

# **Town of Hinsdale**

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## **Personnel Policy & Procedures Guidelines**

### **Personnel Advisory Committee**

**Revision 1 – July 6, 2009**

**Revision 2 – January 25, 2017**

**Revision 3 – March 14, 2017**

Guidelines for the administration and legal compliance of Personnel Policies and Procedures for the Town of Hinsdale.

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## **Introduction**

The Town of Hinsdale establishes the following policies and procedures for use by Department Heads, Town Administrator and the Select Board.

The Town of Hinsdale provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, or status as disabled veteran of the armed services in accordance with applicable federal and state laws. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

The positions covered by these guidelines in their entirety, are full time (greater than 20 hours per week), non-union or non-elected positions. Currently these guidelines apply to the following positions:

### **Full Time Positions**

Town Administrator  
Administrative Assistant  
Assistant Assessor (Reports to the Board of Assessors)  
Treasurer  
Highway Superintendent  
Highway Dept. Laborer  
Water/Sewer Maintenance Worker  
Chief of Police  
Police Officer (2 at present)

In addition, portions of these policies apply to all Town Employees where specifically noted.

### **Part Time Positions**

Water/Sewer Superintendent  
Water Treatment Plant Operator  
Town Accountant  
Assistant Accountant  
Assistant Town Clerk

Town Collector  
Board of Health Agent  
Building Commissioner  
Library Director  
Library Assistants  
Transfer Station Attendant  
Town Hall Custodian  
Police Officer (4 at present)  
Election Workers

The policies and procedures do not apply to elected officials or to any other employees who may be specifically exempt by law. Employees covered by union contract are subject only to those provisions which are not specifically regulated by union contract. Union agreements between the Town and the union may specify different benefits and provisions than are specified here. In cases where conflict exists between the union agreement and these regulations, the appropriate section of the collective bargaining agreement shall prevail. Nothing in these regulations shall be construed to limit any rights of employees pursuant to Chapter 150E of the Massachusetts General Laws.

**Administration** - These policies and procedures shall be administered by the Select Board/Town Administrator of the Town of Hinsdale.

**Amendments** - Amendments of these policies and procedures shall be made as needed by the Town Administrator or Select Board subject to the majority approval of said Board. Employees shall be notified in writing seven (7) days prior to any change taking effect.

### **Definitions**

When a vacancy occurs or if considering creating a new position, prudent deliberation and consideration should be given to determining the viability of outsourcing the position.

**Full Time Employee** - An employee having established hours of work consisting of a minimum of 20 hours per week for 52 weeks per year.

**Part Time Employee** - An employee having established hours of work consisting of less than 20 hours per week for 52 weeks per year.

**Temporary/Seasonal Employee** - An employee that is appointed for a fixed period of time, not to exceed eight (8) months; to replace employees who might be absent for extended periods of time or to alleviate conditions caused by increased workloads.

Emergency Employee – A non-competitive appointment to a position for a period of time not to exceed two (2) weeks to prevent stoppage of public business, or hazard or serious inconvenience to the general public.

Work week - the number of hours the position is normally scheduled to be worked in a given week.

Overtime – For hourly employees' hours worked beyond 40 hours inclusive of holiday time but exclusive of vacation, sick, personal or bereavement time.

Highway, Water and Sewer Department employees called in to work on an emergency (non-scheduled) basis on a holiday are paid at two times the employees regular rate (double time) for all hours worked during the holiday.

If an employee is "loaned" to another department they are to be paid at the prevailing rate of their full time position. If the employee's total time exceeds 40 hours for the week worked, the employee shall be paid at 1.5 times their prevailing rate.

Continuous Service – Shall mean employment with the Town without a break in service.

Seniority - Shall mean the length of continuous service of an employee with the Town.

Department Head - The individual having immediate supervision and control of a department subject to the supervision and control of the Select Board/Town Administrator; for the purposes of these policies and procedures the terms Department Head and Supervisor are synonymous.

All employees regardless of status (full time, part time, appointed, elected or volunteer) of the Town of Hinsdale are considered professional employees and are expected to act and perform in a professional manner at all times.

The town and the employee recognize the fact that there needs to be flexibility by both parties in order that the business of the town may be successfully accomplished. To that end, the following policies and procedures are established:

- 1. Work Schedule** – Every effort should be made to establish and maintain working hours that provide the greatest access to employees by the general public. The Select Board, Town Administrator or Department Head may allow, on an exception basis, deviation from regularly scheduled work hours. Deviations from established hours shall only be granted in extraordinary circumstances. If a deviation is permitted, it should not be on an overtime or compensatory time basis. It is the employee's responsibility to accurately record the time he/she worked at the completion of each day. Time should be recorded using the

standard town time sheet and submitted to the Town Administrator or appropriate Department Head for approval and submittal for payment. Remote access to town computer systems or performance of duties from home or other offsite locations is allowed only when approved by the Town Administrator or Select Board under specifically warranted conditions/situations.

**Town Facilities Closing** - Town policy is to remain open at all times. The Town recognizes that situations may require either delaying the opening of or closing of Town Hall or other Town facilities. The decision to delay opening or to close the Town Hall or other Town facilities is the responsibility of the Town Administrator in consultation with the Select Board Chair. During inclement weather conditions and other emergencies, the Town will provide timely updates and instructions via local media and/or phone/email messages and the town website.

Typically if the Town Hall is not officially closed but an employee feels unsafe to travel to work, they may use accumulated vacation or personal leave time in lieu of reporting to work. With approval from the Town Administrator, Department Head or Select Board the employee may make up hours within the time reporting period.

As with any situation when the employee is not reporting to work and the facility is open, the employee must let the Town Administrator and his/her Department Head know as soon as possible that he/she will not be at work.

Note that this policy for Town of Hinsdale employees does not extend to employees of the Hinsdale Highway Department, Police Department, and Fire Department. During inclement weather or other emergency events, employees of these departments are essential for maintaining public health and safety. Additionally, employees of the Water & Sewer Department are expected to make themselves available for emergency situations on an "on-call" basis during inclement weather events that result in Town Hall closure.

**2. Hiring** - If any vacancy occurs and it is determined by the Select Board that the position needs to be filled or if a new position is created, the Select Board shall advertise to fill the position or may delegate the advertisement of the position to the Town Administrator or responsible Department Head. All permanent openings shall be publicly posted in the Town Hall for a minimum of seven (7) days. In addition, a position may be advertised in a local newspaper or by other means (i.e., online) and at other locations as may be determined. Upon receipt of applications for the position, the Select Board in coordination with the Town Administrator shall conduct interviews of all qualified applicants. Each applicant will be told of the position's wage range, probationary period, etc.

All employees shall be asked to provide documentation of their United States citizenship or their legal authorization to work in the United States.



Prior to their final appointment, new candidates shall have their references checked by the Select Board including a CORI check. In addition, all candidates shall be required to satisfactorily complete a medical examination performed by a physician of the Town's choice at its expense.

The Select Board will select the best qualified candidate for the position and will consult with the Town Administrator, and the Department Head where appropriate, as to their preferred choice.

**3. Probationary Period and Job Performance** - The first three months (90 days) of employment of all newly hired employees shall be considered a probationary period. This period allows the employee an opportunity to learn his/her new position and his or her supervisor an opportunity to appraise the employee's skills and abilities. The Department Head in consultation with the Town Administrator and Select Board will conduct an evaluation at the end of this 90-day period. This evaluation will be for the purpose of reviewing the employee's progress and for discussing any problems which may have occurred. When the employee's probationary period expires, the Department Head will recommend to the Select Board and Town Administrator in writing that:

The employee's performance was satisfactory and the individual should be retained in the position or, an extension of the probationary period is desired, not to exceed three (3) months, for an additional observation due to specific extenuating circumstances, or the employee's performance, attitude or conduct was unsatisfactory, stating the reason why, and that removal is recommended.

