



Employee Manual

For the Town of Monterey

Employee Mission Statement

As employees of the Town of Monterey we continuously strive to provide exceptional municipal services. We take pride in the work we do and are committed to:

- Fostering a positive, friendly and professional atmosphere.
- Promoting respect and appreciation for all employees.
 - Serving the public with integrity and efficiency.
- Anticipating future needs, setting goals and implementing strategies to meet them. Through cooperation and team work, we can succeed in meeting these commitments.

Adopted July 8, 2013

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SECTION 1: GENERAL INFORMATION

Introduction

The Town of Monterey is a public agency dedicated to excellence in public service. It must be remembered that all members of the community are our customers and all town employees are here to serve them. To provide the highest quality of service to our citizenry we must value our employees and strive to maintain and ensure the best possible relationship with all of them. They are a valuable resource.

To that end this manual outlines the town’s policies and procedures governing employment to make certain there is a fair and consistent application of them to all of our employees. These policies are to be considered as guidelines and do not constitute an agreement or contract with respect to one’s employment.

Should any provision in this manual be found unenforceable and invalid, such finding does not invalidate the entire manual, but only the subject provision.

Purpose, Scope, and Authority

The purpose of these regulations is to establish in writing the Town's policies and procedures governing employment with the Town to insure their consistent application to all employees and facilitate uniform and consistent administration of said policies and procedures.

This Manual aims to ensure compliance with all relevant federal and state statutes and regulations, Town By-Laws, rules, policies and procedures, as well as contractual commitments to Town employees. *In the event of a conflict between these Personnel Policies & Procedures and the specific terms of any collective bargaining contract duly entered into by the Town, the specific terms of that contract will govern and will apply only to those employees covered by that contract.* These policies are promulgated in accordance with the authority granted by Massachusetts General Laws and Chapter 55 of the Acts and Resolves of 1956.

The Select Board is the Appointing Authority for all positions in the Town of Monterey that do not answer to an elected board or individual. Elected officials and bodies are the appointing authorities for their respective areas of responsibility. Those persons, boards, and committees endowed with the responsibility of management must ensure the proper administration of these Personnel Policies & Procedures for their department. Each manager is responsible for notifying the Town Administrator or Human Resources Director in writing when any provisions of these Personnel Policies & Procedures no longer serve the best interest of the Town, its departments or its employees.

Any employee who fails to adhere to the Personnel Policies and Procedures contained in this Manual may be subject to disciplinary action.

Amendments to Personnel Policies

Amendments to the Town of Monterey Personnel Policies and Procedure may be proposed by the Town Administrator and/or Human Resource Director to the Board of Selectmen and shall be announced at a regularly scheduled meeting of the Board. Notice of any proposed amendment to a personnel policy shall be posted on the Board's next regularly scheduled meeting agenda, at which time it shall be ratified or rejected by a majority of the full Board. If ratified, the personnel policy amendment shall become effective on the date specified in the ratification vote.

Equal Opportunity Statement

The Town is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practice laws. The Town strictly prohibits and does not tolerate discrimination against employees, applicants, or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex, gender, gender identity, pregnancy and pregnancy-related conditions, sexual orientation, age (40 and over), disability, citizenship status, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All Town employees and representatives are prohibited from engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

Commented [H1]: We are still liable for elected officials and committees and should be having them sign of on these policies or there should be a policy manual created for committees and elected officials.

Diversity, Equity, and Inclusion Statement

The Town of Monterey is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion.

Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

The Town of Monterey's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.

All employees of the Town of Monterey have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from a supervisor or Town Administrator.

Types of Employees

Full-time Employee an employee who is regularly scheduled to work thirty-five (35) or more hours per week for fifty-two (52) weeks per year after successful completion of the probationary period.

Part-time Employee an employee who is not elected and is regularly scheduled to work less than twenty (20) hours per week. Part time employees are not eligible for benefits such as health insurance, paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week. Firefighters are not regularly scheduled to work each week, with the exception of the weekly training program, and are not eligible for the above noted benefits. Part time police officers are designated as Intermittent

Reserve Officers. Part time employees that have been appointed by the authorized appointing authority to work a consistent, scheduled 20 hours or more per week for 52 weeks are eligible for health insurance benefits under MGL Chapter 32B.

Probationary Employee Newly hired personnel may be subject to a probationary period of between two (2) months and one (1) year as determined by MGL, their Supervisor and/or Appointing Authority. During this period, they shall have no rights to contest termination of their employment.

Elected Official Elected Officials whose positions as determined by the Select Board, require a minimum of 20 hours of work per week with posted office hours within the Town Hall for said 20 hours are entitled to the town's health insurance benefit as required by MGL. Elected officials who have not been determined by the Select Board to require 20 hours of work a week determine their own work schedules to meet the needs of their respective offices. Some receive compensation for their work by vote of the town at Annual Town Meeting.

Contractor A worker classified as an independent contractor must satisfy all the criteria outlined in MGL Chapter 151A §2.

Temporary Employee Employees are considered temporary when they are hired for a specific term of employment not to exceed eight (8) consecutive months. They will be paid at the entry-level rate of the position to which they are appointed. Temporary employees are not eligible for Town benefits (group health and life insurance, paid vacation time, paid holidays, paid sick days and paid personal days). Upon written request from the appropriate supervisor, the Select Board may adjust the rate of compensation for any temporary position.

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, hazards or inconvenience to the general public.

Retiree A retiree is a former employee of Monterey who has met the "Member-Inactive" requirements of the Berkshire County Retirement System and is receiving a retirement allowance. Mandatory retirement at age 65 is a requirement for police and firefighters and is addressed in Chapter 415 of the Acts of 1987.

Exempt & Non-Exempt Employees the Fair Labor Standards Act (FLSA) exempts from overtime pay requirements employees whose positions meet specific criteria established by the FLSA. A listing of the more common exemptions can be found on the FLSA website. Employees whose positions do not meet FLSA criteria for exempt employees are paid one and a half times their regular rate of pay for hours worked in excess of 40 hours per week.

Definitions

EMPLOYEE – An individual who performs services for and under the control and direction of the Town for wages or other remuneration; not to include independent contractors, elected officials or volunteers.

COMPENSATION – The salary or wages and other forms of remuneration earned by any an employee by reason of service in the position. Compensation shall not include allowances or expenses authorized and incurred as incidental to employment.

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

DEPARTMENT HEAD – The employee who provides the highest level of supervision in a department, unless the department is otherwise structured.

DISCHARGE OR DISMISSAL – Involuntary termination of employment for reasons other than layoff.

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

EFFECTIVE DATE – The stated date a change in employment status, position or pay is to be implemented.

ELECTED OFFICIALS – Officials of the Town of Monterey who hold their positions as a result of having been elected by popular vote in a Town of Monterey election.

ELIGIBLE – An individual who has met the minimum requirements established for a position.

EMERGENCY APPOINTMENT – An appointment made temporarily during an emergency, for a period of up to two weeks, to prevent stoppage of public business, hazard or serious inconvenience to the public when a regular appointment is not possible.

EMPLOYEE AT WILL – An employee who may voluntarily terminate their employment with the Town at any time, and whose employment may be similarly terminated by the appointing Board or Hiring Authority who appointed them, for any reason.

EMPLOYMENT DATE – The date an employee commences performance of duties and is placed on the Town’s payroll.

GENERAL LAWS – the General Laws of the Commonwealth of Massachusetts, abbreviated as M.G.L.

HIRING AUTHORITY – Those Boards, Committees or other Town bodies specifically empowered to employ individuals on behalf of the Town of Monterey.

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 the employee.

LEAVE – An authorized absence from regularly scheduled work hours, which has been approved by the required authorities.

MERIT INCREASE – An increase in pay recommended by the appointive Board or Hiring Authority, Department Head, as budgeted by the Town Administrator, and approved by the Board of Selectmen, Finance Committee and Town Meeting.

OVERTIME – The amount of time a full-time, non-exempt employee is directed and authorized to work in excess of forty (40) hours worked in a workweek, unless otherwise agreed upon. Overtime does not apply to exempt employees.

