

TOWN OF EDGARTOWN
PERSONNEL BYLAW

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TOWN OF EDGARTOWN

PERSONNEL BYLAW

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TOWN OF EDGARTOWN
PERSONNEL BYLAW

1.0 General Provisions.

1-1. Authorization.

This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, Chapter 41, section 108A and 108C.

1-2. **Purpose**

The purpose of this bylaw is to establish a system of personnel administration with policies and procedures governing employment within the Town of Edgartown, which are consistent with the following merit principles:

- (a) Employment shall be open to all segments of society.
- (b) Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
- (c) Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.
- (d) Retention of employees shall be determined on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.

1-3. **Application**

- (a) All town departments and positions, including positions funded by a grant or other payment source, shall be subject to the provisions of the bylaw except elected officers and employees covered by contractual agreement.
- (b) Any grant written under the auspices of the Town of Edgartown shall comply with the Personnel By-law of the Town of Edgartown. Classification and compensation of grant employees and employees funded by other payment sources must be approved by the Personnel Board. Benefits provided will be subject to the discretion of the Selectmen.

1-4. Personnel Board

The Board of Selectmen shall appoint a Personnel Board consisting of five persons. Four of these shall be registered voters of the town and shall serve for three-year terms. The fifth shall be an employee of the town, elected by the employees and approved by the Selectmen. This person shall not serve two consecutive terms. No elected official of the town or more than one town employee shall be appointed to the board.

1-5. Rules of Interpretation

- (a) The bylaw is intended to be in accordance with all applicable state and federal laws and collective bargaining agreements. In the event of inconsistencies with the applicable state or federal law or collective bargaining agreement, the applicable law or agreement shall apply.
- (b) Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

1-6. Definitions

The following definitions shall apply:

- (a) "town" shall mean the Town of Edgartown.
- (b) "employee" shall mean an employee of the town occupying a position in the classification plan.
- (c) "full-time employee" shall mean an employee working twenty (20) or more hours per week for fifty two (52) weeks a year, minus authorized leaves provided for in these Personnel Bylaws. Leaves and benefits shall be based on the average number of hours or days of work such employee is required to perform. An employee working more than one part-time job whose hours total twenty (20) or more per week shall be considered full time.
- (d) "part time employee" shall mean an employee working less than twenty (20) hours per week for fifty two (52) weeks a year. Part time employees will not be eligible for leaves and benefits as outlined in this bylaw.
- (e) "temporary/seasonal employee" shall mean any employee retained for a fixed period of time not to exceed six (6) calendar months, to replace employees absent for extended periods or conditions caused by increased workload. Temporary/seasonal employees will not be eligible for benefits as outlined in this bylaw.
- (f) "grant employee" shall mean any individual employed by the Town of

Edgartown under the auspices of a grant.

- (g) "emergency appointment" shall mean a non-competitive appointment to a position for a period of time not to exceed thirty (30) days to prevent stoppage of public business, or to cover an unforeseen emergency.
- (h) "appointing authority" shall mean any board or official authorized by General Law or otherwise to appoint employees.
- (i) "department head" shall mean the officer responsible for supervising a department's operations and activities. A department head may be an appointing authority. In the instance of a department serving under the supervision and control of the selectmen, the officer, board, or other body immediately responsible to the Board of Selectmen for the administration of the department shall be the department head.
- U) "department" shall mean any department, board, committee, commission, or other agency of the town subject to this Bylaw.
- (k) "continuous service" shall mean employment uninterrupted except by authorized leaves.

1-7. Amendment of the Bylaw

2.0 Administration

2-1. Responsibilities of the Personnel Board.

The Personnel Board shall be responsible for the administration of this bylaw. The responsibilities of the Personnel Board shall be as follows:

Ensure that the town maintains an effective personnel system, monitor the effectiveness of the bylaw, procedures and practices, and prepare an annual report.

Formulate and review the classification plan and the compensation plan.

Evaluate and classify positions, review requests for reclassification, and cause a review of all positions in the classification plan at appropriate intervals in accordance with proper personnel practices.

Monitor the implementation of the town's personnel bylaw and practices.

Provide advice and assistance to department heads, supervisory personnel and employees on all aspects of personnel management.

Supervise and maintain a centralized personnel record keeping system.

Evaluate the effectiveness of forms used in the administration of this By-Law.

3.0 Personnel Records.

3-1. Centralized Record Keeping.

The Personnel Board shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Board.

3-2. Contents of Records.

