

TOWN OF LEE

**EMPLOYEE
HANDBOOK**

VACATION LEAVE

(1/8/99)

Revised 4/7/03, 4/6/04 and 4/10/07

Compilation of Vacation Leave

Full-time, permanent employees shall be granted paid Vacation Leave at the beginning of each fiscal year in accordance with the following schedule:

<u>Years of Service</u>	<u>Vacation Days Per Year</u>
1 -5 years	10
6 -10 years	15
11 -15 years	20
16+	25

An employee hired during the fiscal year shall receive ten (10) days of Vacation Leave upon her/his employment anniversary, if her/his first anniversary is July 1st. or after, but before January 1st. If her/his first anniversary is January 1st. or after, but before June 30th., s/he shall receive five (5) days of Vacation Leave upon her/his employment anniversary. Thereafter, at the beginning of the fiscal year following her/his first employment anniversary, s/he shall receive Vacation Leave in accordance with the above schedule. A new employee may take up to five (5) days of Vacation Leave after s/he has completed her/his six month probationary period. Such Vacation Leave advance shall be deducted from the Vacation Leave that s/he receives upon her/his first employment anniversary.

On the employee's fifth, tenth and fifteenth employment anniversary, s/he shall receive an additional five (5) days of Vacation Leave if her/his employment anniversary is July 1 or after, but before January 1. If her/his anniversary is January 1 or after, but before June 30, s/he shall receive an additional two and one half (2 1/2) days of Vacation Leave upon her/his employment anniversary. Thereafter, at the beginning of the fiscal year following his/her employment anniversary, s/he shall receive Vacation Leave in accordance with the above schedule.

Part-time, permanent employees regularly working ten (10) or more hours per week, shall receive Vacation Leave prorated based on the proportion of her/his hours worked relative to the total number of hours in the work week for her/his department.

At the recommendation of the Town Administrator and with the approval of the Select Board, previous, continuous, similar employment in the public service of the Commonwealth of Massachusetts or any political subdivision thereof may be credited when computing Vacation Leave. An employee does not accumulate Vacation Leave while s/he is on leave without pay unless s/he is on Injury Leave

Use of Vacation Leave

Vacation Leave must be used in the fiscal year that it is received. However, employees may carry over up to one week of vacation leave for up to two months, provided that they forego compensation for that leave if, for whatever reason, they leave the Town's employ before it is used.

No employee shall be granted Vacation Leave without the approval of her/his supervisor. In considering Vacation Leave requests, supervisors will weigh the staffing needs of the department, especially with respect to seasonal or business cycle impacts. When considering competing requests, supervisors shall consider the dates of the requests, seniority and equity.

Except for the leave carried over noted above, upon retirement, resignation, involuntary termination or death, an employee or her/his designated beneficiary shall be compensated for all accrued Vacation Leave at her/his current rate of pay.

To: All Non-Union Municipal Employees
Eligible to Receive Vacation Leave

From: Bob Nason 

Date: April 18, 2007

Re: Vacation Leave Revision, Limited and Conditional Carry-over

At their April 10, 2007 meeting the members of the Select Board, at the recommendation of the Personnel Board, voted unanimously to adopt a limited and conditional vacation leave carry-over provision for non-union municipal employees. The leave carried over is limited to five days for two months; and, it is carried over with the condition that it can not be cashed out, if for any reason the employee is no longer employed by the Town. Accordingly, the pertinent part of the Town of Lee Vacation Leave Policy has been revised to read as follows:

Use of Vacation Leave

Vacation Leave must be used in the fiscal year that it is received. However, employees may carry over up to one week of vacation leave for up to two months, provided that they forego compensation for that leave if, for whatever reason, they leave the Town's employ before it is used.

No employee shall be granted Vacation Leave without the approval of her/his supervisor. In considering Vacation Leave requests, supervisors will weigh the staffing needs of the department, especially with respect to seasonal or business cycle impacts. When considering competing requests, supervisors shall consider the dates of the requests, seniority and equity.

Except for the leave carried over noted above, upon retirement, resignation, involuntary termination or death, an employee or her/his designated beneficiary shall be compensated for all accrued Vacation Leave at her/his current rate of pay.

Thank you for your continued assistance.

HOLIDAY LEAVE

Adopted 12/28/98 Revised 12/21/99, 4/7/03 and 4/2/04

Full-time, permanent employees shall be accorded leave with pay to celebrate the following holidays:

New Year's Day
(January 1)

Columbus Day
(2nd Monday in October)

Martin Luther King Day
(3rd. Monday in January)

Veterans Day
(November 11)

Presidents Day
(3rd. Monday in February)

Thanksgiving Eve Afternoon *
(4th. Wednesday Afternoon in November)

Patriots Day
(3rd. Monday in April)

Thanksgiving Day
(4th. Thursday in November)

Memorial Day
(Last Monday in May)

Christmas Eve Afternoon *

Independence Day
(July 4th.)

Christmas Day
(December 25th.)

Labor Day
(1st. Monday in September)

If a holiday falls on a Saturday, it will be observed on the Friday preceding; and, if it falls on a Sunday, it will be observed on the Monday following. If Christmas falls on a Sunday, Christmas Eve Afternoon will be observed on the preceding Friday afternoon.

If a holiday occurs when an employee is on vacation, s/he will be accorded an additional day (or half day for Thanksgiving and Christmas Eves.) of vacation.

Part-time, permanent employees regularly working ten or more hours per week shall be accorded holiday leave with proportionate pay, if the holiday observance falls on her/his scheduled workday.

* Wastewater and Water Treatment Plant Operators and the Intermediate Emergency Medical Technician may take their birthday or another day of their choice in lieu of the half days before Thanksgiving and Christmas.

** When Wastewater and Water Treatment Plant Operators or the Highway Supervisor work all or part of a holiday, they may take another day of their choice in lieu of the holiday.

December 31, 2007

To: All full-time non-union municipal employees regularly working ten or more hours weekly

From: Bob Nason 

Re: 2008 Holiday Schedule

January 1, 2008	New Year's Day
January 21 st	Martin Luther King Day
February 18 th	Presidents' Day
April 21 st	Patriots Day
May 26 th	Memorial Day
July 4 th	Independence Day
September 1 st	Labor Day
October 13 th	Columbus Day
November 11 th	Veterans' Day
November 26 th	Thanksgiving Eve Afternoon
November 27 th	Thanksgiving Day
December 24 th	Christmas Eve Afternoon
December 25 th	Christmas Day

The Holiday Policy is on the reverse side of this memorandum.