PERSONNEL ACTION – 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, re-allocation, resignation, suspension, discharge, placement on leave, or any other similar action.

PERSONNEL POLICIES & PROCEDURES – A series of policies and procedures, including rules and regulations, which establishes the rights and benefits to which personnel employed by the Town are entitled and the obligations of said employees of the Town.

TOWN ADMINISTRATOR – The person designated by the Board of Selectmen to administer the policies and procedures in the Personal Policies & Procedures Manual.

PERSONNEL RECORDS – Records maintained by the Town of its employees pursuant to the provisions of M.G.L. Chapter 149, Section 52C.

PROBATIONARY PERIOD: A predetermined period of time following an employee’s employment.

RECRUITMENT – The process and related practices taken to ensure reasonable efforts are made to attract qualified personnel to job openings.

REPORTING STRUCTURE – The Town Administrator shall report to the Board of Selectmen. All Department Heads shall report to the Town Administrator. All other employees shall report to their Department Head, except where the Town Administrator has been given this responsibility, or a specific Hiring Authority authorizes a different reporting structure, or as otherwise specified by statute or provision of a collective bargaining or other negotiated contract.

SUSPENSION – An involuntary absence with or without pay imposed on an employee for disciplinary action or pending final outcome of an appeal or procedure specified in a negotiated labor contract.

YEARS OF CONTINUOUS SERVICE – An employee shall be said to be in continuous service for a period if he or she is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave.

WORKDAY – The number of hours an employee is hired to regularly work each day. The workday is the basis for determining an employee’s eligibility for benefits and leave.

Compensation

Schedule

An employee's work schedule shall be established by the Department Head, subject to the approval of the Board of Selectmen where applicable. The actual hours of work for an employee includes all the time an employee is required to be on-duty on the employer's premises, or at a prescribed work place, and all times during which the employee is working. The basic work week shall be five (5) consecutive days per week, Monday through Friday. Each Department head shall schedule normal working hours for their department. In addition, Supervisors may establish irregular work schedules due to seasonal or other workload requirements.

An employee must record their actual hours worked by using the Time & Attendance payroll time keeping systems platform, any overtime and any absences from the workplace during the workweek. An employee's time card is submitted for each pay period and is the basis of the employee's compensation. No employee is permitted to alter a time card once it is submitted without the permission of the Town Administrator.

An employee's actual hours of work shall not include:

- Vacation, holiday, sick, injury, bereavement, jury duty, personal or other authorized leave; or
- Overtime pay for hours worked in excess of forty (40) hours worked in a workweek.

Attendance: You are expected to be at your work station and ready to work at the beginning of your assigned daily work hours, and you are expected to remain on the job until the end of your assigned work hours, except for approved breaks and lunch. You must comply with the method of timekeeping the Town Administrator requires so that your attendance record is accurate and shows the correct number of hours you have worked and for which you will be compensated.

Absenteeism and Tardiness: If you are going to be late or absent from work for any reason, you are required to notify your [Department Head](#) prior to the start of work. Tardiness or habitual absenteeism will place you in a position of possible disciplinary action. If you are absent from work for three (3) consecutive workdays and fail to notify your, you will automatically be removed from the payroll as having voluntarily resigned without notice. After 3 consecutive days out a doctor's note is also required if the reason for being out is because of an illness.

Lunch/Breaks: The employee is to take a 30-minute unpaid lunch break if their shift exceeds 6 hours unless otherwise agreed upon. If the employee is working a less than 6 hours shift, they are to take a 10-minute break.

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Pay Date and Direct Deposit

The town uses a workweek of Sunday through Saturday and pays on a biweekly schedule. All Town employees will receive their paycheck stubs through the United States Postal Service. As a condition of employment all payments of payroll related items to any employee hired after May 5, 2021 are required to be made by the Treasurer by direct deposit to a bank account(s) of the employee's choosing. If a holiday falls on Thursday, direct deposit will be on Wednesday. MGL Chapter 149 §148 states that all employees must be paid for time worked, including overtime within six (6) days of the end of the pay period. Terminated employees will receive their final paycheck on the next regularly scheduled payday

following their termination. Payroll must be submitted to the Treasurer no later than 10am on Monday, by 10am Tuesday if Monday is a holiday.

Compensation Types

- **Regular Compensation** – The compensation paid to an employee for the hours they actually worked, which may include authorized paid leave, during a pay period. Such compensation is the set salary amount for exempt employees or the hourly rate of pay for non-exempt employees. Actual hours worked are recorded by the employee on her/his time card, along with any paid or unpaid authorized leave and sick time. Regular compensation shall be determined by the Town Administrator and approved by the Board of Selectmen. Where employees are subject to a ratified collective bargaining agreement, such agreement shall specify and control their regular compensation.
- **Overtime** – A Town employee may be called upon and required to work overtime if, in the opinion of the Department Head, with the approval of the Town Administrator, it is necessary to meet the demands of the job being performed. Payment at a rate of time-and-one-half of an employee’s rate of pay shall be paid to all non-exempt employees for authorized work performed in excess of forty (40) hours worked in a workweek, unless otherwise agreed upon. All overtime shall require the prior approval of an employee’s Department Head or, in an emergency, the Town Administrator. Any type of leave, such as sick leave or vacation leave, shall not be considered hours worked for purposes of determining overtime hours or eligibility.
- **Compensatory Time off** – In lieu of overtime payment, an eligible employee may elect to receive compensatory time off at the rate of 1.5 hours for each hour of overtime worked in a pay period. Compensatory time off in lieu of overtime pay shall only be permitted following mutual agreement of the employee and the Department Head. All compensatory time off shall be documented by the Department Head in a memorandum to the Town Administrator and shall be noted on the employee’s time card on the date the compensatory time is taken. Compensatory time off must be taken within sixty (60) days of the date from which it was earned, unless otherwise not feasible, and scheduled so as to not disrupt the Town’s operations.
- **Holidays and Holiday Pay** – All Town offices, ~~with the exception of the Transfer Station, Highway Department and Police Department,~~ will be closed on the following holidays:

- New Years Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous Peoples Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

The Transfer Station is closed for all holidays and will be open the next day.

All Benefited Exempt Employees will receive regular compensation for each of the above-listed holidays.

All Full-Time, Non-Exempt Employees and Benefited Part-Time, Non-Exempt Employees who work a scheduled Monday through Friday workweek will receive compensation for these holidays.

All Full-Time, Non-Exempt Employees and Benefited Part-Time, Non-Exempt Employees who work a scheduled workweek which does not include Mondays, will not receive compensation for those holidays which occur or are recognized on Mondays (i.e. Martin Luther King Day, Patriots Day), but will receive compensation for those holidays, which, due to their normal rotation, are designated by the Town to fall on a Monday, such as Christmas, and New Years Day.

Employees covered by a ratified collective bargaining agreement are subject to the holiday and holiday pay provisions contained therein. Non-Benefited Employees and Seasonal Employees are not entitled to holiday benefits or holiday pay when their department is closed.

An employee who is paid on an hourly basis and required to work on a holiday shall receive compensation equal to one and one half (1½) times their regular rate of pay for all hours worked, with the prior approval of the Department Head or the Town Administrator in their absence.

Unemployment Compensation: The Town is an employer that participates in the Massachusetts Unemployment Compensation system. Under certain conditions if you become unemployed, you may be eligible for unemployment compensation, for a limited period of time. If you have questions, contact the local office of the State Department of Employment and Training.

New Positions/Vacancies

Employees shall be recruited and hired according to the following procedures:

When a vacancy arises, the Department Head will review the functions, duties, responsibilities and minimum qualifications of the position as described in the existing job description. Any changes to the existing job description must be recommended to the Town Administrator who will review the proposed changes and ensure that they are justified. If found appropriate the Town Administrator will update the job description for presentation to the Select Board in writing who will approve or disapprove the proposed changes.

When a new position is created the Department Head and the Town Administrator will develop a job description for the position. The Select board may consider a recommendation from the Town Administrator for an acting employee or Department Head as it deems necessary for the effective operation of a department, while a permanent appointee is being selected.