The Personnel Board shall maintain an individual personnel file for each employee that may include, but not be limited to, the following:

- (a) The employment application.
- (b) A copy of all background investigation reports.
- (c) A copy of any physical examination reports and health reports.
- (d) A report of all personnel actions reflecting the original appointment, promotion, demotion reassignment, transfer, separation, or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, employee's response to disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

3-3. Access to Records.

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the chairman of the personnel board, persons authorized by the Personnel Board, appointing authorities, the Board of Selectmen, and the Executive Secretary. Any employee may upon request to the Personnel Board have access to review their personnel file. The employee's review of their employment record shall be in the presence of an authorized personnel employee, the Executive Secretary, or the Board of Selectmen.

3-4. Release of Information.

Unless written authorization is received from an employee, except to verify employment, no information concerning an employee shall be released, unless dictated by law.

4.0. Recruitment and Appointment

4.1 Coverage. All employees

4-2. Policy.

The town shall make every effort to attract and employ qualified persons. Every person regardless of age, race, creed, color, nationality, religion, sex, or handicap applying for employment in the town will receive equal treatment. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices.

4-3. Recruitment.

All department heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans.

- (a) Notice of Vacancies. Department heads shall, upon the identification of a vacancy or on the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall include the job title, major duties of the position, qualifications, salary, a closing date for applications, and application instructions.
- (b) Posting and Advertisement of Job Vacancy Notices. Notices of vacant positions, not including emergency appointments, shall be posted for fourteen (14) business days on the town hall bulletin board. Job vacancy notices shall be placed in a local newspaper at least fourteen (14) days prior to the close of applications. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.
- (c) Applications. All candidates applying for employment in the town shall complete an official employment application form and return the form to the appointing authority prior to the end of the working day of the closing date specified for the position announcement. Each applicant shall sign

the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications.

- (d) Examinations. The appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position.
- (e) References. A candidate's former employers, supervisors, and other references shall be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.
- (e) Application Records. The application, documentation of reference checks, and related documents submitted should be maintained by the department head and after filling of a vacancy materials shall be turned over to the Personnel Board. The Personnel Board shall maintain application records for the period required by law. Appointing authorities, department heads and the Personnel Board shall, to the extent possible, maintain the confidentiality of any application.

4-4. Appointment.

All appointments shall be made in writing by the appointing authority and shall be subject to the limitations of its appropriation. The written notice of appointment shall include the salary, the starting date, and appropriate additional information. Copies of the notice of appointment shall be provided to the Personnel Board (see section 3-1).

4-5. Failure to Report.

An applicant who accepts an appointment and fails to report to work within three days after the date set by the appointing authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

5.0 Orientation and Probation.

5-1. Coverage. All employees.

5-2. Policy.

Appointing authorities shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees

must meet acceptable work standards.

5-3. Orientation.

Appointing authorities or their designee shall:

- (a) notify the new employee of a date, time and designated location for starting work.
- (b) thoroughly explain all the benefits and options the employee is entitled to and shall assist the employee with completion of appropriate forms. The appointing authority shall provide the employee with a copy of this personnel bylaw.
- (c) provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.

5-4. Probationary Period.

All newly appointed and promoted employees shall be required to successfully or promotion and to continue for a six (6) month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct and work habits. Upon expiration of the probationary period, the appointing authority shall notify the Personnel Board in writing that:

- (a) the employee's performance meets satisfactory standards and the individual will be retained in the position; or
- (b) the employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period will be extended an additional three (3) months; or
- (c) the employee's performance or conduct was unsatisfactory, stating the specific reasons, and that removal will occur.
- (d) The employee may be removed by an appointing authority if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits, or dependability which did not merit continuing the employee in the position. The employee and the Personnel Board shall be notified in writing of the reasons for the termination and the effective date of the action.

6.0 Classification Plan.

6-1. Coverage. All employees.

6-2. **Policy.**

The policy of the town is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

6-3. **Contents of the Classification Plan. The classification plan shall consist of the following:**

- (a) Position Descriptions. Position descriptions for positions which are similar in duties, degree of difficulty and level of responsibility so that each position in the class can 1) be given the same job title; 2) require essentially the same training and experience; 3) be filled by substantially the same methods of selection; and 4) be of same relative value and therefore deserving of the same range of compensation.

Each position shall have a written description. The description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

- (b) Position Titles. The title of each class of position shall be the official title of every position allocated to the class, and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the town under a title not included in the classification plan. No employment or promotion hereunder shall become effective until such time as the appropriation or other monies out of which the compensation is to be paid shall be adequate.