BEREAVEMENT LEAVE

(1/22/99)

Revised 4/7/03 and 5/5/05

Full-time, permanent employees shall be granted paid Bereavement Leave for up to five (5) days upon the death of their spouse, child, parent, sibling, grandparent, grandchild, mother/father-in-law or legal guardian. One (1) day of paid Bereavement Leave will be granted upon the death of an employee's aunt, uncle or sister/brother-in-law. Up to four hours (4) of paid Bereavement Leave will be granted to those who wish to attend the funeral of a deceased co-worker or her/his spouse.

An employee requiring additional time will be granted, subject to her/his supervisor's approval, up to three (3) days of unpaid Bereavement Leave. When considering such request, the supervisor will weigh the staffing needs of the department.

Part-time, permanent employees regularly working ten (10) or more hours per week shall receive Bereavement Leave prorated on the proportion of his/her hours regularly worked relative to the total number of hours in the workweek for her/his department.

Employees must as soon as practicable notify their supervisors of their Bereavement Leave which shall commence the first full workday following such notification. At the recommendation of the Town Administrator, the Personnel Board may permit an employee to alternatively schedule her/his Bereavement Leave.

From: Robert Nason
To: Suzanne Alderman
Date: 6/18/06 11:12PM
Subject: Conversion of Sick Leave to Personal Leave

Sub:

Please send a memo to all municipal employees who earn Sick Leave to remind them that they may be eligible to convert an accumulated sick day to a personal day during the month of July.

As you may recall the policy states that

At her/his election each July, an employee who has used three (3) or fewer days of Sick Leave in the previous fiscal year may convert one (1) day of unused Sick Leave to Personal Leave for use in the new fiscal year.

Thank you for your continued assistance.

Bob

SICK LEAVE

(1/8/99)

Revised 4/7/03 & 4/7/04

Eligibility

Full-time, permanent employees shall be granted fifteen (15) days of paid Sick Leave at the beginning of each fiscal year. Sick Leave will be prorated for employees hired after the beginning of the fiscal year; and, employees commencing work after the fifteenth day of the month shall not receive credit for that month.

Part-time, permanent employees regularly working ten (10) or more hours per week, shall have Sick Leave prorated based on the proportion of her/his hours worked relative to the total number of hours in the work week for her/his department.

Sick Leave credited during an employee's probationary period may not be used until the completion of her/his first six months of continuous service. When an employee retires, resigns or is involuntarily separated, and s/he has used a greater proportion of Sick Leave than the proportion of the fiscal year that s/he has worked, s/he will be required to repay the disproportionate amount of Sick Leave unless such repayment is waived by the Town Administrator with the approval of the Personnel Board.

Use of Sick Leave

Except as otherwise specified under Family and Medical Leave, Sick Leave may be used only when employees are absent for the following reasons:

1. When an employee cannot perform her/his duties because s/he is incapacitated by physical illness or injury; or,
2. When, through exposure to contagious disease, the presence of the employee would jeopardize the health of others.

Unused Sick Leave

Sick Leave not used in the fiscal year in which it accrues may be accumulated in a subsequent year up to a maximum of one hundred and eighty (180) days. Upon retirement, resignation, involuntary termination, or death of an employee, s/he or her/his designated beneficiary shall not be compensated for accumulated Sick Leave.

Use of Vacation Leave for Sick Leave

Employees may substitute Vacation Leave when they have exhausted their Sick Leave.

Sick Leave Advance

Employees as of January 8, 1999 may, at the recommendation of the Town Administrator and with the approval of the Select Board, be advanced up to one hundred and eighty (180) days of Sick Leave after they have exhausted their Sick, Vacation, and Personal Leave. Employees hired after January 8, 1999 may, at the recommendation of the Town Administrator and with the

approval of the Select Board, be advanced up to fifteen (15) days of Sick Leave after they have exhausted their Sick, Vacation, and Personal Leave.

Such advance Sick Leave must be repaid from future earned Sick Leave upon the employee's return to work. Employees who terminate (voluntarily or involuntarily) will be required to pay back advanced Sick Leave. Employees who have been formally warned about their abuse of Sick Leave within the prior twelve months, will not qualify for a Sick Leave advance.

Notification of Use of Sick Leave

An employee who wishes to use Sick Leave must notify his/her immediate supervisor, or designee, as early as possible on the first day of absence. Except in emergency situations, the employee her/himself must call her/his supervisor each day of absence. Failure of an employee to provide appropriate notification may be sufficient grounds to deny the use of Sick Leave.

Although an employee may, at any time, be required to submit satisfactory medical evidence to support her/his use of Sick Leave, a licensed health professional's certification will not normally be required for absences of five or less consecutive work days. If, however, the employee has been formally warned about her/his abuse of Sick Leave within the prior twelve months, a licensed health professional's certification may be required for such a short absence.

For absences greater than five consecutive working days, employees, except those whose disability may abrogate the need for further documentation, must submit a licensed health professional's certification by the fifth consecutive day of absence, and as often thereafter as determined necessary by the Town Administrator. At the Town Administrator's option and the Town's expense, the certification shall be obtained from a licensed health professional chosen by the Town Administrator.

Sick Leave Abuse

If an employee appears to be abusing Sick Leave, his/her supervisor will speak with her/him about the suspicious pattern of behavior; and, if it continues, the employee will be reprimanded in writing. If an employee is formally reprimanded for her/his abuse of Sick Leave, for one year thereafter s/he may be required to submit a licensed health professional's note to receive Sick Leave regardless of its duration. Moreover, for one year after such written warning s/he will not qualify for extended Sick Leave.

Sick Leave and Worker's Compensation Insurance

Employees injured on the job and receiving worker's compensation shall, upon request, be granted Sick Leave with pay (provided they have sick leave available) in an amount that when added to their worker's compensation payment, will equal, but not exceed, her/his regular after-tax pay.

Conversion of Sick Leave to Personal Leave

At her/his election each July, an employee who has used three (3) or fewer days of Sick Leave in the previous fiscal year may convert one (1) day of unused Sick Leave to Personal Leave for use in the new fiscal year.

PERSONAL LEAVE

(1/8/99)

Revised 4/7/03

Eligibility

Full-time, permanent employees shall be accorded three (3) days of paid Personal Leave at the beginning of each fiscal year. Personal Leave will be prorated for employees hired after the beginning of the fiscal year; and, employees commencing work after the fifteenth day of the month shall not receive credit for that month.

Part-time, permanent employees regularly working ten (10) or more hours per week shall have Personal Leave prorated based on the proportion of her/his hours worked relative to the total number of hours in the work week for her/his department.