After notifying the Select board, the Town Administrator **shall post a notice of vacancy for all vacant positions in all appropriate media outlets, except those positions to be filled by promotion or transfer of a current employee.** The posting shall include the position title, summary statement of duties, minimum qualifications relating to education, skills and experience, directions for submitting applications, deadline for receipt of applications and a statement of compliance with Equal Employment

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Opportunity (EEO) guidelines. The deadline for receipt of applications shall be no sooner than ten (10) calendar days after posting.

Safety in the Workplace

It is the goal of the Town to provide and maintain safe working conditions and follow safe operating practices that will safeguard all employees and result in safe working conditions and efficient operations.

In compliance with the Massachusetts Right to Know Act, M.G.L. Chapter 111F, the Town shall inform every employee of all potentially hazardous or dangerous materials the employee may be exposed to as a result of their employment with the Town. The Town shall also inform all employees of their rights and responsibilities under the Commonwealth's Worker's Compensation laws.

Employees are required to follow all safety procedures on the job and inform their Department Head or Town Administrator of any procedure, equipment or operation which they consider to be unsafe.

Safety Equipment and Clothing

All employees who are furnished with safety equipment and/or clothing by the Town are required to wear such safety equipment and/or clothing at all times when doing the work for which the equipment and/or clothing was furnished. Safety gloves, aprons, hard-hats, face shields, vests, ear protection, etc. provided by the Town are furnished for the protection of the employee and must be worn when appropriate. Employees who fail to follow safety precautions or refuse to wear protective clothing shall be subject to disciplinary action.

Town-furnished safety equipment and/or clothing that is damaged or worn-out in use will be replaced by the Town. Employees will be responsible for turning in worn-out or damaged equipment and clothing upon issuance of new equipment and clothing.

If an employee should fail or refuse to return worn out or damaged equipment or clothing, or where there is evidence of abuse on the part of the employee, the employee will be required to replace the equipment or clothing at her/his own cost.

Workers' Compensation

Any paid employee who is injured on the job and, as a result, receives Worker's Compensation benefits shall, upon request, be granted sick leave with pay, provided they have sick leave credit available.

1. Report the incident immediately or as soon as reasonably possible to Department Head or Town Administrator.
2. Seek medical attention, through Medical facility, Urgent Care or the Emergency Room. Other resources may be used, as appropriate. Tell facility that it was an at work injury.
3. If an employee must be off work due to the incident, they are expected to comply with all treatment regimens and cooperate and keep the Town Administrator up to date with any changes, in a good-faith effort to return to work.
4. The Town may require an employee to submit to examinations by physicians selected by the Town.

Weather and Emergency Events: If a snow or other weather related event occurs before or during commute hours, administrative employees should take a reasonable amount of time necessary to arrive at work safely. Administrative employees who prefer to use accumulated leave time, in lieu of reporting to work, should be allowed to do so. In general, if the Town's schools are closed or delayed as a result of weather, employees may use up to one extra hour in the morning beyond their normal start time to ensure a safe arrival at work, without loss of pay.

In an extreme weather or a hazardous situation, the Town Administrator may order the closing, late opening or early closing of non-essential buildings. Employees will be notified of such closure as soon as such a decision has been made, which, during the work day or when Town facilities are closed, will be made no later than 8:00 am of the day of the emergency closure.

Notification of an emergency closure will be directly communicated by the Town Administrator to all Department Heads, who will in turn immediately notify their employees. In the event the Town Administrator is unable to speak directly with a Department Head, the Town Administrator will directly notify that Department Head's employees. In the event of the Town Administrator's unavailability, the Board of Selectmen will follow these procedures.

Smoking and use of tobacco products: In accordance with Massachusetts General Laws, Chapter 270, Section 22, employees are prohibited from smoking or lighting cigars, cigarettes, pipes or other tobacco products intended for inhalation in any manner or form including the use of electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosol in Town buildings and vehicles. Pursuant to Massachusetts law, Police Officers are prohibited from smoking tobacco products.

Any employee who wishes to engage in a smoking cessation program is encouraged to contact the Town Administrator office or their health care provider.

Performance Evaluations

The Town will conduct regular performance evaluations of all employees. The purposes of such evaluations are to provide:

- An annual report of progress and improvement
- Identification of any deficiencies or weaknesses
- Positive recognition of strengths and special abilities and an opportunity to improve deficiencies and enhance strengths
- An opportunity to discuss ways and means for improvement, as well as identify training needs
- A performance record which may become part of documentation used in making personnel actions
- An opportunity to discuss job description(s) and employee concerns

Employees on probationary employment status shall be evaluated at the midpoint of probationary period, usually after six (6) months of employment, and then approximately two weeks prior to the end of their probationary period, at which time the employee shall be advised of their future employment status with the Town.

All employees shall be evaluated at least once a year in January. Department Heads, after consultation with the Town Administrator, may choose to evaluate employees on a more frequent basis. The employee and the Department Head shall each separately complete an *Employee Performance Evaluation Form* approved by the Town Administrator, which will be considered pre-evaluation forms. Each employee will also be given a copy of her/his job description and a self-evaluation form prior to completion of the pre-evaluation form.

Upon completion of the pre-evaluation *Employee Performance Evaluation Forms*, the employee and Department Head shall arrange for a conference. During the conference, the employee and Department Head will discuss each section of the pre-evaluation. Following this discussion, the Department Head shall complete a new *Employee Performance Evaluation Form*. The discussion should focus on the employee's job performance with a focus on those duties set forth in the relevant job description. If there is a disagreement on an employee's job performance, the Department Head's comments shall take priority in completing the *Employee Performance Evaluation Form*. The employee shall then have an opportunity to provide written comments in response to the Department Head's assessment. Both the Department Head and the employee shall then sign the completed *Employee Performance Evaluation Form*.

If suggested job description modifications result from the evaluation, they shall be documented and forwarded to the Town Administrator for review. The completed *Employee Performance Evaluation Form* shall be forwarded to the Town Administrator for review. Thereafter, the signed *Employee Performance Evaluation Form* will be placed in the employee's personnel file.

Employee Development & Training

The Town of Monterey promotes employee training programs for the purpose of improving the quality of services provided to its residents, visitors and officials; aiding employees to excel in their positions; and encouraging continuing personnel development. Employees are encouraged to discuss possible training programs with their Department Heads.

Employee development and training may include continuing education, cross-training courses and courses specific to an employee's duties. Job-related development and training approved by the Department Head and the Town Administrator shall be paid for by the Town of Sheffield. An employee seeking such development and training shall submit a written request to their Department Head prior to beginning any course work for which the employee may seek reimbursement.

The Town of Monterey may reimburse employees and volunteer committee members for approved 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.

- a. **Approvals** - Prior to incurring any cost, approval must be received from the employee's Supervisor and the Select Board. Volunteer committee members must get approval from the Select Board prior to submitting a reimbursement request. 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 Supervisor and the Select Board prior to submission to the Accountant's Office for payment. The Plumbing, Gas and Electrical Inspectors are exempt from receiving mileage reimbursement as they are paid a per inspection flat fee.

Commented [M5]: We have a separate policy regarding this, remind me to give it to you

Commented [H6R5]: You are giving me the wording

- b. **Mileage Reimbursement** - Will be at the current rate as set by the federal Government Services Administration (GSA) typically each January.

Employee Termination

The Town expressly reserves the right to dismiss an employee from their employment following due process of first providing written notice and conducting a hearing that is to be held in a select board executive session with the party in questions present. Dismissal may result from the following actions: serious insubordination, theft, serious illegal or destructive acts while on the job, and any other reason deemed appropriate by the Town Administrator or Hiring Authority. If circumstances warrant, the employee may be placed on paid administrative leave pending the outcome of an investigation and the hearing.

Separation from Town Service

Separation from employment with the Town of Monterey may result from service retirement, disability retirement, resignation, termination or layoff.

