

TOWN OF ORLEANS

PERSONNEL BYLAW CLASSIFICATION & COMPENSATION

**AS APPROVED ON
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Classification and Compensation Plans

CHAPTER 1 PURPOSE AND POLICIES

1-1. Purpose. It is the purpose of this manual to provide to all employees the policies and procedures for assuring maintenance of an equitable personnel management system in the Town of Orleans. The policies and procedures for personnel administration set forth herein have, as their purpose, to promote the efficiency and economy of government; to promote the morale and well-being of Town employees and to promote equal employment opportunity for all employees and candidates for employment.

1-2. Policy. The Personnel policies are based on the following principles:

1-2-1. Recruiting, selecting and advancing employees on the basis of their abilities, knowledge and skills.

1-2-2. Providing equitable compensation.

1-2-3. Training employees as needed to assure high quality performance and to encourage career development.

1-2-4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose performance does not adequately improve.

1-2-5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, creed, disability, sexual preference, or any other non-merit factor, except where such factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens; prohibiting discrimination against any person on the basis of such non-merit factors, and

1-2-6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for any purpose other than those duties and responsibilities directly associated with their positions in town government.

1-3. Authorization

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws there shall be established plans which may be amended from time to time by vote of the Town at a Town Meeting:

1-3-1. Classifying positions in the service of the Town other than those filled by popular election, those under the direction and control of the School Committee, those covered under collective bargaining agreements, the position of Town Counsel and certain positions for which the compensation is on a fee basis or the incumbents of which render intermittent or casual service and which do not appear in Chapter 8 following, into groups and classes doing substantially similar work or having substantially equal responsibilities;

1-3-2. Authorizing a compensation plan for positions in the classification plan;

1-3-3. Providing for the administration of said compensation and classification plans, and

1-3-4. Establishing certain working conditions and fringe benefits for employees occupying positions in the classification plan.

1-4. Equal Employment Opportunity. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, ancestry, age, sex, disability, sexual orientation, genetic information, or any other non-merit factor will be prohibited. Each individual will be evaluated solely on his/her qualifications, abilities and job performance. Any employee who feels aggrieved may process an appeal in accordance with the discrimination complaint procedure in Chapter 16.

1-5. Applicability of These Policies. These policies shall serve as a guide to the administration of a personnel system of the Town of Orleans in keeping with the basic merit principles. The policies are not all inclusive; final discretion as to interpretation and as to the appropriate course of action concerning a particular personnel matter shall lie with the Town Administrator. The use of gender pronoun he or she shall be interpreted in these Bylaws to include both genders.

1-6. Other State Statutes. Nothing in this Personnel Bylaw shall be construed to conflict with any special law enacted for the Town of Orleans or any permissive State statute accepted by the Town of Orleans, the Orleans Home Rule Charter, Administrative Code, or any provision of any Massachusetts State Constitution. To the extent that any apparent conflict exists, it shall be determined in favor of the higher State statute or provision of the Massachusetts State Constitution.

CHAPTER 2 RESPONSIBILITY FOR ADMINISTRATION

2-1. Personnel Advisory Board. The Select Board will establish an unpaid three-member Personnel Advisory Board whose primary duty is to advise the Town Administrator.

2-2. Town Administrator. The Town Administrator is the Chief Administrative Officer who administers these policies as the Personnel Administrator. The Town Administrator shall have final decision-making authority and approval over all personnel matters, except where otherwise provided in these policies and procedures, for employees covered by this Bylaw, consistent with the Home Rule Charter, Section 5.

2-3. The Town Administrator as Personnel Administrator shall:

2-3-1. Prepare and recommend position classification and pay plans and direct the continuous administration of these plans.

2-3-2. Compute for budgetary purposes the annual salary costs.

2-3-3. Direct the recruitment, testing, selection, and hiring of employees.

2-3-4. Prepare and administer competitive assembled and unassembled examinations with the appropriate department manager, whenever practicable, for all original appointments and promotions in the Town service.

2-3-5. Enforce policies and procedures for personnel administration.

2-3-6. Supervise, develop, and maintain personnel systems, forms, procedures and methods of record-keeping.

2-3-7. Maintain a roster of all persons in the Town service except for persons under the control of the School Committee.

2-3-8. Certify appointments, promotions, demotions, discipline and other actions.

2-3-9. Direct employee orientation, training, counseling and career development with department managers.

2-3-10. Administer these personnel policies, including the employee grievance procedure.

2-3-11. Assure timely performance appraisal reviews.

2-3-12. Investigate the work features and rate of salaries or wages of any or all positions subject to the provisions of these Bylaws. Such reviews shall be made at such intervals as the Town Administrator deems necessary and practicable, and shall include all occupational groups in the Classification Plan.

2-3-13. Upon recommendation of the Department Manager, Committee, Commission, or Board, supported by evidence in writing of special reason and exceptional circumstances satisfactory to the Town Administrator, the Town Administrator may authorize an entrance rate higher than the minimum rate for a position, may approve an annual step rate increase of one or more steps providing adequate funding is available, may deny an annual step rate increase of one or more steps, or such other variance in the Compensation Plan as it may deem necessary for the proper functioning of the services of the Town. No variance provided in this section shall become effective unless or until the necessary funds have been appropriated therefor.

2-3-14. Have the responsibility of employee termination or dismissal. Employees terminated for any reasons will have the right to request a review according to the grievance procedure outlined in Chapter 16.

2-3-15. Perform any other lawful acts which are considered necessary or desirable to carry out the purpose of the central personnel system and the provisions of these personnel policies.

2-4. Department Managers. Department managers, with the approval of the Town Administrator, shall have responsibility to select, retain, transfer and promote personnel in accordance with established Town Policies. Department Managers are expected to effectively supervise their employees; evaluate performance of their subordinates; to notify the Town Administrator of changes in duties of their employees in order that the classification plan will be maintained; and to recommend salary increases which will be acted upon by the Town Administrator.

2-4-1. All recommendations for appointments must be verified with the Town Administrator to assure compliance with Equal Employment Opportunity guidelines.

2-4-2. Department managers may recommend to the Town Administrator, desirable changes in personnel policies and procedures to improve the Personnel Management System.

2-5. Employees. It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in these personnel policies and any subsequent revisions. Employees are also encouraged to submit suggestions for changes in personnel policies and procedures for improvement of the personnel administration.

CHAPTER 3 DEFINITIONS

As used in these Bylaws, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the nation and the Commonwealth.

ADMINISTRATIVE AUTHORITY. The elected or appointed official or board having jurisdiction over a function or activity, as outlined in the Orleans Home Rule Charter.

ALLOCATION. The assignment of an individual position to an appropriate grade on the basis of kind of work, duties, and the responsibilities of the position.

APPOINTING AUTHORITY. The Town Administrator is the Appointing Authority as outlined in the Orleans Home Rule Charter.

APPOINTMENT. The placement of a person in a position.

BOARD. The Personnel Advisory Board as defined in Chapter 4.

CLASS. A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class. The same qualification shall be required of the incumbents. The same tests of fitness may be used to choose qualified employees and the same scale of compensation can be made to apply with equity.

CLASSIFICATION. Class titles appearing in Chapter 8 of these Bylaws plus class specifications which are on file with the Town Administrator and which are hereby incorporated by reference.

COMPENSATION. The salary or wages earned by any employee by reason of service in the position, but does not include allowances for expenses authorized and incurred incidental to employment.

COMPENSATION GRADE. A range of salary or wage rates appearing in Chapter 8.

COMPENSATION PLAN. See Pay Plan.

CONTINUOUS EMPLOYMENT. Uninterrupted employment either full time or permanent part time, except for required military service and for authorized vacation or other authorized leave of absence.

DEPARTMENT. Any department, board, committee, commission or other agency of the Town subject to these Bylaws.

DEMOTION. The movement of an employee from a position in one grade to a position in another grade with a lower maximum pay rate.

DEPARTMENT MANAGERS. Department managers shall be taken to mean any employee who has authority to recommend personnel actions to the Town Administrator, including, but not limited to selection, transfer or promotion.

DISCHARGE OR DISMISSAL. The permanent, involuntary termination of a person from Town service.

DISCIPLINARY ACTION. An oral warning, written reprimand, suspension, demotion or dismissal taken for cause by the appropriate authority.

EMPLOYEE. A person occupying an appointive position or an appointive person who is on authorized leave of absence.

EMPLOYEE DATE. The date on which an employee commences performance of duties and is placed on the payroll.