Personal Leave credited during an employee's probationary period may not be used until the completion of her/his first six months of continuous service. When an employee retires, resigns or is involuntarily separated, and s/he has used a greater proportion of Personal Leave than the proportion of the fiscal year that s/he has worked, s/he will be required to repay the disproportionate amount of Personal Leave unless such repayment is waived by the Town Administrator with the approval of the Personnel Board

Use of Personal Leave

Personal Leave may be used for conducting personal business which could not otherwise be done during off hours. In accordance with the Small Necessities Leave Act, such personal business includes, but is not limited to, the following:

1. to visit a licensed, health professional,
2. to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference; or interviewing for a new school. (School is a public or private elementary or secondary school, Head Start and/or licensed children's day care facility.)
3. to accompany the son or daughter of the employee to routine medical or dental appointments, such as check-up or vaccinations.
4. to accompany an elderly relative of the employee to routine medical or dental appointments or for other professional services related to the elder's care, such as interviewing at nursing or groups homes. (An elderly relative is defined as one who is sixty years of age or older and related by blood or marriage.)

Unused Personal Leave

Personal Leave not used in the fiscal year that it is accorded shall not be accumulated in a subsequent year. Upon retirement, resignation, involuntary termination or death of an employee, s/he or her/his designated beneficiary shall not be compensated for unused Personal Leave.

Notification of Use of Personal Leave

No employee shall be granted Personal Leave without the approval of her/his supervisor. Requests for Personal Leave shall be made of the employee's immediate supervisor as far in advance as possible. When considering Personal Leave requests, supervisors will weigh the staffing needs of the department; and, when considering competing requests supervisors shall consider the dates of the requests, seniority and equity.

FAMILY AND MEDICAL LEAVE

(1/8/99)

Revised 4/6/04

Employees who have worked for the Town for at least twelve (12) months and for at least 1,250 hours during the immediately preceding twelve (12) months shall be entitled to up to twelve (12) workweeks of leave per year, measured from the beginning of the leave, for one or more of the following reasons:

1. the birth of an employee's child or the placement of a child with an employee for adoption or foster care and the employee must be absent from work to assist with care giving.
2. the employee's spouse, child, parent or other member of the immediate household is seriously ill, and the employee must be absent from work to assist the failing individual; or,
3. the employee has a serious health condition that prevents her/him from performing the principal functions of her/his position.

In order to take Family and Medical Leave, an employee must provide her/his immediate supervisor thirty (30) days advance notice; and, if such an advance notice is not possible, the employee shall provide notice as soon as practicable. The Town may require medical certification from the employee's or her/his family member's licensed health care provider; or other such documentation that may be required to verify the basis for the requested Family and Medical Leave. The Town may require that such documentation be provided on a form that it supplies.

While an employee may be eligible to take Family and Medical Leave before the actual childbirth, adoption or foster care placement occurs, an employee's entitlement to take Family and Medical Leave for these circumstances shall expire twelve (12) months after the childbirth or placement into adoptive or foster care. If spouses are employed by the Town and they are both eligible for Family and Medical Leave, they shall be entitled to a combined total of twelve (12) workweeks of Family and Medical Leave for childbirth, adoption or foster care placement.

Family and Medical Leave may be taken intermittently or on a shorter work schedule, at the employee's request and when medically necessary. Use of intermittent leave, such as a few days or weeks of leave at a time, or reduced leave, such as less hours in a day or fewer days a week, will not reduce the total leave to which an employee is entitled. If an employee utilizes intermittent leave or reduced leave, the Town may require the employee to temporarily transfer to an alternate position which better accommodates such leave, as long as the position has equivalent pay and benefits.

During such leave, the employee shall be provided with continued health insurance benefits as long as the employee continues to pay the same contribution rate as paid by the employee prior to leave. In the event that the employee fails to return to work at the end of the leave, the Town retains the right to recover health insurance premiums the Town paid to maintain the employee's health insurance during the leave.

During such leave, an employee will be paid unlimited accrued Sick Leave when s/he has a serious health condition that prevents her/him from performing the principal functions of her/his position; and, when a licensed health care provider certifies that a pregnant or new mother employee should not be working. An employee will be paid up to fifteen (15) days of accrued Sick Leave when her/his parent, spouse, child or grandchild or a member of the immediate household is seriously ill, and s/he must be absent from work to assist the ill individual. In the event of an illness or injury to a family member of an employee as defined above that employee may petition the Personnel Board to utilize accrued sick leave beyond the fifteen (15) days provided above.

Employees may also be paid accrued Vacation and Personal Leave during Family and Medical Leave. These leaves, as well as Sick Leave, continue to accrue while the employee is on Family and Medical Leave. Once these paid leaves have been exhausted, the remainder of such leave shall be unpaid, unless the Personnel Board, at the recommendation of the Town Administrator, authorizes a Sick Leave advance.

An employee shall be required to provide a "fitness for duty" certification from a licensed health care provider before returning to work, if the leave was caused by her/his illness, injury or exposure to contagious disease. When the employee returns to work, s/he will be restored to the same position or a similar position with equivalent pay and event, the Town may choose not to restore the employee to his/her former position in order to prevent substantial and grievous economic injury to the Town.

To exercise the option not to restore an employee, the Town must notify the employee at the time s/he provides a notice of intent to take an extended leave that s/he is among the highest paid ten percent (10%) of town employees. The Town must also notify the employee as soon as the Town decides to deny job restoration and explain the reason for the decision. The Town must offer the employee a reasonable opportunity to return to work after giving this notice. If an employee on leave would have been laid off or otherwise had his/her position terminated during the leave period, then the Town will not be required to reinstate the employee at the end of the leave.

Overtime and Compensatory Time for Clerical Employees

Adopted by the Personnel Board on November 19, 1998, effective July 1, 1998

Revised April 2, 2004

Clerical employees will be compensated for the time that they work beyond the hours in their regular workweek, provided that such additional time has been authorized in advance by the employee's supervisor. Under extraordinary circumstances supervisors may permit employees to perform such additional work at home, provided that the performance of that work can be measured.

For additional hours up to and including forty hours, clerical employees will be compensated at straight time; and, for work after forty hours they will be compensated at the rate of time and one half.

Subject to appropriation, clerical employees will receive monetary compensation for the additional hours that they work up to and including forty hours. In the absence of an appropriation or at the request of the clerical employee, compensatory time will be provided in lieu of monetary compensation for those additional hours. In accordance with federal law, clerical employees will receive monetary compensation for all additional hours beyond forty hours per week.

If an employee earns compensatory time, s/he must use such leave within four weeks of its accrual or that time will be forfeited.