The final decision as to whether the employee is retained will rest with the Select Board. An employee may be terminated at any time from employment by the Select Board during the probationary period if it is revealed the employee falsified information relating to the employment process or application, was unable or unwilling to perform required duties or that the conduct, habits or dependability of the employee do not merit continuing employment. Employment is at will and the employee does not have an appeal of the termination.

An employee is not entitled to any paid time off during the probationary period, but service for other benefits starts with the first day of employment, including medical and dental insurance coverage as established by M.G.L. Chapter 32B.

**4. Employee Performance Reviews** - Each employee will receive specific performance feedback from his or her Department Head, Town Administrator or the Select Board throughout the year, generally in an informal, verbal way. This will include discussions of positive performance, as well as coaching discussions, which must take place if performance problems surface at any time.

**Annual Performance Review** - Each employee will receive a written annual formal performance review, using the standardized form available from the Select Board's Office and participate in a discussion of the review with his or her Supervisor (Department Head, Town Administrator or the Select Board) prior to the end of the fiscal year. Each employee will be requested to provide any comments and sign off that the review was conducted.

**Performance Review Files** – Each employee shall receive a copy of the signed performance review. Performance reviews will be maintained, in each employee's personnel file in the Select Board's office.

**5. Insurance** – The town offers health, dental and life insurance to all full time employees. (Note that the Select Board vote of April 30, 2014 defined eligibility for insurance purposes.) The town and the employee will contribute toward payment of these insurances as follows:

	Town Contribution	Employee Contribution
Health Insurance	75%	25%
Dental Insurance	50%	50%
Life Insurance	100%	0%

The Town shall, pursuant to Chapter 32B of Massachusetts General Laws, provide contributory group health insurance coverage to any eligible employee up to one month from the date of his/her employment. Life and Accidental Insurance programs are provided to eligible employee upon the completion of their probationary period of employment.

**When on Leave of Absence** - During leaves of absence, the Town will continue to pay its share of an employee's health and life insurance premiums for the first thirty (30) days of leave. After this period has expired, the employee has the option of paying the full premium cost of the health and life insurance policies, or dropping the insurance coverage. If s/he chooses to pay the full premium, s/he must notify the Treasurer's Office so that billing and payment schedules can be arranged.

**Discontinuation of Benefits** – Employees who are involuntary terminated from the group insurance coverage due to lack of funds, lack of work or abolition of the position may be eligible to extend health care benefits under MGL 32B, Section 17 or the Consolidated Omnibus Budget Reconciliation Act of 1985, employees should contact the Treasurer's Office for explanation of benefits.

**Survivor Coverage** - Upon death of an employee, the employee's survivor may have options under Chapter 32B to extend health insurance benefits. The Treasurer's Office should be contacted for an explanation of options.

The town reserves the right to revise or delete policies offered and/or the contribution percentage. Employees may choose not to participate in any or all town offered insurance plans.

**6. Vacations** – All full time employees are required to have completed their probationary period (90 days) to be eligible for vacation. All full time employees on the Town payroll as of July 1 are eligible for 1 week of vacation. An employee having a minimum of 1 year of continuous service as of July 1 is eligible for two weeks of vacation. An employee having greater than 5 years continuous service as of July 1 is eligible for three weeks' vacation and an employee having a minimum of 10 years as of July 1 shall be eligible for four weeks of vacation. The maximum amount of vacation that may be offered to an employee is four weeks. See Table A for vacation amounts:

**Table A**

Continuous Service as of July 1	Weeks of Vacation Eligible
0-1	1
1-5	2
5-10	3
10 or more	4

(Part time employees are not eligible for vacation.)

When hiring a new employee additional vacation time may be authorized by the Select Board and/or Town Administrator as a means of attracting or retaining quality individuals. No more than three weeks of vacation may be offered to new employees and commences on July 1 in the fiscal year following the date of hire. Vacation must be used during each fiscal year and may not be carried over to the next fiscal year unless specifically authorized by the Select Board or Town Administrator. Any authorized carry over shall not exceed one full week's pay for the associated position.

For the purpose of recruiting experienced staff, the Select Board may authorize up to five (5) additional days of vacation leave for a new employee who has a minimum of four (4) years of prior experience in a related position.

Vacations shall be scheduled with the prior approval of the Supervisor (Department Head, Town Administrator or the Select Board) and will only be approved according to a schedule conducive to the needs of the Town.

Vacations shall normally be scheduled in one-week blocks, but vacation time can be taken in smaller or larger portions provided that it does not interfere with the normal conduct of Town business. The minimum amount that may be taken is one half day.

In the event that two or more employees in the same department request the same period of time for vacation, seniority will be the determining factor, in deciding who is granted the leave.

**Vacation Pay Advance** - An employee who schedules a vacation of at least one-week may receive advance pay for such vacation provided that he notifies his Department Head/Supervisor at least ten days in advance of the vacation start date. Payment will be made on the regular payday just prior to the start of the scheduled vacation.

**7. Sick Leave** – All full time employees are required to have completed their probationary period to be eligible for sick leave. Employees are expected to be at work whenever physically able. As such there is no limit on the amount of sick days that may be needed by an individual during any given year; however, paid sick days shall be limited to 40 hours annually. There is no carryover of sick leave from fiscal year to fiscal year.

The town reserves the right to request medical certification of illness or injury from any employee whose sick leave exceeds three (3) consecutive workdays or has exceeded 5 workdays during any fiscal year.

**Use of Sick Leave** - Sick leave will commence on the date and time of notification to the Department Head or if necessary, the Select Board Office, of the employee's personal illness or injury. An employee who reports to work and who then must leave due to illness will only be paid for the time actually worked. The balance of the day will be charged to sick leave. Sick leave with pay shall be granted to employees only when they are incapacitated from the performance of their duties by personal illness or injury. At the discretion of the Select Board sick leave with pay may also be granted to an employee as the care giver of a serious ill or injured spouse, child, parent, brother, sister or grandchild.

**Notification** - Sick leave will commence on the date and time of notification of the employee's illness to the Department Head/Supervisor. Notification should be given at least one-half hour prior to the start of the work day but in any event within one hour after the start of the regularly scheduled work shift in order that the employee be entitled to sick leave credit for that day. Notification should include the general nature of the illness, the length of anticipated absence and the expected date of return.

**Certification of Illness and Return to Work** – The Select Board shall require medical certification of an employee's fitness to return to work whenever an absence exceeds five (5) work days. The medical certification should include a description of the illness or injury and provide a physician's clearance for the employee will return to work and whether he/she can return to work with or without restriction to perform all duties.

Certification for an employee returning to work from a job related injury or illness must be provided by the Towns occupational health provider.

**8. Personal Time** – All full time employees are required to have completed their probationary period to be eligible for personal time. Employees should make every effort to schedule non-work related appointments outside of business hours. The town recognizes that this may not always be possible. Paid Personal Time may be granted to Permanent Full-Time Employees at the discretion of the Department Head or Select Board, but in any event may not exceed twenty four (24) hours per year and must be used in the fiscal year credited, no carry-overs.

**9. Holidays** – All full time employees shall be paid one (1) day's pay for each of the following Holidays observed by the town:

New Year's Day	Memorial Day	Veterans Day
Martin Luther King Day	Independence Day	Thanksgiving Day
President's Day	Labor Day	Day after Thanksgiving
Patriot's Day	Columbus Day	Christmas Day

These holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts and on these days all employees shall be excused from duty except in those instances in which their presence is required to maintain essential Town services.

To be eligible for a paid holiday an employee must be Permanent Full-Time and on the payroll for sixty (60) days and in active status. If on leave for 30 days or more s/he is not eligible for holiday pay.

See Definitions (above) for payment of overtime for Department of Public Works employees required to work in to work on an emergency (non-scheduled) basis on a holiday.