- (c) Change in position description or title. The overseeing board shall submit a new position description and any change in position title to the Personnel Board for evaluation and classification.
- (e) No employee of the Town shall hold two or more different Town jobs, the performance or scheduling of which may be in conflict.

6-4. Administration of the Classification Plan.

The Personnel Board shall have responsibility for the administration of the classification plan and shall be authorized to:

- (a) complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;
- (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
- (c) conduct periodic studies to insure the classification plan remains uniform and current; and
- (d) develop procedures to determine the proper classification of each position and classify positions.

6-5. Classification of New Positions.

Appointing authorities proposing the creation of new positions shall provide the Personnel Board with a description of the duties, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Personnel Board to appropriately classify the position.

6-6. Reclassification of Positions and Periodic Reviews.

Positions may not be reclassified without the overseeing board submitting a new position description and any change in position title to the Personnel Board for evaluation. The Board shall at a minimum of three and a maximum of five-year intervals review all positions subject to the classification plan in accordance with proper personnel practices.

6-7. Classification Plan.

The classification plan is appended to this bylaw and shall be considered a part of this bylaw.

7.0 Compensation Plan

7-1. Coverage. All employees.

7.2. Policy.

The Personnel Board shall annually establish a compensation plan. The compensation plan shall be related to the classification plan and shall consider; relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the town; and ratified labor agreements. Employees shall be paid in accordance with the rates in the compensation plan.

7-3. Starting Rates for New Appointments.

Persons appointed to positions shall be paid at the minimum rate, provided, however, the appointing authority may recommend compensation at a higher rate on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate. Such a request shall be made to the Personnel Board in writing by the appointing authority at the time of employment or at the expiration of the probationary period. The Personnel Board shall approve or disapprove the request.

7-4. Performance Evaluations.

All employees, regardless of their position on the Classification Plan, shall have an annual written performance evaluation, which shall be prepared by the department head or appointing authority on such form as is approved by the Personnel Board. The Performance Evaluation shall be submitted to the Personnel Board on the first day of the month in which the employee's anniversary date falls. If an employee has had a change in status his performance review shall be one year after such change. The Performance Evaluation shall include the recommendations for a step increase or the denial of a said step increase by the Department Head or appointing authority if applicable. The employee's new rate, if granted, will become effective on their anniversary date.

7-5. Promotion.

An employee who receives a promotion shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay or at a step that the appointing authority, subject to approval of the Personnel Board, believes the employee's qualifications and performance warrant.

7-6. Working out of Grade.

Employees working out of grade or temporarily assigned to a higher grade shall, after actively working two consecutive weeks in said higher grade, be entitled to receive the salary of the higher grade at Step one or at the step higher and closest to the employee's current wage, whichever is higher.

The two weeks shall be exclusive of sick leave or vacation leave. An employee shall have the right, without fear of discrimination, to refuse permanent assignment to a higher job grade.

7-7. Notice of Employment.

Appointing authorities shall notify the Personnel Board of all persons employed, the classification, and the rate of compensation (see section 3-4).

7-8. Salary rates above maximum.

Any salary rate, which is above maximum rate for a job, as established by this Salary Administration Plan, shall be deemed to be a personal rate, and apply only to the incumbent. When such incumbent leaves the employ of the Town or is transferred to another job, the personal rate shall disappear and no other employee assigned to, or hired for, such job shall advance beyond the maximum of the job.

7-9. Transfer between Departments.

Transfer from one department to another department within Town departments is subject to the approval of the Personnel board including grade and step review. The effective date of the transfer shall be the employee's step date for the purposes of future satisfactory step increases.

8.0 Overtime

8-1. Coverage. All employees.

8-2. Policy.

The town shall pay overtime in conformance with the Fair Labor Standards Act (FLSA). Department heads shall be responsible for the control and authorization of overtime. Overtime shall be authorized only in emergencies at the discretion of a department head. Employees shall be compensated for overtime at an hourly rate

of time and one half for all hours worked over 40 in a week. With the approval of the Department Head, an employee may elect compensatory time off at the rate of time and a half for all hours worked over 40 in a week.

8-3. Department Heads shall be deemed to have a continuous responsibility to **the public and shall not receive compensation for overtime. If extraordinary circumstances warrant it, the Appointing Authority may, with the permission of the Personnel Board, authorize compensation.**

8.4 It is the responsibility of the Department Head to control and minimize overtime. It shall be authorized by him in advance and shall be kept within the appropriated funds.

9.0 Holidays

9-1. Coverage. Full-time employees.

9-2. Recognized Holidays.

The following holidays shall be recognized by the town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential town services. Holidays which fall on a Saturday will be observed on the proceeding Friday and those falling on a Sunday will be observed on the following Monday.