In considering employee requests to earn or use overtime or compensatory time, supervisors will weigh the staffing needs of the department, the date of the request, and seniority

Equal Employment Opportunity Policy Statement

Adopted by the Select Board on September 12, 2000

It is the policy of the Board of Selectmen of the Town of Lee that a diverse town needs a diverse government. The Board is committed to complying with all applicable Federal and State laws regarding non-discrimination and equal opportunity in all of its programs and activities. The Town shall not discriminate on the basis of race, sex, color, religion, age, national origin, veterans status, disability (where it does not fundamentally alter the job, program or activity), sexual orientation or on the basis of other non-merit factors in the hiring and promotion process. To that end, all Town of Lee officers, boards, commissions, committees and employees shall rigorously take affirmative steps to ensure equality of opportunity in the internal affairs of all agencies, as well as in their relations with the public, including those persons and organizations doing business with any agency of the Town. Each agency, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity.

In order to meet this obligation we, the Board of Selectmen as the policy making board of the Town of Lee, hereby adopt the following Plan of Fair Practices and Equal Opportunity and hereby direct the Town Administrator to implement said plan in all Town operations.

Employment

The Town shall make all employment decisions on the basis of merit without regard to race, color, religion, sex, age (40 or over), national origin, veterans status or disability (where the applicant can perform the job with or without reasonable accommodation).

Recruitment

Recruitment shall be on the basis of qualifications. All employment advertisements and job postings shall identify the Town as an Equal Opportunity/Affirmative Action Employer. When advertisements are placed in the news media, there shall be an effort to include advertisements that serve local minority populations and females. The Town of Lee will also make efforts to send copies of listing to other interested groups and organizations.

To fill all job classifications, the Town will recruit from all available sources in order to outreach to minorities, women and persons with disabilities and disabled veterans/Vietnam era veterans.

Promotion and Demotion

The Town shall work toward providing promotional opportunities to qualified minorities, persons with disabilities and disabled veterans/Vietnam era veterans and females by the following actions:

Basing criteria solely on the employees ability.

During performance review, communicating to minorities of all types and females of the Towns policy to promote from within.

Briefing department heads annually of the Towns intention to have and utilize a diversified work force.

Layoffs and Termination

Reduction of workforce, when necessary, shall be done with an objective criterion, collective bargaining agreements and employee contracts. When it becomes necessary to terminate any employees, such termination shall be done without unlawful discrimination.

Compensation and Benefits

The Town shall pay all personnel fairly according to their job responsibilities. Town-supported benefit programs shall be made equally available to all employees who regularly work at least 20 hours per week, in accordance with state law.

Communication of EEO Policy

The Town shall take appropriate steps to ensure that all personnel understand its commitment to taking affirmative action toward proving equal employment opportunity by:

Posting this policy in conspicuous locations in Town buildings.

Distributing this policy to department managers and instructing them to share the policy with their employees.

Facilities and Activities

All Town facilities and programs shall become accessible to the disabled to the fullest extent possible and shall be offered on a non-segregated, non-discriminatory basis.

Affirmative Action Policy
Adopted by the Select Board on September 12, 2000

Statement of Employment Policy

In our efforts to develop an affirmative action program, the Board of Selectmen do hereby reaffirm and formalize our commitment to the principal of Equal Employment Opportunity. The Town's policy is to ensure equal employment opportunity for all without regard to race, sex, color, religion, age, national origin, veterans status, disability (where it does not fundamentally alter the job, program or activity), sexual orientation or on the basis of other non-job related characteristics. While this document cannot be considered a contract between the Town and its employees, we view the principal of equal employment opportunity as a vital element in the employment process and as a hallmark of good management.

In the development of our affirmative action program, we commit ourselves to:

Recruiting, hiring, training and promoting persons in all job classifications without regard to race, sex, color, religion, age, national origin, veterans status, disability (where it does not fundamentally alter the job, program or activity) or on the basis of other non-job related characteristic.

Ensuring that all personnel actions are in accordance with equal employment opportunity requirements by imposing only job related requirements for promotional opportunities.

Ensuring all personnel actions relating to compensations, benefits, transfers, terminations, training and education are administered in a non-discriminatory manner.

It is our desire that the combination of measurable goals and directed effort will make equal employment opportunity a fact within the Town.

To ensure that our goals for equal employment opportunity may be achieved through good-faith efforts, the Town has established various levels of responsibility to both direct and oversee affirmative action efforts.

The Town Administrator is responsible for developing, implementing and monitoring affirmative action efforts and for providing employee training. Department managers are responsible for making sure that their employment practices comply with principles embodied in relevant state and federal affirmative action regulations such as Title VII, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Act of 1974, Executive Order 11246, revised order number 4 and the Americans with Disabilities Act.

Each employee is responsible for bringing to the attentions of the Town Administrator any decision that conflicts with the spirit of the law.

The Town Administrator has the responsibility to ensure that equal employment and affirmative action receive a sufficient level of attention and management support. The Town Administrator will hold each department manager accountable for the prompt execution of necessary preventative, corrective and affirmative actions.

Affirmative Action Plan Coverage
Adopted by the Select Board on September 12, 2000

This policy applies to all elected officials, boards and commissions, members of committees, the Town Administrator and all personnel in all aspects of employment policy and administrative practice. Applicants and employees may advise the Town at any time that they wish to benefit under this program.

This information shall be used solely for the purpose of affirmative action and proper job placement. This information shall not be used to exclude or otherwise limit the employment opportunities of qualified individuals.

The Town Administrator has the responsibility for the development and direction of the Town's affirmative action policy. The Town has the Selectmen's support for the following:

Development programs, internal and external communications regarding affirmative action for protected classes.

Implementing an audit and review that will:

Measure the effectiveness of the affirmative action program.

Indicate the need for remedial action.

Determine the degree to which the Town's objectives have been met.

Ensuring that the Town is following the guideline of the affirmative action plan.

Serving as a liaison between the Town, community and enforcement agencies.

Affirmative Action Program Development and Execution

To facilitate achievement of our affirmative action goals and timetables, the Town of Lee shall develop specific procedures and programs.

The programs shall encompass all major aspects of the employment process and are designed to either correct procedural deficiencies or intensify and accurately measure the efficiency of present programs.

After considering promotions from within, recruiting efforts to fill open positions shall focus consideration on minorities and women not currently in the workforce who have the required skills and can be recruited through affirmative action measures.

Affirmative Action Efforts in Consideration of Women and Minorities Not Currently in the Workforce

The following are some of the means by which minorities and women not currently in the workforce will be informed of vacancies.

Minorities and women will be advised of vacancies and will be requested to refer minorities and women they know who are interested in employment.

Referral agencies will be requested to seek out and refer both minorities and women not currently in the workforce.