- a) **Service Retirement:** Voluntary separation after having satisfied the age and length of employment requirements of the applicable County or State Retirement System. Employees will follow applicable procedures for applying for retirement benefits.
- b) **Disability Retirement:** Voluntary separation necessitated by an injury or illness, which renders the employee incapable of performing her/his usual job. Prior to separation, an employee shall draft a memorandum to the Department Head and Town Administrator advising of the disability ruling, date of termination, supporting documentation, and a ruling by the appropriate board verifying the disability and approving the retirement.
- c) **Employee-Initiated Resignation:** Voluntary separation for any reason other than service or disability retirement. An employee wanting to leave Town employment in good standing shall provide a written resignation to her/his Department Head and Town Administrator at least fourteen (14) calendar days prior to the effective date of resignation. The resignation letter will include the proposed effective date of resignation. The employee shall remain available to work for the two-week period following submission of a separation notice. The Town Administrator may grant exceptions to this time requirement.
- d) **Employer-Initiated Resignation:** Separation from employment suggested by the Department Head and Town Administrator to permit the employee to resign in lieu of termination.
- e) **Layoff** of an employee may be initiated by the Town because of lack of work, lack of funds, or other changes that have taken place. Every effort will be made to transfer an employee to another department in lieu of layoff when a position is open for which the employee qualifies. The Town shall provide an employee with as much advance notification as practical prior to layoff, except in case of emergency.

SECTION 2: EMPLOYEE BENEFITS

Insurance

All employees who are regularly scheduled to work twenty (20) or more hours per week are eligible to participate in the Town's group insurance plans. Participation is optional on the part of the employee.

Medical Insurance - The Town offers health insurance plans to all Full-Time and Benefited Part-Time Employees. Details and coverage options are available at the office of the Town Administrator.

Dental Insurance - The Town offers dental insurance to Full-Time and Benefited Part-Time Employees. Employees who elect dental insurance coverage shall be responsible for paying one-hundred percent of the policy premiums. Additional details and coverage options are available at the office of the Town Administrator.

Life Insurance – The Town offers an optional \$10,000 life insurance policy plans to all Full-Time and Benefited Part-Time Employees with the Town paying 75% of the premium. Details are available at the office of the Town Administrator.

Deferred Compensation Plan - All employees are eligible to participate in a supplemental deferred compensation plan. All Part-Time employees are required to contribute to a deferred compensation plan as an alternative to Social Security.

Aflac: Aflac, an optional accident, cancer and disability policy is offered and deducted pre-tax from the employee's check with the employee paying 100% of the premium. All paid employees are eligible for the cancer and accident policies but only those employees that work 19 or more hours each week are eligible for the disability insurance. For more information on this program please contact the Town Treasurer.

Consolidated Omnibus Budget Reconciliation Act (COBRA): The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires employer sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued, at the employee's or dependent's expense, at group rates for up to thirty-six (36) months following a qualifying loss of coverage.

Retirement Plan

All full time employees are required to enroll in our plan with The Berkshire County Retirement group. An employee is vested after 10 years of service for the town. The Town of Monterey offers eligible retired employees the following post-employment benefits:

- **Health Insurance**
- **Medicare Part B Coverage**

Berkshire County Retirement Plan - This program is a defined benefit program administered under the provisions of M.G.L. Chapter 32. The Berkshire County Retirement Board determines employee eligibility and participation. Additional details and coverage options are available at the office of the Berkshire County Retirement.

OBRA (Omnibus Budget Reconciliation Act of 1990)/Deferred Compensation Plan: All employees may participate in a supplemental deferred compensation plan offered by through the State. All Part-Time employees are required to contribute to this deferred compensation plan as an alternative to Social Security.

Vacation Leave

TBD

Commented [TA7]: Why was our current vacation policy left out?

Sick Leave/Personal Time

All full-time employees hired on July 1, 1987, or after will accumulate 1 ¼ sick days per month within each fiscal year, three (3) of which may be used as personal days (fifteen (15) per year). Sick days not taken as sick leave within a fiscal year may be accumulated from year to year up to a maximum of ninety (90) days. Personal days not taken within each fiscal year will accumulate as sick days.

Personal Leave

Personal leave must be used in the fiscal year in which it is credited.

Request for Leave procedures, as outlined above, shall apply to all requests for personal leave.

Scheduling of personal leave shall be subject to the operating needs of the department, as determined by the Department Head, with the following conditions:

- Personal leave is to be used for personal reasons other than illness, bereavement, vacation or other available leave, and cannot be used to extend vacation periods, except in an emergency.
- Personal leave shall not be used the day before or the day after a legal holiday, unless so authorized by the Department Head.
- The employee must request personal leave from his/her Department Head with a much notice as possible prior to the anticipated leave.

Bereavement Leave

Bereavement leave is available to all benefited employees.

Request for Leave procedures, as outlined above, shall apply to all requests for bereavement leave.

Benefited employees shall be permitted up to four (4) consecutive working days of paid leave to attend the funeral of any immediate family member. Immediate family is defined as spouse, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, grandchild, stepparent, stepchild, or significant other.

Benefited employees may, at the discretion of the Department Head and the Town Administrator, be permitted to one (1) day of bereavement leave to attend the funeral of a person not part of an employee's immediate family.

The granting of bereavement leave for any, or no, amount of time shall be made at the sole discretion of the Town Administrator and is not subject to the grievance procedure outlined below.

Military Leave

Request for Leave procedures, as outlined above, shall apply to all requests for Military Leave. Military leave shall be granted in accordance with state and federal law.

Maternity/Parental Leave

A full-time employee who has completed six (6) months of employment shall be entitled to maternity/paternity leave for a period not exceeding eight (8) weeks for the purpose of giving birth or adopting a child, and shall be restored to the employee's previous, or a similar, position with the same status and pay wherever applicable. An employee must provide the Department Head at least two weeks' notice prior to the anticipated date of departure and intention to return. Such leave shall be without pay, except to the extent the employee elects to use any accrued sick, vacation or personal leave. The Town shall not require an employee to use accrued leave during such leave.

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

Such maternity/paternity leave shall not affect the employee's right to receive vacation time, sick leave, plans or programs for which the employee was eligible at the date of the employee's leave and any other advantages or rights of employment incidental to the employee's position; provided, however, that such maternity/paternity leave shall not be included, when applicable, in the computation of such benefits, and provided further that the Town need not provide for the cost of any benefits, plans or

Commented [H8]: Consider including extended family and defining what that means and this is not a necessary benefit but it is good for culture

Commented [TA9R8]: We do not currently have a bereavement policy so if the Board wants to add it would be a new benefit

programs during the period of such leave unless the Town so provides for all employees on an unpaid leaves of absence.

In addition to the leave described above, the Family and Medical Leave Act (“FMLA”) provides eligible employees with unpaid leave for the birth and care of an employee’s newborn or adopted child.

Administrative Leave

Administrative leave is an absence with pay for the purpose of attending a school, seminar, or other type of educational event, which aims to improve an employee’s capability and Town operations. Administrative leave must be approved by the Department Head and the Town Administrator. *Request for Leave* procedures, as set forth above, shall apply to all requests for Administrative Leave.

Jury Duty

The Town shall compensate an employee called for jury duty at their regular rate for the first three (3) days of service, in accordance with M.G.L. Chapter 234A, Section 47. For every day thereafter, the Town shall pay an employer on jury duty an amount equal to the difference between their regular rate and the amount received for their service. An employee must provide their Department Head with a Notice of Service upon receipt, 2 weeks in advance. A notice from the court confirming completion of jury service must be submitted to Town Administrator once received. *Request for Leave* procedures, as set forth above, shall apply to all Jury Duty leaves.

An employee required to serve jury duty on a holiday will receive their normal holiday pay described above.

Family and Medical Leave Act(FMLA)

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months can take leave in accordance with the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612, for specified family and medical reasons.

The employee must notify, in writing, the Department Head thirty (30) days in advance of requested family or medical leave, or as soon as possible under the circumstances if the leave cannot be anticipated. The notice should include the dates and expected duration of the leave.

