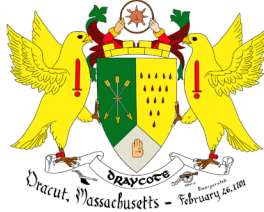


TOWN OF DRACUT

PERSONNEL POLICIES & PROCEDURES



Adopted by the Dracut Board of Selectmen on 11/20/2025

&

In Conjunction with the Dracut Town Bylaws: Ch.11 §1-4

Adopted by Town Meeting 11/10/2025 (Art.6)

[illegible]

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DEFINITIONS

The following words and phrases shall have the meanings below unless an alternate interpretation is required by the Laws of the Commonwealth.

Board	Selectmen and/or Board of Selectmen.
Classification	A group of positions whose duties and responsibilities are sufficiently similar that the same descriptive title, qualifications, and compensation can be applied with equity to all positions in the classification.
Classification Plan	A listing of all approved position classification titles and a summary job description for each classification.
Compensation Plan	A listing of the minimum, maximum and intermediate wage or salary rates for each title in the Classification Plan.
Continuous Empl.	Either full-time or part-time, year-round employment which is uninterrupted except for authorized leaves of absence.
Department	An organizational entity of the Town which covers one cost center for funding and has several separate and distinct departments of responsibility and management therein. There are seven (7) distinct and separate Departments within Dracut's organizational structure: Administration, Finance, Planning & Land Management, Human Services, Public Safety, Information Technology and Public Works.
Department Head	The appointed official hired and assigned to oversee all administrative, personnel and operational functions of the department of the Town.
Division	An organizational entity of the Town which covers one cost center for funding and has several separate and distinct areas of responsibility and management therein. There are several distinct and separate divisions within the seven Departments of Dracut.
Employee	An employee of the Town of Dracut.
Employment Status	A category which defines the intended terms of an employment position, as to its length and number of hours worked.
Full-time Employee	An employee retained in a full-time position.
Full-time Position	A position which requires the services of an employee for 37.5 or 40 hours per week whichever is defined as full-time for that classification.
Hiring Manager	The Department Head tasked with overseeing the hiring of people within their operational unit.
Limited Status	A position which requires the services of an employee for either uninterrupted or occasional periods for an annual average of less than 20 hours per week and does not require reappointment for each period of work.
Maximum Rate	The highest rate in a salary range.
Minimum Rate	The lowest rate in a salary range.
Part-time Employee	An employee retained in a part-time position.
Part-time Position	Any position which requires the services of an incumbent for less than the 32 hours per week, with 35 hours defined as full-time.
Personal Rate	A salary above the maximum rate of the range, applicable only in certain

	circumstances.
Position	A defined set of duties and responsibilities to which one employee is appointed to perform.
Promotion	The movement of an employee from one position into another position which is in a classification with a higher maximum salary.
Rate	A sum of money designated as compensation for personal services on an hourly, weekly, annual, or other basis.
Reclassification	The movement of a position from one classification to another classification.
Regular Employee	An employee retained in a regular position, either full-time or part-time, year-round.
Regular Position	A year-round, full-time, or part-time position of 32 hours or more per week which requires the services of an employee in continuous employment for an indefinite term.
Salary Range/Grade	An established range of salary or wage rates included in the Compensation Plan.
Structure Movement	Any increase or decrease in a salary range which is approved by Town Meeting.
Seasonal Position	A position which requires the services of an employee for a designated portion of each year.
Senior Manager	The individual serving as the Division Head; in the case of the Public Safety <i>Department</i> , there are <u>two</u> Senior Managers - Police & Fire Chief.
Step	A specific rate in a salary range or grade.
Supervisor	The individual who in charge of a unit of operation, or oversees a person, group, organization or subset of the departmental operation. Also referred to as: 'Officer in Charge;' 'Crew Leader;' 'Foreman;' 'Manager;' etc.
Temp Employee	An employee retained in a temporary or seasonal position or in a regular position on a temporary basis.
Temp Position	A full-time or part-time position which requires the services of an employee for a temporary period.
Town	The Town of Dracut.

OVERVIEW & CONNECTION TO PERSONNEL BYLAW

PURPOSE AND GENERAL PROVISIONS

The purpose of Dracut's Personnel Policies and Procedures is to establish an equitable and efficient system of personnel administration for Town employees. Additionally, the provisions contained herein serve to outline expectations and guidelines for Dracut employees who manage and/or supervise Town personnel. The Town is committed to upholding and complying with all applicable employment laws. The policies, procedures, expectations, and instructions set forth in this document are intended to inform both employees and Board Members about the terms and conditions of employment in Dracut ("the Town").

All Town Employees, regardless of full-time, part-time, seasonal, or other type of employment status, are considered covered by the rules and regulations outlined herein unless expressly stated otherwise within an employment contract or Bargaining Agreement. It is the duty of an employee to thoroughly review the provisions contained in this document and to ask questions of their supervisor or the Town Manager when clarification is necessary. While certain provisions outlined within this manual are subject to change, any new, revised or adopted policies shall be forwarded to the staff upon acceptance. Notice of these changes shall be provided through the Town's email service and posted on the various bulletin boards within the employee break and/or common areas.

Should any provision contained herein conflict with the provisions of one of the Town's Collective Bargaining Agreement, or any individual's Employment Contract, the provisions of the agreement or contract shall prevail unless agreed to, in writing, by the parties. Improper interference with any employee's ability to perform the essential functions and duties of their job is not tolerated.

GENERAL PERSONNEL POLICIES

EMPLOYEE STANDARDS OF CONDUCT

All people employed by the Town hold a position which requires the public's trust. As a result, employees must present themselves in professional and appropriate manners. Employees are held to the highest standards of conduct, ethics, civility, and professionalism. These standards apply to both on and off duty behaviors. Town employees should take care to avoid any actions which may create the impression that staff are using their public appointment for private gain, giving preferential treatment to persons, or losing any type of impartiality when conducting Town business. Employees are expected to adhere to code of ethics established by the Commonwealth and may be subject to disciplinary action for conducting themselves in a manner inconsistent with these standards and codes.

EQUAL OPPORTUNITY EMPLOYER

The Town of Dracut is an equal employment opportunity employer. The Town employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, age (as defined by law), sexual orientation (as defined by M.G.L. Ch. 151b to exclude from protection those individuals whose sexual orientation involves minor children as the sex object), genetic information or disability.

PUBLIC EMPLOYEES & CAMPAIGNS

[Massachusetts General Law, Chapter 55, Campaign Finance Law](#), regulates political activity by public employees and the use of public buildings and resources in campaigns. Public employees who take part in political campaigns should familiarize themselves with this law and ensure strict adherence. Public resources such as Town vehicles, office equipment and supplies, and the paid time of public employees may not be used for political campaign purposes, such as the election of candidates or advocating for certain votes or ballot questions.

PROFESSIONAL APPEARANCE

Employees are expected to report to work in appropriate attire which is conducive to their duties and functions in Town. Employees should present in a clean and professional manner. Questions related to specific dress codes, or attire not allowed in the workplace should be directed to an individual's Department Manager, Department Head, or the Town Manager.

CRIMINAL OFFENDER RECORD INFORMATION (CORI)

The Town insists that all employees undergo comprehensive background assessments before they begin employment in the community. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. CORI checks are conducted as authorized by the DCJIS and MGL c. 6, §. 172, and only after a CORI Acknowledgement Form has been completed by the employee, vendor or applicant. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check. A CORI acknowledgement form shall be completed on an annual basis for checks submitted for any other purpose, provided, however, that the requestor has adopted the language from the DCJIS CORI Acknowledgment Form that notifies individuals that their CORI may be requested at any time within the one year that the acknowledgment form is valid. If the requestor has not adopted the DCJIS CORI acknowledgment form language, then it must ensure that an acknowledgement form is completed for each and every subsequent CORI check.