FAIR LABOR STANDARDS ACT. The Fair Labor Standards Act (FLSA) sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act and are not exempt from specific provisions of the Act.

FULL-TIME EMPLOYMENT. Employment for not less than five days per work week (as work week is defined in Chapter 9 of these Bylaws) for fifty-two weeks per annum minus legal holidays and authorized leave for vacation, sickness, bereavement or other reason.

GRADE. A position or group of positions which are sufficiently similar with respect to duties, responsibilities and authority that may be properly compensated within the same pay range under substantially the same employment conditions.

GRIEVANCE. A misunderstanding or disagreement between an employee and a supervisor that relates to policies, rules and regulations of the Personnel Bylaw.

GROUP OR OCCUPATIONAL GROUP. A group of classes designated by occupation as appearing in Chapter 8.

INCREMENT. The dollar difference between step rates.

INCUMBENT. The current occupant of a position.

JOB DESCRIPTION. The written description of a position, approved by the Town Administrator, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the minimum qualification requirements that are necessary for the satisfactory performance of the duties of the position.

LAYOFF. The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

LEAVE. An authorized absence from regularly scheduled work hours which has been approved by proper authority.

MAXIMUM RATE. The highest rate in a range which an employee is entitled to obtain.

MINIMUM RATE. The lowest rate in a range (normally the hiring rate of a new employee).

OVERTIME. Time an employee is directed and authorized to work in excess of the normal work week.

PART-TIME EMPLOYMENT. Employment for less than 20 hours per week on a regularly scheduled basis.

PAY PLAN. A schedule of compensation for all grades in the classification plan, including any successive pay rate steps established for each grade. All positions allocated to one grade will be paid according to the salary range established for that grade.

PAY STATUS. A period of active employment, including vacation and sick leave.

PERMANENT PART-TIME EMPLOYMENT. Employment for less than full time but for 20 hours or more per week for fifty-two weeks per year on a regularly scheduled basis.

PERMANENT POSITION. A full-time or permanent part-time position in the Town which has required or which is likely to require the services of an incumbent in continuous employment for a period of fifty-two calendar weeks and in excess of 20 hours per week.

PERSONAL RATE. A rate above the maximum rate applicable only to a designated employee.

PERSONNEL ACTION. Any and all activities affecting any aspect of an employee's status which includes appointments and changes in appointments, original hiring, re-employment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.

POSITION. An office or post of employment in the Town with duties and responsibilities calling for the full-time, part-time, or seasonal employment of one person in the performance and exercise thereof.

PROBATIONARY EMPLOYEE. An employee who has not yet completed a probationary period of service, but who is otherwise entitled to the same benefits as a permanent employee.

PROBATIONARY PERIOD. A working test period, following an appointment, during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which appointed (See Chapter 20).

PROMOTION. The movement of an employee from a position of one grade to a position of another grade with a higher maximum pay rate.

RANGE. The dollar difference between minimum and maximum rates.

RATE. A sum of money designated as compensation for work performed on an hourly, daily, weekly, monthly, annual or other basis.

REGULAR EMPLOYEE. Any employee who is employed over 20 hours per week on a regularly scheduled basis as either a full-time employee or as a permanent part-time employee.

REALLOCATION OR RECLASSIFICATION. The assignment of a position to a grade different from the one to which it was previously assigned.

SEASONAL AND SEASONAL RECREATION EMPLOYMENT. The Town is a Certified Seasonal Employer by the Massachusetts Department of Unemployment Assistance. Annually the Town applies for certification of positions for our summer beach and recreation programs. Seasonal employees work for a specific time period totaling less than 20 weeks in a calendar year (i.e. Lifeguard: May – September).

SENIORITY. An employees uninterrupted, continuous length of service as a permanent employee with the Town.

STEP INCREASES. An increase in pay from one step to a higher step in the pay range for an employee who meets the eligibility conditions specified in these policies.

STEP RATE. A rate in a range of a compensation grade.

SUSPENSION. An involuntary absence without pay imposed on an employee as disciplinary action or pending final outcome of appeal.

TEMPORARY EMPLOYMENT. Employment for non-seasonal employees for up to 40 hours per week not to exceed 1025 hours in one calendar year.

TOWN. The Town of Orleans.

TOWN ADMINISTRATOR. The chief administrative officer of the Town responsible for administering and coordinating all employees, activities and departments placed by general law, charter or by-law under the control of selectmen or Town Administrator, as outlined in the Orleans Home Rule Charter.

TRANSFER. The movement of an employee from one position to another position of the same grade or of another grade having the same pay rate involving the performance of similar duties and requiring essentially the same basic qualifications.

WORK WEEK. The work week shall be 40 hours except as may be otherwise established by this Bylaw.

CHAPTER 4 PERSONNEL ADVISORY BOARD

4-1. The Board of Selectmen shall appoint a Personnel Advisory Board consisting of three (3) unpaid members. Each member shall serve for a three year overlapping term.

4-2. Each member shall continue to hold office until a successor has been appointed and qualified. Vacancies shall be filled for the balance of an unexpired term by the appointing authority.

4-3. Forthwith and after its appointment and annually, the Board shall meet and organize by electing a chairman and appointing a secretary from the Board. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the Board shall determine the action the Board must take in all matters which it is authorized or required to pass under these Bylaws.

4-4. The Board shall process grievances in accordance with the procedures set forth in Chapter 16 "Grievance Procedure".

4-5. When requested by and acting on behalf of the Town Administrator the Personnel Advisory Board is authorized to:

4-5-1. Conduct inter-town studies of wage rates and employee benefits to assist in consideration of wage adjustments or benefits improvement for town meeting action.

4-5-2. Mediate disputes over the interpretation of this by-law between employees and department heads as part of a formal grievance procedure.

4-5-3. Advise the Town Administrator on problem areas within this by-law as brought to the attention of the board in meetings with employees.

4-6. The Board may employ assistance and incur expenses subject to the appropriation of funds as it deems necessary.

4-7. The Board shall make an annual report in writing to its appointing authorities on or before January 10 of each year. The Board shall make an annual report in the Town Report.

CHAPTER 5 CLASSIFICATION SYSTEM

5-1. All positions in the Town except those excluded in Chapter 1-3-1 are hereby classified by titles appearing in Chapter 8, which is made a part hereof. These classes of positions shall constitute the Classification Plan for the Town service.

The Board shall maintain written job descriptions or specifications of the classes in the Classification Plan, each consisting of a statement describing the essential nature of the work and the characteristics that distinguish the class from other classes.

The description of any class shall be construed solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be, or as modifying or in any way affecting the power of any Administrative Authority as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

5-2. The title of each class, as established by the Classification Plan, shall be the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates, and other official records and reports pertaining to the position.

5-3. Whenever a new position is proposed by the Town Administrator or the duties of an existing position are so changed and approved by the Town Administrator that in effect a new position is created, the Town Administrator shall document any changes in the position, its duties and/or responsibilities, evaluate the position and present documentation to the Select Board for review and approval. The Personnel Advisory Board shall make recommendation concerning the reclassification as part of its review of changes to the Personnel Bylaw.

5-4. Certification of Classification Change

No employee shall be paid in any circumstances until the Town Treasurer is presented with proper authorization on an appropriate form, signed by the Department Manager, Director of Municipal Finance/Town Accountant and the Town Administrator.

CHAPTER 6 COMPENSATION SYSTEM

6-1. The Compensation Plan shall consist of schedules which provide minimum and maximum salaries or wages for individual positions as referred to in Chapter 8.

6-2. No Administrative Authority shall fix the salary of any employee in a position in the Classification Plan except in accordance with the Compensation Plan, and no person shall be paid as an employee in any position subject to the provision of the Classification Plan under any title other than those appearing in the Compensation Plan.

6-3. An employee in continuous employment shall, subject to the provisions of Chapter 21, receive the step increase between the present rate and the next higher rate on July 1st of each year until the employee reaches the maximum. In any year, any employee hired or promoted after April 1st shall not be eligible for the annual step increase on the following July 1st unless authorized by the Town Administrator.

6-4. An employee occupying a seasonal position shall be paid the higher rate of the range provided in the rate schedule referred to in Chapter 8, upon the recommendation of the Department Manager, after completion of the annual period of seasonal employment.

6-5. An employee receiving a promotion to a higher position or to a new position as defined in Chapter 5-3 shall upon assignment resulting from such promotion, receive such step rate in the new position as recommended by the promoting authority but in no such case at a lower compensation than enjoyed before the promotion.

