free from acts of workplace violence, including threats and acts of intimidation. All employees are responsible for establishing and maintaining a work environment that promotes professionalism and respect and is free from all forms of workplace violence. Any use of work time, resources or workplace facilities to commit or threaten to commit acts of workplace violence is cause for discipline up to and including termination of employment or contract. In compliance with State, Federal and Local laws, the Town remains committed to minimizing workplace violence risks and hazards by ensuring all reports and incidents of workplace violence are addressed promptly with the safety of the impacted employee(s) and workplace as the top priority.

2. SCOPE:

This policy applies to all full time, part time and temporary/seasonal employees of the Town, members of the public, vendors, interns, contractors, consultants, and others who do business with the Town whether in a Town facility or off site location where the Town business is conducted.

3. DEFINITION OF WORKPLACE:

For the purposes of this policy, "workplace" is defined as:

- Any Town owned or leased property;
- Any location where Town business is conducted;
- Vehicles or equipment (whether owned by the Town or otherwise being used for business); or any location where violence has resulted from an act or decision made during the course of conducting business.

4. DEFINITIONS:

Incidents of workplace violence may take place between employees; employees and individuals, clients or customers; employees and acquaintances, partners or spouses; and employees and the general public and appointed or elected officials, including visitors to the Town sites and/or people encountered in the community while performing business. Workplace violence can include actions or communications in person, by letter or note, by telephone, by fax, by electronic mail or through social media.

"Workplace violence" includes but is not limited to the following:

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKPLACE VIOLENCE PREVENTION POLICY

- A. Physical assault and/or battery regardless of absence or presence of resulting injury such as hitting, pushing, punching, pinching, restraining, kicking or holding;
- B. Threats and/or acts of intimidation communicated by any means (written, oral or electronic) that would cause a reasonable person to fear for his/her own physical safety or that of a colleague or customer;
- C. Destruction or attempted destruction of Town owned or leased property including, without limitation, Information Technology and electronic systems;
- D. The use of Town property, services, or equipment such as phones, faxes, copiers, computers, vehicles etc. for the purpose of threatening any individual with physical harm or an act of violence including acts of criminal harassment, sexual assault and stalking in violation of M.G.L. Ch. 265, and domestic violence in violation of M.G.L. c. 209A;
- E. Disruptive, physically aggressive or intimidating behavior [such as throwing objects, pounding on an object, intentionally interfering or blocking the movement of another person, screaming, verbal abuse, stalking, or making oral or written statements that a reasonable person would interpret as threatening, intimidating or humiliating and/or that cause a disruption of work productivity];
- F. The possession, transporting or use of a weapon either on the person or in a vehicle while on Town property including imitation firearms, pepper spray, explosives, flare guns, instrument or material to damage property, or harm or threaten an employee, client, resident, vendor, contractor, agent, or representative of the Town is strictly prohibited.
- G. Any form of retaliation against anyone who, in good faith, reports a possible violation of this policy or cooperates in any internal investigation by the Town, its agents or by law enforcement.

5. WORKPLACE PROTECTIONS FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING VICTIMS

The Town recognizes that domestic violence, sexual assault and stalking occurring outside of the workplace may lead to violence and disruption at work with the risk of potential harm to targeted victims and other employees and officials in the workplace. These effects may include a disruption of workplace productivity for victims, residents and other employees. In an effort to afford victims of domestic violence, sexual assault, and stalking the ability to protect themselves while at work, and to ensure the safety of all employees, the Town has established the following guidelines for managers and employees for addressing reports and allegations of domestic violence, sexual assault and stalking involving Town employees.