New Year's Day
Martin Luther King Day
Presidents' Day
Patriots' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving
Half day last work day before Christmas
Christmas Day

9-3. Terms of Holiday Pay.

Holiday pay shall be granted as follows:

- (a) An employee paid on an hourly basis shall receive one day's pay at the regular rate of the employee based on the number of hours regularly scheduled on the day on which the designated holiday occurs; and
- (b) Holiday pay shall be granted to an employee provided that the employee shall have worked on the employee's last scheduled working day prior to such holiday, the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of these regulations, or was appropriately excused.
- (c) An employee working on a paid holiday shall receive in addition to holiday pay, time and one half based on their regular hourly rate.
- (d) In the event of an emergency or inadequate manpower, a Department Head who must work on a paid holiday, upon approval of the Appointing Authority, shall receive, in addition to regular earnings, straight time based on their calculated hourly rate.

10.0 Vacation Leave

10-1. Coverage. Full-time employees.

10-2. Vacation Granted.

- (a) An employee in continuous service shall be granted two (2) work weeks (5 work days, 5 vacation days; 4 work days, 4 vacation days, etc.) of vacation with pay after completion of one year of service but less than five years of continuous service.
- (b) An employee in continuous service shall be granted three (3) work weeks (5 work days, 5 vacation days; 4 work days, 4 vacation days, etc.) of vacation with pay after five (5) years of continuous service but less than ten (10) years of service.
- (c) An employee in continuous service shall be granted four (4) work weeks (5 work days, 5 vacation days; 4 work days, 4 vacation days, etc.) of vacation with pay after ten (10) years of continuous service.

10-3. Scheduling.

Vacation must be taken in the twelve months following the year in which it was earned. Unused vacation may be carried into the next twelve month period with the approval of the Appointing Authority. Carryover days should not exceed five (5) days.

10-4. Termination.

Upon termination, an employee or the beneficiary of the deceased employee shall be paid an amount equal to the vacation allowance as earned and not granted in the vacation year prior to such termination. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which termination occurred up to the time of the employee's separation from the payroll with the following exceptions:

1. The employee had not completed his/her probationary period.
2. The employee failed to give proper notice of termination. (see termination of employment).
3. The employee was terminated due to delinquency or misconduct on the part of the employee.

10-5. Other Uses of Vacation Leave.

At the discretion of the appointing authority and the approval of the Personnel Board, sick leave used in excess of that authorized may be charged to vacation leave. Notice of such a decision shall be provided to the Personnel Board.

10-6. Additional Days Vacation.

An employee shall be granted another day of vacation, if while on vacation leave a designated holiday occurs.

10-7. Working on Vacation.

With the approval of the Department Head, an employee may elect to work up to half of earned vacation time at regular compensation. Notice by employees of this election must be to the Personnel Office by March 1 of the Fiscal Year or the request will not be approved. Exceptions may be granted by the Personnel Board.

11.0 Sick Leave

11-1. Coverage. Full-time employees.

11-2. Granting of Sick Leave.

Accrual of sick leave for employees who have successfully completed the required probationary period shall be at the rate of one day for each month of

service completed. Upon completion of the probationary period an employee shall be credited with six (6) days of sick leave.

11-3. Use of Sick Leave.

Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness including pregnancy, injury or quarantine by public health authorities. Injury, illness, or disability, self-imposed or resulting from the use of alcohol or drugs, may not be considered proper claim for leave under this section, except in the case of an employee under the care of a physician or participating in a recognized treatment or rehabilitation program.

11-4. Illness in Immediate Family

The Department Head or appointing authority may allow paid time off not to exceed 7 (seven) days in case of serious illness in the immediate family of the employee which requires the personal presence of such employee. The 7 (seven) days need not be consecutive calendar days; they are charged to sick leave; are allowed on an annual basis; and may not be accumulated if not used. Immediate family for the purpose of this section shall, except in unusual circumstances, include husband, wife, domestic partner, children, parent, brothers or sisters.

11-5. Accrual of Sick Leave.

An employee shall be credited with the unused portion of leave granted under this section up to a maximum of 120 days. No sick leave credits will be accrued while absent on leave without pay.

11-6. Notification.

Sick leave will commence on the date and time that notification of the employee's sickness, injury or quarantining is given to the department head by the employee or the employee's family or physician. Notification shall be made to the employee's supervisor, if possible, prior to starting time but no later than one hour after starting time.

11-7. Certification of Illness.

A department head may request a physician's certificate of illness after three days absence or after a series of repeated absences during the year.