Organizations serving persons with disabilities, as well as women's organizations, to reach those not currently in the workforce will be invited to give referrals.

Internal Monitoring and Reporting System

As part of our affirmative action activities, to measure the program effectiveness and the implementation of affirmative action goals, the Town shall develop an internal system of auditing and reporting. On a periodic basis, the Town will conduct a confidential and voluntary survey of Town employees. The Town Administrator shall conduct the survey and prepare a report on the findings. This enables the Town to meet federal EEO reporting requirements through our affirmative action plan and provide internal analysis and monitoring. Also, the town will provide the opportunity to voluntarily self-identify in the employment process.

Compliance with Sex Discrimination Guidelines

In our efforts to comply with the federal Sex Discrimination Guidelines (41 CFR Part 60-20), the Town will follow these procedures and practices:

Candidates from both sexes will be recruited for all jobs.

Advertisements will not express a preference for applicants of a particular sex and will be placed in the general "Help Wanted" column.

Written personnel policies will indicate that there will be no discrimination on the basis of a person's sex.

Employees and applicants of both sexes shall have equal opportunities to be placed in any available job that they are qualified to perform.

No distinction will be made on the basis of a person's sex in employment opportunities, wages, and hours of works, employee benefits or any other condition of employment.

Mandatory or optional ages for retirement will be the equal for both sexes.

We will provide appropriate physical facilities for both sexes. Lack of facilities will not be used to deny applicants of either sex.

Pregnancy leaves of absence, and return to employment from leave, are granted in accordance with the Family and Medical Leave Act.

Where seniority lists or line of progression are used, they shall not be on the basis of an employees sex.

Salaries and wage schedules will not be based on a person's sex.

As openings occur, the Town will take affirmative action to recruit and place women in those positions identified as underutilized.

Women will have equal opportunity to participate in training programs sponsored by the Town, and we will make special efforts to include women in training programs that we offer.

The Town recognizes its obligation to provide a work atmosphere free of harassment and intimidation. Any forms of sexual harassment, such as unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature, will not be tolerated. Violations of this policy will be handled as part of the Towns disciplinary procedures and its posted policy in support of Federal and State Guidelines on Sexual Harassment.



Town of Lee
Office of the Town Administrator
32 Main Street
Lee, Massachusetts 01238

Tel. (413) 243-5501
Fax (413) 243-5523

To: All Employees

From: Bob Nason 

Date: November 30, 2007

Re: 2008 Mileage Reimbursement Rate

The Internal Revenue Service has announced that effective January 1, 2008 the mileage reimbursement rate will be 50.5 cents per mile. The new rate is 2 cents per mile or 4% greater than the 2007 rate of 48.5 cents per mile.

If for any reason you cannot accommodate this rate increases in your FY2008 budget, please submit as soon as possible but no later than March 30th a supplemental request, together with a written explanation as to why you cannot fund this increase, in whole or in part, from other line items.

Please be reminded that signed records of mileage must be submitted **monthly** and approved before payment, and that rates of reimbursement cover all charges except for tolls and parking.

Thank you for your continued assistance.

TOWN OF LEE TRAVEL POLICY

Adopted December 28, 1999

Mileage reimbursement rate increased to 31 cents effective November 1, 2003
Mileage reimbursement rate tied to the IRS standard mileage rate effective July 1, 2005
Reimbursement rate tied to IRS standard when it changes effective September 1, 2005
Meal reimbursement rate increased effective April 10, 2007

I. General

Members of Town Boards, Commissions and Committees and Town employees may perform official travel within the limits of their respective Town Meeting approved annual budgets.

Attendance at conferences, conventions and meetings shall be limited to the number of persons necessary to cover the meeting adequately.

Expenses for travel shall be authorized for official Town business only.

All travel expenses shall be recorded; supported by receipted bills, whenever practical; and signed by the traveler.

Reimbursement shall not be made for expenses incurred for the sole benefit of the traveler such as valet service, entertainment, laundry services, etc.

II. Transportation

A. General

The most cost-effective means of travel will be utilized, and to the extent practical, trips will be coordinated to further effect economies.

When traveling on Town business, members and employees are encouraged to use public transportation, the cost of which shall be fully reimbursable.

The Town shall pay the reasonable transportation costs for members and employees authorized to travel on official business. The lowest cost fare shall be the standard.

B. Town owned vehicles

The Town's vehicles shall be used on official business only; and, except for "unmarked" public safety vehicles, they shall be clearly marked "Town of Lee" and properly registered.

The Town's vehicles shall be garaged each evening, unless at the recommendation of the Department Head and with the approval of the Town Administrator a vehicle is assigned to an employee for travel directly to and from his/her home and the place it is garaged.

Operators are personally responsible for damage and personal injury liabilities arising from accidents if their use of the Town vehicle is unauthorized.

An accident in which the Town's vehicle is involved shall be reported immediately to the Town Administrator.

Operators shall not transport a passenger or passengers other than those traveling on official business.

Expenses incurred in the authorized operation of the Town's vehicles shall be reimbursed.

Employees who violate these policies regarding the use of Town owned vehicles shall be subject to disciplinary action.

C. Privately owned vehicles

Reimbursement for use of a privately owned automobile for authorized travel shall be made at the IRS standard mileage rate. Signed records of mileage shall be submitted and approved before payment.

If two or more persons travel in the same automobile, only one of the persons shall be reimbursed for mileage or for car expenditures.

Rates of reimbursement cover all charges except for tolls and parking.

III. Accommodations

When on approved travel, reasonable charges for hotel rooms shall be reimbursable.

If travel is conference related, the traveler shall seek the lowest practical conference hotel room rate.

In the cost of non-conference travel, the traveler shall seek reasonably priced accommodations, consistent with convenience and local conditions.

IV. Meals

Unless meals are fixed price by conference or other official gathering, the maximum rate of reimbursement for actual meal expenses incurred, including tips, will be the following rates.

Breakfast: Travel begin at 6:45 a.m. or before
\$7.00 maximum allowable

Lunch: \$12.00 maximum allowable

Supper: Travel must end at 7:00 p.m. or after
\$22.00 maximum allowable

Travelers may apply the allowance for meals for which they are entitled for reimbursement but do not take to other meals for which they are entitled to reimbursement within the same day.

V. Incidental Expenses

Costs of taxi fares, telegrams, secretarial services and similar items necessarily incidental to the traveler's performance of official business shall be considered reimbursable items of expense.

Reimbursable telephone charges shall be itemized, listing the exchange called and the official duties discharged.

Entertainment, incidental food and beverage, and alcoholic beverage costs are not reimbursable.