All CORI results obtained from the DCJIS are confidential, and access to the information must be limited to individuals who have a “need to know” requirement. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. Town of Dracut must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at Town of Dracut will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Additionally, if the Town of Dracut is an agency required by MGL c. 6, s. 171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the CORI Policy. CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by

an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

If a determination is made, based on the information as provided in “Verifying a Subject’s Identity” section of this policy, that the criminal record belongs to the subject (accurate identity match), and the subject does not dispute the record’s accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to, the following: (a) Relevance of the record to the position sought; (b) The nature of the work to be performed; (c) Time since the conviction; (d) Age of the candidate at the time of the offense; (e) Seriousness and specific circumstances of the offense; (f) The number of offenses; (g) Whether the applicant has pending charges; (h) Any relevant evidence of rehabilitation or lack thereof; and (i) Any other relevant information, including information submitted by the candidate or requested by the organization. The applicant is to be notified of the decision and the basis for it in a timely manner.

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified in accordance with DCJIS regulations. The subject shall be provided with a copy of the organization's CORI policy and a copy of criminal history (unless a copy was provided previously). The source(s) of criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS’ Information Concerning the Process for Correcting a Criminal Record. All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

TOBACCO, NICOTINE, ALCOHOL & DRUGS

The Town of Dracut is committed to providing a safe, comfortable, drug, tobacco, and alcohol-free workplace which promotes a high standard of employee wellbeing, safety and health. Consistent with the spirit and intent of this commitment, the Town of Dracut does not allow drugs, alcohol, tobacco products or electronic nicotine delivery systems within or on Town property. Employees who report to work that are under the influence of, in possession of, or consume alcohol and drugs, including marijuana, during work hours, will be subject to disciplinary action, up to and including termination. Employees whose job require licensing in CDL, Hoisting or other OSHA and Federally regulated manners are expected to comply with the terms and conditions of those licenses including submitting to random drug and alcohol testing through the MA Department of Transportation or their designee.

WORKPLACE VIOLENCE

The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reported incidents will be taken seriously and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

PROPER PUBLIC SPENDING & REIMBURSEMENT PROCEDURESS

Town of Dracut employees are expected to spend Town money judiciously. All expenditures should have a distinct benefit to the Town and its ability to execute its duties and responsibilities. The following guidelines must be followed when incurring business-related expenses and seeking reimbursement:

- Employees are expected to seek, and obtain, approval from their Department Head *prior to* incurring business-related expenses.
- Employees are encouraged to identify and have *the Town prepay* for expenses. If this is not possible, employees may pay for the expenses and seek reimbursement.
- To be reimbursed for expenses, an employee must complete an expense voucher accurately and completely, attaching all itemized receipts and records of payments made by the employee to the form. Reimbursements should be submitted to the employee's Department Head for approval within one month of the expense. The Department Head, upon approval, must then forward the voucher to the Town Finance Director for final approval.
- Employees shall not knowingly or purposefully falsify any employee expense reimbursement forms, or fail to pay a bill, after Town reimbursement.

FRAUD

The Town of Dracut is committed to complying with all applicable Local, State and Federal Laws, regulations, and internal accounting controls. Employees are expected to report perceived or actual instances of fraud to their immediate supervisor or to the Town Manager. Retaliation by the Town, or by any of its employees, against any person who, in good faith, reports fraudulent behavior shall not be tolerated.

Pension or Retirement Fraud, commonly referred to as "double dipping" refers to the practice of receiving pension/retirement benefits while simultaneously drawing a salary from Town employment. This is sometimes observed in the public sector by auditors, payroll employees, human resources personnel and

managers. Monitoring and enforcing double-dipping regulations can be complex, and responsibility often involves multiple entities, primarily within the realm of government entities, depending on the specific pension system and jurisdiction. If you suspect a member of the Town is double dipping or is complicit in allowing another person to double-dip, you have an obligation to bring that matter forward to a supervisor, Human Resources or the Town Manager.

WHISTLEBLOWER PROTECTIONS

In accordance with [Massachusetts General Laws Chapter 149, Section 185](#), otherwise known as the Massachusetts Whistleblower Statute, the Town commits to protect any and all employees who report improper government actions in good faith.

TOWN COMPUTER/PHONE USE & EXPECTATION OF PRIVACY

The Town provides and maintains numerous forms of electronic communication and access, including but not limited to, computers, cellular phones, iPads, Wi-Fi and Wired Internet accessories and VoIP telephones. The hardware and software systems contained in these devices, or areas, are considered the property of the Town of Dracut. Therefore, all messages or files created, sent, received, or stored in these systems must be business related and are subject to inspection, recall and production. Written correspondence, including text messages and emails which are related to an employee's role in Town are the property of the Town of Dracut and subject to all applicable public record laws. The Town reserves the right to retrieve and review any message or file composed, sent, or received while on duty or when performing work for the Town. Please be aware that although a message or file is deleted or erased, it is possible to recreate the message or to recall a message on the Town's server. No employee should expect privacy and/or confidentiality of messages, emails, reports or other work products.

DATA SECURITY AND CONFIDENTIAL NATURE OF WORK

The Town of Dracut is committed to safeguarding personal information in its possession and ensuring the confidentiality of such information. The Town will only collect personal information which is required to operate Town business or to comply with government reporting and disclosures. Personal information collected may include names, addresses, telephone numbers, e-mail addresses, emergency contact information, EEO data, social security numbers, date of birth, banking information, employment eligibility data, benefits plan enrollment information, including dependent personal information, and education or certification credentials. All personnel files are maintained in locked, segregated areas and are not used by the Town during its business operations.

Personal information may be shared as required and with those who have a need to have access to such

information. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access. Personal employee information used in business system applications will be safeguarded by proprietary electronic transmission and security systems. Participants in Town benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs.

If an employee becomes aware of a material breach in maintaining the confidentiality of their personal information, the employee is encouraged to report the incident to their supervisor. Employee and applicant records shall be kept in locked and secured areas. Sensitive papers should not be left unattended on desks. Those with access to such records should be clearly identified, and those employees are responsible for maintaining the security of the records. Outdated hard copy records which contain confidential employee information should never be merely discarded but should be shredded in accordance with the State's Records Retention Policy.

PERSONNEL RECORDS

The Town is committed to safeguarding personal employee information and to ensuring the confidentiality of any information in its possession. Personnel files are confidential and are not subject to public record requests, except in some cases. Personnel files are maintained in locked files in the Town's Human Resources Director's office. Individual Departments who may possess such records are required to forward all original documents for the personnel file to Human Resources and shall not maintain secondary personnel files. The Town only collects employee personal information that is required to conduct its operations and/or to comply with government reporting and disclosure requirements.

In accordance with [MGL, Chapter 149, Section 52C](#), the Town shall notify an employee within 10 days of placing information into the personnel file which has been used, or may be used, to affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee shall be subject to disciplinary action, either negatively or positively.

If an employee wishes to review their personnel file, they may submit a request to Human Resources and/or the Town Manager who shall provide the employee with the opportunity to review their file within 5 business days of receiving the request. The review shall take place in the Town Manager's Office during business hours, or another mutually agreed upon time. Any employee may request a copy of their personnel record and should do so, in writing, to the Town Manager. The Town shall within thirty days of submission of an employee's written request to the Town.

SOCIAL MEDIA

The Town of Dracut utilizes various Town social media accounts to disseminate Town information to

members of the community. Users posting content under any official Town of Dracut social media page, or pages, must post only to notify others about Town business or operations and refrain from commenting on their personal feeling. At no time may any town social media account be used to influence a town meeting or ballot vote. Employees who choose to use their personal social media accounts to discuss or comment on Town business must understand that anything posted to, or on, social media is public and can be seen by anyone at any time. Employees who use personal social media accounts for public business should consider the content in which they post and the subject of their posts carefully as they could have unintended consequences including eroding public trust and the employer-employee relationship.