**10. Military Leave** - An employee shall be entitled to a leave of absence during the time of compulsory service in the Armed Forces of the United States or the National Guard, or during his/her annual tour of duty of not exceeding seventeen (17) days as a member of a reserve component of the armed forces of the United States and shall receive the difference between his or her regular pay as an employee and the military pay for the period of the leave. It is the employees' responsibility to provide to the Town military documentation of the pay received during their leave to be eligible for any additional pay from the Town. During the military leave, sick and vacation and employment service (as continuous) leave will continue to accrue to the employee's account. If the employee's military leave exceeds seventeen (17) days, the employee may apply all or part of his/her accrued vacation leave to the period of military leave.

**11. Jury Duty** - All employees will be granted leave to fulfill required jury duty. Employees shall be paid their regular salary during the period required for the jury duty less any amounts paid by the courts. It is the employee's responsibility to present to his/her supervisor written evidence of the fees received for jury duty. As a condition to

receiving payment from the town, an employee must report to work if during such duty they are discharged for the day or major portion thereof during regular work hours.

**12. Death in Family** – Upon request of the employee, bereavement leave with pay of up to five (5) days shall be granted for scheduled time lost from work for the death of an employee's spouse, parent, spouse's parent, sister, brother, grandparents, child, grandchild, or any other relative who resides with the employee as a member of the immediate household.

**13. Tuition Reimbursement-** To assist employees in enhancing their level of education and skills in fields related to their Town position. The Town of Hinsdale may provide tuition refund for courses that meet eligibility requirements.

**Eligibility** – employee must be on the active payroll at the time that each course begins and ends. Participation discontinues for employees who enter workers compensation or leave of absence before beginning a course.

**Approval** - the accredited degree program or individual course (without pursuing a degree) must relate to skills for current position and/or assist in skill development for possible future internal job opportunities. Employee's Department Head, Town Administrator and Select Board must approve the course prior to commitment. Prior to granting approval, any terms of reimbursement shall be agreed in writing between the employee and the employee's Department Head, Town Administrator and the Select Board. These may include, but are not limited to; a repayment schedule should the employee leave town employment prior to a specified date, mileage reimbursement or use of a town vehicle, per diem expense rate and payment of wages while attending the course. Evidence of completion must be provided to receive reimbursement.

Each course must be completed with a grade of "C-" or above. Evidence of completion must be provided to receive reimbursement.

**Town Request** - If the Town requests that an employee take a course, the Town shall pay 100% of the tuition at the beginning of the course. In addition, the employee may be reimbursed for mileage, books and other incidentals not covered by other sources of financial aid – see separate policy "*Reimbursement For Town Related Travel & Mileage Expense*".

Records of tuition refunds and course completions will be kept in each employee's personnel file.

**14. Reimbursement For Town Related Travel & Mileage Expense** – The town of Hinsdale may reimburse employees for approved and normal expenses of mileage, travel, tolls, lodging, meals and fees or any portion thereof related to business which relate to the employee's position with the Town. Reimbursement should only be requested for extraordinary events not generally part of the employee's normal work activities.

**Approvals** - Prior to incurring any cost, approval must be received by the employee's Department Head, Town Administrator and the Select Board. Substantiation in the form of a receipt or paid bill is required for all expenses to be reimbursed and each must be approved by the employee's Department Head, Town Administrator and the Select Board prior to submission to the Treasurer's Office for payment.

**Mileage Reimbursement** - Will be at the current IRS published rate per mile (as of 2017 this rate is \$0.535/mile) for approved mileage use of personal vehicle traveling on behalf of the Town.

**15. Pension** - All Permanent Full-Time employees under age sixty-five (65) are automatically enrolled in the Berkshire County Retirement System in accordance with Chapter 32 of the Massachusetts General Laws. The effective date of their enrollment is the employee's first day of employment. The Retirement Board has its own rules and regulations and will assist in choosing a retirement option and notify employees of their account status.

**16. Termination of Employment** – The Town is an “at will” employer. Employees are free to resign at any time and the Town reserves the right to terminate employment for any reasons permissible by law.

**Voluntary Termination** - If an employee resigns from Town service, s/he should give the Town Administrator or Department Head a written notice stating the date of termination and reasons for leaving and make every effort to provide the maximum notice possible so that training of replacement personnel may occur. As a minimum, this notice should be received at least two (2) weeks in advance of the termination date, except if the employee is in a supervisory capacity, in which the Town should receive written notice one (1) month in advance of termination. Pay for vacation time earned will be provided as long as sufficient notice is given. Resignation without satisfactory notice will result in loss of pay for all earned and unused vacation and unused holidays. Once an employee gives his/her notice of resignation, no sick, holiday, or vacation time may be taken unless approved by the Town Administrator.

**Involuntary Termination** - All employees are expected to meet standards of performance, attendance, and behavior and to follow Town policies and procedures. Any employee may be terminated for failure to do so. Employees who are terminated involuntarily are entitled to vacation time which was earned but which was not used. Employees terminating from Town employment will normally receive their final paycheck on the next regularly scheduled payday following the date of termination. Final paychecks shall include any unused vacation that may be due to an employee as is provided for elsewhere in these regulations. Final pay shall

be withheld until all Town property issued to the employee has been returned or accounted for to the satisfaction of the Department Head/Supervisor.

The town may terminate or restructure an individual's employment as a result of budget issues, poor job performance, inappropriate conduct or violation of town policies, regulations or law.

**17. Conduct** – Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon town service. Town employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting town business. Employees are expected to keep in mind that they are public employees at all times including when not directly engaged in the performance of their town duties and are to conduct themselves in a manner which will in no way discredit the town government, public officials or fellow employees. This includes commentary or information placed on social media, sent by email or posted to any open public forums. In addition all persons engaged in town business (elected, appointed, full time or part time employees) are required by the Attorney General's Ethics Commission to take and document successful completion of Ethics Training at least every two years.

The Town of Hinsdale is a drug free employer and employees may be subject to random drug testing.

All town owned buildings and facilities are a smoke free environment.

**Conflict of Interest** - No employee shall accept, or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from any organization or individual if it is intended or gives the appearance of rewarding or influencing the employee in carrying out his/her duties.

No employee shall grant, in the discharge of his/her appointed duties, any improper favor, service, or item of value to any organization or individual if it is intended to give the appearance of rewarding or influencing said organization or individual.

No Town employee shall transact any business in his/her official capacity with any entity of which s/he is an officer, director, agent, or member, or in which s/he owns controlling interest.

No Town employee shall have personal investments in any enterprise which will create a substantial conflict between his/her interest and the public interest.

This rule is not intended to prevent an employee from accepting an award or recognition for meritorious or outstanding achievement for community or government service.



Final determination of any such conflict or prohibition shall rest with the Select Board.  
as required by the state every two years.

**Outside Employment** - Upon proper notification to and at the discretion of the Select Board, an employee may engage in outside employment. However, no employee may engage in additional employment which in any manner interferes with the proper and effective performance of the duties of his/her position, results in a conflict of interest if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. If the Select Board / Town Administrator determine that such outside employment is disadvantageous to the Town, upon notification in writing by the Select Board / Town Administrator, the employee shall be given the option to resign from Town employment or the outside position.

Any employee who engages in employment outside of his/her regular working hours shall be subject to call to perform his/her regular Town duties first.

The Town shall in no respect be liable nor grant leave, disability leave, or workers' compensation in case of injury to an employee while engaged in outside employment, nor in case of occupational illness attributed to the outside employment.

**Privileged Information** - Many Town employees deal with plans and programs of significant public interest. Employees must not use this privileged information to their own financial advantage, or to provide relatives, friends and acquaintances with financial advantages or with information which could be used for financial advantage. If an employee finds that s/he has an outside financial interest which could be affected by Town plans or activities s/he must immediately report the situation to his/her supervisor, the Town Administrator or the Select Board. Each employee is charged with the responsibility of insuring that s/he releases only information that should be made available to the general public. Violation of privileged information or use for private gain can be just cause for discharge of the employee as determined by the Select Board.