Grievance Procedures
Adopted by the Personnel Board on September 7, 2000
Adopted by the Select Board on September 12, 2000

Purpose: To promote harmony and insure equity, the Town provides procedures by which non-school employees may resolve their grievances. Employees covered by collective bargaining agreements are bound by the grievance procedures contained in their respective union contracts. These provisions apply to non-union, Town employees who have completed their probationary period, and they are intended to resolve grievances as quickly and efficiently as possible.

Authority to Resolve Disputes: Depending upon the nature of the dispute, an employee may ultimately appeal to either the Select Board or the Personnel Relations Review Board. An employee may appeal the Town Administrator's decision regarding discipline to the Select Board. Moreover, the Select Board must approve the Town Administrator's involuntary termination of an employee's employment. An employee may ultimately appeal disputes regarding her/his classification, compensation, leaves, working hours and working conditions to the Personal Relations Review Board.

Process:

For grievances involving discipline:

Step 1

The employee attempts to resolve the dispute informally with her/his supervisor.

Step 2

If the dispute is not resolved at step 1, the employee provides the Town Administrator with a written statement of the grievance, the facts upon which it is based, and the proposed remedy sought by the employee. The Town Administrator investigates the grievance and provides the employee a written response within ten (10) working days, holidays and leave days excluded.

Step 3

If the dispute is not resolved at step 2, the employee provides a written request for a hearing to the Select Board. The hearing is held within thirty (30) days, and it is conducted in accordance with the Open Meeting law. The Members of the Select Board issue a written decision within ten (10) days of adjourning their hearing, and their decisions may be subject to appropriation, but they are otherwise final.

For grievances involving classification, compensation, leaves, working hours and working conditions:

Step 1

The employee attempts to resolve the dispute informally with the Town Administrator.

Step 2

If the dispute is not resolved at step 1, the employee provides the Personnel Board with a written statement of the grievance, the facts upon which it is based, and the proposed remedy sought by the employee. The Personnel Board investigates the grievance and provides the employee a written response within ten (10) working days, holidays and leave days excluded.

Step 3

If the dispute is not resolved at step 2, the employee provides a written request for a hearing to the Personnel Relations Review Board. The hearing is held within thirty (30) days, and it is conducted in accordance with the Open Meeting law. The Members of the Personnel Relations Review Board issue a written decision within ten (10) days of adjourning their hearing, and their decisions may be subject to appropriation, but they are otherwise final.

GRIEVANCE PROCEDURES FOR COMPLAINTS OF DISCRIMINATION ON THE BASIS OF DISABILITY

The following grievance procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Lee.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town Administrator
Town of Lee
32 Main Street
Lee, MA 01238
413-243-5501

Within 15 calendar days after receipt of the complaint, the Town Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Administrator will respond in writing and, where appropriate, in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of Lee and offer options for substantive resolution of the complaint.

If the response by the Town Administrator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the Town Administrator within 15 calendar days after receipt of the response to the Board of Selectmen, or their designee.

Within 15 calendar days after receipt of the appeal, the Board of Selectmen, or their designee, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Board of Selectmen, or their designee, will respond in writing and, where appropriate, in a format accessible to the complainant such as audiotape, with a final resolution of the complaint.

All complaints received by the Town Administrator, appeals to the Board of Selectmen, or their designee, and responses from the Town Administrator and the Board of Selectmen, or their designee, will be kept by the Town of Lee for at least three years.

TOWN OF LEE
Telecommunications Systems Policy
Adopted by the Select Board January 9, 2001

To ensure proper use of the Town of Lee's telecommunications systems including the telephones, electronic mail (E-mail), facsimile machines and the Internet, the Town has established a policy. This policy is designed to prevent misuse of these systems and to protect the Town from illegal use by its employees of these telecommunications systems.

All Town employees are required to read and comply with this policy. Failure to comply with the provisions of this policy may result in disciplinary action ranging from limiting an employee's privileges for access to telecommunications systems and further disciplinary action up to and including termination.

This policy will be reviewed annually and may be updated or amended at any time at the discretion of the Board of Selectmen.

1. The following activities are strictly prohibited:
 - a. Any illegal activity, including, but not limited to, the transmission of copyrighted, trademarked, patented, trade secret material or the participation in any type of criminal activity.
 - b. Any inappropriate activity, including but not limited to the transmission or inquiry of obscene, defamatory, discriminatory or threatening material.
 - c. Any attempts to tamper with or violate the computer security systems implemented by the Town of Lee or other institutions, organizations, companies or individuals.
2. Telecommunications systems are the property of the Town of Lee and should be used for business purposes.
3. Subject to certain exceptions in the law, E-mail messages are considered public records and are therefore legally discoverable and subject to record retention policies. Employees should not expect that E-mail messages (even those marked "personal") are private or confidential.
4. Upon the request of the Department Manager and/or the Town Administrator and subject to the approval of the Board of Selectmen, monitoring of telecommunications systems usage may be necessary. Reasons for monitoring include, but are not limited to, review of employee productivity, investigations into claims of possible criminal activity and investigations into violations of this policy.
5. Subject to department head approval limited personal use is allowed, but business use is primary.

Town of Lee

Workplace Violence Policy

Adopted October 11, 2005

Policy Statement

The Town of Lee is committed to maintaining a safe, healthy and secure work environment free from intimidation, threats or violent acts. As such, the Town maintains a zero tolerance policy toward workplace violence or the threat of violence by any of its employees, customers, the general public, and/or anyone who conducts business with the Town.

Definitions of Workplace Violence

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

- Any Town of Lee owned or leased property;
- Town vehicles or private vehicles being used for Town business;
- Any location where Town business is being conducted;
- Any location if the violence resulted from an act or decision made during the course of conducting Town business.

For the purposes of this policy, workplace violence includes but is not limited to the following:

- Physical assault and/or battery
- Threats and/or acts of intimidation communicated by any means that cause an employee to be in fear of their physical safety or that of a colleague;
- Disruptive or aggressive behavior that places a reasonable person in fear of physical harm and/or;
- Willful and malicious destruction of property.

Prevention of Workplace Violence

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the actions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Department supervisors should recognize early warning signs of employee stress: a change in personality; verbal conflicts; anxiety; family problems; suspected alcohol or drug abuse; gambling; or losing out on a promotion or raise. A supervisor who overhears

or is made aware of any type of verbal threat-direct or veiled-shall take immediate action as directed in this policy. In addition, supervisors shall keep Department Heads informed of such ongoing incidents even if they appear minor in nature at the time of occurrence.

Reporting an Incident of Workplace Violence

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported.