VEHICLE USAGE

Employees who are issued or who utilize Town-owned Vehicles, or their personal vehicles, while performing Town business must possess a valid MA Driver's License. While in motion, employees must also wear a safety belt, refrain from cell phone use, and stay within the posted speed limits. Adherence to all motor vehicle laws and regulations and refrain from transporting friends and/or family members unless specifically authorized to do so by the Town Manager or by State Statute/Town Bylaw. No smoking, vaping or use of any drug or alcohol is permitted while using, sitting, or riding in a Town vehicle, this includes an employee's personal use of a Town vehicle during off or non-working hours.

CLOSURE OF TOWN BUILDINGS & FACILITIES

These guidelines do NOT apply to public safety, DPW or those employees designed as essential workers.

Should the Town close any building or facility in which an employee is expected to work, that employee shall be compensated for the hours during the closure in which they were scheduled. If the employee was scheduled to be 'off' during the time of closure (personal, vacation, leave of absence), the employee shall not be compensated for the time and will remain on paid-time-off or leave status regardless of building status. Should an event result in the closure of a building or facility *before* or *during* their commuting hours, employees should take whatever reasonable steps necessary to return home safely. Should an employee decide not to report to work despite the building or facility being open, that employee must use their own accumulated leave for the day; excessive absenteeism of this kind may be subject to disciplinary action.

In the event that a decision is made by the Town Manager not to open Town buildings, or to schedule a late opening, appropriate notification will be posted on the Town website. Employees will also receive a notification message via phone call, text message, and/or e-mail through an automated system. Whenever possible, the Town Manager will make the decision by 5:30 a.m. so that employees may plan accordingly.

EMPLOYEE RECRUITMENT & HIRING PROCESSES

The Town Manager (TM) is appointed by the Board of Selectmen (BOS) and, by Charter, serves as the Appointing Authority for all Town Departments. The Manager's appointment of the Police and Fire Chiefs require ratification by the Board of Selectmen.

ROLE OF THE APPOINTING AUTHORITIES & TOWN ADMINISTRATION

Standard procedures for recruitment, interviewing, negotiating, and appointing individuals, or promoting employees to new positions, are required to ensure consistency of practice and compliance with all local, state, and federal laws. These standards also protect the Town and its Hiring Managers (HM) from claims of discrimination, inside dealing, and violations of the Equal Pay Act. The Town's Human Resources Director must be consulted when seeking to recruit or to offer a position to an applicant. The Human Resources Director should participate in interviewing, negotiating, and appointing staff or promoting employees to new positions before they are brought to the TM for approval. The process to follow relative to recruitment, interviewing, pre-placement examinations and, ultimately, offering a job with the Town, is detailed within the Town's Hiring Policy Document.

POSITION DESCRIPTIONS

Regular, Full-Time: Continuous, year-round employment with a weekly schedule equal 35 to 40 hours.

Regular, Part-time: Continuous, year-round employment for less than full-time, but at least 20 hrs./week.

Limited Status: Employment for uninterrupted or occasional periods of time with an annual average of less than 20 hours per week; positions do not require reappointment for each period.

Temporary (Full-time or Part-time): Employment in a seasonal position or for a temporary period of time, either on a full-time or part-time basis.

All temporary or seasonal positions held by an employee are considered wholistically when determining employee status for a given year. Therefore, if an employee holds multiple, or a series of consecutive, temporary positions (such as lifeguard, van driver, librarian, custodian, etc.) their status shall be determined by the number of total hours and consecutive periods of employment over a six-month period in all such positions.

CLASSIFICATION & COMPENSATION

CLASSIFICATION PLAN

A classification plan, or plans, shall be maintained for all Town positions. Classification Plans shall consist of a listing of all approved position classification titles and a summary job description for each role. The Classification Plan shall provide a uniform system for grouping positions based on the nature and complexity of the duties assigned and the minimum qualifications required to perform those duties. All changes to the list of job titles included in the Classification Plan must be approved by the Town Manager. No person shall be appointed or promoted to any regular-status position under a title not included in the Classification Plan.

Job Descriptions: The Town Manager, or their designee(s), shall prepare and maintain summary job descriptions for all positions within the Classification Plans. Such descriptions shall consist of a statement describing the essential functions of the position and level of effort, education and experiences required to perform the work for that function. Illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the classification and any special skills, licenses, or educational requirements to hold the position. These classification descriptions shall be interpreted as descriptive only and not restrictive. They shall be construed solely as a means of identifying and grouping positions and not as prescribing what the duties or responsibilities of any job shall be.

Allocation of Positions to Classifications: Positions shall be reviewed on a regular basis or as dictated by policy or instruction of the Town Manager. The duties and qualifications of each position shall be rated according to a uniform scale so allocations to grades and compensation levels are uniform, equitable and defensible. Whenever an existing position is assigned new duties such that a new level of work effort exists or conditions or qualifications change, the Town Manager shall review the duties and qualifications of the position and determine if it should be reallocated (reclassified) to another grade.

Periodic Review of the Classification Plan: It shall be the responsibility of the Town Manager, or their designee, to ensure that position classifications and job descriptions are reviewed at reasonable intervals and that all necessary resources are available for employees to perform the essential functions of their jobs.

COMPENSATION PLAN

A Compensation Plan shall be maintained for all Town positions. The Compensation Plan shall consist of minimum, maximum and intermediate wages, or salary rates, for each title in the Classification Plans. Each Department Head shall be responsible for ensuring their staff are paid consistently with the appropriate plan and wage scale(s). Department Heads are expected to review the wages for those

in their operations against those of Dracut's peer communities in preparation for any Town Meeting adoptions.

Periodic Review of the Compensation Plan: It shall be the responsibility of the Town Manager, or their designee, to review each Department Heads' research and recommendations, where applicable, regarding specific Department/Division position rates of pay. The Selectmen shall take steps to review any updates to the Classification and Compensation Plans annually and, if warranted, take steps to bring the changes to Town Meeting for action.

When reviewing wages and classification plans, weight shall be given to the following factors:

- Rates of pay for 'like' positions in other Massachusetts Towns considered to be in/for communities comparable to Dracut.
- Rates of pay for 'like' jobs (as applicable) in commercial and business establishments around Dracut and its vicinity.
- The current level of the Consumer Price Index for Urban Wage Earners and Clerical Workers in Middlesex County.

SALARY SCHEDULES – TEMPORARY & LIMITED STATUS PERSONNEL

The Town Manager shall be responsible for establishing and maintaining salary schedules for temporary and limited status positions. No person shall be employed in a temporary or limited status position under a title or wage rate not included in the approved salary schedule(s).

PAY POLICIES

Appointment Rates: New employees or employees who receive promotions shall be appointed at a base rate of pay within the approved range for the position's classification no higher than the midpoint. In certain cases, the Town Manager may propose a higher starting salary based on their consideration of the individual's qualifications, available funds, market influences, internal equity, and any other relevant factors.

Increases Within the Salary Ranges: The Town Manager, or their designee, shall annually propose a plan to the which provides employees with salary increases within the ranges specified in the Compensation Plan for Town Meeting approval (also known as Structure Movements or Cost of Living increases). Increases within the salary range shall only be granted when an employee's performance is found to be satisfactory as determined in the employee's annual performance evaluation.

Incentives and Reward: The Selectmen may task the Town Manager to design certain compensation

programs which provide monetary and/or non-monetary incentives and rewards to recognize unusual accomplishments and circumstances such as temporary additional duties, useful suggestions, high productivity, outstanding achievements, etc. Such incentives and rewards may provide an employee with pay which exceeds the maximum of the salary range; however, such pay may not become a permanent part of the employee's compensation. Any program adopted under this section shall be effective only by approval of the Selectmen and as funds are available for its purpose.

Reclassifications:

Positions Reclassified to a Higher Salary Grade: An employee whose position is reclassified to a higher salary grade shall receive a rate of pay in the new salary range. The Town Manager may increase the employee's base rate of pay up to a percentage equivalent to the percent increment between the minimum pay of the former range and the minimum pay of the new range. When the position is in the same grade, the employee will normally be paid a step in the new range which is closest to this percentage.