11-8. No allowance for such leave may be granted to a employee unless an adequate register, in such form as may be approved by the Personnel Board, is maintained by the employee's Department Head or Appointing Authority. Such register shall

show records of sick leave, both accrued and granted, for the employee. Copies of such a register shall be provided to the employee and submitted to the Personnel Board and Treasurer at least quarterly. Department heads or appointing authorities shall clearly indicate on their payrolls all payments for sick leave, and are responsible for the control of such sick leave in their department. Sick leave, which is inadequately documented, may be revoked by the Personnel Board.

11-9. Sick Leave Buy Back.

Upon retirement, death, or resignation of an employee, the Town shall pay to the employee or his estate, as the case may be, an amount of money equal to 25% of the employee's accumulated sick leave as of the effective date of retirement, resignation, or the day of death. The rate of pay for the sick leave buy back shall be based on the number of hours in the week for which the employee is employed by the Town at the time of retirement, resignation or death.

11-10. Workers' Compensation.

~~At the discretion of the employee, and with Personnel Board approval, accumulated sick leave, vacation time and overtime may be used to compensate for the difference between the worker's compensation benefit and the employee's normal base pay. (¶ Deleted ?) – when?~~

11-11. Sick Leave Bank.

1. Employees may choose by written notification to contribute two of their personal sick leave days initially, and then one per year thereafter, into a sick leave bank to be administered by a Sick Leave Bank Committee consisting of three members and one alternate. One shall be the Executive Secretary and the other two shall be employees, one being a department head. The two employee members shall be elected by the employees. The term of office shall be two years, with no more than two succeeding terms. The alternate member shall also be an employee, elected in the same manner and serve the same term as the other membership of the Committee. In the event of a committee vacancy, the Personnel Board employee representative will serve as an acting member of the committee.
2. This committee shall be empowered to make rules and regulations consistent with the intent of the bylaw.
3. The Committee shall designate a yearly enrollment period during which time all eligible employees will be asked to indicate, in writing, their desire to be included in the sick leave bank.

4. An employee who has exhausted all of his/her accumulated sick leave can make written application to the Committee for use of bank days in case of serious long-term illness. However, employees who had not joined the Sick Leave Bank (as above) shall not be eligible to draw from the bank.
5. A majority vote of the Committee shall be necessary for the granting of sick leave bank days, and in making its decision the Committee shall review the facts surrounding the request. A maximum of 30 sick leave days can be awarded by the committee without further review.
6. If the decision of the Sick Leave Bank Committee is not favorable, it may be appealed to the Personnel Board of the Town for review, and the decision of the Personnel Board shall be final and binding and not subject to further review.
7. If the Sick Leave Bank is exhausted, it shall be renewed by the contribution of one additional day of sick leave by each member covered by this Agreement. Such additional days will be deducted from the employee's annual sick leave. The Sick Leave Bank Committee shall determine the time when it becomes necessary to replenish the Bank.

12.0 Bereavement Leave.

12-1. Coverage. Full-time employees.

12-2. Policy.

Emergency leave of up to three (3) days may be granted for a death in the employee's immediate family. Immediate family shall include wife, husband, mother, father, grandfather, grandmother, child, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law or grandchild. Compensation shall be limited only to the time lost from the employee's normal straight time schedule.

13.0 Military Leave.

13-1. Coverage. Full-time employees.

13-2. Policy.

Employees called for temporary period of training in the military forces of the nation or the Commonwealth shall be paid for a period of up to fifteen (15) days an amount equal to the difference between an employee's normal straight time compensation and the amount received for such service upon presentation of

evidence of the amount paid for military training. Employees shall remain entitled to vacation leave.

13.0 Jury Leave

14-1. Coverage. Full-time employees.

14-2. Policy.

Employees called for jury duty shall be paid for the amount equal to the difference between compensation paid for the normal working period and the amount paid by the court excluding allowance for travel.

15.0 Maternity Leave/Paternity Leave

15-1. Coverage. All employees.

15-2. Policy.

After completion of the probationary period, Maternity/Paternity leaves of absence without pay shall be granted to an employee for a period not to exceed eight (8) weeks for the purpose of giving birth to a child or adoption of a child; or for further assisting with the same. The employee shall notify the appointing authority at least two weeks prior to the anticipated date of departure and of the intention to return. The employee shall be restored to the same or similar position with the same status, pay, and seniority, as of the date of the leave.

16.0 Personal Use

16-1. Coverage. Full-time employees.

16-2. Policy.