**Town Property** - Employees should not, directly or indirectly, use or allow the use of Town property of any kind for other than official/approved activities.

An employee who has been provided Town equipment such as tools, vehicles, materials, uniforms, access to computer systems, keys to town buildings/offices etc. is expected to exercise reasonable care in the use and preservation of such equipment and to observe all safety precautions while carrying out the assigned work. Upon termination of employment, all town equipment shall be provided to the employee's Department Head or Town Administrator prior to the employee's last day of work. Failure to turn over all town equipment may result in the cost of

the replacement of the equipment becoming the responsibility of the terminated employee and may be withheld from the employees final pay check.

Personal use of Town vehicles, materials, supplies, tools or other Town property is not permitted. Violations may result in discharge, prosecution or both, or other disciplinary action, unless usage is approved by the Select Board.

All operators of Town vehicles and equipment must hold a valid and appropriate Massachusetts operator's license. Employees are required to inform their supervisors of any change of the status in their license. Suspension or revocation of an employee's operators license may necessitate the demotion or discharge of an employee assigned to the operation of Town vehicles or equipment.

### **Disposal of Surplus Town Equipment/Property**

All surplus town equipment/property shall be disposed of in accordance with MGL. Chapter 30B. For the purposes of determining a value for compliance with Chapter 30B, equipment/property valued at less than \$5,000.00 may be disposed of using sound business judgment. The value of the assets being disposed of shall be agreed to between the responsible Department Head and the Select Board/Town Administrator prior to disposal of the asset(s). All funds received as a result of the disposition of town equipment/property shall be turned over to the Treasurer for deposit into the appropriate revolving, expense or general fund.

### **Donation to the Town**

Donations of any items to the Town must be accepted in accordance with all applicable Massachusetts General Laws and with the prior approval of the Select Board.

**Mail, Email, Computer and Telephone Use** - Employees are not to use Town telephone, computer and email facilities for personal use. Passwords required to access town systems are the property of the town. Employees shall make all passwords available to their Department Head and Town Administrator and shall insure that the responsible Department Head and Town Administrator is provided with a current list updated every time a password is changed.

The detailed IT policy included in Appendix B, as well as the following notice applies to all persons accessing town computer systems:

#### **NOTICE TO ALL USERS**

#### **THERE IS NO RIGHT TO PRIVACY IN USING THE TOWN OF HINSDALE COMPUTER SYSTEM**

**The Town of Hinsdale computer system ("the System") is provided for business use by authorized personnel of the Town of Hinsdale. The System includes the network and servers as well as internet access, email, software, hardware, computers and**

**related devices. USERS HAVE NO EXPECTATION OF PRIVACY IN ANY USE OF THE SYSTEM.**

**All information and data stored on or communicated using the System including details of websites visited and electronic messages sent or received, are and remain the property of the Town of Hinsdale. All such files, information and personal or other data (including non-network use of Town equipment) may be monitored or accessed at any time by the Town or other authorized persons.**

**Any unauthorized use of the System may result in disciplinary action, either civil or criminal investigation or prosecution. Use of the System constitutes acknowledgement of and consent to be bound by this statement when using the System.**

Town employees are expected to use their home address to receive personal mail.

*Please see the Town of Hinsdale IT Security Policy for full disclosure of all employee responsibilities related to IT Security (Appendix B).*

Use of Town stationery or postage for personal mail is not permitted.

**Social Media Commentary** – Town employees are required to strictly adhere to the requirements under Section 17, Conduct, as stated above, as well as the Town's official IT policy (Appendix B).

**18. Avoiding Workplace Harassment: A Policy of Mutual Respect** - It is the policy of the Town of Hinsdale that no employee should be harassed on the basis of race, religious creed, gender, sexual orientation, national origin, ancestry, age, disability or other protected status. No personal action may be taken affecting an employee (either favorably or unfavorably) on the basis of conduct that is not related to work performance. With respect to sexual harassment, personnel actions will not be based on submission to sexual advances, refusing to submit to sexual advances, protesting sexual overtures, or raising a complaint concerning the alleged violation of this policy. Similarly, harassment based on other characteristics may include epithets, slurs, or negative stereotyping, as well as threatening or hostile acts based on protected status, and are similarly prohibited.

This policy was formulated to protect employees against unsolicited and unwelcome sexual overtures or conduct, either physical or verbal. It also is intended to protect employees from harassing conduct based upon factors protected by law.

Types of Conduct Covered By This Policy:

**Sexual Harassment** - Sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcomed social relationships.

Sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature.

This policy prohibits subtle pressure for sexual favors, including implying or threatening that an applicant's or employee's cooperation of sexual nature (or refusal thereof) will have any effect on the person's employment, job assignment, wages, promotion or on any other conditions of employment or future job opportunities.

This policy prohibits offensive behavior including sexual flirtations, advances, or propositions; verbal abuse of a sexual nature, sexually related comments and joking or teasing; graphic, or degrading comments about an employee's appearance, or the display of sexually suggestive objects or pictures. Obscene computer graphics, text, applications or sounds are also forms of sexual harassment that are offensive or inappropriate in a business environment.

Any uninvited physical contact or touching, such as patting, pinching, or constant brushing against another's body.

**Harassment Based on Race, Religious Creed, Gender, Sexual Orientation, National Origin, Ancestry, Age, Disability or Other Protected Status** - This policy also prohibits behavior which has the purpose or effect of creating an intimidating, hostile or offensive work environment related to an employee's race, religious creed, gender, sexual orientation, national origin, ancestry, age, disability or other protected status.

This policy also prohibits any behavior which has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

**Violation of This Policy** - Violation of this policy will not be tolerated. Any employee who violates this policy will be subject to discipline, up to and including discharge,

**Complaints or Questions** - Any employee who feels that he or she is the victim of sexual harassment, or feels he or she has observed sexual harassment, should immediately report the matter to the Select Board / Town Administrator, as should any questions regarding this policy.

Due to the sensitivity of such issues, each case will be promptly investigated, and efforts will be made to protect the privacy and confidentiality of all parties concerned, to the extent that is feasible in the circumstances.

An employee who is sexually harassed also may file a written complaint with either or both of the following government agencies:

Massachusetts Commission Against Discrimination  
436 Dwight Street, Suite 220  
Springfield, MA 01103  
Phone: (413) 739-2145

Equal Employment Opportunity Commission  
1 Congress Street, 10<sup>th</sup> Floor, room 1004  
Boston, MA 02114-20023  
Phone: (617) 565-3200

Note: Any form of harassment can be reported to either of these agencies.

**19. Safety** - The Town will provide and maintain safe working conditions, follow operating practices that will safeguard all employees and result in safe working conditions and efficient operations. Drivers of town vehicles shall not use cell phones while town vehicles are in motion,

The Town shall inform every employee of all materials the employee may be exposed to as a result of employment with the Town which is covered under the Massachusetts "Right to Know" legislation and the rights of the employee under that Act. The Town shall also inform the employee of their rights and responsibilities under the Workers Compensation laws of the Commonwealth.

**20. Disciplinary Action** – It is the responsibility of all employees to observe the regulations necessary for the proper operation of the Town. The Town may impose any of the following disciplinary actions when appropriate; oral reprimand, written reprimand, suspension, disciplinary probation, or discharge, based on the severity of the situation. Disciplinary action may be imposed upon an employee for failure to fulfill their responsibilities as an employee for violation of any of the standards of performance, attendance, and behavior.

