



TOWN OF TYNGSBOROUGH

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TOWN OF TYNGSBOROUGH PERSONNEL POLICY

TOWN OF TYNGSBOROUGH- PERSONNEL POLICY

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TOWN OF TYNGSBOROUGH- PERSONNEL POLICY

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Section 1: Definitions

Administrative Authority:

The elected or appointed official or board having jurisdiction over a function or activity.

Administrative Orders:

Orders issued by the Board for the purpose of Policy clarification, and consistency in implementation and enforcement as described in Section 6.

Appointing Authority:

The authority granted the power to appoint employees for a particular board or department by the Town or by State Statute.

Day:

A “day” shall be defined as one-fifth (1/5) of the average number of hours worked per week.

An Employee who works 20 or more hours per week and who is not scheduled to work on a scheduled holiday is to receive Holiday comparable time at one-fifth of their average work week. The time is to be calculated according to the following methods.

An hourly employee that works less than 40 hours per week but 20 or more per week shall have “a day” defined as one-fifth (1/5) of the average number of hours actually worked per week during the preceding calendar year or, in the case of a new employee, during the period employed by the Town.

A Salaried employee that works less than 40 hours but 20 or more per week shall have “a day” defined as one-fifth of the scheduled work week.

Example:

Employee works 25 hours per week.

Benefits would be granted in the following manner:

| | | |
|----------------------------|----|-------|
| Holiday time: | 5 | hours |
| Sick Leave monthly: | 5 | hours |
| Two weeks annual vacation: | 50 | hours |

Board:

The Personnel Board as described in Section 4.

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Department:

Any department, board, committee, commission, or other employing authority of the Town subject to this Policy.

Department Head:

The officer, board, committee or other body having immediate supervision and control of a Department. In the case of a Department serving under the supervision and control of the Board of Selectmen, the officer, board, committee or other body immediately responsible to the Board of Selectmen for the Administration of the Department.

Emergency Employee:

A noncompetitive appointment to a position for a period of time, as determined with bi-weekly reviews by the Plan Administrative to prevent stoppage of public business or hazard or serious inconvenience to the public.

Employee:

A Permanent employee of the Town occupying a position of employment subject to this Policy.

Employment:

Time during which a person is actively employed or is absent from active employment by reason of being granted an approved leave.

Orders:

See Administrative Orders.

Plan:

This Town of Tyngsborough Personnel Policy-and all Administrative Orders issued as described in Section 6.

Plan Administrator:

Town Administrator of Tyngsborough or the Administrator's designee.

Regular Permanent Full-time Employee:

Employee regularly scheduled to work at least 30 hours per workweek for fifty-two (52) workweeks per fiscal year.

Regular Permanent Part-time Employee:

Employee regularly scheduled to work no less than twenty (20) or more than thirty (30) hours per work-week for no less than ten (10) consecutive months in any given year. Part-time call firefighters may work less than an average of 20 hours per week.

Supplemental Part-Time:

Employees regularly scheduled to work less than 20 hours per workweek.

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Temporary Employee:

Person employed on a full-time or part-time basis for a specific short and defined period of time not to exceed six consecutive months in any one fiscal year, includes seasonal employees.

Call Firefighters:

May work more than 20 hours per week but must average less than 20 hours per week during a twelve (12) month look-back period.

Town:

The Town of Tyngsborough.

Year:

Unless otherwise provided by this Policy, all references to annual, yearly, or year in this Policy shall refer to fiscal year commencing on July 1 and ending on the next following June 30.

Section 2: Application

This Policy shall apply to all Town Departments, and to all positions of all employees in the service of the Town, whether full or part-time, temporary, seasonal, special or any other type of employment other than:

- (a) Those positions filled by popular election; provided, however, that the Administrator shall make recommendations prior to the Annual Town Meeting relative to salaries for elective positions.
- (b) Those position which are covered by collective bargaining agreements or employment contracts.
- (c) Those positions under the direction and control of the School Committee.
- (d) Those positions under the direction and control of the Police Chief known as:
 - i. Dispatcher, part-time
 - ii. Reserve/Intermittent Police Officer
 - iii. Administrative Assistant to Chief of Police
 - iv. Matrons

Section 3: Effective Date

This Policy shall take effect and be in force from and after the earliest date allowed by law and shall replace all other Policies in conflict herewith, to the extent allowed by law.

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Section 4: The Personnel Board

- (a) There is a Board called the Personnel Board. The Board shall consist of three members of the Board of Selectmen. The Plan Administrator shall serve ex-officio but shall have no vote on any matter coming before the Board.
- (b) The Board shall establish its own rules of procedure and shall keep a record of its official actions, which shall be kept open for public inspection and on file with the Town Clerk, and, subject to appropriation may make such expenditures as may be necessary for the performance of its duties.
- (c) Two members shall constitute a quorum for the transaction of the business of the Board and the affirmative vote of two members shall be necessary for any official act of the Board.