Each full time employee, after the completion of one year's service, shall be allowed up to four (4) days of leave with full pay during each year for the purpose of transacting or attending to personal, legal, business or family matters which require absence during regular working hours. Leave under this agreement shall be available for reasons of hardship or other pressing need and not merely for personal convenience.

17.0 Leaves of Absence

17-1. Coverage. All part-time or full-time employees with at least one year of continuous service.

17-2. Definition.

For the purpose of this section "Leaves of Absence" shall mean any leave not described in sections 10.0 through 16.0 of this bylaw.

17.3 Policy.

After exhausting vacation leave, personal days, and/or compensatory time an employee may be granted a leave of absence without pay by his or her appointing authority with the approval of the Personnel Board. Employees shall, after thirty days of leave, be responsible for full payment of all insurance premiums. Leaves of over two months duration may be considered a break in employment by the Personnel Board, in which case the employee shall have the status of a new employee upon returning to the service of the Town. An employee on a leave of absence without pay shall not accrue sick leave, vacation leave or be eligible for holiday pay.

18.0 Longevity Pay.

18-1. Coverage. Full-time employees.

18-2. Policy.

Longevity pay shall be as follows:

- (a) After seven (7) full years of continuous service to the town, an employee shall be paid an additional 1% of their gross annual salary per year.
- (b) After ten (10) full years of continuous service to the town, an employee shall be paid an additional 2% of their gross annual salary per year.
- (c) After fifteen (15) full years of continuous service to the town, an employee shall be paid an additional 3% of their gross annual salary per year.
- (d) After twenty (20) full years of continuous service to the town, an employee shall be paid an additional 4% of their gross annual salary per year.
- (e) Longevity pay shall be paid to an employee on their anniversary date.

The aforementioned amendments are to be effective July 1, 1995. In each succeeding year the bylaw will apply to the salary scale that is in effect prior to July 1.

19.0 Sexual Harassment Policy.

19-1. Coverage. All employees.

19-2. Policy.

No employee shall exercise responsibilities or authority in such a manner as to make submission to unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature a term or a condition of employment within the town. No employee shall conduct himself or herself with respect to verbal or physical behavior of a sexual nature where such conduct has the effect of interfering with an individual's work or performance or creating an intimidating, hostile or offensive environment.

19-3. All Employees must read and sign the Town of Edgartown Sexual Harassment Policy when hired.

20.0 Safety.

20-1. Coverage. All employees.

20-2 Policy.

The town shall provide and maintain safe working conditions.

20-3. Procedures.

As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

20-4. Responsibilities of Department Heads and Employees.

- (a) Department heads and supervisors shall: assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or attitudes; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.
- (b) Each employee shall: observe all safety rules, operating procedures, facilities, safety clothing or equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

20-5. Disciplinary Action.

Employees violating safety rules, practices and policies may be subject to disciplinary action.

21.0 Standards of Conduct.

21-1. Coverage. All employees.

21-2. Policy.

Town employees shall avoid any action, which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting town business. Employees are expected to conduct themselves in a manner, which in no way discredits the town, public officials or fellow employees.

21-3. Coverage. All Employees

21-4. Definition. Drug and Alcohol Free Workplace

21-5. Policy

It shall be the policy of the Town of Edgartown that the possession, use and distribution of alcohol and, or illegal substances shall be prohibited in all Town premises at all times. The Drug-Free Workplace Act (effective March 18, 1989) requires all employers to make a good faith effort to maintain a drug-free Workplace. Failure of any employee to abide by this policy and failure of the Town to enforce this policy may result in the suspension or termination of payments on existing federal contracts and grants and may further debar the Town from being eligible for future contracts or grants.

21-6. Administration

All employees are hereby advised that the Town of Edgartown prohibits the possession, use, or distribution of alcohol and, or illegal drugs in the workplace. Employees who violate this policy shall be subject to disciplinary action.

The maintenance, possession, dispensing or use of alcoholic beverages or controlled substances (drugs) is prohibited wherever an employee is performing work for the Town including in vehicles. Each employee will abide by this policy as a condition of employment.

Each employee will notify the Town of any criminal conviction for an alcohol or drug violation occurring in the workplace no later than five (5) days after the

conviction in a Federal or State Court.

Within ten (10) days after receiving notice of any criminal conviction or an alcohol or drug violation occurring in the work place, the Town will either take appropriate action against the employee or refer the employee to a rehabilitation program.

21-7. Healthy Workplace

The Town of Edgartown recognizes that violence in the workplace is a growing problem. The safety and security of employees is paramount. The Town through the Personnel By-Law is committed to working with its employees to maintain a work environment free from violence, physical and mental, threats of violence, harassment, intimidation and other disruptive behavior.