In administering leave under the FMLA, the Town shall use its regular fiscal year (July 1 – June 30) for purposes of calculating and monitoring a 12-month period. The Town requires the concurrent use of accrued paid leave with FMLA leave. The employee is responsible for their insurance deductions while on leave and is required to use sick and/or vacation time while out on leave.

An employee who takes FMLA is entitled to return to his or her position or an equivalent position which has the same pay, benefits, and other employment terms as the position the employee held at the time the leave started.

If the employee participates in the Town's health insurance plan, the Town will continue to pay its portion of the premium during the employee's FMLA leave. The employee is responsible for his or her share of the premium. If the employee does not return to work after the leave, for a reason other than a serious health condition of the employee or an immediate family member, the Town may require the employee to reimburse the Town in the amount the Town contributed to the health insurance premium during the leave period.

Request for Leave procedures, in addition to any other form(s) required by law, shall apply to all FMLA requests.

The Family and Medical Leave Act (FMLA) provides eligible employees of covered employers, such as the Town of Sheffield, to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible employees are entitled to twelve (12) workweeks of leave in a 12-month period for:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

In administering leave under the FMLA, the Town shall use its regular fiscal year (July 1 – June 30) for purposes of calculating and monitoring a 12-month period. The Town requires the concurrent use of accrued paid leave with FMLA leave.

For additional information, please see the U.S. Department of Labor's website at <http://www.dol.gov/whd/fmla/> or the Town's Personnel Administrator, the Town Administrator.

Additional Benefits

Employee Assistance Program?

Commented [H10]: Does our insurance provide an EAP, it's a nice benefit to offer

Commented [M11R10]: Yes MIA offers an EAP program

Professional Dues: The Town shall pay an employee's dues for membership in any organization which enhances the employee's ability to serve the Town. Such payment will be subject to appropriation and the advance approval of the Town Administrator and an employee's Department Head.

Commented [H12]: Needs approval

Training: Certain trainings are compensated for please reference to the Employee Development and Training section.

Commented [M13R12]: We have an existing stand alone policy for this

Commented [M14]: We have an existing stand alone policy for this

Mileage Reimbursement: All employees required to use a personal vehicle in the course of Town business shall be reimbursed for such use at the applicable IRS rate in effect. Tolls and reasonable parking fees are also subject to reimbursement. To be eligible for reimbursement, an employee must submit a request on the *Town of Monterey Expense Reimbursement Form* (please ask your town administrator or Town Administrator's office for reimbursement form), which shall be reviewed by the Department Head within thirty (30) days of its submission.

No benefit, or any part of a benefit, may be accumulated or carried over from one Fiscal Year to another or be subject to payment in lieu of the benefit, unless expressly provided in this Manual.

SECTION 3: EMPLOYEE POLICIES

Performance Improvement Policy

It is the Town's objective to work with all employees who are experiencing difficulty with their conduct or job performance in an effort to resolve problems before they become unmanageable and to retain the individuals as productive employees.

In instances where job performance or conduct, including, but not limited to, excessive tardiness, absenteeism, or insubordination, calls for corrective action, the following steps will be taken:

- The Department Head, Human Resources Director and/or the Town Administrator will properly define the complaints against an employee
- All parties involved in the complaint will be asked for their account
- Depending the severity of the complaint the Select Board will be notified
- Provide the employee with an opportunity to improve depending on the severity of the complaint and employee's current performance and disciplinary record

The Town is committed to following the steps set forth below. However, these disciplinary steps may be altered depending on the seriousness and frequency of the issue. Nothing contained in these policies and procedures shall preclude the Town from dismissing an employee if warranted by the circumstances.

Step 1: Oral Discussion

The Town Administrator, Human resources Director or Department Head depending or a combination that will be noted as the designated supervisor, shall meet with the employee whose performance or conduct is unsatisfactory and outline the problem(s). The employee will be encouraged to contribute in identifying the cause(s) of the problem(s). The objective of the discussion will be to help the employee bring their performance or conduct to a satisfactory level. During this meeting emphasis will be placed on informality, open-mindedness, and the unemotional exchange of factual information. The Department Head will make an informal record of all points discussed. At the end of the meeting, or shortly thereafter, the designated supervisor shall discuss a plan of action with the employee, as well as the time frame within which such improvements must take place.

Step 2: Written Warning

If the oral discussion in Step 1 does not correct the problem(s) in the timeframe set by the parties, a more formal meeting will be held between the designated supervisor and the employee. Prior to this meeting, the designated supervisor will prepare a Written Warning address all outstanding problem(s). This document will reiterate what was discussed during the first meeting.

The designated supervisor and the employee will review the Written Warning, listing areas of inadequate performance or poor conduct, point by point. Before the Step 2 meeting is concluded, the designated supervisor shall outline the disciplinary action that will be taken against the employee, and the employee will be given the Written Warning, which shall identify the problem(s), expected performance or behavioral change(s), length of time to correct the problem(s), and the likely consequences of failure to remedy the problem(s).

At the conclusion of the Step 2 meeting, the employee will be asked to sign the Written Warning to confirm the parties' discussion. If the employee refuses to sign the Written Warning, the designated supervisor will make note of the refusal. Copies of the Written Warning will be provided to the employee, Town Administrator, Department Head, and the employee's personnel file.

Step 3: Suspension

If the Written Warning at Step 2 fails to correct an employee's misconduct or poor performance, they may be suspended, with or without pay, for a period of days or indefinitely. The purpose of a suspension is to serve as a final warning to an employee that continued misconduct or poor performance may result in discharge, and may be imposed only when prior warnings or reprimands have not succeeded in resolving the problem. For cases of serious misconduct, suspension may be the first disciplinary action taken. Employees on suspension for reasons other than job performance, such as conduct or insubordination, may be subject to employment termination if improvements are not observed within a reasonable time a two-week period.

In cases where the Board of Selectmen determines that an employee should be suspended for a period of more than five (5) days, the employee shall be granted a hearing before the Board of Selectmen prior to the imposition of the suspension. All suspensions shall be reduced to writing and include a description of the events leading to the discipline, and shall be forwarded to the Board of Selectmen for inclusion in the employee's official personnel file.

Step 4: Termination

An employee on suspension due to poor job performance and who fails to demonstrate required improvement during the suspension period shall have their employment with the Town terminated. Such employee shall be provided written notice of, and the Board of Selectmen shall conduct an executive session, on the proposed termination.

Termination based on poor performance shall occur after the procedures delineated in a Performance Improvement Plan have been followed.

Code of Conduct Policy

The Town of Monterey strives to create and maintain a positive work environment while recognizing that public employment is a public trust. This means the affairs of government must be conducted openly, honestly and impartially, and employees must be courteous and show respectful behavior towards all residents, customers and co-workers.

When employee conduct causes the ethical conduct of Town business to falter or even have the appearance of seeming to falter, public confidence may be destroyed and the problems, rather than the achievements, of Town government may become the focus.

In order to ensure the trust of the public, employees of the Town of Monterey will conduct themselves according to the ethical standards of conduct detailed below.

These standards outline general principles on which employees are expected to base their behavior and are not meant to be exhaustive. In general, employees can anticipate that actions harmful to the Town, another employee, resident or customer will lead to disciplinary action up to and including termination.

Employee Standards of Conduct

All employees are expected to:

- Be on time and work their workday.
- Conduct personal business, including, but not limited to, personal phone calls and personal conversations, outside of their work location and workday.
- Not perform work from any outside employment while on the job, including but not limited to work for other municipalities.

- Respect the individual rights and privacy of others while providing a consistent quality of service to all.
- Not disclose personal or confidential information about employees, residents, customers or other individuals unless authorized by the Department Head or Town Administrator.
- Perform all duties assigned by your Department Head or designee.
- Work as a team, be supportive of each other and work to ensure the best interests of the Town govern your actions at all times.
- Keep accurate track of your time through our time keeping system time with the help of your Department Head, as well as any other required forms.
- Notify your Department Head (or Town Administrator in their absence) via phone call or email if you are going to be late coming into work or will be out of the office.
- Adhere to standards of conduct required by State Ethics and Conflict of Interest laws.
- Use Town tools, equipment, supplies and property in a safe and prescribed way and only as authorized for official activities. Excessive personal use of Town telephone, computers or other facilities is prohibited, and where observed will be discussed by the Town Administrator with the employee
- Not deface or damage any property belonging to the Town, its customers, residents, vendors or other employees
- Accept personal responsibility for all your actions

Department Head Standards of Conduct

Department Heads set the tone for their departments and are responsible for the overall conduct and performance of their employees.