Section 5: Duties of the Board

- (a) **Personnel Administration.**
The Board shall prepare salary recommendations commensurate with comparable communities, individual experience and available funding appropriations

Any board or committee or department may request the Plan Administrator, with the approval of the Board, to study and advise on specific pay and classification matters.

All officers, boards, departments, committees and employees shall co-operate with the Plan Administrator and the Board in providing the information necessary for the proper preparation of salary recommendations. Salaries shall operate within the meaning of Section 108A and 108C of Chapter 41 of the General Laws, as amended.

- (b) **Compliance Advice**
The Plan Administrator shall advise all departments, officers and officials as to compliance with applicable fair employment practice laws and other applicable state and federal laws and regulations.
- (c) **General Advice**
The Plan Administrator shall advise the Town Departments regarding any matters pertaining to personnel.

Section 6: Administrative Authority

- (a) **Administration**
The Plan Administrator is hereby authorized to administer the provisions of the Plan, except for such duties as may be assigned by statute, or negotiated contract to other town officers, boards, committees, or commissioners.

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- (b) **Plan Administrator**
The Plan Administrator shall make recommendations to the Board on all Personnel business matters.
- (c) **Procedural Rule and Regulations**
The Board is hereby authorized to issue and adopt uniform procedural rules and regulations, and to amend them from time to time, to further aid and assist in the performance of Plan Administrator's duties and responsibilities. Said rules and regulations shall be consistent and compatible with all other provisions of law and the provisions of this Policy. Employees shall be notified in writing seven (7) days prior to any changes taking effect.
- (d) **Administrative Orders**
The Plan Administrator may from time to time issue, amend or revoke Orders for the purpose of giving effect to the provisions of this Policy, and for the purpose of procedure, clarification and consistency in administering and enforcing. Each such Order shall be numbered in sequence and the Administrator shall maintain in a file of all such Orders issued with the Town Clerk, which file shall be open to public inspection.

Section 7: Review of Plan

- (a) The Board shall, from time to time of its own motion but in any event at intervals of no more than three years, review the Plan. It shall keep informed as to pay rates and policies in other Massachusetts municipalities considered by the Board to be comparable to the Town so as to be able to recommend to the Town any action, which the Board deems desirable to maintain a fair and equitable pay level.
- (b) The Board shall make an annual report to the Town, including recommendations on any matters, which the Board deems appropriate to be considered by the Town.
- (c) If at any time the Board is of the opinion that changes in this Policy are desirable, it shall be responsible for taking the necessary action to put the changes into effect in accordance with the provisions governing amendments as set forth in Section 8.

Section 8: Amendments

- (a) This policy must be amended in accordance with the Town's Personnel Bylaw, Article XLIV.
- (b) The Board of Selectmen will hold a public hearing at least two (2) weeks and not more than two (2) months before the final adoption and/or revision. This Policy may be amended by a 4/5ths majority vote of the Board of Selectmen after holding a public hearing to discuss the changes and allow for public input. Where Amendments to this Policy are proposed by persons or authorities other than the Board, the Board shall review and consider the proposed amendment within thirty (30) days.

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- (b) The Board may, by order, establish a temporary salary for any position for which the nature and duties of which are temporary or subject to material change, such position to be in effect until the end of the fiscal year.
- (c) The Board may periodically adjust the salary of an existing position to ensure it remains in line with industry standards and in order to attract or maintain qualified individuals.
- (d) The Board shall consider the salary recommendation of the Department Head or other Administrative Authority, supported by evidence of exceptional circumstances satisfactory to the Board. The Board may also make such other variances in compensation as it considers necessary for the proper functioning of the services of the Town.
- (e) No action of the Board under the preceding subparagraph or under any other provision of the Policy may be construed as authorization to spend money for salaries or wages for Employees in addition to that which has lawfully been appropriated at Town Meeting or which is otherwise lawfully available for that purpose.
- (f) Except as otherwise specifically provided in collective bargaining agreements, or by vote of the Town, amendments to this Policy shall be effective as of July first of the calendar year in which voted.

Section 9: Personnel Records

- (a) The Plan Administrator, Town Accountant and Department Heads shall keep such records of the employees as the Board may require. The Human Resources Department shall also check on matters covered by the Plan and shall bring any deviations from the Plan's provisions to the attention of the Plan Administrator. The Board shall keep such records of its own as it considers appropriate.
- (b) Except as otherwise provided by law, the Board shall have access to all facts, figures, records and other information related to Employees and the same shall be furnished forthwith by any such Department whenever so requested by the Board in such form as the Board may require.

Section 10: Grievances

There is hereby established a grievance procedure available to any Employee who has successfully completed the applicable probationary period and who shall have a dispute with his or her Department Head, Appointing Authority or other supervisory body, arising out of the actions of such supervisor. This grievance procedure is also available to any Department Head, whose rights under this Policy have, in his or her opinion, been prejudiced in any way.