6-6. Each Department Manager shall include in the estimates, required by the provision of Section 59 of Chapter 41 of the General Laws, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing year and shall furnish a copy thereof to the Town Administrator.

6-7. The adjustments provided for in this section shall be subject to the availability of appropriated funds.

6-8. Longevity

6-8-1. Based on anniversary date, full-time employees will receive a longevity bonus of Five Hundred and 00/100 (\$500.00) Dollars after completing five (5) years of continuous service, increased by an additional Fifty and 00/100 (\$50.00) Dollars each year continuous service through the ninth (9) year.

6-8-2. On completion of ten (10) years continuous service the employee will receive Seven Hundred Fifty and 00/100 (\$750.00) Dollars increased by an additional Seventy - Five and 00/100 (\$75.00) Dollars each year of continuous service through the fourteenth (14) year.

6-8-3. On completion of fifteen (15) years continuous service, the employee will receive Twelve Hundred and 00/100 (\$1,200.00) Dollars longevity bonus increased by an additional One Hundred and 00/100 (\$100.00) Dollars each year through the nineteenth (19) year.

6-8-4. On completion of twenty (20) years of continuous service, the employee will receive Eighteen Hundred and 00/100 (\$1,800.00) Dollars longevity bonus increased by an

additional One Hundred Fifty and 00/100 (\$150.00) Dollars for each additional year of continuous service.

6-8-5. The Longevity bonus will be paid annually during the month of December to those who qualify by length of continuous service prior to December first of each year. Permanent part-time employees will be entitled to the above longevity pay on a pro rata basis.

6-8-6. After ten years of continuous employment an employee who retires or whose services are terminated through no fault of their own, and is eligible for longevity bonus shall receive longevity payment for any time earned up to said date of termination of employment. Earned bonus will be paid at time of termination and may be prorated if termination date does not coincide with anniversary date.

6-9. Temporary Emergency Assignment

6-9-1. Department Managers and similar supervisory personnel who are exempt under the provisions of the Fair Labor Standards Act and who are regularly compensated on an annual salary basis will be paid their regular salary for a normal day's work. If the Town Administrator assigns work outside the scope of their regular duties (out of title work), the employees shall be paid a stipend agreed to between the Town Administrator and the employees.

6-9-2. Regardless of the temporary or emergency work being performed, all other employees will be paid the higher or either their regular hourly rate or the hourly rate established for the position involved. Overtime will be paid, if applicable.

CHAPTER 7 AMENDMENT OF THE PLAN

7-1. The Classification plan and/or the Compensation plan and/or other provisions of these Bylaws may be amended by vote of the Town at either a regular or a special Town meeting in the same manner as other Bylaws of the Town may be amended. A proposed amendment, other than one originating with the Town Administrator, shall be filed with the Town Clerk who shall record same and submit a copy thereof to the Personnel Advisory Board and the Town Administrator. The Board shall hold a public hearing to consider any such proposed amendment after having given at least ten days written notice thereof.

7-2. The Town Administrator may propose an amendment to the plan or other provisions of these Bylaws according to the procedure outlined in the preceding sub-section.

7-3. The Town Administrator shall make recommendations on any proposed amendment to the Finance Committee and shall make recommendations with regard to any amendment at the Town meeting at which such amendment is considered.

7-4. As part of any approved reorganization, reclassification of existing positions, or the addition of a new part-time, temporary or seasonal employee, the Select Board, without a vote of the town meeting, may amend the Classification Plan to add or change a job title for a part-time, temporary or seasonal employee and authorize the Town Administrator to fill the new position utilizing existing funding, provided however that no additional appropriation is necessary.

**CHAPTER 8
COMPENSATION AND CLASSIFICATION PLAN**

8-1. See separate schedule for current classification and rates of pay which, by reference, is made a part of this Bylaw. Effective the first period after July 1, 2019, the Town will add an 11th Step to the Compensation Plan A that is 2.5% (two and a half percent) higher than Step 10. After the additional step is implemented, Step 1 of the Compensation Plan will be deleted and the Compensation Plan will consist of just Steps 2-11. The only effect of the elimination of Step 1 will be that Step 2 will become the lowest initial Step placement for an employee hired on or after July 1, 2019. It shall not change the Step placements of current employees implemented on July 1, 2019.

**CHAPTER 9
WORK WEEK**

9-1. The work week for full-time employment shall be 40 hours. This will be based upon five (5) 8-hour days exclusive of lunch periods or 40 hours as otherwise established by Department Managers with the approval of the Town Administrator.

9-2. Non-administrative employees who regularly work a 40 hour week must work in excess of 40 hours in any week before overtime rates are applicable. Paid leave does not count as hours worked.

9-3. All employees covered by Chapter 8 of the Bylaw with the exception of Department Managers and those who check in by time clock, shall record on a weekly basis the number of hours worked each day of that week. Supervisors and Department Managers shall be responsible for assuring the availability and accuracy of time records for each employee under their supervision.

**CHAPTER 10
OVERTIME COMPENSATION**

10-1. Administrative and Supervisory

10-1-1. Employees occupying positions classified in as “exempt” are not entitled to overtime compensation consistent with the Fair Labor Standards Act. However, such employees with the approval of the Town Administrator may use professional discretion in taking time off in consideration of excess hours worked during the normal work schedule.

10-1-2. It is the responsibility of the Department Manager to control and minimize overtime which shall be worked only when necessary in his/her judgment and shall be authorized by him/her in advance and shall be kept within the appropriated funds

10-2. All Other Permanent Employees

10-2-1. All other permanent part-time and permanent full-time employees who work in excess of 40 hours in one calendar week shall be paid at the rate of one and one half times their regular hourly rate for overtime hours. Paid leave does not count as hours worked.

10-2-2. In the interest of safety and employee health the department manager may provide

a 4 hour break on completion of 16 continuous hours of work. If the employee is recalled immediately after this break, the employee will be paid at the regular rate. If this break occurs during the employee's normal work day - no loss of straight time wages for this break will be incurred. However, the employee must return to work after the break or not be paid for the balance of a normal work day.

10-2-3. An employee in Part-Time, Temporary, Seasonal and Seasonal Recreation Employment is not entitled to the benefits as set forth in this section.

10-3. Compensatory Time

10-3-1. Upon approval of the Department Manager, an employee who is eligible for overtime may elect in writing, to accept compensatory time off in lieu of overtime pay, at a rate of one- and one-half hours for each hour worked in excess of forty (40) hours. This agreement shall be in writing between the employee and the town and will state a specific period for which the agreement will be in effect.

10-3-2. Compensatory time off must be scheduled in advance subject to the approval of the Town Administrator or designee and will normally be taken within 30 working days. It is understood, however, that seasonal pressures may not permit such scheduling, and accordingly, the working day time limit will be waived to allow time to be taken within six (6) calendar months with a maximum amount of time to be taken at any one time to be five consecutive days including holidays and weekends.

CHAPTER 11 PAID HOLIDAYS

11-1. The following days shall be recognized as legal holidays within the meaning of these Bylaws and employees shall be excused from all duty not required to maintain essential Town services.

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving, effective November 2013
Juneteenth Day	Christmas Day
Independent Day	

11-2. A full-time employee shall be entitled to these designated paid holidays on the following terms:

11-2.1. If paid on an hourly basis the employee shall receive one day's pay at the employee's regular rate based on the number of hours regularly worked on the day on which the designated holiday occurs.

11-2.1. If paid on an annual basis, the employee shall be granted each designated holiday without loss of pay.

11-3. A permanent part-time employee shall be granted such paid holidays. Compensation paid for such holidays shall equal the pay received by the permanent part-time employees for the average of hours worked per day during the year.

11-4. An employee entitled to paid holidays as set forth in Sections 11-2 and 11-3, who, in the normal course of the employee's duties, has that holiday as his/her day off, shall be entitled to equal time off with pay on such day or partial day as determined by the Department Manager.

11-5. An employee who is part-time, temporary, seasonal or seasonal recreation employment is not entitled to the benefits set forth in this section.

11-6. When a holiday listed above falls on a Saturday or Sunday, the holiday leave will be taken on the immediate preceding Friday or immediate following Monday.

CHAPTER 12 VACATION POLICY

12-1. A new employee is entitled to ten (10) working days paid vacation after one (1) year of continuous employment. Five (5) days may be taken after the first six (6) months - the remaining five (5) days may be taken after the completion of twelve (12) months.