As such, in addition to the above Employee Standards of Conduct, Department Heads shall:

- Manage the work of their department to serve the best interests of the Town and cooperate with other departments.
- Manage employees fairly and equitably; clearly communicate expectations of job performance; recognize and reward acceptable work; discuss any actions needed to improve performance; and when needed, implement performance improvement procedures in a timely manner.
- Manage your department's finances in accordance with Town budget.
- Provide a safe, professional, supportive work environment.

- Serve the public, employees and residents with respect.
- Avoid placing yourself in a position that could interfere with or create the impression of interfering with the objective evaluation and direction of your employees.

Violations of Standards

Subject to the above, the following are considered violations for which disciplinary action, up to and including termination, may result:

- Harassment, including but not limited to sexual harassment.
- Reporting to work under the influence of alcohol or illegal drugs, or possessing or using alcohol or illegal drugs during your workday
- Fighting or any behavior that endangers or threatens the safety or property of others.
- Any security violation, including theft, involving a willful intent to defraud the Town, its residents or a co-worker
- Insubordination, including, but not limited to, leaving a work location contrary to direct instructions or refusal to do assigned tasks
- Engagement in any business other than your assigned duties during working hours
- Falsification and or deliberate misrepresentation of records, including, but not limited to, time cards and an employment application.

Massachusetts Ethics & Conflict of Interest Law Policy

In addition to the professional integrity you bring to work each day as a Town employee, all employees are required to adhere to the Massachusetts Ethics Law (M.G.L. Chapter 268A <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees>).

As required by law, all employees must review and acknowledge receipt of all state-provided materials; complete the state-required ethics training course. The State provided on-line test must be taken within 90 days of an employee's date of hire and repeated every two calendar years during their employment. Please see the Town Administrator for more information.

The State and the Town of Monterey take these issues seriously. Violators of the Ethics Law face potential prosecution. If you have any questions, please contact the Town Administrator.

As a public agency, it is very important that Town employees take extraordinary care to be sure that they do not take official actions that are, or may give the appearance of being, improperly influenced by personal gain or benefit. Personal or business transactions with outside individuals or organizations with whom you conduct business on behalf of the Town create the potential for such conflict. Accepting gifts or gratuities from persons who do business with the Town is always inappropriate. Accepting gifts in excess of \$50 in value has been determined by the State Ethics Commission to violate the State Ethics

Law. If you are concerned about whether a particular course of action may generate such a conflict, or even the appearance of one, consult with your Supervisor or the Law Department at the State Ethics Department.

Employee Personnel Records Policy

Personnel file shall be kept in a locked cabinet in the Town Administrator office, electronic scans of all personnel files shall be kept securely in our Payroll system. Such files shall include applications, evaluations, reports, and records pertinent to an employee's employment.

No employee shall knowingly or willingly release confidential personnel information, nor shall employees refuse to provide public information.

An employee, upon written request and in the presence of the Town Administrator or designee, may review, add rebuttal to a particular document, or be provided with a copy of all or part of their personnel file.

Employee personnel records shall be maintained based on the Municipal Retention Schedule.

Anti- Discrimination and Harassment Policy

Introduction

The Town of Monterey strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the Town should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. The Town of Monterey will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy, Town of Monterey will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but is not limited to: verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to human resources (HR) or the Select Board, are in violation of this policy and subject to discipline.

Definitions

The Town of Monterey, in compliance with all applicable federal, state and local antidiscrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination- It is a violation of Town of Monterey's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use

discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, ancestry, age 40 years or older, religion, disability status, mental illness, sex, sexual orientation, gender identity or expression, genetic information, active military or veterans status, or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment- Town of Monterey prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Town of Monterey.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, national origin, ancestry, age 40 years or older, religion, disability status, mental illness, sex, sexual orientation, gender identity or expression, genetic information, active military or veterans status, or marital status, or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of person's race, color, national origin, ancestry, age 40 years or older, religion, disability status, mental illness, sex, sexual orientation, gender identity or expression, genetic information, active military or veterans status, or marital status, or other protected status.

Sexual harassment- Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and G.L. c. 151B, and is prohibited under Town of Monterey's anti-harassment policy. In Massachusetts, sexual harassment is defined as "sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment." G.L. c. 151B, § 1.

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

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Inquiries into one's sexual experiences or discussion of one's sexual activities.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.
- Dissemination of sexually explicit voice mail, email, downloaded material or websites.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. If it is not practicable to maintain confidentiality of the identity of the complainant during the investigation, the HR director will take adequate steps to ensure

that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint Procedure

The Town of Monterey has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation. The Town will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted to the HR director as soon as possible after an incident has occurred, preferably in writing. If the complaint is submitted to a supervisor or a supervisor is made aware that violation of this policy may be occurring, then the supervisor should notify the HR director of the alleged violation. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will put into writing the verbal complaint.
2. Upon receiving a complaint or being advised by a supervisor that violation of this policy may be occurring, the HR director will review the complaint with Town Counsel as necessary.
3. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If the HR director deems that the investigation should be conducted by another person, the HR director should notify the Select Board, and the Select Board should choose an alternate person to conduct the investigation.
5. If necessary, reasonable accommodations will be made during the course of the investigation. This may include, but is not limited to, scheduling changes, moving work spaces, or administrative leave.
6. During the investigation, the HR director or alternate person conducting the investigation, together with Town Counsel as necessary, will interview the complainant, the respondent, and any relevant witnesses to determine whether the alleged conduct occurred. The HR director or alternate person will review any available and relevant documents or other materials related to the alleged conduct in coming to conclusions.
7. Upon conclusion of the investigation, the HR director or alternate person conducting the investigation shall make findings as to whether there is a reasonable basis for believing that the alleged violation of this policy occurred, and identify any recommended corrective actions. Corrective actions may be discipline of an employee, including but not limited to: verbal or written reprimand, suspension, or termination of employment.
The recommended appropriate action will depend on the following factors:
 - a) the severity, frequency and pervasiveness of the conduct;
 - b) prior complaints made by the complainant;
 - c) prior complaints made against the respondent; and
 - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).
8. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR director or alternate person conducting the investigation may recommend appropriate preventive action.

9. If the recommended corrective actions can be implemented by the Department head or other supervisor, the HR Director or alternate person conducting the investigation shall notify the Select Board of the same.
10. In cases of severe, repetitive, or otherwise concerning violations of this policy, the HR director or alternate person conducting the investigation may recommend that corrective action is warranted by the Select Board, and shall submit a written report including findings and recommended corrective actions to the Select Board. All relevant and available documents or other materials, including notes or recordings of interviews, that were considered by the HR director or alternate person in the investigation shall also be submitted to the Select Board simultaneously.
11. The Select Board shall review the written investigative report and all relevant and available documents. The Select Board shall review the corrective actions recommended by the HR director or alternate person, and shall enact corrective actions which the Select Board finds appropriate.
12. The respondent has the right to be at any Select Board meeting at which his or her alleged violations of policy and any corresponding discipline is deliberated by the Select Board. The Select Board will offer such disciplinary hearings as executive session meetings, but the respondent has the right to have the matter deliberated on in open meeting of the Select Board.
13. After the investigation is completed and any corrective action is decided upon, the HR director will meet with the complainant and notify the complainant of the findings of the investigation and any corrective action that has been taken.

Corrective Action

If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such corrective action as is appropriate under the circumstances. This may range from counseling to termination from employment or may include such other forms of training and/or disciplinary action as deemed appropriate under the circumstances.