**Oral or Written Reprimand** - At the discretion of the Select Board, Town Administrator or supervisor, any information which is acquired concerning noncompliance with department regulations or any display of improper conduct may result in the issuance of an oral or written reprimand and an offer of assistance on the part of either the Select Board or the supervisor in correcting the unsatisfactory situation. Oral warnings shall be presented with a maximum regard for minimizing embarrassment to the employee before other employees or the public. Oral and written reprimands shall be entered in the employee's personnel file with the employee's acknowledgement

**Disciplinary Probation** - If the written warning fails to correct the situation the employee may serve a maximum three month disciplinary probation at the discretion of the Select Board. The employee will receive a written notice, stating the reasons for the disciplinary action and the effective day of such action.

When the employee's disciplinary probation expires the Select Board/Town Administrator will notify the employee in writing that:

- a) the employee's performance and behavior was satisfactory and that employee will be retained in his position, or

- b) the employee's performance and behavior has remained unsatisfactory and that the Select Board recommends that s/he either be suspended or discharged from employment.

**Suspension** - At the discretion of the Select Board an unsatisfactory employee may be suspended without pay for a period or periods not to exceed thirty (30) days in any twelve-month period. Such suspension may be in lieu of disciplinary probation or at the expiration of the situation. The employee will receive a written notice stating the reasons for the suspension period and the effective date. At the end of the suspension period and subsequent period of reasonable observation, the Select Board will determine that either the employee's improved behavior/performance merits retention or that continued unsatisfactory performance requires that they be discharged from employment.

**Discharge** – An employee may be discharged either because they failed to meet the standards of performance, attendance, or behavior expected of all Town employees or because they failed to follow town policies and procedures. The employee will receive a written notice stating the reasons for termination and the effective date.

## **21. Workers' Compensation - Employment-Related Accident Benefits**

**Report of Work Related Injury** - All Town employees have a responsibility to immediately report all work-related accidents to their supervisor regardless of how insignificant the injury may seem. If an employee is injured seriously, the supervisor is to be contacted immediately to insure that proper medical attention is provided and that all necessary reports are filed. The employees' supervisor will notify the Town Administrator as soon as practicable.

A "First Report of Injury" and "Supervisor's Accident Report" must be completed and signed by the supervisor or designee for each accident. The original and two copies of the "First Report of Injury" are to be sent to the Select Board's office as soon as possible to comply with the requirement that the Industrial Accident Board be notified within 48 hours. The original and two copies of the "Supervisor's Accident Report" must be sent within 72 hours of the accident to the Select Board's office to enable compliance with the Accident Board's requirement that the supervisor's report be filed. The Department Head is responsible for investigating each accident, identifying the specific cause(s) of the accident and taking necessary corrective action to prevent future accidents.

If medical attention is needed, the supervisor is to release the employee immediately from work to attend either his physician or an appropriate medical provider depending upon the extent of his injury. The supervisor is responsible for investigating each accident, identifying the specific cause and taking necessary corrective action.

**Workers' Compensation Benefits** - Workers' Compensation benefits, consistent with the provisions of the General Laws Chapter 152 (including Section 69) shall be provided to all employees.

At the discretion of the Department Head, Town Administrator or the Select Board, subject to the availability of light work, employees will be assigned suitable light work as long as they are unable to perform their regular job duties as a result of their injuries. Employees unable to work for five (5) or more days will receive disability payments. If the employee has available sick time, it may be used to supplement disability payments up to the employee's normal salary.

For reporting purposes, time lost from work shall be charged to sick leave until the employee has lost five (5) days from work, at which time all time lost to disability, including the first five days shall be charged to period of disability covered under Chapter 152. If the employee is absent from work for less than five (5) days, the total time lost is charged to sick leave.

The Town shall file all accident reports with the insurance carrier. The insurance carrier is responsible for determining if an accident is employment-related. Employees who are in disagreement with any findings of the insurance carrier should contact their supervisor or the Industrial Accident Board. If the employee remains dissatisfied with the findings, they may appeal to the Industrial Accident board in accordance with the provisions of Chapter 152 of the Massachusetts General Laws.

Employees should not pay for any medical services or prescriptions that are work-related. All bills should be turned over to the Select Board Office or should be billed directly to the Town. Bills will be reviewed by the insurance carrier for applicability to the accident and level of charge.

**Medical Reports** - The Select Board/Town Administrator will require regular reports that include the extent of the disability, expected duration of disability and other information that may be required. In cases involving absence of two weeks or longer, up-to-date information from the attending physician may be required at least twice a month. It is the responsibility of the employee to insure that medical reports are provided as requested by the Select Board. At the discretion of the Select Board, examination by an independent physician appointed by the Select Board may be required. The expense of such examination would be borne by the Town. Any employee out more than two (2) weeks must have a certificate from the attending physician before returning to work.

**22. Unpaid Leaves of Absence** - The Select Board may grant leaves of absence without pay to all employees who have satisfactorily completed their probationary period. In reviewing requests for leave, consideration shall be given to:

- the nature of the reason for the request
- the employee's work record

- the impact the employee's absence will have on Town operations.

Leaves of absence will not be granted if there is any indication that during the time of leave the employee will be seeking or accepting employment elsewhere during the time of leave. Leave will be immediately canceled if the employee accepts a position elsewhere.

**Procedure for Request and Approval of Leave** - All requests for leave must be in writing. Requests for leave of two (2) or less weeks may be approved by the Department Head or Town Administrator, with the exception of medical leaves, which must be approved by the Select Board.

**Absence Without Leave** - An employee who is absent from duty shall report the reason for his/her absence in accordance with the rules and regulations prescribed by this manual. An unauthorized absence not reported in a timely manner shall be considered absence without leave and no compensation or benefits shall be paid for the period of such an absence. Additionally, such an absence may result in disciplinary action against the employee on the part of the Town.

**Federal / State Family and Medical Leave Act – The Town adheres to all provisions of both the federal family and medical leave Act and the Massachusetts Maternity Leave Act.**

To be eligible for family leave benefits the employee must complete a minimum of 1,250 hours of work and been employed by the Town for 12 months.

Eligible employees will be entitled to 12 weeks of unpaid leave in any 12 month period for the following reasons:

1. The birth, adoption or placement in foster care, of son or daughter to care for that son or daughter.
2. To care for a seriously ill spouse, son, daughter or parent.
3. For a serious condition that disables the employee from performing the functions of the employee's position.

A son or daughter include a biological, adopted, foster child, stepchild, legal ward, or child of a person standing as parent, who is under 18 years of age or over 18 years of age and incapable of self-care because of mental or physical disability.

Entitlement to leave, as defined above, expires one year after the birth or placement of the son or daughter and cannot generally be taken on an intermittent or reduced leave basis. If the employee is entitled to any type of paid leave, such as vacation, personal, family or sick leave, the employee may elect or the Town may require the employee to substitute paid leave for any part of the 12 weeks of leave entitlement under the Family and Medical Leave Act.



**Responsibilities of Covered Employees** - If the need for leave is foreseeable; the employee must provide reasonable notice and must make every effort to schedule the leave so as not to disrupt the Town's operations. During the leave period, the Town may require the employee to report on the status of the leave and the employee's intentions to return. In addition, the Town may require medical certification to support a claim for a leave based on the employee's own illness or to care for a seriously ill child, spouse or parent. The Town may require the certification to include a statement by the medical provider, that the employee cannot perform the job duties or that the amount of time the employee is needed to care for the family member is necessary. The Town may also require, at its expense, a second medical opinion. Should there be a disagreement in medical opinion options, the Federal Family Medical Leave Act procedures for a third and binding medical opinion, paid by the Town, shall be followed.