12.1-1. Thereafter, upon completing one full year of employment after the employee's anniversary date, a full-time employee shall be granted ten (10) working days' vacation per year during the employees first five (5) years of employment.

12.1-2. In the year in which the employee commences the sixth (6th) year of employment, the employee shall be granted fifteen (15) working days' vacation per year.

12.1-3. After completing ten (10) years of continuous employment, an employee shall be granted twenty (20) working days paid vacation per year.

12-1-4. After completing fifteen (15) continuous years of service, the employee shall be granted twenty-five (25) working days paid vacation per year. Employees hired on or after July 1, 2012 shall be eligible for twenty-five (25) working days paid vacation after twenty (20) or more years of service.

12-2. In no event will vacation be granted for more than twenty consecutive working days except for an employee with ten (10) or more years of service.

12-3. A permanent part-time employee in continuous employment shall be granted such vacation time as above, provided however, such vacations shall be in the same ratio to those authorized under Section 12-1 above as the hours worked per year by the permanent part-time employee bear to the hours worked per year by a full-time employee.

12-4. Upon the death of an employee who is eligible for vacation under these rules, payment shall be made to the estate of the deceased in an amount equal to the vacation allowance as accrued up to the employee's death but which had not been taken.

12-5. Employees who are eligible for vacation under these rules and who are terminated, resign, retire, or enter into the armed forces, shall be paid an amount equal to the vacation allowance as earned, and not taken, up to such termination, resignation, retirement, or entrance into the armed forces.

12-6. An employee shall be granted an additional day of vacation if, while on vacation leave, a

designated holiday occurs which falls on or is legally observed on Monday, Tuesday, Wednesday, Thursday or Friday.

12-7. A part-time, temporary, seasonal and seasonal recreation employee shall not be entitled to benefits set forth in this section.

12-8. Yearly vacation allowances provided under the terms of this section may be carried over for one succeeding year, provided at least two (2) weeks' vacation is taken each year. Such vacation shall be granted by the appropriate administrative authority at such time as will cause the least interference with the performance of the regular work of the Town. The Town Administrator shall have the discretion to instruct the employees who exceed vacation carryover to take vacation. The Town Administrator's remedial option shall not include imposing the forfeiture of any accrued vacation.

12-9. Any deviation from this Bylaw occasioned by unusual circumstance must have written approval of the Department Manager, and the Town Administrator.

12-10. When an employee is in the process of separating from the Town's employment, the Town can choose to pay an employee's accrued vacation in a lump sum or pay it out in increments while the employee remains employed (but inactive), or any combination of those methods. To the extent that the payment extends the employee's employment, the employee shall not accrue or receive any other benefits except that the Town will continue to pay its share of the premium split for the Town health insurance plan subscribed by the employee.

CHAPTER 13 OTHER LEAVE

13-1 Sick Leave

13-1-1. Full-time permanent employees hired before July 1, 2018 are eligible for one and one quarter (1 1/4) days of sick leave, with pay, for each month of continuous employment during each fiscal year. Full-time permanent employees hired on or after July 1, 2018 are eligible for one (1) day of sick leave with pay for each month of continuous employment during each fiscal year. If such leave is not used in each fiscal year, the unused portion may be accumulated for sickness or disability contingency in subsequent years. Should an employee suffer illness or accident of sufficient severity to require more than that employee's accumulated sick days, such leave may be granted only in unusual circumstances and upon recommendation of the Department Manager, and the Town Administrator.

13-1-2. Leave days will not include Saturdays, Sundays, or Holidays except in those departments required to work as part of the normal work week. In event of illness or accident during a vacation period, the employee's vacation term will not be increased or changed in any way.

13-1-3. An employee is entitled to leave with pay for illness or accident only after such leave has been earned. In no event shall earned days for illness or accident be construed as additional vacation allowance. Effective July 1, 2019 an employee shall be allowed to use up to 5 (five) days of their paid sick leave each fiscal year to provide care for an ill spouse, child, including step-child, or parent whether or not the illness qualifies for FMLA leave. The employee shall notify the Town when the employee is using family illness leave. All of the enforcement provisions of this article regarding personal sick leave shall apply to family illness leave.

13-1-4. Certification of Illness.

- (a) For sick leave in excess of three (3) working days, or if the Department Manager or designated supervisory official suspects an abuse of sick leave, the department manager or supervisory official may require a certificate from the attending physician indicating the nature of such sickness, illness or non-related job accident and that such illness prevented the employee from working.
- (b) The Town Administrator or designee may, at any reasonable time, require that a medical examination by a physician of his/her own choosing, be made of any employee. The cost of such examination shall be borne by the Town.

13-1-5. After ten (10) years of full-time continuous employment, an employee who retires or whose services are terminated through no fault or delinquency of his/her own, shall be eligible for a credit of one third of unused accumulated sick leave up to 210 days, at the time of such termination of employment - said credit to be given as compensatory time at the time of such termination of employment. Time lost resulting from job-related injuries or illness will not be deducted from the employee's accumulated sick leave, except when an employee on workers compensation uses his/her sick leave to supplement workers compensation benefits that, when added to the disability compensation, will result in full wages or salary. Full-time permanent employees hired on or after July 1, 2018 shall not be eligible for any credit of unused sick leave at the time of their termination of employment. For employees eligible (hired prior to July 1, 2018) for the unused sick leave compensatory payment, the payment will be made in a lump sum upon separation from employment.

13-1-6. A permanent part-time employee in continuous employment shall be entitled to leave with pay as determined by the Town Administrator. Leave granted to such qualified employees shall be in the same ratio as the hours worked per year by the permanent part-time employee bear to hours worked per year by a full-time employee.

13-1-7. If an employee does not utilize sick leave during any consecutive twelve (12) month period and the employee has been a regular employee during this entire period, the employee shall be granted one personal day which may be taken in the following twelve (12) months, and in accordance with the guidelines under the section entitled "Personal Days". It shall be the responsibility of the employee who is entitled to an additional personal day to request and confirm the personal day with the Department Manager.

13-2 Bereavement Leave

13-2-1. Leave with pay may be granted by the Department Manager to an employee for the following:

- (a) Five days for the death of a spouse, child, parent, brother or sister.
- (b) Three days for the death of a grandparent, grandchild, parents-in-law, brother-in-law, sister-in-law, stepparent or stepchild.
- (c) One day granted to attend the funeral of an aunt, uncle, any other relative or a person living in immediate household.

13-3 Jury Duty and Military Leave

13-3-1. Employees who are required to report for jury duty shall receive their regular earnings less compensation paid by the Commonwealth of Massachusetts or Federal government for jury service. Employees who are excused from reporting for jury service for the day will inform their Department Manager/Town Administrator and when requested shall return to work during the leave period covered by this section. If the employee returns to work, no additional compensation shall be granted.

13-3.2. Employees who are required, not exceeding seventeen (17) days in a year, to miss work to attend military training shall receive their regular earnings less compensation received for military training. Employees who are required to miss work for military service shall receive their regular earnings less base pay for military service, as per Town Meeting adoption of Ch. 77 of the Acts of 2005.

13-4 Family and Medical Leave Policy

13-4-1. The provisions of the Family and Medical Leave Act of 1993, as amended, shall apply to all eligible employees covered by this bylaw. If there is a conflict between the Family and Medical Leave Act, and Massachusetts General Laws Chapter 149, Section 105-D, the statute providing the greater benefit shall prevail.

13-4-2. The administration of the provisions of the Family and Medical Leave Act will be in accordance with the Town of Orleans Family and Medical Leave Policy.

13-5 Personal Leave

Subject to the prior approval of the Department Manager employees may be granted up to a maximum of (3) three days per fiscal year for personal emergency or personal business which cannot be done other than during working hours. This time may not be used immediately before or after a holiday or vacation.

CHAPTER 14 GROUP HOSPITAL, MEDICAL, SURGICAL AND LIFE INSURANCE

14-1. The Town will pay that portion of the premium for the group hospital, medical, surgical and life insurance under the Barnstable County Group Plan for an eligible employee as is authorized under certain provisions of Chapter 32-B of the General Laws of the Commonwealth.

14-1-1. The monthly health insurance premium for the group indemnity plan shall be split 65% paid by the Town and 35% paid by the employee.