Positions Reclassified to a Lower Salary Grade: If an employee's position is reclassified to a lower salary grade, the employee's current salary shall be redlined, and the employee shall not receive a wage increase until their current rate of pay aligns with the reclassified position's pay. If the employee's current salary is above the new range's maximum, the employee's current salary will become a personal rate and the employee shall receive no further increases in pay (including salary structure movement) until such time as the personal rate is exceeded by the new salary range.

Acting Pay: An employee may be assigned, *temporarily*, some or all of the duties of another position from which an incumbent is absent for more than five (5) working days. Additional compensation shall be given for such assignments, beginning on Day 6, when all of the following conditions have been met:

- a. The employee is assigned to perform a majority of the significant duties of a budgeted, higher paid position from which an incumbent is absent.
- b. The duties of the higher paid position are assigned to and performed by the designated employee for at least six (6) consecutive workdays.
- c. The assignment is approved by the Department Head and Town Manager.

Employees who perform the duties of a higher paid position under the above provisions shall receive "acting" pay beginning on day six (6) of the assignment. Acting pay shall be the grade/step/rate in the current accepted salary range (schedule) of the position being filled that affords the employee in the acting role an increase in pay of at least 5%.¹

¹ *Employees Covered by Grade & Step Systems: Employees who are assigned acting duties for a position represented in a step pay plan may be paid the step in the new range which is closest to a 5% percent pay increase. Other Cases: With*

Additional Duties Pay: At any time during the fiscal year, the Town Manager may be petitioned by the Department Manager to increase an individual employee's base salary (permanently or temporarily) when a significant change has been made in the duties and responsibilities assigned to that employee, but such changes do not justify a reclassification or Acting Pay.

Temporary Adjustments: Adjustments are considered *temporary* if the individual performing the tasks is not expected to be responsible for the duties longer than ninety (90) working days.

Permanent Adjustments: Adjustments shall be considered permanent when the employee is expected to perform, or absorb, the duties for greater than ninety (90) days. In these cases, the position is considered to be in a 'trial' period whereby the Department Heads assess the needs of the Town to determine where, or to whom, the duties may be best assigned. Should the duties remain with the individual for a period longer than twelve (12) months, the job description(s) shall be edited to reflect the changes and a new compensation analysis will commence.

Separate and prior approval from the Town Manager must be obtained for any case where the amount provided for additional duties pay causes the employees' rate to exceed the maximum in their range by more than 10%.

Market/Equity Adjustments: At any time during the fiscal year, the Town Manager may increase an individual employee's base salary when an internal or market salary inequity exists.

Other Miscellaneous Adjustments: The Town Manager may grant other temporary or permanent salary adjustments when deemed appropriate due to circumstances not contemplated in this policy. For adjustments made for reasons not articulated herein, prior approval of the Selectmen may be required prior to the employee's pay being changed.

IN-TRAINING STATUS

Regular employees shall be considered 'in-training' during their first six months of service in a position. Employees may be released from their position at any time during their in-training period without the right to appeal such action through the Town's established grievance procedures. Prior to the end of the six-month in-training period, each employee's job performance will be reviewed by the

prior approval of the Town Manager, when circumstances relating to the position warrant, employees may be appointed at a rate of pay beyond the guidelines. However, in no case shall the employee receive a salary greater than the top of the salary range of the higher classification. Acting pay shall apply to any overtime worked in the higher classification (where eligible) but shall not apply to any paid leave taken or accrued.

Department Head to determine if they should continue in the position. If extenuating circumstances exist, the Department Head may ask the Town Manager to extend the in-training period up to an additional six (6) months. Both new, transferred and/or promoted regular status employees must complete an in-training period unless waived by the Town Manager prior to the appointment.

ATTENDANCE & TIME OFF PROVISIONS

HOURS OF WORK

Work Week: The full-time work week for each employee shall be outlined by the Department Head in accordance with the duties and responsibilities of the position held. The workweek begins at 12:00 AM Sunday and runs until 11:59 PM on Saturday.

A. Overtime.

Employees determined to be non-exempt under the Fair Labor Standards Act shall receive one and a half times their hourly rate (including other special pays as required by federal law) for time worked over 40.0 hours in the work week. In addition, Personnel Policies and Procedures may provide for pay at one and a half times the hourly rate for time worked outside of an employee's regular work schedule. Employees whose positions are exempt under the Fair Labor Standards Act shall not receive overtime pay. These employees may receive appropriate compensatory time off for prolonged work hours under extraordinary circumstances, with the prior approval of the Selectmen or their designee.

B. Non-Contiguous Work

Employees determined to be non-exempt under the Fair Labor Standards Act who are assigned or recalled to work for periods that are non-contiguous with their regular workday will receive a minimum of three (3) hours pay for such work when the assignment or recall was made less than eight (8) hours prior to the scheduled start time.

ATTENDANCE/PUNCTUALITY

Dracut seeks to hire and retain qualified and committed staff who are both reliable and punctual. Employees are expected to report for work on time and as scheduled. Regular attendance during all scheduled hours of work and the ability to continue working until the end of a scheduled shift is a required and essential function of any Town job. If an employee cannot come to work, or is late for any reason, the employee must notify their on-duty supervisor as soon as possible. Consistent patterns or excessive absenteeism or late arrivals to work may result in disciplinary action up to and including termination of employment.

OBSERVED HOLIDAYS

For all Town-Wide Observed Paid Holidays, normal compensation shall be paid. The Town of Dracut's approved holidays include:

New Year's Day	Martin Luther King, Jr. Day	President's Day
Patriot's Day	Memorial Day	Juneteenth
Independence Day	Labor Day	Columbus Day
Veterans Day	Thanksgiving Day	Day After Thanksgiving
Christmas Day	Christmas Eve (<i>close at 12 noon</i>)	

VACATION LEAVE

Vacation Pay: Vacation time is accrued based upon the total hours worked and years of service. The vacation year begins on the first day of the Town's fiscal year. Employees who will earn an additional week's vacation in the current year may be granted this additional week's vacation before their anniversary date but shall not be paid for this time until after the aforesaid anniversary date.

Employees' vacation balances shall be funded in total on July 1st of each fiscal year; however, vacation pay at the time of separation, including for retirement, shall be prorated based on the total number of weeks/months actually worked.

Monthly Vacation Accruals: Are based upon a thirty-five (35) hour workweek. For those employees, vacation is earned based on the length of service parameters seen below. Those employees who are regularly scheduled for less than 35-hours per week shall have their vacation accruals prorated based upon the number of hours the employee is regularly scheduled to work per month. Employees working less than 30-hours per week shall not entitled to vacation allowances.

MANAGERIAL – PROFESSIONAL VACATION DAY ACCRUALS

Upon Hire	10 days
Years 5 through 9	15 days
Years 10 through 15	20 days
16+ years	25 days

Employees hired before June 30, 2020, who have more than 20 years of service as of July 1, 2025, shall be entitled to thirty (30) working days' vacation consistent with the former iteration of the bylaw. All other employees shall be covered by the accrual schedule outlined above effective July 1, 2025.

Employees may request to defer one (1) week vacation when work demands create a situation where they cannot take time off for vacations. In these instances, the Employee must first seek approval for the Department Head. After the Department Head's approval, the deferral request must be forwarded to the Town Manager for final approval. An employee may only request to defer up to seven (7) days of

vacation; all deferred vacation time must be taken within one (1) year of deferral. Eligibility for vacation pay is based on the following rules:

- a) an employee terminating before completing six (6) months of service will receive no pay.
- b) an employee on leave of absence without pay will not accrue vacation credits.
- c) an employee on leave of absence for sickness or injury will not accrue vacation benefits.