Any act of violence or threat of violence, or any emergency situation should be reported immediately to the Lee Police Department either by the victim, the Department Head, the Town Administrator or any other person who becomes aware of such a situation.

Incidents of workplace violence which may include but are not limited to verbal abuse, perceived intimidation, or harassment, or any similar non-emergency situation shall be reported to the Department Head for assessment and investigation.

Departmental supervisors have an obligation to act in accordance with this policy and make a report to their Department Head any time they become aware of an incident where workplace violence has occurred, or where circumstances known to the supervisor regarding a particular individual may lead to workplace violence.

For non-emergency situations, or questions by an employee regarding any aspect of workplace violence, or when the employee is unsure to whom a report of possible workplace violence should be made, the employee may contact either the Department Head, the Town Administrator or the Police.

Department Head Responsibility Upon Receiving a Report

The Department Head will assess the initial report to determine the appropriate action to be taken in accordance with this policy even in cases where the reporting party disagrees with the outcome of such assessment or the subsequent actions to be taken.

The Department Head shall document and report all assaults, threats or other serious incidents of workplace violence to the Lee Police Department immediately. Any emergency situation, or any assault believed to be imminent, presently occurring or has just occurred, or any threats of a serious nature shall be reported to police prior to any other action being taken.

The Department Head shall report all incidents of workplace violence, as well as circumstances which may lead to workplace violence, to the Town Administrator. Such report shall be made to the Town Administrator regardless of whether the incident was initially reported to the police; whether it will be handled internally within the

employee's Department; or whether the Department Head determines the complaint is unfounded.

The Department Head will advise the reporting party that even in cases where the report is determined to be unfounded or where no further formal action is warranted, the reporting individual has the right to contact the Lee Police Department for information regarding legal options available to him or her as a possible victim of a crime.

Police Response to Workplace Violence

An integral component of this zero tolerance policy is the fact that all cases of workplace violence will be prosecuted. As such, if after investigation the police have probable cause to believe that an act of workplace violence was committed by a particular individual, criminal charges will be filed even in circumstances where the victim employee may not wish charges to be brought forward. In all cases of workplace violence involving a Town of Lee employee as a victim, the criminal charges will be filed by the police department and not by the victim employee.

Management Response Team

As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team which may include Town Counsel, representatives from the Employee Assistance Program and Police Department, and others as deemed necessary. The Management Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- Evaluating the potential violence problems.
- Assessing an employee's fitness for duty (through mental health professionals)
- Establishing a plan for the protection of co-workers and other potential targets.
- Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel.
- Referring victims to appropriate assistance and community service programs.
- Assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

Good Faith Reporting

Any employee who acts in good faith by reporting real or implied violent behavior will not be subject to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the Department Head or the Town Administrator for investigation and decision regarding proper action.

Protective or Restraining Orders

The Town must be informed about individuals who have been ordered legally to stay away from any Town employee or Town location. Any employee who applies for or obtains a protective or restraining order shall provide, in confidence, her/his Department Head with appropriate documentation.

Firearms

With the exception of police officers, the Town of Lee expressly prohibits the possession of firearms by Town employees while on Town property or while conducting business on behalf of or for the benefit of the Town. This prohibition applies even if an individual has a legal license to carry a firearm. Persons who do not comply with this policy may be subject to disciplinary action, up to and including removal from Town property and/or termination from employment. This action is separate from any criminal penalties that may be pursued for violation of state laws.

Under Massachusetts Law, firearms may be surrendered by a member of the public to the police providing the individual follows certain protocols. As such, there may be occasions when a member of the public is observed carrying a firearm into or from the police station within Town Hall. Such firearms should not be carried by the public into any other Town offices or anywhere on the second floor of Town Hall. All incidents of an unauthorized employee carrying a firearm in a Town building, or a member of the public carrying a firearm in an unauthorized section of Town Hall should be reported immediately to the Police Department.

Current Employees

All Employees will be given a copy of this policy.

New Employees

Department Heads or their designee will orient all new employees to the Town's procedures regarding reporting incidents of violence, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence.

Employee Assistance Referrals

Should an employee become the victim of an incident of workplace violence, the Department Head may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is

determined in the investigation that the employee did, in fact, commit the violent act, he/she may be referred to the EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action.

Violations

It is a violation of this policy to engage in any act of workplace violence. It shall also be a violation of policy to fail to cooperate in any investigation the Town deems necessary to enforce this policy. Any employee who has been determined by the Town Administrator to be in violation will be subject to disciplinary action up to and including termination. Although criminal prosecution may result from any incident of workplace violence, neither prosecution nor conviction is a necessary prerequisite for administrative disciplinary action of an employee.

DRUG FREE WORKPLACE

23.1. In accordance with the federal Drug Free Workplace Act (41 USCS Sec. 701-7-7) the Town strives to provide a drug free work environment. The purpose of establishing a policy statement about a drug free workplace is to inform town employees about:

The serious dangers of drug abuse in the workplace.

The town's policy of maintaining a drug free workplace.

The town's willingness to consider an employee's participation in an approved drug abuse or assistance program as an option for treatment of abusers.

The potential consequences of employee drug use in the workplace.

23.2. Consistent with the intent and practice of the Town, this Drug Free Workplace Policy Statement states that:

All employees of the Town will review and retain a copy of this statement.

All employees are notified that unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance is prohibited when working.

Any employee found in violation of the above statement will be subject to disciplinary action, which may include termination.

As a condition of employment, all employees must abide by the terms of this statement and notify the Department Head or Town Administrator within five (5) days of any criminal drug statute conviction of which the actual criminal conduct itself occurred in the workplace.

The Town will, within thirty (30) days of receiving any such notice under the statement above, take appropriate personnel action with an employee, which may include disciplinary action up to and including termination; and/or may provide an opportunity for said employee to participate satisfactorily in an approved drug abuse program.

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

SEXUAL HARASSMENT POLICY

It is the policy of the TOWN OF LEE to maintain a working environment free from all forms of sexual harassment and intimidation. This policy is effective immediately and shall apply to all employees. All employees of THE TOWN OF LEE have the right to work in an environment free from sexual harassment.

I. WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a form of sex discrimination. Sexual harassment in the workplace and retaliation for reporting or cooperating with a sexual harassment investigation are unlawful under both state and federal law. The Equal Employment Opportunity Commission's guidelines provide that unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute harassment when:

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

Sexual harassment is not limited to conduct by a male employee towards a female employee. The victim of sexual harassment may be either male or female. Likewise, a harasser may be male or female.

Sexual harassment is not, by definition, limited to prohibited conduct by a supervisor or manager towards an employee. It can also involve conduct by one employee towards a co-worker or, in some circumstances, it may even involve a non-employee as the harasser or the victim of harassment.