**Responsibilities of Town** - During the period of any leave taken under the Act, the Town shall maintain health care coverage at the same level and under the same conditions that benefits have been provided had the employee not taken the leave, moreover, upon return to employment, the employee shall be restored to the same or an equivalent position with the same benefits and conditions of employment, and the leave cannot deprive an employee of any benefits accrued before the leave. However, the employee is not entitled to any right or any benefit other than the ones to which the employee would have been entitled, had the employee not taken the leave. If the employee fails to return to work at the expiration of the leave, the Town may be entitled to recover the cost of maintaining the employee's health insurance, as long as failure to return to work is for a reason other than a continuation, reoccurrence or onset of a serious illness of the employee, spouse, son, daughter or parent or other circumstances beyond the employee's control. The Federal Family and Medical Leave Act prohibit the Town from interfering with, restraining or denying the exercise of any right provided under the Act. Moreover, it is illegal for the Town to discharge, or otherwise discriminate against any individual for exercising his or her rights or for participating in any inquiry or proceeding related to rights established under the Act.

**23. Layoff Procedures** - The Town reserves the right to determine the necessity of layoffs. When layoffs are necessary, the Town shall be the exclusive judge as to which employees are laid off as well as the timing of such layoffs based upon, but not limited to, the following criteria:

- Prior experience directly or indirectly related to the position;
- Education and formal training;
- Aptitude or familiarity with the required duties of the position;
- Prior attendance records;
- Performance history;
- Possession of all required licenses and certificates;

- Length of service when factors 1 through 6 are, in the exclusive opinion of the Select Board, equal.

An employee may not grieve a decision regarding layoffs.

**Recall** - If a vacancy occurs within a two year period following the date an employee is laid off, the Town Administrator shall notify all employees who were laid off during that period of the vacancy. If one or more former employees notify the Town Administrator that they desire to be employed in the position, the Town shall utilize the above criteria to determine the qualifications of the former employee for the existing position

**24. Personnel Records** - The Select Board / Town Administrator shall be responsible for establishing and maintaining such personal records and reports as may be required by law and as may be necessary to effectively administer the provisions of these rules and regulations.

The Town Treasurer's office shall be responsible for establishing and maintaining all personnel records that relate to the payment of compensation under the terms of this policy.

All employees shall comply with and assist in furnishing records, reports, and information as may be requested by the Select Board or the Town Treasurer's office.

**Contents of File** - The Select Board / Town Administrator shall maintain in an employee's Personnel Records only that information which is relevant to the accomplishment of personnel-related administrative purposes. The Select Board / Town Administrator shall maintain an individual personnel file for each employee, which may include, but not be limited to, the following:

- The employment application (including cover letter and resume)
- a copy of all background investigation reports
- a copy of any physical examination reports (sealed)
- and a report of all personnel actions reflecting each original appointment, reinstatement, promotion, demotion, reassignment, transfer, separation, layoff or suspension.
- Results of all tests and examinations taken to demonstrate qualifications, history of employment and any correspondence directly related to the employee's past employment record
- a copy of the employee's military service record, reclassification or change in the employee's rate of pay or position title, leave of absence with pay, leave of absence without pay
- commendations
- record of disciplinary action
- training records
- performance evaluation and any other records that may be pertinent to the employee's employment record.

**Changes to Records** - Department Heads should notify employees of the importance of keeping their personnel records current, the Select Board / Town Administrator should be notified immediately in writing of any changes in an employee's personnel information. Final responsibility for providing correct information and timely changes rests with the employee. The Select Board / Town Administrator or the Town Treasurer office shall not be held liable when incorrect withholding, wrong beneficiaries or loss of employee benefits result from failure of an employee to keep personnel records current.

**Access to Records** - Any employee, upon request to his department head, may see any of his/her personnel records on file with the Town Administrator.

Any employee who knowingly and willfully removes or copies any portion of a personnel file or permits any person to have access to confidential information contained in a employee's personnel file, except as may be authorized by the Select Board, will be subject to disciplinary action.

**Unauthorized Alteration** - No unauthorized employee may destroy, alter, deface, mutilate or otherwise dispose of personnel records.

**Release of Information** - Employees may authorize the Select Board / Town Administrator to release personnel and payroll information to banks, lending institutions, insurance firms, etc. for the purpose of purchasing a home, automobile or appliance, or for purpose of applying for employment elsewhere. Such authorization shall be requested in writing to the Select Board / Town Administrator.

**Personnel Forms** - Personnel forms developed by the Town Administrator or Town Treasurer's office are to be used to insure accurate and uniform maintenance of personnel records.

## **25. DRUG AND ALCOHOL TESTING POLICY**

### **I. PURPOSE**

The purpose of this policy is to provide Town of Hinsdale employees with notice of the provisions of the Town's drug and alcohol and related testing policy and program as it affects them. It is the policy of the Town that a drug and alcohol free work place must be maintained by employees at all times and this requirement justifies the use of a reasonable employee drug and alcohol testing program. The use of controlled substances and other forms of drug and alcohol abuse seriously impair an employee's physical and mental health, and thus, job performance. To ensure high standards of performance for performing Town business and to preserve public trust and confidence in a fit and drug and alcohol free workforce, there shall be a testing program to detect drug and alcohol use in the workplace, or that effects work in the workplace. In accordance with the provisions of this policy, the Town will offer assistance with rehabilitation.

It is the goal of this policy to eliminate or absolve illegal drug usage through education and rehabilitation of any affected personnel. The possession, use, or being under the influence of unauthorized drugs or alcoholic beverages while on duty shall not be tolerated.

### **II. POLICY**

This Policy applies to all Town of Hinsdale employees. It is the Town of Hinsdale's policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or illegal drugs while on Town of Hinsdale property, at work locations, or while on duty or subject to being called to duty; i.e. on breaks, during meal periods or on standby subject to being called to duty; shall not utilize such substances while they are made subject to Town duty, sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or made subject to being called, nor have their ability to work impaired as a result of the use of alcohol or drugs.

Employees shall not report to or perform work under the influence of drugs or alcohol or after consuming drugs or alcohol such that mental and physical capabilities are impaired.

### **III. PROHIBITED CONDUCT**

The following conduct by any employee is prohibited:

- a. Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance, illegally used drug, or open containers of alcohol on Town business, in Town-supplied vehicles, in vehicles being used for Town purposes, during working hours, effecting work in the workplace, or on Town property.

- b. Unauthorized storage of any illegally used drug, controlled substance, or open containers of alcohol in any desk, locker, Town vehicle or vehicle used for Town business or other repository on Town property;
- c. Being under the influence of an unauthorized substance, illegally used drug or alcohol on Town business, in Town supplied vehicles, in vehicles being used for Town business, during working hours, or on Town property.
- d. Possession, use, manufacture, distribution or sale of illegally used drugs or controlled substances while off duty;
- e. Switching or adulterating of any urine sample;
- f. Refusing consent to testing or refusing to submit a breath or urine test sample for testing, provided that such testing is ordered and such sample is required in accordance with the provisions of this article;
- g. Failing to adhere to the terms of any rehabilitation agreement which the employee has signed;
- h. Conviction under any drug or alcohol statute;
- i. Failure to immediately notify the employee's immediate supervisor of any felony arrest or conviction for a drug or alcohol offense;
- j. Refusing to sign a reasonable rehabilitation agreement that is developed in accordance with the provisions of this article.

Note: Employees are required to notify their supervisor WHEN they are taking prescription drugs that they know or should know would impair their ability to perform the essential functions of their position.

#### IV. CIRCUMSTANCES WHEN TESTING MAY OCCUR

Testing of employees for drug and/or alcohol use will be done for the following reasons.

- a. Testing will be done for reasonable suspicion where an incident has occurred that appears to indicate that the employee may be under the influence of either drugs or alcohol. The probable cause must be supported by stated facts documented in writing to show that there appears to be a violation of Town policies. Only an employee's supervisor may document circumstances resulting in a reasonable suspicion test.
- b. Pre-employment physicals will include drug and alcohol testing. Such testing

applies only to new hires and does not apply to promotions.