SICK LEAVE

Employees regularly scheduled to work at least 35 hours per week shall earn paid sick leave. Leave is accrued based on a thirty-five (35) hour workweek. Employees who work less than 35 hours, but at least twenty (20) hours will accrue time on a pro-rated schedule whereby one (1) day of sick leave shall equate to the total number of hours the employee is regularly scheduled to work during a work week, divided by the number of days an employee is regularly scheduled to work in a week. An 'hourly' format shall be used to track sick leave.²

Employees shall accumulate sick leave to a maximum of four hundred and twenty (420) hours. Sick leave may be used for the following purposes:

- a. Personal illness or injury
- b. Enforced quarantine of the employee in accordance with community health regulations.
- c. In the event of serious illness or injury to a member of the immediate family, as defined by the Family Medical Leave Act (FMLA).
- d. Employees are expected to schedule medical appointments outside their work hours; however, if appointments fall during work hours, the employee will be allowed to use sick leave for such appointments with permission from their on-duty supervisor.

For employees hired before July 1, 2004, upon retirement, death, or separation of an employee, said employee, or his/her beneficiary shall be paid for one hundred percent (100%) of the employee's accumulated unused sick leave. Buy-back shall be paid in the fiscal year of the death, retirement, or separation of the employee, provided that the employee (except in the case of death or involuntary separation) had notified the Town Manager of his/her intent in the prior fiscal year, so that budgetary arrangements could be made. Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their buy-back in the first month of the following fiscal year.

² Sick leave shall not be paid-out upon an employees' resignation, termination, or retirement. Sick leave is not eligible for buy-back and may not be transferred to another person or persons.

For employees hired between July 1, 2004 – June 30, 2020, said employee shall upon retirement be able to convert into cash, up to 120 days of accumulated unused sick leave. Buyback shall be paid the fiscal year of the retirement of the employee provided that the employee had notified the Town Manager for their intent in the prior fiscal year so budgetary arrangements could be made. Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their buyback in the first month of the following fiscal year.

For employees hired after July 1, 2020, there will be no sick leave buyback.

PERSONAL LEAVE

Employees who have successfully completed their in-training/probationary period and who are regularly scheduled to work at least thirty-five (35) hours per week shall be granted three (3) paid personal leave days per fiscal year. Personal leave for new employees shall be calculated as follows:

- (a) Employees hired from July 1st through December 31st shall receive one (1) personal day in their first year.
- (b) Employees hired from January 1st through June 30th shall receive two (2) personal days in their first year.

Employees working less than 35 hours per week will not be entitled to personal time.

JURY DUTY

Any regular full-time or part-time employee who serves on jury duty shall be paid for loss of any earnings caused by their service. The Town shall be obligated to compensate the employee for the first three (3) days of jury duty at the regular wage for the employee and based on the scheduled hours for the employee's workday. Thereafter, the difference between the regular wages of the employee, based upon the scheduled hours of the employee's workday, and the state jury duty compensation which takes effect the fourth day of jury duty, and thereafter, provided that the Town's maximum period of obligation is no more than six (6) weeks or thirty (30) working days.

MILITARY LEAVE

Any full-time employee of the Armed Forces Reserve or National Guard, who is required to, and commits to, attend annual duty for training shall be paid the difference between the compensation received for such active duty and their regular compensation from the Town, provided that such payment by the Town shall be limited to a period not to exceed two (2) weeks in any twelve (12) month period, and shall not include payment to members of the National Guard who are mobilized during an emergency within the Commonwealth. In all cases, the military earnings statement must be presented to the Department Head,

with a copy to the Human Resources Director and the Town Manager, in order to receive additional compensation for which the employee may be eligible.

BEREAVEMENT LEAVE

Benefitted employees shall be granted a leave of absence with pay upon the death of a family member as defined by the Federal FMLA Statute. Dracut also permits bereavement leave for the death of a member of an employee's household which shall include anyone who resides with the same family unit as the employee and who is regarded, generally speaking, as a member of the family. Bereavement leave includes the day on which the death occurred and three (3) additional workdays. This leave may be used, at the option of the employee, within fourteen (14) calendar days from said death. In extraordinary circumstances, at the discretion of the Town Manager, bereavement leave may be used after fourteen (14) calendar days from the date of death. Absences for those persons not defined as 'immediate family' may be granted at the discretion of the Department Head; however, an employee is expected to use their accrued vacation, sick or personal time. Exceptions to all bereavement leave clauses must be approved by the Town Manager prior to taking leave.

RELIGIOUS OBSERVANCE

The Town of Dracut respects the right of each employee to worship as their faith dictates. Employees may use earned leave in the form of vacation or personal time for religious holidays they wish to observe. In addition, the Town will provide reasonable accommodation for employees' religious beliefs or practices unless doing so would impose an undue hardship on the Town. Reasonable religious accommodations are considered adjustments to the work environment which allow an employee to practice their religion. Accommodation requests should be forwarded to the employee's Department Head and the Town's Human Resources Director for discussion and, as applicable, approval.

FAMILY AND MEDICAL LEAVE ("FMLA")

The Family and Medical Leave Act of 1993 entitles eligible employees to take unpaid, job-protected leave for family and medical reasons. Eligible employees are entitled to:

- Twelve (12) workweeks of leave in a 52-week period for:
 - A serious health condition that makes the employee unable to perform the essential functions of their job.
 - To care for the employee's spouse, child, or parent who has a serious health condition.
 - 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.

- Any qualifying emergency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty.
- Military Caregiver Leave: Twenty-six workweeks of leave during a single 52-week period to care for a covered service member with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin.

Employees are permitted to use their earned and unused sick leave for the first twenty (20) days they are out of the office on medical leave. Thereafter, employees are required to use their accrued vacation and personal leave balances to cover their absences. When those balances are exhausted, the Department Head may petition the Town Manager to allow the employee to use the remainder of their sick leave to cover their absence.

When the employee return to work, her/she are entitled to be restored to the same position of employment as they held prior to their absence, or they may be restored to an equivalent position with equivalent employment benefits, pay, and any other terms and conditions of their employment. If medically necessary, time off may be taken on an intermittent or a reduced-leave schedule. The total FMLA protected time off may not exceed a total of 12 workweeks over a 52-week period. If an individual is out on 111F or Worker's Compensation, those times are to run concurrent to the FMLA leave. The Town has a 'rolling' 12-month period which is measured backward from the date an employee begins the use of any FMLA leave to the end of the 12-week period. If intermittent leave is required, the Town may require the employee to transfer, temporarily, to an alternative position which better accommodates the periods of absence, provided the position has equivalent pay and benefits.

SMALL NECESSITIES LEAVE ACT ("SNLA")

Under Massachusetts Law, employees who are eligible for FMLA leave are also entitled to an additional 24 hours of unpaid leave under the Small Necessities Leave Act ("SNLA") leave. SNLA leave may be taken within a calendar year, for the following reasons:

- To participate in school activities directly related to the educational advancement of a child of the employee, such as parent-teacher conferences or interviewing for a new school.
- To accompany a child of the employee to routine medical or dental appointments, such as check-ups or vaccinations

- To accompany the elderly relative of the employee to routine medical or dental appointments and for other professional services related to the elder's care, such as interviewing at nursing or group homes. An elderly relative is defined as one who is 65 years of age, or older, and related by blood or marriage.

Employees are required to use any available paid time off (i.e., personal, sick, vacation, earned time) while out on SNLA leave. If the employee has no paid time off available, the SNLA leave time shall be unpaid. Employees requesting to take SNLA leave are required to submit their request in writing to the Department Head for approval not less than seven (7) days prior to the beginning of the leave. If leave is not foreseeable, employees must provide such notice as soon as practicable to allow continuity of services.

Requests for leave must be supported by documentation verifying the need to take the leave. Such documentation could include, but is not limited to, a doctor's note, an appointment card, a teacher's note, or a receipt for services rendered. Supporting documentation must be submitted to their Department Head, either prior to, or immediately following the leave. Failure to provide documentation may result in the absence being unexcused, unpaid and/or subject to disciplinary action.