Alternative legal remedies

In addition to the above, if you believe you have been subjected to discrimination or harassment of any type, including sexual harassment and retaliation, you may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

United States Equal Employment Opportunity Commission ("EEOC")

JFK Federal Building 15 New Sudbury Street, Room 475

Boston, MA 02203

(800) 669-4000

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Room 601

Boston, MA 02108

(617) 994-6000

Springfield Office:

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

Reasonable Accommodation for Qualified Individual with Disability Policy

Consistent with the requirements of the Americans with Disabilities Act (ADA), as amended, the Massachusetts Fair Employment Law, and all applicable federal, state or local law, the Town will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the Town's operations.

Any individual seeking a reasonable accommodation may submit a request to the HR Director. The Town may require the individual to participate in an interactive discussion in connection with any such request. Furthermore, individuals requesting a reasonable accommodation may not receive the specific accommodation requested if the Town determines that an alternate accommodation would be effective in allowing the individual to perform the essential functions of the job.

Domestic Violence Leave Policy

It is the policy of the Town of Monterey to permit qualifying employees up to 15 days of unpaid leave in any 12-month period to address issues directly related to abusive behavior against the employee or a family member of the employee. Prior to receiving leave under this policy, employees must first exhaust all accrued, unused vacation, sick, and personal leave. Upon an employee's return from leave, the employee shall be restored to the employee's original job or an equivalent position.

For the purposes of this policy, family member shall include: (i) a parent, stepparent, child, stepchild, sibling, grandparent, or grandchild; (ii) a married spouse; (iii) persons in a substantive dating or engagement relationship and/or who reside together; (iv) persons having a child in common regardless of whether they have ever married or resided together; or (v) persons in a guardianship relationship.

Leave benefits under this policy are not available to employees who are the perpetrators of abusive behavior.

Notice Requirements

Except in cases of imminent danger to health or safety, employees seeking leave under this policy must provide advance notice of leave consistent with the Town's sick leave policy.

In cases of imminent danger to the health or safety of an employee or the employee's family member, advance notice of leave is not required. However, the employee must notify the Town within three workdays that leave is being taken under this policy.

Notification to the Town may be communicated by the employee, a family member of the employee, or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee in addressing the effects of the abusive

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behavior on the employee or the employee's family member, and may be done by telephone, in person, in writing, or by any other reasonable means of communication.

Notification shall be made to the Town Administrator or their designee.

Purposes of Leave

An employee may take up to 15 days of unpaid leave in any 12-month period if the employee or the employee's family member is a victim of abusive behavior for the following reasons:

- to seek or obtain medical attention, counseling, victim services or legal assistance;
- to secure housing;
- to obtain a protective order from a court;
- to appear in court or before a grand jury;
- to meet with a district attorney or other law enforcement official; or
- to attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or the employee's family member.

Required Documentation

Employees requesting leave under this policy must provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave is taken under M.G.L. c 149, §52E, the *Massachusetts Domestic Violence Leave Act*. An employee can satisfy the documentation requirement by providing any one of the following:

- a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or the employee's family member;
- a document under the letterhead of the court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
- a police report or statement of a victim witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
- documentation that the perpetrator of the abusive behavior against the employee or the employee's family member has: (i) admitted to sufficient facts to support a finding of guilt of the abusive behavior; or (ii) been convicted of, or adjudicated a juvenile delinquent by reason of, an offense related to the abusive behavior;
- medical documentation of treatment of the employee or the employee's family member for the abusive behavior;
- a sworn statement, signed under the penalties of perjury, of a counselor, social worker, healthcare worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior; or
- a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of the abusive behavior or is the family member of a victim of abusive behavior.

Confidentiality of Information

The Town shall keep confidential all information related to an employee's leave under this policy. Information shall not be disclosed by the Town except to the extent that disclosure is: (i) requested or consented to, in writing, by the employee; (ii) ordered to be released by a court; (iii) otherwise required by state or federal law; (iv) required in the course of an investigation authorized by law enforcement; or (v) necessary to protect the safety of anyone employed at the workplace.

Any documentation provided by an employee in support of leave under this policy shall be maintained by the Town only for as long as required for the Town to make a determination whether the employee is eligible for leave.

Drug and Alcohol Policy

Being intoxicated or under the influence of alcohol or any controlled substance while at work or on Town property is not tolerated. It is dangerous and grounds for disciplinary action, up to and including discharge. The use, possession or sale of alcohol or a controlled substance, in any quantity, while at work or on Town property is similarly grounds for disciplinary action, up to and including discharge. The Town reserves the right to test an employee for drugs and/or alcohol use. Federal law requires that anyone with a Commercial Driver's License (CDL) regularly receive random drug tests.

Commented [H16]: EAP or referral program for people who are struggling

Whistle Blower Policy

Employees of the Town of Monterey are advised of their rights in accordance with M.G.L. Chapter 149, Section 185 and "The Massachusetts Whistler Blower Statute".

The Town of Monterey as employer shall not take retaliatory action against an employee because the employee does any of the following:

1. Discloses or threatens to disclose an activity, policy or practice which the employee reasonably believes is a violation of the law, or which the employee believes poses a risk to public health, safety or the environment;
2. Provides information or testifies before a public body conducting an investigation into any violation of the law or risk to public health, safety or environment;
3. Objects to or refuses to participate in activity which the employee reasonably believes is a violation of a law or which the employee reasonable believes poses a risk to public health, safety or the environment.

The employee must, by written notice, bring the activity, policy or practice in question to the attention of the person designated by the Town to receive such notice unless the person designated by the Town to receive such notice unless:

- (A) The employee is reasonably certain the activity, policy, or practice is known to one or more Department Heads and the situation is emergency in nature, or

(B) The employee fears physical harm as a result.

Employees aggrieved by a violation of this law may institute civil action in the Superior Court in accordance with M.G.L. Chapter 149, Section 185(d).

Vehicle Use Policy

Municipal vehicles are any vehicles owned by the Town of Monterey and include, but are not limited to: all such municipal vehicles used by the Town of Monterey Police Department, Highway Department and Fire Department. The use of all vehicles assigned to the Fire and Police Departments is administered by the Fire and Police Chiefs in accordance with the provisions of MGL Chapter 48, §42A and Chapter 41, §97A. The Town of Monterey recognizes all IRS Regulations for Use of Municipal Vehicles.

Any driver of a Town owned vehicle or who is using their own vehicle, when driving on Town business in any manner, must meet the following minimum requirements:

- Possess a valid driver's license and other additional licenses as required for the vehicle being driven;
- Obey all traffic laws and speeding limits;
- Alcohol, illegal drugs, or prescription medication which may interfere with effective and safe operation are strictly prohibited.
- No texting while driving;
- Limit cell phone usage to emergency usage only to when the vehicle is stopped and parked off the road;
- Follow the guidelines stated in this policy

Use of a Town Vehicle

If you have been provided the use of a Town vehicle to assist you in your job, its use is strictly limited to Town functions and purposes. Town vehicles are not personal vehicles and are not for personal use, unless the Town Administrator, with the prior approval of the Board of Selectmen, gives such permission.

It is a violation of Town policy and strictly forbidden to loan any Town vehicle to friends, neighbors, relatives or anyone else.

From time to time, you may have a need to carry Town personnel or associates; however, transporting anyone else is not allowed and a violation of Town's Vehicle Use policy. Family members shall not be transported in Town vehicles.

The town shall not be liable for the loss or damage of any personal property transported in the vehicle.

Town Vehicle Care, Maintenance and Repair

All Town-provided vehicles are designated as "non-smoking" areas and are expected to keep in a clean, well-maintained condition. Let your Department Head know if the vehicle you are using has any indications of being in need of unscheduled maintenance and repair.

Accidents

All Town vehicles carry a valid insurance card and vehicle registration in the vehicle at all times.