- c. Other required physical examinations may include drug and alcohol testing at the recommendation of the Town and with the agreement of the employee.
- d. Subsequent to any significant vehicular accident or serious, unsafe practice (raising a question of improper drug or alcohol use), or serious and unsafe incident in which the employee was a driver (vehicular accident) or major participant (other incident), testing will be done. This applies only to conduct while on duty.

## V. REFUSAL TO SUBMIT FOR TESTING

Any of the following actions may constitute a refusal under this policy:

- 1. Fail to appear for any test after being directed to do so;
- 2. Fail to remain at the testing site until the testing process is complete;
- 3. Fail to attempt to provide a sufficient specimen for any test;
- 4. Fail to cooperate with any part of the testing process;
- 5. Possessing or wearing of any device that could be used to interfere with the collection process.

## VI. DISCIPLINE PROCEDURES

“Discipline” for any violation means any permitted disciplinary action up to and including termination of employment.

A positive test will result in discipline in accordance with disciplinary procedures as detailed below. Any other violation of the provisions of this article will result in disciplinary action.

In general, the following disciplinary actions apply to all Town employees. Any treatment/assistance will be at the Town’s expense subject to pre-approval of the treatment/assistance costs by the Town.

### a. Alcohol

First Offense: Written warning. Employees shall seek assistance through the Employee Assistance Program (EAP).

Second Offense: Suspension, length to be determined by the employee’s appointing authority. Employees shall seek assistance through the Employee Assistance Program (EAP).

Third Offense: Termination.

Depending on the seriousness of the violation, the Town may proceed directly to a more advanced step of these disciplinary procedures.

b. Illegally Used Drugs and Related Items

First Offense: Written warning that remains in file. Employee will be placed on sick leave pending a mandatory substance abuse evaluation to be facilitated by the Employee Assistance Program (EAP). If the employee does not have sick time, the employee will be placed on unpaid leave. Employee must sign a reasonable rehabilitation agreement resulting from the substance abuse evaluation as a condition to return to full, unrestricted duty.

Second Offense: Termination.

The Town may proceed directly to a more advanced step only where there are compelling circumstances to justify a waiver of the progressive system set forth. Employees will be terminated immediately for criminal convictions related to illegal drug use or if internal investigations find that there is a serious issue of selling controlled substances or other similar violations.

## VII. DRUG AND ALCOHOL TESTING PROCEDURES

Drug and alcohol Testing will generally be done by Custom Drug Testing (administered by MIIA) under the federal mandatory guidelines. Collection of samples will follow accepted “chain of custody” procedures and include bifurcated samples to assure that the donor will be provided with a sample at his/her request. The collection and testing of the sample shall be performed by a qualified physician or health care professional. For positive screen results, a Medical Review Officer (“MRO”) to be determined by Custom Drug Testing will make a final determination of presence of illegal drugs in a test, as set forth below. All procedures related to this policy will be at the Town’s expense.

Drug and alcohol testing for Town employees under this article shall be performed as follows:

When there is probable cause, or a significant vehicular accident or safety incident while on duty, the Town Administrator or his designee shall arrange for the drug and/or alcohol testing and set the appropriate appointments.

The employee shall report to the testing facility, present a picture I.D. and provide the necessary test samples.

Urine samples will be used for drug tests. Split test samples will be maintained under accepted chain of custody procedures. The split specimen shall be preserved in all cases in the event of an initial positive test result. Breath tests will be used for alcohol testing.

Test results will be provided to the Town Administrator or his designee.

Initial cutoff levels when screening specimens to determine whether a specimen is negative shall be pursuant to current DOT testing guidelines.

If initial testing results are negative, testing shall be discontinued, and all samples shall be destroyed. Only specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GS/MS) techniques.

A breathalyzer or similar test equipment shall be used to screen for alcohol use. This screening test shall be performed by a qualified individual. A positive alcohol level shall be .10 grams per 210 L. of breath.

If an employee tests positive for drugs, he/she, at the Town's expense, may have the second sample, held under chain of custody, tested at a credible testing facility of the employee's choosing (at the employee's expense). As part of the confirmatory testing procedure, a MRO shall make contact with the employee to inquire if there are any medical explanations that exist to explain the positive, adulterated, or substituted result. If attempts have been made to contact the employee but the employee has not been reached or returned calls to the MRO office, the confirmatory result will be released to the Town. If the employee claims legitimate medical/prescription use of a drug to account for a positive result to the MRO, the MRO office must receive information to substantiate the claim within a reasonable amount of time. Medical information received from the employee regarding prescription use shall be authenticated with the appropriate pharmacy or the medical provider. If this second test is not positive, no further action will be taken.

If an employee tests positive in a single or both tests, the employee shall be referred to a certified Substance Abuse Counselor for appropriate counseling, referral and the development of a rehabilitation agreement. The employee shall use accrued sick and vacation time if time off is required to participate in the rehabilitation program. Once an employee successfully completes rehabilitation, they shall be returned to their regular duty assignment only upon providing written documentation to the Town that he/she completed the rehabilitation program. An employee shall sign the appropriate release authorizing the Town to review the contents of his/her file prior to a return to full, unrestricted duty. Refusal to sign a reasonable rehabilitation agreement or not abiding by the rehabilitation agreement will be considered violations of this article and will result in immediate termination of employment. The Substance Abuse Counselor will be a member of the staff of the Town-provided Employee Assistance Program.

#### VIII. SELF REFERRAL TO THE EMPLOYEE ASSISTANCE PROGRAM ("EAP")

Employees may refer themselves directly to the Employee Assistance Program if they know or suspect they have a drug, other controlled substance, or alcohol problem. If employees refer themselves, no disciplinary action will be taken by the Town as a result of the referral. (It would be expected that the Town would not even be aware of the referral due to the confidentiality of the self-referral EAP process. If the Town did



become aware of the self-referral through the employee informing people of it, the Town would not take any disciplinary action as a result of the employee informing people of it, and the Town would not take any disciplinary action as a result of the referral.) However, employees are expected to abide by the rehabilitation plans developed with them and for them through the Employee Assistance Program.

## IX. AMENDMENTS

The parties recognize that there may be improvements in the technology of testing procedures which provide more accurate testing. In that event, the Board of Selectmen may amend this policy to include such improvements.

### **DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

This acknowledges that I have received and reviewed the Town of Hinsdale Drug and Alcohol Testing Policy (“Policy”), including Appendix A, “Effects of Alcohol and Drug Use”. By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder and to review periodically any changes or modifications thereto. I recognize that the law and associated Policy regarding drug and alcohol testing are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*To be included in employee’s personnel file.*

**26. EMPLOYEE ACKNOWLEDGEMENT/SIGNATURE**

I hereby acknowledge that I have read and understand the Town of Hinsdale's Personnel Policies & Guidelines (last updated in March 2017).

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Employee Signature

Date

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Employee Name

Job Title

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Supervisor Signature

Date

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Supervisor Name

Job Title

## **Appendix A – Job Descriptions**

<b>Title</b>	<b>Date</b>
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### **Full Time Positions**

Town Administrator  
Administrative Assistant  
Assistant Assessor (Reports to the Board of Assessors)  
Treasurer  
Highway Superintendent  
Highway Dept. Laborer  
Water/Sewer Maintenance Worker  
Chief of Police  
Police Officer

### **Part Time Positions**

Water/Sewer Superintendent  
Water Treatment Plant Operator (Primary)  
Water Treatment Plant Operator (Secondary)  
Town Accountant  
Assistant Accountant  
Assistant Town Clerk  
Town Collector  
Board of Health Agent  
Building Commissioner  
Library Director  
Library Assistants  
Transfer Station Attendant  
Town Hall Custodian  
Election Workers

## **APPENDIX B – INFORMATION TECHNOLOGY (IT) POLICIES & PROCEDURES**

### **1.0 OVERVIEW**

Town of Hinsdale's (TOH) intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to TOH's established culture of openness, trust and integrity. TOH is committed to protecting TOH's employees, partners and the company from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, web browsing, and file transfer, are the property of TOH. These systems are to be used for business purposes in serving the interests of the company, and of our clients and customers in the course of normal operations. Please review Human Resources policies for further details.