14-1-2. For employees hired prior to July 1, 2018, the monthly health insurance premiums for subscribers to the PPO and HMO plans shall be split 75% paid by the Town and 25% paid by the employee. For employees hired on or after July 1, 2018, the monthly health insurance premiums for subscribers to the PPO and HMO plans shall be split 65% paid by the Town and 35% paid by the employee.

14-1-3. Beginning July 1, 2017, the Town will offer high deductible PPO and HMO plans which include health savings accounts (HSA), and will contribute 50% of the annual deductible to

the employee's HSA at the beginning of the plan year. These plans will also be available to retirees who continue to have coverage under the Town's "active" health insurance plans.

14-1-4. Flexible Spending Account. The Town offers a flexible savings account (FSA) for any employee who chooses to set up an account to pay for health care costs. The Town pays the monthly base administrative fee (currently \$50 per month) and any participant fee (currently \$6 per month).

CHAPTER 15 RETIREMENT BENEFITS

15-1. Town employees are not contributors to nor beneficiaries of the Federal Insurance Contributors Act (FICA). However, employees are subject to the Medicare portion of FICA.

15-2. Full-time employees and those permanent part-time employees who meet specified conditions of employment automatically become members of the Barnstable County Contributory Retirement Plan and as such are eligible for retirement benefits under this plan.

15-2-1. Earned longevity bonus shall be paid on date of retirement in accordance with Section 6-10-6.

15-2-2. Earned vacation pay and accumulated sick pay will be paid based on the number of days worked in the fiscal year, computed on the day the employee vacates his/her position.

15-3. Part-time, seasonal or temporary employees are required to contribute at least 7.5% of wages to the Section 457 Massachusetts Deferred Compensation SMART Plan, an alternative to Social Security coverage permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA).

CHAPTER 16 GRIEVANCE PROCEDURE

16-1. A grievance is defined as an allegation that a section of this by-law has been misapplied to the detriment of an employee. Grievances shall be processed in the following manner:

16-1-1. An employee who feels that this bylaw has been misapplied shall discuss the matter with the department manager within ten (10) working days, exclusive of Saturdays, Sundays and holidays, of the occurrence of the grievance or of the employee's knowledge of the grievance. The department manager shall respond in writing to the employee within five (5) working days.

16-1-2. If the grievance is not resolved in subsection 1-11, the employee shall present, in writing to the Personnel Advisory Board, information pertaining to the specific section of this bylaw which has been misapplied, the date and time of the misapplication, and any other pertinent facts or circumstances. This written information shall be presented within twenty (20) working days of the occurrence of the grievance.

16-1-3. The Board shall meet with the employee within thirty (30) working days of the presentation of the grievance and shall issue a written response within ten (10) working days of the meeting with the employee.

16-1-4. If the grievance remains unsettled, the employee may present the grievance to the Town Administrator within ten (10) working days of receipt of the Personnel Advisory Board's recommendation. The Town Administrator shall provide a written decision within ten (10) working days of the presentation of the grievance.

16-1-5. The employee may appeal the decision of the Town Administrator to the Select Board within ten (10) working days of the date of the written decision. The Select Board shall respond within fourteen (14) working days of the receipt of the appeal. The decision of the Board shall be final.

16-1-6. Failure to respond within the listed time frames by the grievant shall be deemed an acceptance of the decision of the previous level. Failure to respond within the listed time frames by the Town Administrator or Select Board shall serve as a denial of the grievance.

CHAPTER 17 SICK LEAVE BANK

17-1. A sick leave bank for permanent full-time and part time employees covered by this by-law shall be established.

17-1-1. Each employee shall contribute up to two (2) days of annual sick leave entitlement to the bank. An employee who has not contributed to the sick leave bank will be required to contribute up to two (2) days sick leave entitlement before requiring additional days from employees who have already contributed to the bank.

17-1-2. The Town shall annually contribute up to one (1) day of leave per employee to the bank.

17-1-3. The sick leave bank shall not exceed two hundred (200) days.

17-2. The administration of this bank shall be vested in a sick leave bank committee comprised of three persons, two (2) of whom shall be elected for two year terms by the employees under this Bylaw and one (1) appointed by the Town Administrator.

17-2-1. An employee must request use of sick leave bank days by submitting a written request to the sick leave bank committee chairman.

17-2-2. An employee must use all sick days, vacation and any other leave prior to applying for sick leave bank days.

17-2-3. An employee may be allowed to use sick leave bank days equal to the number of personal sick leave days used.

17-2-4. The sick leave bank committee shall vote on each request for sick leave bank days and report the vote to the Town Administrator.

17-2-5. A denial of request for sick leave bank days for an employee shall not be subject to the Grievance Procedure in Chapter 16.

17-3. Deviation from these policies shall be allowed only with the approval of the Town Administrator and the sick leave bank committee.

CHAPTER 18 RECRUITMENT AND SELECTION OF EMPLOYEES

18-1 Policy. The Town of Orleans is an equal opportunity employer and does not discriminate against any applicant because of race, color, religion, sex, marital status, national origin, age, disability, sexual orientation or any other class protected by federal, state or local law. Selection and appointment to all positions will be based solely upon job-related requirements and the applicant's skills, knowledge, abilities and other characteristics necessary for successful job performance.

18-2. Recruitment Procedures.

18-2-1. Defining the Job. When a vacancy occurs, the Town Administrator, with the assistance of the Department Manager, will review the accuracy of functions, duties, responsibilities, and minimum qualifications of the position. Initial consideration for a position shall be given to "in-house" employees, and Department Managers may recommend employees to the Town Administrator.

18-3. Advertising the Vacancy. The Town Administrator will be responsible for advertising the vacancy in such manner as to assure that all interested and qualified individuals, including current employees, are informed of the position title, duties, responsibilities, and salary range; minimum and special qualifications for the job; the time, place and manner of making application; and any other information which may be useful to applicants.

18-4. Application for Employment. A fully completed Town of Orleans Employment Application form must be completed or on file for an applicant to be eligible for consideration (Appendix A).

18-5. Selection Procedures.

18-5-1. Evaluation of applicants. The Department Manager shall determine the criteria to be used to evaluate the merit, fitness, ability and qualifications of applicants to perform the duties of the position. Evaluation may include assessment of training, education and work experience; written, oral and performance tests; and reference checks.

18-5-2. Interview and Selection. The Department Manager, with the Town Administrator or designee, if appropriate, will interview qualified applicants and recommend a candidate for employment to the Town Administrator for approval.

18-5-3. Physical Examinations. Before appointment to a position, but as the last step in the hiring process, the Town may condition the employment offer on the result of a medical examination. All physical examinations will be performed by a physician approved by the Town Administrator. This examination will be conducted solely to determine whether the applicant is capable of performing the essential functions of the job if the Town makes reasonable accommodation.

18-5-4. Notification. Successful candidates will be contacted by the Department Manager after the selection process has been completed. Unsuccessful candidates will be informed in writing in a timely manner.

CHAPTER 19 PROBATIONARY PERIOD

19-1 Objective. The probationary period is an integral part of the selection procedure, allowing the supervisor, department manager and/or appointing authority to train, observe, and evaluate an employee's work in order to determine fitness for permanent status in the position.

19-2. Duration of Probationary Period. Each person promoted or appointed to a permanent position shall be required to complete successfully a probationary period which shall be of sufficient length to enable the department manager to observe the employee's ability to perform the various principal duties of the position. Throughout the probationary period the department manager will observe the employee's performance, and any strengths or weaknesses in the employee's performance will be discussed with the employee.

19-2-1. The probationary period shall begin immediately upon original appointment and continue for 6 months or, upon promotion, shall continue for three (3) months from the date of the appointment.

19-2-2. The probationary period may be extended an additional six months on the recommendation of the Department Manager and approved by the Town Administrator.

19-3. Probation Expiration. At least one month prior to completion of the employee's probationary period the department manager or designee will notify the Town Administrator in writing that:

19-3-1. The employee's performance is satisfactory and that the individual should be retained as a permanent employee in his position; or

19-3-2. The employee's probationary period may be extended an additional six months because of extenuating circumstances; or

19-3-3. The employee's performance or conduct is unsatisfactory, and that his/her removal is proposed as of a specific date prior to the end of the probationary period. The appointing authority or designee will furnish reasons for the recommended dismissal.

19-4. Removal of an Employee

19-4-1. An employee may be removed during the probationary period if the employee is unwilling or unable to perform required duties or if his/her habits or dependability do not merit continuance in the position. The employee will be notified in writing why he/she is being terminated and the effective date of the action.