In the event that you are involved in an accident, please follow these instructions:

1. When an accident involves another vehicle, obtain the following information:
 - a. Driver's name (and owner's name if different from the driver)
 - b. Address
 - c. Telephone number
 - d. Name of insurance Town and policy number
 - e. VIN, vehicle year, make and model
 - f. Vehicle license plate number
2. If possible, obtain names, addresses and telephone numbers of any witnesses, including name, badge number, department name and address of any investigating law enforcement agency.
3. Identify yourself and show your driver's license and the Town's insurance identification card. Do not discuss the Town's insurance policy. Do not assume the blame for the accident and, above all, do not agree to any settlement.
4. Cooperate with the investigating law enforcement officers. Answer their questions factually and avoid commentary beyond that. Do not insist that a citation be issued to the other operator. Despite your opinion, the officer may be trying to decide responsibility for the accident and an overly aggressive attitude on your part may result in a decision against you. In a given situation, the officer might ask if you want a citation issued to the operator. If so, answer in the affirmative and explain that this is your Town's preference.
5. Note if there are any injuries reported by anyone involved in the accident.
6. It is your responsibility to notify your Department Head & Town Administrator of the accident, any appropriate state agency, and the Town of Sheffield Police Department of the accident and to file the appropriate written report as required by state law.
7. If an adjuster or any other representative from the other driver's insurance company contacts you for a statement (either written or recorded), refer that person to the Town Administrator.
8. If you are found to be under the influence of drugs or alcohol at the time of the accident, regardless of whether you are found at fault or not, your employment will be terminated.

In the event an employee's personal vehicle is damaged during an approved work-related trip, the employee operating the vehicle is required to immediately notify his/her immediate Department Head. When the estimated damage exceeds \$1000.00, an Accident/Incident Report shall be filed with the Town of Sheffield Police Department.

Minor Traffic Violations

Three minor violations within a 12-month period or five minor violations during a three-year period will result in loss of your ability to drive any Town vehicle as well as the loss of driving on Town business, in any manner. It may also subject you to further disciplinary action, including possible employment termination. Minor violations include, but are not limited to: failure to wear a seat belt; speeding less than 15 mph over the posted limit and failure to stop at a stop sign or stop light.

Major Traffic Violations

If you receive a major driving violation conviction, you will immediately lose your ability to drive any Town vehicle as well as the loss of driving on Town business, in any manner. It may also subject you to further disciplinary action, including possible employment termination.

Major violations include, but are not limited to: hit and run or leaving the scene of an accident; vehicle theft due to negligence; vehicular manslaughter, homicide or assault arising out of the operation of a motor vehicle; reckless, careless or negligent driving and driving while under the influence of alcohol, even if under the legal limit; driving while intoxicated at the legal limit or above; and/or driving while under the influence of drugs, whether prescription drugs or any controlled/illegal substances.

Town vehicle usage or driving on Town business may be reinstated after 12 months from the date of loss of this privilege, provided a clean driving record has been maintained, at the discretion of the Town Administrator, with the prior approval of the Board of Selectmen.

Each driver is responsible for prompt payment of any fine incurred as a result of unlawful operation or illegal parking of the Town vehicle.

Safety

The Town expects any driver of a Town vehicle will adhere to all State driving laws as well as common sense safe driving practices. It is expected that drivers will wear seat belts at all times, adhere to cell phone usage policy, as listed in the next paragraph, and enforce the use of safety restraints by all occupants.

Cell Phone and Handheld Electronic Device Usage

The use of police required electronic devices used in police work are exempt from this paragraph.

The use of a cell phone or any handheld electronic device is prohibited when driving. This prohibition includes the receiving (accepting) or placing of calls; retrieving, sending, or responding to text and image messaging; internet browsing; reading, drafting, or sending emails; checking voice messages, and operating any application installed on a cell phone or handheld device. In the event of an extreme circumstance, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional matters, and remain focused on the road and driving conditions. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

The safest and most responsible way to use a cell phone, any handheld electronic device or any hands-free device is to safely pull over and park. Texting while operating a vehicle is strictly prohibited. Any accident resulting from negligence due to phone or hands-free device usage will be subject to disciplinary action, including the possible termination of employment.

Motor Vehicle Record Check

Continued eligibility to drive a Town vehicle, or driving on Town business in any manner, requires each driver to maintain a safe and clean driving record. This means the Town Administrator; Town of Monterey reserves the right to review driving records at least once every year.

Dress Code Policy

This policy does not apply to employees who are required to wear uniforms. Employees in positions that do not require uniforms shall wear business attire. The Town Administrator may designate positions which are exempt from this policy due to the nature of the position and may make exceptions at their discretion.

Any employee who requires a reasonable accommodation for reasons based on race, disability, religion or other deeply held belief, or any other protected class under the law should notify their Department Head or Town Administrator. This policy is not intended to interfere with communications or actions protected by state or federal law.

Social Media Policy and Public Relations Policy

At Town of Monterey, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all associates who work for Town of Monterey in any capacity.

Guidelines

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

The same principles and guidelines found in Town of Monterey policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of Town of Monterey or [Employer's] legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the Town of Monterey Statement of Ethics Policy, the Town of Monterey Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of Town of Monterey. Also, keep in mind that you are more likely to resolved work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by

posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

Be honest and accurate

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

Post only appropriate and respectful content

- Maintain the confidentiality of Town of Monterey trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from your blog, website or other social networking site to a Town of Monterey website without identifying yourself as a Town of Monterey associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for Town of Monterey. If Town of Monterey is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Town of Monterey, fellow associates, members, customers, suppliers or people working on behalf of Town of Monterey. If you do publish a blog or post online related to the work you do or subjects associated with Town of Monterey, make it clear that you are not speaking on behalf of Town of Monterey. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Town of Monterey."

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy. Do not use Town of Monterey email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

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

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

Media contacts

Associates should not speak to the media on the Town's behalf without contacting the Town Administrator. All media inquiries should be directed to them.

Computer, E-mail and Internet Usage

The Town of Monterey recognizes that use of the Internet and e-mail is necessary in the workplace, and employees are encouraged to use the Internet and e-mail systems responsibly, as unacceptable use can place the Town and others at risk. This policy outlines the guidelines for acceptable use of the Town's technology systems.

Questions regarding the appropriate use of the Town's electronic communications equipment or systems, including e-mail and the Internet, should be directed to the Town Administrator.

The Town of Monterey has established the following guidelines for employee use of the company's technology and communications networks, including the Internet and e-mail, in an appropriate, ethical and professional manner.

Confidentiality and Monitoring

All technology provided by Town of Monterey, including computer systems, communication networks, company-related work records and other information stored electronically, is the property of Town of Monterey and not the employee. In general, use of the company's technology systems and electronic communications should be job-related and not for personal convenience. Town of Monterey reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite.

Internal and external e-mail, voice mail, text messages and other electronic communications are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the company.

Appropriate Use

Town of Monterey employees are expected to use technology responsibly and productively as necessary for their jobs. Internet access and e-mail use is for job-related activities; however, minimal personal use is acceptable.

Employees may not use Town of Monterey's Internet, e-mail or other electronic communications to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted. Harassment of any kind is prohibited.

Disparaging, abusive, profane or offensive language and any illegal activities—including piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail—are forbidden.

Copyrighted materials belonging to entities other than Town of Monterey may not be transmitted by employees on the company's network without permission of the copyright holder.

Employees may not use Town of Monterey's computer systems in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and spamming (sending unsolicited e-mail to thousands of users).

Employees are prohibited from downloading software or other program files or online services from the Internet without prior approval from the IT department. All files or software should be passed through virus-protection programs prior to use. Failure to detect viruses could result in corruption or damage to files or unauthorized entry into company systems and networks.

Every employee of Town of Monterey is responsible for the content of all text, audio, video or image files that he or she places or sends over the company's Internet and e-mail systems. No e-mail or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else. Town of Monterey's corporate identity is attached to all outgoing e-mail communications, which should reflect corporate values and appropriate workplace language and conduct.

SECTION 4: ACKNOWLEDGEMENT

I acknowledge receipt of the Town of Monterey Employee Manual and I have familiarized myself with the policies, procedures, rules and regulations contained therein. This manual is to be considered a guideline and does not constitute an agreement or contract with respect to one’s employment.

Employee Name (printed)

Employee Signature

Date

A copy of this acknowledgement will be given to the employee and another will be placed in the employee’s personnel record.

Please return this page, signed to Melissa Noe, Town Administrator