- A. Managers shall foster a climate in which victims can be comfortable disclosing abuse, including posting resource information where victims and abusers can go for assistance;
- B. Managers and employees shall report crimes related to M.G.L. Ch .209A which occur in the workplace which they believe to be domestic violence, sexual assault or stalking to local police;
- C. When appropriate, managers shall work with impacted employees to ensure workplace safety plans are completed in response to reports of domestic violence, sexual assault, and stalking;
- D. Managers and employees shall respect the privacy of victims and preserve confidentiality to the extent practicable, in dealing with non-emergency situations involving sexual assault, domestic violence or stalking;

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKPLACE VIOLENCE PREVENTION POLICY

- E. When notified of a restraining order in effect, managers shall utilize all reasonable efforts to address the employee's concerns about safety and report any workplace violations of such order to the police.
- F. Managers shall provide employees/victims with workplace safety remedies and options including but not limited to; screening calls, temporary work station relocation, time off to attend court-related hearings and/or counseling, and/or any other reasonable work-related safety option that minimizes the workplace safety risks to the impacted employee.
- G. Employees with active 209A restraining orders are strongly encouraged to promptly notify and provide a copy of any order to the Town Administrator, or their designee.
- H. The Town Administrator's Office shall provide assistance and support to managers and employees in response to reports of domestic violence, sexual assault and stalking. To the fullest extent permitted by law, all information in such reports shall be treated as confidential, kept separate from employee personnel files in a secure environment in the custody of the Assistant Town Administrator for the purposes of workplace safety incident management.

6. ROLES AND RESPONSIBILITIES

Managers and Supervisors shall:

- A. In coordination with the Town Administrator and his/her designee, ensure that each employee receives and signs a copy of the Workplace Violence Prevention Policy;
- B. Foster a climate in which victims feel comfortable reporting incidents of workplace violence and aggression;
- C. Contact 9-1-1 immediately if the act or altercation constitutes a violent act/threat or life-threatening emergency;
- D. Promptly respond to and report allegations of workplace violence to appropriate personnel including but not limited to immediate supervisor, Town Administrator, law enforcement and/or Harassment Officer
- E. Promptly and accurately record/log and escalate any/all incidents of workplace violence and threats to appropriate personnel;
- F. Take appropriate and immediate actions to address employees' safety concerns including, but not limited to, the development of specific workplace security protocols and safety plans to minimize risks associated with workplace violence;
- G. Cooperate in any investigation involving workplace violence;
- H. Participate in mandatory Town facilitated trainings focusing on violence prevention;
- I. Provide resources and referrals to victims of workplace violence and aggression to include the availability and contact information for the Town's Employee Assistance Program(s) (EAP); local domestic violence, sexual assault and stalking program resources.

The Town Administrator or his/her designee shall:

- A. Ensure that each employee receives and signs a copy of the Workplace Violence Prevention Policy;

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKPLACE VIOLENCE PREVENTION POLICY

- B. Manage, review and monitor the workplace violence incident records and facilitate the regular reporting of incidents;
- C. In coordination with management, ensure all reported incidents of workplace violence are addressed promptly;
- D. Provide assistance and guidance to employees and supervisors to help ensure appropriate interpretation and implementation of the Workplace Violence Prevention Policy and protocols;
- E. In coordination with appropriate supervisory and Town personnel, ensure all reports of workplace violence are investigated promptly;
- F. Coordinate and assist in the development of immediate crisis response and safety plans for impacted employees;
- G. Facilitate and coordinate workplace violence prevention training and document mandatory attendance benchmarks;
- H. In coordination with senior leadership and the Select Board [where warranted], recommend and implement remedial actions including the appropriateness of discipline, employee and victim assistance or other remedies;
- I. Ensure adequate posting of reporting procedures, internal and external victim resources are available and accessible to employees in all Town buildings.

Employees shall:

- A. Contact 9-1-1 immediately if the act or altercation constitutes a violent act/threat or life-threatening emergency;
- B. In non-emergency situations, promptly report allegations of workplace violence to appropriate supervisory personnel including but not limited to department head or Town Administrator. If a manager/supervisor is the source of the alleged conduct, reports may be made directly to the Town Administrator's Office; or Harassment Officer
- C. Initial reports of workplace violence and threats may be made verbally or in writing. Employees shall document individual acts and threats of workplace violence on the Workplace Violence Incident Reporting Form and submit this form to the Town Administrator's office no later than 24 hours. *For incidents resulting in the immediate hospitalization or provision of emergency services for impacted staff, staff shall ensure incidents are communicated to a manager as soon as reasonably possible to help ensure the completion of appropriate documentation and the establishment of immediate safety and security protocols.*
- D. Contact 911 if an emergency presents requiring assistance;
- E. Contact management for consultation prior to entering a Town property if there is a reasonable or perceived potential threat of workplace violence;
- F. Immediately contact a manager or supervisor in response to any escalating or aggressive behaviors, including any significant behavioral disruptions or changes exhibited by staff that arouse concern for the potential for workplace violence;
- G. Participate in Town facilitated mandatory trainings focusing on violence prevention;
- H. Cooperate in any investigation of alleged workplace violence.