19-4-2. An employee may also be removed at any time if it is determined that information submitted prior to appointment was falsified.

CHAPTER 20

PROMOTION, DEMOTION, TRANSFER AND SEPARATION

20-1. Promotion Policy. Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities, and make known their qualifications for promotion to more difficult and responsible positions.

20-1-1. Vacancy announcements shall be distributed and posted in all Town buildings. Current employees are encouraged to apply for any vacancy for which they meet the requirements of the position. No supervisor shall deny an employee permission to apply for a vacancy.

20-1-2. When a Town employee's qualifications are judged to be equal to or higher than outside applicants, the Town employee shall be given preference.

20-1-3. When a person is promoted to a higher position, whether temporary or permanent, a certificate attesting to that action must be signed by the Department Manager, the Town Administrator, and the Director of Municipal Finance/Town Accountant together with acceptance of the promotion by the employee.

20-2. Demotion. An employee may be demoted to a position of a lower grade for any of the following reasons:

20-2-1. When an employee would otherwise be laid off because his/her position is being abolished.

20-2-2. When he/she voluntarily requests a lower classification.

20-3. Transfer. A position may be filled by transferring an employee from another position of the same or similar grade having the same maximum pay rate, involving the performance of similar duties, and requiring essentially the same basic qualifications. Interdepartmental transfers must be approved by the appointing authorities so affected.

20-4. Separation.

20-4-1. Retirement is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive benefits.

20-4-2. Resignation is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the jurisdiction by submitting in writing the reasons therefore and the effective date to the Department Manager or designee at least 14 calendar days in advance. The Town Administrator may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the Town Administrator with pertinent information concerning the reason for resignation. The Town Administrator or designee shall make every effort to conduct an exit interview with each employee who resigns and will verify the employee's reasons for leaving. Copies of the employee's letter of resignation will be placed in the employee's personnel record.

20-4-3. Layoff. In the case of layoff or reduction of personnel for lack of work or by reason of fiscal cutback, the laying off or demotion of employees within each job title shall be determined first by type of appointment in the following order: temporary, probationary and then permanent. Within the type of appointment, the order of layoff shall be determined on a departmental basis by the Town. In no case shall such layoff or demotion be construed as a dismissal for unsatisfactory performance.

20-4-4. Vacation pay or any other accrued leave remuneration due upon separation shall be determined and approved prior to payment by the Town Administrator upon submission of written application by the Department Manager.

CHAPTER 21 PERFORMANCE APPRAISAL

12-1. The Town Administrator shall be responsible for the establishment of the employee performance appraisal system. Evaluation of employee performance is the continuing day to day responsibility of the supervisor. The appraisal process will be fundamentally positive, and if necessary, corrective.

12-2. Evaluation for Step Increase. Prior to a step increase, the Department Manager will review the employee's overall work performance to determine that the employee is performing at an acceptable level of competence.

12-2-1. If the employee's work performance is unacceptable, the employee shall be provided a three (3) month remediation period. If the employee improves his/her competence to an acceptable level, the employee shall receive his/her step increase retroactive to the beginning of the fiscal year.

12-2-2. If the employee fails to improve his/her competence to an acceptable level, the employee will not receive a step increase.

CHAPTER 22 TRAINING

22-1. Policy. It shall be the joint responsibility of the Department Manager or designee and Town Administrator to foster and promote employee training programs for the purpose of improving the quality of personal service and promoting advancement in the service.

22-2. Identifying Training Needs. Department Managers or their designees should keep themselves apprised of relevant training programs and should recommend appropriate training for themselves and their staff.

22-3. Education Reimbursement.

22-3-1. Any job-related educational course requested by the Town shall be paid for by the Town directly.

22-3-2. Financial assistance in the form of tuition reimbursement may be granted to employees for job related continuing education. To be eligible, employees must receive approval from both their Department Manager and Town Administrator prior to enrollment. Tuition reimbursement will be made based upon satisfactory completion of the course with a C grade or better for undergraduate courses and a B grade or better for graduate courses. Pass/fail courses will only be considered with a passing grade.

CHAPTER 23 SAFETY

23-1. The Town of Orleans is committed to providing a safe and healthy work environment, will strive to provide the physical facilities conducive to personal safety, and will maintain safety and wellness programs embodying proper attitudes towards injury and illness prevention.

23-2. Supervisors are encouraged to ensure that all operations are performed with the utmost regard for the safety of all personnel involved, including themselves, are encouraged to distribute the Employee Safety Handbook to their staff and to establish safety guidelines addressing any safety concerns unique to their work site. Employees are encouraged to accept safety and health guidelines to prevent injuries in the workplace.

23-3. Safety Committee. The Safety Committee consists of Department Managers and such functional employees as may be necessary to provide constructive input and to assure first-hand communication and action. The Safety Committee will:

- (a) meet at least quarterly to discuss accident and injury prevention, formulate safety policies for approval of top-level administration.
- (b) work with the Town's insurance provider to review all accidents and injuries and develop preventive measures.
- (c) provide an opportunity for free discussion of accident and injury problems for the purpose of devising solutions and preventive measures.
- (d) disseminate safety information to all departments and divisions along with their individual accident/injury records.
- (e) educate administration, management, supervision and functional workers in accident and injury prevention and keep them informed on safety matters.
- (f) report the findings, discussions and recommendations of the committee to top level administration for information and action.
- (g) assist in developing and implementing safety training and education programs.

CHAPTER 24 DISCIPLINARY ACTION

24-1. Discipline. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the departments in town government.

24-1-1. Departmental Responsibilities. The manager of each department is responsible for the proper and efficient operation of the department and for enforcing all policies and regulations. Supervisors are authorized to apply, with the approval of the appropriate departmental official, such disciplinary measures as may be necessary.

24-1-2. Reasons for Disciplinary Action. Disciplinary action may be imposed upon an

employee for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public. The following shall be sufficient cause for disciplinary action:

- (a) Failure to perform or neglect in the performance of the duties of the position to which the employee is assigned.
- (b) Disregard for or violations of Town department policies and regulations.
- (c) Willful misuse, misappropriation, negligence, destruction of Town property or conversion of Town property to personal use or gain.
- (d) Frequent tardiness or absence from duty without prior approval.
- (e) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination.
- (f) Use of intoxicating beverages to excess or abuse of narcotics, drugs, or other controlled substances so as to interfere with job performance or the efficiency of Town service
- (g) Use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.
- (h) Unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the Town service.
- (i) Disregard for or violations of Town bylaws or state laws.
- (j) Failure to observe safety practices including use of safety equipment such as eye protection or hearing conservation devices or any other safety equipment deemed necessary by the supervisor or appointing authority or designee.
- (k) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

24-2. Procedures for Disciplinary Action

24-2-1. Oral Reprimand. Whenever grounds for disciplinary action exist and the Department Manager or designee determines that more severe action is not immediately necessary, the Department Manager or designee should orally communicate to the employee the their observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the Department Manager or designee must notify the Town Administrator or designee to ensure that the employee's personnel file is documented to show date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his/her personnel folder and will have the opportunity to submit comments for the personnel folder.

24-2-2. Written Reprimand. A written reprimand shall be addressed to the employee and will include: the charge; the specific behavior and the dates of the behavior (where appropriate) that support of the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstances affecting the

severity of the discipline; and advice on right of appeal (see Chapter 16). A signed copy of the reprimand shall be sent to the Town Administrator and shall be included in the employee's personnel file, and the employee will have the opportunity to submit comments for the personnel folder.

24-2-3. Suspension. The Town Administrator may suspend an employee, without pay, for up to, but not exceeding, 30 calendar days. On or before the effective date of the suspension, the employee will be furnished with a written statement setting forth reasons for suspension, the effective dates of the suspension, and the date the employee should return to work. The statement will also include: the charge; the specific behavior and the dates of the behavior (where appropriate) that support the charge; the warning that continuance of this behavior will result in more severe disciplinary action; an offer of assistance in correcting the behavior; any circumstances affecting the severity of the discipline; and advice on right to appeal (see Chapter 16).

24-2-4. Dismissal. The Town Administrator may terminate an employee after due consultation with the departmental official recommending the dismissal. The employee must be given a written notice signed by the appointing authority specifying the effective date of the termination, the charge, the specific behavior and the dates (where appropriate) that support the charge, any circumstances affecting the severity of the discipline, and advice on right of appeal (see Chapter 16).