II. TYPES OF SEXUAL HARASSMENT

There are two types of sexual harassment:

- A. *Quid Pro Quo Harassment* - ("Giving something to get something") - occurs when a job benefit (i.e., continued employment, promotion, wage increase, performance review, hours of work, time off, etc.) is tied to an employee's submission to or rejection of sexual conduct or behavior.
- B. *Hostile Environment Harassment* - Verbal or physical conduct of a sexual nature which is unwelcome and sufficiently severe or pervasive so as to alter the conditions of the employee's employment and create an intimidating, hostile or offensive working environment.

III. EXAMPLES OF TYPES OF CONDUCT WHICH MAY CONSTITUTE SEXUAL HARASSMENT

The following examples are intended to provide a broad overview, not an exhaustive list, of the types of conduct which can constitute sexual harassment.

- A. Supervisor indicates to a subordinate that the subordinate's performance review will be affected by whether or not the subordinate is willing to date the supervisor.
- B. Supervisor tells an employee that he/she could be promoted if he/she grants certain sexual favors to the supervisor.
- C. Manager demotes an employee because the employee refuses to share a bed with the manager during an out of town conference.
- D. An employee is subjected to sexual remarks and/or whistles upon each visit to a particular work department. Over a period of time, the employee becomes reluctant to enter that department making it difficult for the employee to properly perform his/her duties.

Be advised that our policy prohibits conduct or behavior of a sexual nature that may be beyond what is prohibited by law. The following are some other examples of conduct that violates Company policy and in some instances may violate the law as well:

- ♦ Staring, leering or ogling a person's body

- ◆ Having sexually suggestive objects or materials (i.e. magazines, posters, cartoons, post cards, calendars, pictures, tapes, etc.) in the workplace, while on duty or at Company sponsored events
- ◆ Making sexual gestures or body motions
- ◆ Transmitting or accessing sexually explicit materials by computerized or other means
- ◆ Making sexual comments or telling sexual jokes or stories
- ◆ Touching, pinching, groping, kissing or patting the body of another person
- ◆ Repeatedly asking a person for a date or to socialize outside of work after being informed such conduct is unwelcome
- ◆ Exerting pressure on another person for sex or a romantic relationship
- ◆ Following, "shadowing" or stalking a person
- ◆ Commenting on a person's sex life

IV. RESPONSIBILITIES OF ALL EMPLOYEES

Each employee is personally responsible for ensuring that his/her conduct does not in any way sexually harass any other employee or non-employee he/she has contact with in the performance of his/her duties. Each employee, supervisor and manager is required to fully cooperate in any investigation of alleged sexual harassment. Further, supervisors and managers are obligated to intervene and stop any sexual harassment they witness and to immediately report to their supervisor, in writing, any sexual harassment that is reported to them or they otherwise learn of.

Any employee who receives a report of, or has knowledge of conduct prohibited by this policy is required to report the conduct or incident immediately.

V. PROCEDURE FOR REPORTING SEXUAL HARASSMENT

The following sexual harassment complaint procedure has been established to ensure prompt and effective investigation into allegations of sexual harassment.

- A. If an individual believes that he or she is being sexually harassed or subjected to inappropriate conduct of a sexual nature, the individual should immediately:
1. Firmly confront the harasser(s);
 2. State the conduct which he/she objects to;
 3. Indicate that he/she finds such conduct offensive, intimidating and/or embarrassing;
 4. Insist that the person(s) engaging in the conduct stop the conduct immediately; and
 5. Report the harassment immediately in writing to one or more of the persons listed below.*

If the employee is not comfortable with confronting the alleged harasser(s), the employee should immediately report the situation to one or more of the persons identified below.*

- B. After reporting the situation to one or more of the persons identified below*, the employee should immediately submit a written statement to the investigator detailing:

1. the specific conduct objected to,
2. the date(s) and time(s) such conduct took place,
3. the name(s) of the alleged harasser(s),
4. the location(s) where the conduct occurred,
5. the name(s) of any witness(es), and
6. any other details or information requested by the investigator.

The employee should provide the investigator with any documentation (cards, notes, pictures, etc.) or other corroboration of the harassment which the employee may have.

EMPLOYEES WHO WISH TO FILE A COMPLAINT OF SEXUAL HARASSMENT OR WHO WISH TO LEARN MORE ABOUT THE SUBJECT, MAY CONTACT ANY ONE OF THE FOLLOWING PERSONS:

Robert Nason, Town Administrator 243-5501

Suzanne Alderman, Secretary to Select Board/Administrator 243-5500

VI. INVESTIGATION OF COMPLAINTS

Complaints of sexual harassment will be investigated promptly and acted upon in a timely manner.

The investigator will inform the alleged harasser(s) of the complaint and alleged facts and shall direct each alleged harasser to submit a detailed written response to each and every allegation of harassment.

The investigator will also endeavor to promptly interview and obtain detailed written statements from potential witnesses.

If the investigator concludes that sexual harassment has occurred, the matter shall be immediately referred for appropriate disciplinary action.

VII. CONSEQUENCES OF VIOLATING POLICY - DISCIPLINE & DISCHARGE

Any employee who violates this policy will be subject to disciplinary action which may range from reprimand, suspension without pay, demotion, up to and including immediate discharge. In appropriate circumstances, the Employer may also refer the matter to law enforcement officials for possible prosecution.

VIII. CONFIDENTIALITY

Investigations of sexual harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the investigation. The Employer shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

IX. NO RETALIATION FOR FILING A COMPLAINT OR COOPERATING WITH AN INVESTIGATION

No employee shall be retaliated or discriminated against in any way for making a complaint of sexual harassment or for cooperating in the investigation of such a complaint.

X. IDENTITY OF STATE AND FEDERAL AUTHORITIES

The Massachusetts Commission Against Discrimination (MCAD) enforces the state law prohibiting sexual harassment. The MCAD can be reached as follows:

Massachusetts Commission Against
Discrimination
436 Dwight Street, Suite 315
Springfield, MA 01103
Telephone (413) 739-2145

Massachusetts Commission Against
Discrimination
One Ashburton Place, 6th Floor
Boston, MA 02108-1532
Telephone (617) 727-3990

The Equal Employment Opportunity Commission (EEOC) enforces the federal law prohibiting sexual harassment. The EEOC can be reached as follows:

Equal Employment Opportunity Commission
One Congress Street
Room 1001
Boston, MA 02114
Telephone (617) 565-3200

Equal Employment Opportunity Commission
1801 L St. N.W.
Washington, DC 20507
Telephone (202) 663-4900