(a) Acts or threats of physical violence, as well as mental intimidation, retaliation, harassment and /or coercion that involve or affect the Town employees will not be tolerated. Violations of this policy by any individual, will lead to disciplinary and/or legal action as appropriate.

(b) Complaints of such action should be immediately brought to the Department head or their supervisor with a copy of the complaint to the Personnel Board. All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate action may include filing a report with the police department.

(c) Any person who engages in a threat or violent action on Town property may be removed from the premises as quickly as safety permits and may be required to remain off the premises pending the outcome of an investigation.

22.0 Disciplinary Policy.

22-1. Coverage. All employees.

22-2. Policy.

All employees are responsible for observing regulations necessary for proper operation of town departments. Disciplinary actions shall be the responsibility of supervisors, department heads, and appointing authorities who shall exercise their responsibility with discretion and with concern for the employee.

22-3. Reasons for Disciplinary Action.

Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. The following shall be sufficient cause for disciplinary action:

- (a) Incompetence or inefficiency in performing assigned duties.
- (b) Inability to perform one or more critical elements of the position.
- (c) Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
- (d) Habitual tardiness or absence from duty.
- (e) Falsification of time sheets.
- (f) Use or possession of illegal narcotics or alcohol while on duty.
- (g) Misuse or unauthorized use of town property.
- (h) Fraud in securing appointment.
- (i) Disclosure of confidential information.
- (j) Abuse of sick leave or absence without leave.
- (k) Violation of safety rules, practices and policies.
- (l) Engaging in sexual harassment.
- (m) Any situation or instance of such seriousness that disciplinary action is warranted.

22-4 Disciplinary Procedures.

Department heads and supervisors shall be responsible for enforcing rules and regulations. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspensions, and discharge. The severity of an infraction shall dictate the level of disciplinary action imposed.

- (a) Oral reprimands. A department head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing

embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.

- (b) Written reprimand. If an oral warning shall fail to correct an action warranting disciplinary action, the department head shall issue a written warning including reasons for the warning and an offer of assistance on the part of the department head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved. The written warning shall be provided to the employee.
- (c) Disciplinary Probation. If a written warning fails to correct the situation the employee may be placed on disciplinary probation for a period of up to three (3) months by the department head or appointing authority. A written notice of such probationary period shall be provided to the employee. A copy of such notice shall be included in the employee's personnel file.
- (d) Suspension. At the discretion of a department head and with sufficient cause a department head may suspend an employee without pay for a period or periods not to exceed twenty (20) days in any twelve (12) month period. Suspension may be in lieu of oral reprimand, written reprimand and disciplinary probation and may be effective immediately.

Within forty-eight (48) hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for and the length of the suspension. A copy of such notice shall be provided to the Personnel Board.

- (e) Discharge. An employee may be discharged for unsatisfactory job performance, violation of town regulations, or after exhausting of other disciplinary procedures. The department head shall provide the employee with a written notice stating the reason or reasons for the discharge and the effective date of the discharge. A copy of such notice shall be provided to the Personnel Board.

23.0 Termination of Employment

23-1 Coverage. All employees.

23-2 Policy.

To maintain a fair and equitable policy as it pertains to termination.

23-3 Classifications.

- (a) Layoffs/Furloughs/Military Service. Employees will be eligible to receive all vacation pay as outlined in 10-4(a) and Sick Leave Buy Back as outlined in 11-8.
- (b) Resignation. Employees are expected to provide the town with a written notice of resignation at least two (2) weeks prior to the last day worked. The two (2) week period shall be exclusive of sick leave or vacation leave. The appointing authority, with the approval of the Personnel Board, may waive the need to work any or all of the two (2) week period. If the two (2) week period is waived, the employee will still be paid at their regular rate of pay for that time. Employees are eligible to receive all vacation pay as outlined in 10-4 (a) and Sick Leave Buy Back as outlined in 11-8.
- (c) No call, no show/ Resignation with less than 2 weeks Notice. An employee will be considered to have resigned his/her position if they fail to report to work or call in for a period of three (3) consecutive workdays. Employees will be eligible for only vacation earned but not granted in the prior year 10-4(a) 2 and Sick Leave Buy Back 11-8.
- (d) Termination for cause. Employees will be eligible only for vacation earned but not granted in the prior year

23-4 Evaluation is required at separation.

Satisfactory evaluation at separation is required for rehire, with the right to appeal to the Personnel Board.