24-2-5. Disciplinary action is generally a progressive procedure; however, suspension or dismissal may be the initial step taken in a disciplinary action depending upon the severity of the grounds for disciplinary action.

24-3. Privacy and Information. In all instances, both the employee's right to privacy and the right of the public to have access to public information shall be preserved, by observance of the appropriate statutes and laws governing both.

CHAPTER 25 PERSONNEL RECORDS

25-1. The Town Administrator shall be responsible for the maintenance of personnel records. A personnel record for an employee shall include the following: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment, the job application of the employee; resumes or other forms of employment inquiry submitted to the employer; all employee performance evaluations; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices and any other documents relating to disciplinary action regarding the employee.

25-2. The town shall retain the complete personnel record of an employee, without deletion or expungement unless agreed to by the employee, from the date employment begins until three (3) years after the date the employee terminates his/her employment with the Town. If an employee brings a cause of action against the Town in any administrative or judicial proceeding the Town shall retain any personnel record required to be kept under Massachusetts General Law Chapter 149, Section 52C until final disposition of such claim.

25-3. An employee will be notified within ten (10) days of placing in the employee's personnel record any information that has been or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action. If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the

Town Administrator and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position which shall become a part of the employee's personnel file. This statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file.

25-4. Any employee may request to review and/or copy his/her personnel record. The request shall be in writing to the Town Administrator and the review shall take place during normal business hours. The Town Administrator will not be required to allow an employee to review the employee's personnel record on more than two (2) separate occasions in a calendar year; provided, however, that notification and review caused by the placing of negative information in the personnel record shall not be deemed to be one of the two annually permitted reviews.

CHAPTER 26 EFFECT OF PARTIAL INVALIDITY

26-1. The invalidity of any section of this bylaw shall not invalidate any other section or provision thereof.

PARKING CLERK
Fiscal Year 2024

ANNUAL STIPEND

\$2,500

**Reserve Officer
Fiscal Year 2024**

RESERVE OFFICER

**RATE OF PAY
\$32.13**

**CALL FIRE FIGHTERS
FISCAL YEAR 2024**

FIREFIGHTER	\$ 16.65	0.50	\$ 17.15
FIREFIGHTER/EMT	\$ 17.77	0.53	\$ 18.30
LIEUTENANT	\$ 20.06	0.60	\$ 20.66

**COMPENSATION PLAN A
FISCAL YEAR 2024**

3.00 % COLA

FY 2024

Work days **260.00**

work hrs **2,080.00**

%	GRADE		STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11	STEP 12
NO POSITION AT THIS TIME													
6	1	Hourly	18.2581	18.7145	19.1824	19.6619	20.1535	20.6573	21.1738	21.7031	22.2457	22.8018	23.3719
		Weekly	730.32	748.58	767.30	786.48	806.14	826.29	846.95	868.12	889.83	912.07	934.88
		Annually	37,976.78	38,926.20	39,899.36	40,896.84	41,919.26	42,967.24	44,041.42	45,142.46	46,271.02	47,427.80	48,613.50
NO POSITION AT THIS TIME													
8	2	Hourly	19.7187	20.2117	20.7170	21.2349	21.7658	22.3099	22.8677	23.4394	24.0253	24.6260	25.2416
		Weekly	788.75	808.47	828.68	849.40	870.63	892.40	914.71	937.58	961.01	985.04	1,009.66
		Annually	41,014.92	42,040.29	43,091.30	44,168.58	45,272.79	46,404.61	47,564.73	48,753.85	49,972.70	51,222.02	52,502.57
DEPARTMENT ASSISTANT 1 - GENERAL													
8	3	Hourly	21.2962	21.8286	22.3743	22.9337	23.5070	24.0947	24.6971	25.3145	25.9474	26.5960	27.2609
		Weekly	851.85	873.14	894.97	917.35	940.28	963.79	987.88	1,012.58	1,037.90	1,063.84	1,090.44
		Annually	44,296.11	45,403.51	46,538.60	47,702.07	48,894.62	50,116.99	51,369.91	52,654.16	53,970.51	55,319.77	56,702.76
PRINCIPAL BOARD/COMMISSION SECRETARY													
6	4	Hourly	22.5740	23.1383	23.7168	24.3097	24.9174	25.5404	26.1789	26.8334	27.5042	28.1918	28.8966
		Weekly	902.96	925.53	948.67	972.39	996.70	1,021.62	1,047.16	1,073.34	1,100.17	1,127.67	1,155.86
		Annually	46,953.88	48,127.73	49,330.92	50,564.19	51,828.29	53,124.00	54,452.10	55,813.40	57,208.74	58,638.96	60,104.93
NO POSITION AT THIS TIME													
6	5	Hourly	23.9284	24.5266	25.1398	25.7683	26.4125	27.0728	27.7496	28.4434	29.1545	29.8833	30.6304
		Weekly	957.14	981.06	1,005.59	1,030.73	1,056.50	1,082.91	1,109.98	1,137.74	1,166.18	1,195.33	1,225.22
		Annually	49,771.11	51,015.39	52,290.77	53,598.04	54,937.99	56,311.44	57,719.23	59,162.21	60,641.27	62,157.30	63,711.23
NO POSITION AT THIS TIME													
6	6	Hourly	25.3641	25.9982	26.6482	27.3144	27.9973	28.6972	29.4146	30.1500	30.9037	31.6763	32.4682
		Weekly	1,014.56	1,039.93	1,065.93	1,092.58	1,119.89	1,147.89	1,176.58	1,206.00	1,236.15	1,267.05	1,298.73
		Annually	52,757.38	54,076.31	55,428.22	56,813.93	58,234.28	59,690.14	61,182.39	62,711.95	64,279.75	65,886.74	67,533.91

ADMINISTRATIVE ASSISTANT

6	7	Hourly	26.8860	27.5581	28.2471	28.9533	29.6771	30.4190	31.1795	31.9590	32.7579	33.5769	34.4163
		Weekly	1,075.44	1,102.32	1,129.88	1,158.13	1,187.08	1,216.76	1,247.18	1,278.36	1,310.32	1,343.08	1,376.65
		Annually	55,922.82	57,320.89	58,753.91	60,222.76	61,728.33	63,271.54	64,853.33	66,474.66	68,136.53	69,839.94	71,585.94

BUILDINGS AND FACILITIES MAINTENANCE TECHNICIAN

6	8	Hourly	28.4991	29.2116	29.9419	30.6904	31.4577	32.2441	33.0503	33.8765	34.7234	35.5915	36.4813
		Weekly	1,139.96	1,168.46	1,197.68	1,227.62	1,258.31	1,289.76	1,322.01	1,355.06	1,388.94	1,423.66	1,459.25
		Annually	59,278.19	60,760.14	62,279.14	63,836.12	65,432.02	67,067.82	68,744.52	70,463.13	72,224.71	74,030.33	75,881.09

NO POSITION AT THIS TIME

6	9	Hourly	30.2091	30.9643	31.7384	32.5319	33.3452	34.1788	35.0333	35.9091	36.8068	37.7270	38.6702
		Weekly	1,208.36	1,238.57	1,269.54	1,301.28	1,333.81	1,367.15	1,401.33	1,436.36	1,472.27	1,509.08	1,546.81
		Annually	62,834.88	64,405.75	66,015.89	67,666.29	69,357.95	71,091.90	72,869.20	74,690.93	76,558.20	78,472.16	80,433.96

ASSISTANT BUILDINGS AND FACILITIES MANAGER

6	10	Hourly	32.0216	32.8222	33.6427	34.4838	35.3459	36.2295	37.1353	38.0636	39.0152	39.9906	40.9904
		Weekly	1,280.86	1,312.89	1,345.71	1,379.35	1,413.84	1,449.18	1,485.41	1,522.54	1,560.61	1,599.62	1,639.62
		Annually	66,604.97	68,270.09	69,976.84	71,726.26	73,519.42	75,357.41	77,241.35	79,172.38	81,151.69	83,180.48	85,259.99

NO POSITION AT THIS TIME

6	11	Hourly	33.9429	34.7915	35.6613	36.5528	37.4666	38.4033	39.3634	40.3475	41.3562	42.3901	43.4498
		Weekly	1,357.72	1,391.66	1,426.45	1,462.11	1,498.66	1,536.13	1,574.54	1,613.90	1,654.25	1,695.60	1,737.99
		Annually	70,601.27	72,366.30	74,175.46	76,029.85	77,930.60	79,878.87	81,875.84	83,922.74	86,020.81	88,171.33	90,375.61