Effective security is a team effort involving the participation and support of every TOH employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

### **2.0 PURPOSE**

The purpose of this policy is to outline the acceptable use of computer equipment at TOH. These rules are in place to protect the employee and TOH. Inappropriate use exposes TOH to risks including virus attacks, compromise of network systems and services, and legal issues.

### **3.0 SCOPE**

This policy applies to employees, contractors, consultants, temporaries, and other workers at TOH, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by TOH.

### **4.0 POLICY**

#### **4.1 General Use and Ownership**

1. While TOH's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of TOH. Because of the need to protect TOH's network, management cannot guarantee the confidentiality of information stored on any network device belonging to TOH.

2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.
3. TOH recommends that any information that users consider sensitive or vulnerable be encrypted. For guidelines on information classification, see TOH's Information Sensitivity Policy. For guidelines on encrypting email and documents, go to TOH's Awareness Initiative.
4. For security and network maintenance purposes, authorized individuals within TOH may monitor equipment, systems and network traffic at any time, per TOH's Audit Policy.
5. TOH reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

#### **4.2 Security and Proprietary Information**

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential, as defined by corporate confidentiality guidelines, details of which can be found in Human Resources policies. Examples of confidential information include but are not limited to: company private, corporate strategies, client lists, and client information. Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly and user level passwords should be changed every X days.
3. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off or locking their computer (Control-Alt-Delete "Lock Workstation") when the host will be unattended.
4. Use encryption of information in compliance with TOH's Acceptable Encryption Use policy.
5. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the "Laptop Security Tips".

6. Postings by employees from a TOH email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of TOH, unless posting is in the course of business duties.
7. All hosts used by the employee that are connected to the TOH Internet/Intranet/Extranet, whether owned by the employee or TOH, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
8. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

### **4.3 Unacceptable Use**

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of TOH authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing TOH-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by TOH.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which TOH or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.

4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using a TOH computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws of Massachusetts.
7. Making fraudulent offers of services originating from any TOH account.
8. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
9. Port scanning or security scanning is expressly prohibited unless prior notification to TOH is made.
10. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
11. Circumventing user authentication or security of any host, network or account.
12. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
13. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
14. Providing information about, or lists of, TOH employees to parties outside TOH.
15. Disconnecting or tampering with any TOH computer or communications equipment.

#### **4.4 Email and Communications Activities**

TOH's intention for publishing an Email Use Policy is to prevent the tarnishing of its public image. When email goes out from anyone employed by TOH, the general public will tend to view that message as an official policy statement from TOH.

The TOH email system shall not to be used for the creation or distribution of any disruptive or offensive messages, including offensive comments about race, gender, hair color, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin. Employees who receive any emails with this content from any TOH employee should report the matter to their supervisor immediately.

TOH employees shall have no expectation of privacy in anything they store, send or receive on the company's email system. TOH may monitor messages without prior notice. TOH is not obliged to monitor email messages.

With respect to communications transmitted by an employee's work-issued email, the following activities are generally prohibited:

1. Using a work-issued email account to regularly transmit correspondence that is of a personal/non-work nature.
2. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
3. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
4. Unauthorized use, or forging, of email header information.
5. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
6. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
7. Use of unsolicited email originating from within TOH's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by TOH or connected via TOH's network.
8. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

#### **4.5 Social Media**



Town of Hinsdale (TOH) acknowledges that an employee's decision to participate in social media in all its forms is their decision. TOH, however, recognizes that online collaboration platforms are changing the way individuals and organizations communicate,

This policy is designed to offer guidance for acceptable communications through social media for TOH employees.

TOH respects the legal rights of our employees including their rights under the National Labor Relations Board to engage in concerted and protected activities, and any part of this policy which interferes with the legal rights of our employees will not be enforced. TOH does, however, reserve the right to regulate activities in or outside of work that affect an TOH employee's job performance, the performance of other employees, vendors, or our clients.

1. TOH trusts and expects employees to exercise personal responsibility whenever they use social media. Employees should never use social media for covert advocacy, marketing or public relations. Employees should only communicate on behalf of TOH if they are authorized to do so, In that instance, they should clearly identify themselves as employees to those to whom they are communicating.
2. Employees may use social media to speak for themselves individually or to exercise their legal rights under the National Labor Relations Act.
3. Misrepresentations made about TOH by media, analyst, bloggers or other social media users may be responded to, but employees may only do so in an official capacity if they are authorized to do so and only according to this policy.
4. TOH employees are expected to abide by the policies of whatever service they are using. It is also essential for employees to understand what is recommended, expected and required when they discuss TOH related topics, whether at work or on their own time.
5. Employees are responsible for making sure that their online activities do not interfere with their ability to execute their assigned responsibilities in a timely fashion.
6. Employees must at all times keep in mind the confidentiality of our clients, especially when using social media. As a matter of policy, TOH prohibits employees from discussing client information with any non-authorized employee, vendor, or any other client whether orally, electronically, or on paper.

#### **4.6 Blogging**

1. Blogging by employees, whether using TOH's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of TOH's systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate TOH's policy, is not detrimental to TOH's best interests, and does not interfere with an employee's regular work duties. Blogging from TOH's systems is also subject to monitoring.
2. TOH's Confidential Information policy also applies to blogging. As such, Employees are prohibited from revealing any confidential information, or any other material covered by TOH's Confidential Information policy when engaged in blogging.
3. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of TOH and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by TOH's Non-Discrimination and Anti-Harassment policy.
4. Employees may also not attribute personal statements, opinions or beliefs to TOH when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of TOH. Employees assume any and all risk associated with blogging.
5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, TOH's trademarks, logos and any other TOH intellectual property may also not be used in connection with any blogging activity.

## **5.0 ENFORCEMENT**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## **6.0 DEFINITIONS**

### **Blogging**

Writing a blog. A blog (short for weblog) is a personal online journal that is frequently updated and intended for general public consumption. This would include but not be limited to Facebook and Twitter.

## **Copyrights**

Copyrights protect the right of an author to control the reproduction and use of any creative expression that has been fixed in tangible form, such as literary works, graphical works, photographic works, audiovisual works, electronic works and musical works. It is illegal to reproduce and use copyrighted material through social media channels without the permission of the copyright owner.

## **Controversial Issues**

Issues that form the basis of heated debate. Examples include political views, health care reform, gun control and abortion. Religious beliefs may also be controversial, particularly to those intolerant of beliefs different from their own.

## **Hosted Content**

Text, pictures, audio, video or other information in digital form that is uploaded and resides in the social media account of the author of a social media disclosure. If you download content off of the Internet, and then upload it to your social media account, you are hosting that content. This distinction is important because it is generally illegal to host copyrighted content publicly on the Internet without first obtaining the permission of the copyright owner.

## **Official Content**

Publicly available online content created and made public by our company, verified by virtue of the fact that it is accessible through the TOH website.

## **Social Media Channels**

Blogs, micro-blogs, wikis, social networks, social bookmarking services, user rating services and any other online collaboration, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or any other existing or emerging communications platform.

## **Social Media Account**

A personalized presence inside a social networking channel, initiated at will by an individual. YouTube, Twitter, Facebook and other social networking channels allow users to sign-up for their own social media account, which they can use to collaborate, interact and share content and status updates. When a user communicates through a social media account, their disclosures are attributed to their User Profile.

## **Spam**

Unauthorized and/or unsolicited electronic mass mailings.

## **User Profile**

Social Media Account holders customize their User Profile within a Social Media Channel with specific information about themselves which can be made available others users.

## **7.0 Revision History**

Version 1.0    March 2017