23-5 Rehire/Recall

- (a) Recall. If an employee is recalled within twelve (12) months of his termination date, he/she will be reinstated with no loss of seniority with regards to benefits, longevity pay and personnel records.
- (b) Military Discharge. If application is made within 90 days of discharge, the employee's original hire date will be reinstated with no loss of seniority with regards benefits, longevity pay and personnel records.
- (c) Rehire. If an employee is rehired within one year of termination, after completion of a period equal to the length of termination, or the probationary period, whichever is longer, the employee will be reinstated with no loss of seniority with regards to benefits, longevity pay and personnel records.
- (d) After reinstatement of original hire date an employee may elect to "Buy Back" his earned sick days by repaying any benefits paid to him under the Sick Leave Buy Back.

- (f) Vacation payment made to such employee for accrued vacation during the year which termination occurred will be considered time granted upon reinstatement.

24.0 Grievance Procedure

24-1. Coverage. All employees.

24-2. Policy.

Employees shall have the right to confer with the Personnel Board on any matter, which is covered by personnel policies. The Personnel Board shall have the power to adjust grievances, which do not require the expenditure of funds in excess of available appropriations.

24-3. Grievance Procedure.

Grievances shall relate to improper application of the personnel bylaw or disciplinary procedures. Grievances shall be resolved in the following manner:

- (a) Employees are encouraged to discuss any matter of dispute with a department head in a mutual effort to resolve any problem or misunderstanding. The employee may also go to the department heads supervisor if the problem is not resolved in a timely manner and must contact the Personnel office in writing. Failing to resolve any grievance in an informal manner, an aggrieved employee may present a grievance in writing to a department head or their supervisor with a copy to the Personnel Board along with all pertinent information relative to the grievance and indicating the relief that is desired. The department head or their supervisor shall within seven (7) days of receipt of a grievance provide an answer in writing to the aggrieved employee, a copy of which shall be provided to the Personnel Board.
- (b) If the grievance has not been resolved as provided in (a) above, the aggrieved employee may within seven (7) days after receipt of the written answer from the department head or department heads supervisor within fifteen (15) days after presentation of the grievance to the department head, or department heads supervisor, present the grievance in writing to the Personnel Board. The Personnel Board shall schedule a hearing on the grievance and shall answer the grievance within twenty (20) days after its receipt. The department head and/or department heads supervisor and employee shall have the right to attend such hearing.

25.0. Edgartown Classification and Salary Plan (Revised 4/13/10)

Grade 1	Cap Program Clerk Custodian
Grade 2	Department Assistant I Police Sr. Center Custodian Planning Board Clerk Library Assistant
Grade 3	Department Assistant II (Sr. Center) Unskilled Laborer Waste Water Laborer Traffic Control Officer
Grade 4	Department Assistant III (COA, Harbormaster, Selectmen, Tax Collector, Water) Circulation Librarian Technical Service Librarian Jr. Operator Wastewater Water Supply Laborer
Grade 5	Advisory Committee Assistant Assistant Animal Control Officer Data Collector Department Assistant IV, (Wastewater, Fire) Historical District Assistant Special Police Officer
Grade 6	Administrative Assistant I (Board of Health, Building Insp., Conservation, Harbormaster Planning, Water, ZBA) Assistant Town Accountant Assistant Tax Collect Assistant Town Clerk Assistant Treasurer Deputy Shellfish Constable EMT Heavy Equipment Operator Park & Grounds Maintenance Reference Librarian Water Supply Equipment Worker Water Supply Operator Class I

25.0. Classification and Salary Plan cont. Pg. 2

Grade 7 Cemetery Superintendent
Administrative Assistant II (Assessors, Police)
Deputy Harbormaster
Animal Control Officer
EMTI
Water Supply Operator Class II
Water Treatment Plant Operator
Human Resource Coordinator
Assistant to the Town Administrator

Grade 8 Parks Department Administrator
Children's Librarian/Assistant Director
COA Outreach Worker
Heavy Equipment Mechanic

Grade 9 Deputy Building Inspector
Assistant Director COA
Highway Foreman
Paramedic
Water Foremen

Grade 10 Water Treatment Plant Chief Operator
Ambulance Coordinator

Grade 11 Building Inspector
Conservation Agent
Director Council on Aging
Shellfish Constable/Marine Biologist
Harbormaster
Health Agent
Library Director

Grade 12 Town Accountant
Treasurer

Grade 13 Assessor/Appraiser
Water Supply Superintendent
Waste Water Facilities Manager

Grade 14 Informational Technology Manager

Grade 15 Highway Superintendent

Grade 16