LICENSING AGENT/PROCUREMENT DIRECTOR

8	12	Hourly	36.6584	37.5748	38.5142	39.4770	40.4640	41.4756	42.5125	43.5753	44.6646	45.7813	46.9258
		Weekly	1,466.34	1,502.99	1,540.57	1,579.08	1,618.56	1,659.02	1,700.50	1,743.01	1,786.58	1,831.25	1,877.03
		Annually	76,249.37	78,155.60	80,109.49	82,112.23	84,165.04	86,269.17	88,425.90	90,636.55	92,902.46	95,225.02	97,605.65

BUILDINGS AND FACILITIES MANAGER/TOWN ACCOUNTANT

8	13	Hourly	39.5910	40.5808	41.5953	42.6352	43.7011	44.7936	45.9134	47.0613	48.2378	49.4438	50.6799
		Weekly	1,583.64	1,623.23	1,663.81	1,705.41	1,748.04	1,791.74	1,836.54	1,882.45	1,929.51	1,977.75	2,027.20
		Annually	82,349.32	84,408.05	86,518.25	88,681.21	90,898.24	93,170.70	95,499.97	97,887.47	100,334.66	102,843.03	105,414.11

NO POSITION AT THIS TIME

6	14	Hourly	41.9665	43.0156	44.0910	45.1933	46.3231	47.4812	48.6682	49.8850	51.1321	52.4104	53.7206
		Weekly	1,678.66	1,720.62	1,763.64	1,807.73	1,852.92	1,899.25	1,946.73	1,995.40	2,045.28	2,096.42	2,148.82
		Annually	87,290.28	89,472.54	91,709.35	94,002.08	96,352.13	98,760.93	101,229.95	103,760.70	106,354.72	109,013.59	111,738.93

NO POSITION AT THIS TIME

6	15	Hourly	44.4845	45.5966	46.7365	47.9049	49.1025	50.3301	51.5884	52.8781	54.2000	55.5550	56.9439
		Weekly	1,779.38	1,823.86	1,869.46	1,916.20	1,964.10	2,013.20	2,063.54	2,115.12	2,168.00	2,222.20	2,277.76
		Annually	92,527.70	94,840.89	97,211.91	99,642.21	102,133.27	104,686.60	107,303.77	109,986.36	112,736.02	115,554.42	118,443.28

NO POSITION AT THIS TIME

6	16	Hourly	47.1535	48.3324	49.5407	50.7792	52.0487	53.3499	54.6836	56.0507	57.4520	58.8883	60.3605
		Weekly	1,886.14	1,933.30	1,981.63	2,031.17	2,081.95	2,134.00	2,187.34	2,242.03	2,298.08	2,355.53	2,414.42
		Annually	98,079.36	100,531.34	103,044.62	105,620.74	108,261.26	110,967.79	113,741.98	116,585.53	119,500.17	122,487.67	125,549.86

ASSISTANT TOWN ADMINISTRATOR

6	17	Hourly	49.9828	51.2323	52.5131	53.8260	55.1716	56.5509	57.9647	59.4138	60.8991	62.4216	63.9821
		Weekly	1,999.31	2,049.29	2,100.52	2,153.04	2,206.86	2,262.04	2,318.59	2,376.55	2,435.96	2,496.86	2,559.28
		Annually	103,964.12	106,563.22	109,227.30	111,957.98	114,756.93	117,625.85	120,566.50	123,580.66	126,670.18	129,836.93	133,082.85

NO POSITION AT THIS TIME

6	18	Hourly	52.9817	54.3063	55.6639	57.0555	58.4819	59.9440	61.4426	62.9786	64.5531	66.1669	67.8211
		Weekly	2,119.27	2,172.25	2,226.56	2,282.22	2,339.28	2,397.76	2,457.70	2,519.14	2,582.12	2,646.68	2,712.84
		Annually	110,201.97	112,957.02	115,780.95	118,675.47	121,642.36	124,683.42	127,800.51	130,995.52	134,270.41	137,627.17	141,067.85

DIRECTOR OF PUBLIC WORKS AND NATURAL RESOURCES

6	19	Hourly	56.1606	57.5646	59.0038	60.4788	61.9908	63.5406	65.1291	66.7573	68.4263	70.1369	71.8903
		Weekly	2,246.42	2,302.58	2,360.15	2,419.15	2,479.63	2,541.62	2,605.16	2,670.29	2,737.05	2,805.48	2,875.61
		Annually	116,814.09	119,734.44	122,727.80	125,796.00	128,940.90	132,164.42	135,468.53	138,855.24	142,326.62	145,884.79	149,531.91

**NON PERMANENT PART TIME NON BENEFIT EMPLOYEES
COMPENSATION PLAN B
FISCAL YEAR 2024**

3% COLA

<u>TITLE</u>	<u>GRADE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
ELECTION WORKER	B1	14.61	15.19	15.80	16.43	17.09	17.77
NONE	B2	14.90	15.50	16.12	16.76	17.43	18.13
LIBRARY PAGE	B3	15.20	15.81	16.44	17.10	17.78	18.49
GATE OFFICER	B4	15.99	16.63	17.30	17.99	18.71	19.46
PROGRAM ASSISTANT	B5	17.53	18.23	18.96	19.72	20.51	21.33
ASST REGISTRAR LIBRARY ASSISTANT WARDEN/DEPUTY WARDEN	B6	18.93	19.69	20.48	21.30	22.15	23.04
DATA PROCESS ASST. SENIOR CLERK	B7	19.90	20.70	21.53	22.39	23.29	24.22
BOARD SECRETARY REGISTRAR PRINCIPAL CLERK SENIOR ACCT CLERK PROGRAM CO-DIRECTOR CUSTODIAN VAN DRIVER	B8	21.14	21.99	22.87	23.78	24.73	25.72
PRINCIPAL ACCT CLERK STAFF LIBRARIAN MAINTENANCE WORKER ADMIN ASST.	B9	22.48	23.38	24.32	25.29	26.30	27.35
SR. MAINTENANCE WORKE PROGRAM COORDINATOR OUTREACH WORKER	B10	24.50	25.48	26.50	27.56	28.66	29.81
VIDEO TECHNICIAN	B11	28.39	29.53	30.71	31.94	33.22	34.55
AFFORDABLE HOUSING COORDINATOR	B12	31.90	33.18	34.51	35.89	37.33	38.82
IT SPECIALIST	B13	37.37	38.86	40.41	42.03	43.71	45.46
PROJECT MANAGER/CLERI OF THE WORKS	B14	47.97	53.30				

FY24 SEASONAL PLAN

*designates restricted seasonal employment as certified by the state

3% cola

GRADE	POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
D1	PARKING ATTENDANT* PUBLIC INFORMATION GUIDE* PLAYGROUND INSTRUCTOR*	\$14.61	\$15.49	\$16.42	\$17.41	\$18.45	\$19.56
D2	GATE OFFICER* SEASONAL LABORER* SPORTS DIRECTOR*	\$15.66	\$16.44	\$17.26	\$18.12	\$19.03	\$19.98
D3	LIFEGUARD* BEACH RANGER* SOBEBIRD MONITOR* ENDANGERED SPECIES MONITOR* CSO(POLICE)* PARKING ENFORCEMENT OFFICER SWIMMING INSTRUCTOR* PLAYGROUND DIRECTOR* RETAIL STORE CLERK*	\$17.49	\$18.28	\$19.10	\$19.96	\$20.86	\$21.80
D4	ASST HEAD LIFEGUARD* ASST BEACH DIRECTOR* SKILLED LABORER (WATER)* SKILLED LABORER (PARKS)* CUSTODIAN TENNIS INSTRUCTOR*	\$19.38	\$20.16	\$20.97	\$21.81	\$22.68	\$23.59
D5	SEASONAL STICKER CLERK	\$19.90	\$20.70	\$21.53	\$22.39	\$23.29	\$24.22
D6	HEAD LIFEGUARD* PATROL BOAT OPERATOR* BEACH EMT* ASST SWIMMING DIRECTOR*	\$21.18	\$21.92	\$22.69	\$23.48	\$24.30	\$25.15
D7	BEACH SAFETY SUPERVISOR* SWIMMING DIRECTOR*	\$23.04	\$23.73	\$24.44	\$25.17	\$25.93	\$26.71
D8	NO POSITION	\$24.90	\$25.65	\$26.42	\$27.21	\$28.03	\$28.87