EMPLOYMENT LEAVE TO ADDRESS AN ABUSIVE SITUATION

In accordance with [Massachusetts General Law Chapter 149, Section 52E](#), the Town of Dracut provides leave to those employees who are victims of abusive behavior, including domestic violence, or employees whose family member(s) are victims of abuse. In these instances, eligible employees may take up to fifteen (15) days of unpaid leave from work in any 12-month period. Such leave may be considered only after all other accrued leave balances have been used unless otherwise agreed to, in writing, between the employee and the Town Manager. Leave may be taken if the employee, or family member of the employee, is the victim of abuse and the employee is using leave to:

- Obtain medical attention, counseling, victim, or legal services.
- Secure temporary, emergency, or alternative housing.
- Obtain a protective order from a court.
- Appear in court or before a grand jury.
- Meet with a district attorney or other law enforcement official.
- Attend child custody proceedings.
- Address other issues related to any abusive behavior against the employee, or family member of the employee.

In order to be eligible for leave under this policy, the employee must not be the perpetrator of the abusive behavior against such employee's family member. For leave to be approved, the employee must provide documentation. This requirement will be satisfied by the production of any of the following:

- Protective order, order of equitable relief, or other documentation issued by a court.
- A document under the letterhead of a court, legal services provider, or other public agency which the employee sought for the purposes of acquiring assistance as it relates to abusive behavior against the employee or employee's family member.
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty, or been convicted, or adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior.
- Medical documentation of treatment because of the abusive behavior
- A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other similar professional who has assisted the employee with addressing the effects of the abusive behavior.
- A sworn statement, signed under the pains and penalties of perjury, provided by the employee attesting that the employee has been a victim of or is a family member of a victim of abusive behavior.

Any information related to the employee's leave shall be kept confidential and shall not be disclosed except to the extent that the disclosure is:

- Requested or consented to, in writing, by the employee.
- Ordered to be released by a court of competent jurisdiction.
- Otherwise required by applicable Federal or State Law
- Required during an investigation as authorized by law enforcement or through the office of the Attorney General.
- Necessary to protect the safety of the employee or others employed by the Town.

If the employee requires leave beyond the stated fifteen (15) days, they may make a request to the Town Manager.

EMPLOYEE BENEFITS & RETIREMENT

HEALTH INSURANCE

Employees who regularly work 20 or more hours per week are eligible to enroll in the Town's group health insurance plan and shall receive such benefits as are provided under the plan, which may change from time to time. The Town shall provide Health Insurance Coverage as outlined in the Memorandum of Agreement between the Town of Dracut and the Dracut Public Employee Committee.

DENTAL INSURANCE

Employees who regularly work 20 or more hours per week are eligible to enroll in the Town's group dental insurance plan and shall receive such benefits as are provided under the plan, which may change from time to time. The Town shall provide Dental Insurance Coverage as outlined in the Memorandum of Agreement between the Town of Dracut and the Dracut Public Employee Committee.

LIFE INSURANCE

Employees who are benefit eligible, are entitled to enroll in the Town's Group Term Life insurance policy. Upon retirement, the amount of coverage shall be reduced by half. Additional coverage is also available at the Employee's expense.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program is a CONFIDENTIAL counseling and referral service providing professional help for Work/Life problems, large and small. All employees and members of their household are entitled to call for services 24 hours a day. The EAP staff consists of licensed professional counselors with a wide range of experience. Call their national, toll-free number: 800-451-1834. More detailed information is also available online: MIIA Employee Assistance Program: <http://www.allonehealth.com/MIIEAP>.

WORKERS' COMPENSATION INSURANCE

[See page 39 for process]

Dracut is compliant with all State Workers' Compensation Statutes. Employees receiving indemnity benefits under the Workers Compensation statute may elect to supplement such benefits up to an amount equal to the difference between his/her average weekly wage and workers compensation benefits by using any accrued unused sick, vacation, or personal leave. Any paid leave usage under this provision will be deducted from the employee's accrued time. If the employee exhausts paid leave while on Workers Compensation, the only payment will be Workers Compensation. While an employee is on workers compensation, they will be responsible for paying their portion of employee's benefits (i.e., health, dental and life insurance).

Should an employee be injured during working hours or otherwise in the performance of his/her official duties be injured, no matter how slight, he or she, as soon as possible thereafter, complete a "Personal Injury Report" and provide said report to Human Resources. Failure to complete this report on a timely basis may be cause for disciplinary action and/or preclude the employee's rights to injury benefits. Workers' Compensation, 111F and other FMLA Leaves shall run concurrently with one another.

RETIREMENT BENEFITS – Municipal, non-union, full time

Town Employees hired to a municipal, non-union role BEFORE 7/1/2004. Upon retirement, death, or separation of an employee, said employee, or his/her beneficiary shall be paid for one-hundred percent (100%) of the employee's accumulated unused sick leave. Buy-back shall be paid in the fiscal year of the death, retirement, or separation of the employee, provided that the employee (except in the case of death or involuntary separation) had notified the Town Manager of his/her intent in the prior fiscal year, so that budgetary arrangements could be made. Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their buy-back in the first month of the following fiscal year.

Town Employees hired to a municipal, non-union role BETWEEN 7/1/2004 – 6/30/2020. For employees hired or coming under the terms of this By-Law between 7/1/04 – 6/30/20, upon retirement said employee upon retirement be able to convert into cash up to 120 days of accumulated unused sick leave. Buy-back shall be paid the fiscal year of the death or retirement of the employee, provided that the employee had notified the Town Manager of his/her intent to retire in the prior fiscal year so that budgetary arrangements could be made. Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their buy-back in the first month of the following fiscal year, pending budgetary appropriation.

Town Employees hired to a municipal, non-union role AFTER 7/1/2020. For employees hired or coming under the terms of this By-Law after 7/1/2020, there will be no sick leave buyback permitted upon retirement.

POST EMPLOYMENT HEALTH INSURANCE

Eligibility: In order to qualify for coverage as a retiree, except as specifically provided in M.G.L. Chapter 32B, section 9, an individual must have directly retired from benefit-eligible service from the Town of Dracut and be receiving a retirement allowance in accordance with M.G.L. Chapter 32; that is, the retiree must currently be receiving a pension from the Middlesex County Retirement System or from the Massachusetts Teachers Retirement Board for service to the Town of Dracut immediately preceding retirement.

Dependent Coverage: Upon retirement, eligible employees (as outlined in Section 1 above) may continue and/or add coverage as a retiree to the extent allowed by the various insurance providers.

Medicare Eligible Retirees: Retirees (and dependent spouses) who are eligible either at the time of retirement or upon turning 65 as a result of their own or their spouse's qualifying employment shall enroll in Medicare Parts A and B immediately upon becoming eligible and shall convert their non-Medicare health insurance coverage to an appropriate town-offered Medicare supplement plan at that time. The Town will not provide non-Medicare health coverage to a Medicare eligible retiree or dependent. If a retiree or eligible dependent elects to purchase a Medicare supplement plan from any source other than a town-offered Medicare supplement plan the retiree or eligible dependent shall not be entitled to reimbursement from the Town for any portion of the premium cost of such plan.

EMPLOYEE PERFORMANCE, FEEDBACK & DISCIPLINE

PERFORMANCE EVALUATIONS

Employee performance evaluations provide staff with timely reports relative to their progress and achievement of any goals and objectives assigned to them. Evaluations allow for open dialogue between a manager and employee and, where applicable, provides staff the ability to correct deficiencies before they become problematic. In order to provide all employees with positive recognition regarding their individual strengths and special abilities and opportunities to improve deficiencies where needed, evaluations, once complete, are considered part of an employee's personnel record.

Employees who are within their in-training or probationary periods shall be evaluated at least two weeks prior to the end of the probationary period at which time the employee shall be advised of his/her status and next steps shall be discussed. The review process, including the creation of the review and employees goals and objectives, are considered collaboration between the employee and all of their supervisors – this includes immediate supervisors, command staff, crew leaders and the Department Head.

All regular status, full-time, part-time, and seasonal employees shall be evaluated at least once a year. Evaluations are completed on a Fiscal Year basis and begin in May of each year to ensure all sign offs are complete before the July 1st changeover date. Employees may be required to complete a self-evaluation to provide to their manager prior to their evaluation's due date. Managers should review employees' self-evaluations and use any information contained therein to boost their performance evaluation and/or to set goals and objectives for the upcoming period.