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKPLACE VIOLENCE PREVENTION POLICY

7. GUIDELINES FOR THE REPORTING, INVESTIGATION AND DISCIPLINE INVOLVING POLICY VIOLATIONS

- A. The Town is committed to providing a prompt response when violence, the threat of violence, hostile behavior, bullying or the threat of hostile behavior arises. If the employee is not comfortable reporting the incident to their manager, they may report it directly to the Town Administrator and/or his designee, or to another member of management. Town management will ensure that clear written internal and external workplace violence reporting instructions including a zero tolerance statement relating to retaliation as per policy remains readily accessible to all staff/town officials and posted in common areas, including restrooms and break facilities.
- B. All reports of workplace violence will be investigated promptly by an investigator designated by the Town Administrator or his/her designee. Internal investigations of workplace violence will be conducted in a manner that is sensitive to the safety concerns and privacy of the victim(s), the alleged perpetrator, and witnesses. All reports of violations of this policy will be treated seriously and handled with the highest degree of discretion possible under the circumstances. Reports, regardless of whether they are communicated verbally or in writing, shall be investigated promptly and fairly by an investigator designated by the Town Administrator or his/her designee.
- C. In the interim, between a complaint and the final disposition of a workplace violence case, managers and supervisors shall take appropriate actions to address employees' safety concerns. This may include a written or verbal safety plan that addresses the immediate and ongoing workplace safety needs of the impacted employee(s).
- D. An employee found to be in violation of this policy will be subject to disciplinary action. The Town may, in its sole discretion, determine the first offense will result in immediate termination or any other level of disciplinary action, depending on the nature and severity of the offense.

8. RETALIATION

There is a strict prohibition against retaliation of any kind. The Town will not tolerate retaliation against any person who brings a complaint of workplace violence in good faith, or serves as a witness in the investigation of a complaint. No individual shall be penalized in any way for having participated in such investigation. Any allegations of retaliation should be reported immediately to department head or the Town Administrator. Anyone found to have engaged in retaliation will be subject to discipline, up to and including termination of employment.

9. MANDATORY EDUCATION AND TRAINING

The Town is committed to ensuring all supervisors and staff receive essential workplace violence prevention training and professional development opportunities. The over-arching goals of mandatory and ongoing training is to help ensure the safe delivery of essential services to residents and clients, encourage staff reporting and prompt response to incidents, and establish a preventative approach to minimize the risks associated with workplace violence and threats. Whenever possible, Town management will engage outside health, safety and violence prevention experts in the provision of internal training to ensure comprehensive training content, expertise and program requirements are communicated effectively to all staff. Training for all supervisors and staff includes but is not limited to:

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

WORKPLACE VIOLENCE PREVENTION POLICY

- A. Review of mandatory violence prevention and safety training for all new hires during orientation;
- B. Mandatory and comprehensive training for managers, supervisors and staff targeting workplace violence, active shooting, code of conduct, bullying, domestic violence, sexual assault and stalking, including reporting and response protocols, appropriate use of de-escalation, requirements and available victim resources and remedies;
- C. Other trainings may be offered during the year to assist in best managing incidents that may occur in the workplace, and employees are encouraged to enroll in these supplemental training opportunities.

10. EMPLOYEE ASSISTANCE PROGRAM

- A. All employees of the Town are eligible to access the Employee Assistance Program, a confidential resource for support during difficult times. This service is free to employees and their immediate family members. Details on this resource can be sought from the Town Administrator's Office.