Evaluation forms are provided by Department Managers to ensure uniformity and fairness across all employment categories. Employees and Managers will meet for in-person conferences to discuss the documents and the feedback during the month of May or June. During that conference, the employee and supervisor should discuss each portion of the form and the relationship between the employee's performance of the job and the description of the job itself. The employee and the supervisor shall strive to reach consensus regarding each section and are encouraged to jointly complete the goals and objectives section of the evaluation form together. If there is a disagreement, or consensus is not achieved, the Department Head's comments shall take priority and the employee may, if he/she wishes, use the "Employee's Remarks" section to respond. The supervisor signs the completed form and sends it to the appointing authority (if other than the supervisor completing the evaluation) for review, comment, and signature. It is then returned to the supervisor who allows the employee to read the completed form and

sign it. The signed employee performance evaluation is then placed in the employee's personnel file where it shall remain for the length of time required by law or policy.

PERFORMANCE IMPROVEMENT

In instances where an individual performance or conduct requires corrective action, the following steps should be taken:

1. The Department Head must properly define all problems in a manner which the employee can understand and appreciate.
2. Supervisors should take steps to eliminate misunderstandings by engaging in interactive conferences, coaching sessions, and assigning applicable training for employees to improve.
3. Managers are expected to provide employees with an adequate amount of time and opportunity to improve their conduct or performance.
4. The typical sequence of progressive disciplinary action *may* be altered depending on the severity of event or circumstances but shall generally follow the progressive disciplinary format outlined below.

STEP 1: ORAL DISCUSSION - WARNING OR REDIRECTION

The Supervisor shall meet with the employee whose performance or conduct is unsatisfactory and outline the problem(s). The employee should be encouraged to contribute to the conversation by identifying the cause(s) of the problem(s). The objective of the discussion should be to help the employee bring his/her performance or conduct to a satisfactory level. During this meeting emphasis should be placed on collaboration, open-mindedness, and solutions. Only factual information should be discussed. Supervisors should ensure that an informal record of all points discussed and agreed upon is kept and take steps to follow up on any information or contrary evidence provided by the employee. If, by the end of the meeting, it is established that the employee is wholly or partly responsible for the defined problem(s), the employee should be informed that attainment of the agreed upon improvements within the specified timetable will eliminate the need for any further action. If this cannot be achieved, the matter should move to the Department Head level for action/discussion.

STEP 2: WRITTEN WARNING

If the oral discussions outlined in Step 1 fail to correct the actions in the agreed upon timeframe, a

more formal meeting shall be held between the Department Head, Employee and the Town Manager or their designee. Prior to this meeting, the Department Head must prepare a written statement covering all problems and areas of dissatisfaction including, if known, dates and times where specific infractions took place. This document should outline what was discussed during the first meeting(s) and any additional areas which warrant improvement. The report should include dates or a timeframe by which performance or conduct improvements are expected. During any Step 2 meeting, the Department Head should indicate why the meeting is necessary and take time to review their written statement listing the areas of inadequate performance or poor conduct, point by point. Before the Step 2 meeting concludes, the disciplinary action which is to be imposed will be outlined. One copy of the report outlined above shall be provided to the employee and one will be forwarded to the Town Manager or the appropriately elected board/commission/committee member.

STEP 3: SUSPENSION OR TERMINATION

If, after Step 2, problems persist, the employee should be notified that their performance or conduct has been deemed unsatisfactory, and they will have a meeting with the Town Manager to determine the next steps. The meeting with the Town Manager will be held at a time convenient to all parties and shall include the employee, manager, and Department Head. After discussion of the matter, the Town Manager may excuse the parties to contemplate next steps. They may also choose to issue disciplinary action at that time. The Administrator may choose to suspend the employee; the length of which shall be determined based upon the complexity of the issues, the duration of the problems and the steps taken previously to remedy the situation. Any employee who is suspended will be notified, in writing, that continuation of poor performance or conduct could result in termination of employment.

STEP 4: TERMINATION

An employee who, despite warnings, coaching and training, does not show improvement in performance and/or conduct may have their employment terminated.

The Town seeks to outline procedures relative to employee separation that are designed to provide the least disruption and inconvenience to the residents and employees of the Town and to treat the effected individual(s) with the respect and professionalism they deserve. Should termination of employment be warranted, the employee shall be provided options relative to their exit. These include:

SERVICE RETIREMENT: Voluntary termination after having satisfied the age and length of

employment requirements of the applicable Retirement System in order to apply for, and receive, retirement benefits.

EMPLOYEE-INITIATED RESIGNATION: Voluntary termination for any reason other than formal retirement. An employee wanting to leave the Town in good standing may choose to provide a written resignation to their immediate supervisor or the Town Manager prior to the effective date of their termination.

SUPERVISOR-INITIATED RESIGNATION: Termination is requested by the supervisor which permits the employee to resign in lieu of being discharged. A termination of this type occurs only after the supervisor's consultation with the Town Manager, or appropriate board/commission/committee. An evaluation of the circumstances is conducted, including reasons for the request, supporting documentation and alternatives, if any.

PROBATIONARY TERMINATION: Discharge of an employee during the established probationary period usually due to the employee's inability to meet position or Department requirements or the inability to perform the essential functions of the position. A probationary termination occurs only after the supervisor's consultation with the Town Manager, or appropriate board/commission/committee.

LAYOFF: Termination of an employee by the Town due to lack of work, funds, or when other changes which may have taken place that warrant downsizing or rightsizing of the workforce. In layoff situations, the Town shall give equal consideration to an employee's abilities, performance of their duties, and length of service with the Town in applying these provisions, and where qualifications, experience and performances are equal, seniority shall govern. Every effort will be made to transfer employees to other Departments when a position is opened for which an employee qualifies.

DISCIPLINARY TERMINATION: Immediate removal of an employee which may be warranted in instances including but not limited to serious insubordination, theft, illegal or destructive actions, policy violations, and any other substantial reason deemed appropriate by the Appointing Authority. Employees may be discharged after repeated offenses of less serious natures if the offenses are documented by the supervisor and appropriate warnings and requests for behavioral changes have not resulted in positive and consistent changes in performance or conduct.

GRIEVANCE PROCEDURES

The Town will promptly consider and respond to employee grievances. While it is preferred that the manager and the employee speak about matters of discipline and performance before the need

for a grievance arises, this may not always be feasible. Should the cause of an employee grievance not be resolved informally, the process below should be followed.

Department Head: The grievance should be submitted, in writing, to the Department Head within 15 calendar days of the occurrence. The Department Head will meet with the Employee and the Supervisor to understand the issue and attempt resolution.

Town Manager: Should the employee remain aggrieved, they may present their grievance to the Town Manager. This must be done within 15 calendar days of the Department Head's action on the grievance. The Town Manager shall have 15 business days to process the grievance and, during that time, may request additional information, meetings and background documents from the supervisor and the employee.

The employee's written grievance/appeal must include the following:

- Statement of the grievance and relevant facts
- Remedy sought.
- Reasons for dissatisfaction with the Department Head and Town Manager.

WORKPLACE SAFETY & WORKING CONDITIONS

Massachusetts General Law Chapter 149, Sections 6 and 6-1/2 provide job safety and health protection for state, municipal and county workers through the promotion of safe and healthful work conditions.

The Town: The Town of Dracut is required to provide procedures, equipment, and training to prevent work-related injuries and illnesses.

Employees: Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.

Inspection: The Department of Labor Standards (“DLS”) may conduct an on-site inspection to evaluate workplace conditions and make recommendations for the prevention of work-related injuries and illnesses.

Enforcement: DLS may issue a Written Warning which contains an Order to Correct when an inspection reveals a condition which could cause a work-related injury or illness. DLS may issue a Civil Citation with Civil Penalty in circumstances when the employer repeatedly allows an unsafe condition to occur, the condition has already caused a serious work-related injury, or if an employer has ignored a previous Written Warning.

Voluntary Assistance: Public sector workplaces may request technical assistance by contacting the DLS at 508-616-0461 or safepublicworkplacemailbox@mass.gov. There are no written warnings or penalties issued for voluntary assistance.

Complaints: Public employees or their representatives may file a complaint about safety and health conditions at their workplace by contacting DLS at 508-616-0461 or safepublicworkplacemailbox@mass.gov.

Safety and Health Management: Sample safety programs and technical bulletins are available at [the Workplace Safety and Health Program \(WSHP\) website](#).

WORKERS’ COMPENSATION

Despite the careful efforts of supervisors and employees to maintain safe working conditions and practices, accidents do happen. The Town of Dracut provides protection against loss of income and medical expenses incurred for job-related injuries or illness through Workers’ Compensation insurance. The Town’s Workers’ Compensation Plan provides coverage of medical and related

expenses, as well as salary protection for employees because of qualifying work-related injuries or illnesses. Police and Fire personnel are provided similar protection pursuant to Massachusetts Law. For Police Officers and Firefighters, please refer to [Injuries to Police Officers and Firefighters](#) below.

It is very important that all Workers' Compensation claims be filed immediately upon their occurrence, even if an employee does not seek medical attention immediately and does not miss work right away. All injuries and illnesses, regardless of how minor, should be immediately reported to the direct supervisor, or in their absence, the department head. Failure to properly report an incident covered by Workers' Compensation may result in discipline and/or denial of coverage. It is the supervisor's responsibility to ensure that all required medical forms are completed including the Supervisor's Report of Incident – Intake Form and Medical Authorization Form. Once complete, these should be forwarded to the Executive Assistant in the Town Manager's Office.

If an employee is unable to work due to a work-related illness or injury, they must use accrued leave time to cover the first 5 calendar days of missed work. If an employee is out for 6 or more full or partial days (the days don't have to be consecutive), they may be eligible to be paid directly by the Workers' Compensation carrier, MIIA. Workers' Compensation benefits start on the 6th calendar day of disability. An employee will not be paid for the first 5 days unless they are unable to work for 21 calendar days or more. If an employee is out for 21 calendar days or more, Workers' Compensation will go back and compensate the employee for the first 5 days. If this payment is made, the employee shall work with the payroll department to forward this payment to the Town so that the employee is not paid twice. Workers' Compensation benefits are based on 60% of the employee's gross (pre-tax, pre-benefits) average weekly wage. The average weekly wage is based on total gross wages for the 52 weeks immediately preceding the injury or illness. If an employee chooses, they may use accrued leave balances for the remaining 40% of pay. If this is the case, the employee must send Human Resources something in writing (e-mail is acceptable) requesting to supplement the Workers' Compensation benefits.

Example: If an employee works 8 hours per day, 5 days per week, **IIIA** will essentially pay the employee for 3 days (24 hours) (i.e., 60% of weekly wage) of this time. The employee may then indicate to Human Resources in writing that they would like to use accrued leave to get paid for the remaining 2 days (16 hours).

Please note, once an employee starts being paid by **IIIA**, they will not be paid by the Town of

Dracut. Therefore, an employee may not be able to fund payroll deductions, such as health insurance and other benefits. The employee must work with Human Resources and the Collector-Treasurer's Office to set up direct billing if necessary.

LIGHT DUTY

Employees who can perform light duty within reasonable medical restrictions, as certified by a health care provider, may be required to do so at the discretion of the Town Manager in consultation with the Department Head if work exists which can be completed by a light-duty employee. *(This policy may be superseded by any conflicting provisions within the applicable collective bargaining agreements.)*

PROHIBITION OF HARASSMENT

Harassment is prohibited by State and/or Federal Law and is not tolerated by the Town of Dracut. All Town employees are responsible for ensuring that the workplace is free from all forms of harassment; this notion extends to all employees, elected or appointed officials, volunteers and users of the Town and Town Services. Supervisory and managerial employees must not condone acts of harassment by any employee, visitor, vendor, contractor or public official. Retaliation against any person who reports, complains about or provides testimony on behalf of another who is the victim of harassment is unlawful and shall be subject to disciplinary action up to and including termination of employment.

Harassment is defined as unwelcome verbal or physical conduct, or the creation of a hostile environment, directed at an individual, or individuals, because of their race, color, religion, national origin, ancestry, sex, gender identity, age, pregnancy and pregnancy-related conditions, handicap (disability), sexual orientation, genetics, active military or veteran status, participation in discrimination complaint-related activities (retaliation), which disrupts or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment.

In Massachusetts, the legal definition for sexual harassment is defined as, *"Advances, requests for sexual favors, and 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; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with the individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment."*

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for

actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually orientated conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

Reporting Responsibilities: If an employee believes that they have been subjected to harassment the employee has the right to file a complaint with the Town Manager. This may be done orally or in writing. An employee who believes that they have been subjected to harassment is encouraged to report the matter as soon as possible to their supervisor, manager, or department head. Any supervisor, manager or other employee who becomes aware of harassment must report it immediately to the Town Manager. If there are other compelling reasons which prevent bringing the problem to the attention of the Supervisor or Town Manager, the employee may report the matter to the Chairperson of the Selectmen.

Investigation: All complaints of harassment will be investigated promptly and impartially by the Town Manager/Human Resources Director, or another qualified individual selected by the Town. The investigation may include private interviews with the individual(s) filing the complaint and witnesses. The individual conducting the investigation will also interview the person alleged to have committed the harassment. Any individual charged with conducting an investigation into a complaint of harassment is required to keep the information obtained as confidential as possible.

Others involved in the investigation, in any capacity, are expected to understand and respect the privacy of all involved by keeping information learned during the course of the investigation confidential. As soon as practicable after the completion of the investigation, the official responsible for conducting the investigation will, to the extent appropriate, advise the employee who brought the complaint and the accused of the results of the investigation. If it is determined that inappropriate conduct occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action up to and including termination of employment.

Disciplinary Action: Anyone person found to have engaged in harassment or retaliation as defined herein, shall be subject to appropriate disciplinary action including suspension or discharge from employment.

False Accusations: Willful and/or maliciously false accusations of misconduct (i.e. alleging incidents or behavior that are proven, through investigation, not to have occurred) may result in severe disciplinary action up to and including termination of employment.

Retaliation Prohibited: No person that brings harassment complaints in good faith will be subject to any adverse employment actions for doing so, regardless of whether the complaint is ultimately

determined to have merit or not. Any employee, including supervisors and managers, who retaliate against an employee for making a complaint may be subject to disciplinary action. Retaliation must be reported immediately.

REASONABLE ACCOMMODATIONS

The Town adheres to the rules, regulations and guidelines outlined by the State and Federal Governments relative to the Americans with Disability Act. Information relating to Dracut's adherence to ADA requirements and how one may avail themselves of reasonable accommodation by the Town may be found online at www.ada.gov.

OTHER PROVISIONS & PERSONNEL DETERMINATIONS

For any additional situation for which this manual does not expressly provide guidance, the Town Manager, in consultation with the Director of Human Resources, shall determine a solution or course of action which is both fair and reasonable to the Employee and the Town. While decisions of this type will not be precedent setting, every effort shall be made to adhere to best practices and to ensure consistency across and between all.

ACKNOWLEDGEMENT OF RECEIPT

The Town may, from time to time, require employees to review and attest that they have received a copy of these policies and procedures and have been afforded an opportunity to ask questions or seek clarifications. Questions or concerns relating to any personnel matter herein may be directed to an employee's direct supervisor, Commanding Officer, Human Resources Director or the Town Manager.

Should the Town require an acknowledgment of receipt from the employees, each staff member should read and understand the contents of this document and sign the attestation page. When completed, the form may be returned to the Human Resources Office to be placed in each employee's personnel record.

Date Received by HR: _____ HR Staff Initial: _____