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- (a) In the case of an Employee other than a Department Head: The Employee shall take up a grievance orally with the Department Head. If the Employee wishes to have the grievance reviewed, a grievance shall be submitted in writing to the Department Head. The Department head shall reply in writing within (7) days.
- (b) If the Department Head's response is not to the Employee's satisfaction, the Employee may send, within seven (7) days of the date of such response, a copy of the grievance to be given to the Plan Administrator. After receiving any grievance the Plan Administrator shall hold a hearing at which the relevant parties are present. The Plan Administrator's decision shall be rendered within seven (7) days of the hearing. If the Employee/Department Head is not satisfied with the finding of the Plan Administrator, the matter shall revert to the Personnel Board.
- (c) After receiving any grievance, the Board shall hold a hearing within twenty (20) business days at which the relevant parties are present. The Board's decision shall be rendered within (20) business days of the hearing, or final hearing if the original hearing was continued. If the Employee/Department Head is not satisfied with the finding of the Board, the matter shall revert to the Appointing Authority for a final decision within fourteen (14) days.
- (d) Any grievance procedure set forth in a collective bargaining agreement shall take precedence over and supersede the grievance procedure established by this Policy.

Section 11: Holidays

- (a) The following holidays shall be recognized by the Town on the day which they are legally observed in the Commonwealth of Massachusetts and these days employees shall be excused from all duty.

New Year's Day
Dr. Martin Luther King, Jr. Day
President's Day
Patriot's Day
Memorial Day
July 4th Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas

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The above holiday schedule may be altered by the Board of Selectmen at the beginning of the calendar year provided, that an equivalent number of paid holidays is granted.

- (b) Regular Permanent Part-Time and Regular Permanent Full-Time Employees will receive holiday compensation at a rate equivalent to one-fifth (1/5) of their regularly scheduled hours per week or, compensation for normally scheduled hours that fall on a recognized holiday. Total weekly compensation, including holiday compensation, will not exceed the employees' regular weekly compensation.
- (c) If an employee is required to work on a holiday, the employee shall record their hours accordingly and be afforded a floating holiday to be used within one (1) calendar year.
- (d) Any employee on approved vacation or sick leave shall not be charged for leave time.
- (e) For departments that are scheduled for 24/7 emergency services, holiday pay shall be as follows:
 1. Full-time employees who's regular schedule falls on a holiday are expected to work their regularly scheduled hours, unless time off is approved in advance by the head of the department.
 2. Full-time employees that are scheduled to work on a holiday will, in addition to the regular pay, receive the amount equal to one and one half (1 ½) times their regular rate of pay for hours worked.
 3. Part-time employees who are scheduled to work on a holiday will receive time and one half (1 ½) for hours worked.
 4. Full-time employees who are not scheduled to work on the holiday will receive Holiday pay equal to one fifth (1/5) their average weekly scheduled hours; in addition to pay for hours worked.
 5. All holidays will be recognized on the day they are legally observed by the Commonwealth of Massachusetts, except Christmas and New Year's Day. On Christmas and New Year's Day, holiday pay and overtime shall be based on the date of the actual holiday, not the observed holiday. For example, if Christmas or New Year's Day falls on a Sunday, and is observed on a Monday, the employee working on Sunday will receive the benefits of holiday pay.

Section 12: Maternity Leave and Parental Leave

Employees, upon request, shall be granted up to 12 work-weeks of unpaid leave in accordance with the Family Medical Leave Act.

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Section 13: Sick Leave

- (a) Employees shall earn one (1) day of sick leave with pay for each calendar month of service not to exceed twelve (12) days per fiscal year.
- (b) Permanent part-time employees shall earn one (1) day of sick leave which is one-fifth (1/5) of the average number of hours actually worked per week during the preceding calendar year or, in the case of a new employee, during the period employed by the Town.
- (c) If employed prior to the 16th of the month, sick leave shall accrue from the first of the month. If employed on or after the 16th of the month, sick leave shall accrue the first day of the next month.
- (d) Accruals will be earned as of the last working day of each month and will be posted accordingly.
- (e) Unused sick leave will accumulate from year to year to a maximum of (90) days. The Town shall annually, during the month of July, notify all employees of the total amount of the employee's accrued sick leave as of June 30 of the previous year.
- (f) Evidence of disability may be required by the Plan Administrator from the employee for any sick leave of three (3) days or more. If the cause of the sick leave is not substantiated to the satisfaction of the Plan Administrator, such absence will not be paid as sick leave, and absence will be considered unauthorized leave.
- (g) Upon termination, all accumulated sick leave will be forfeited.

Section 14: Vacation

- (a) Vacation days will be accrued at a rate equal to one-twelfth (1/12) of the yearly entitled vacation time per month. Vacation time can be borrowed against future non-accrued vacation time not to exceed ten (10) days. At the time of resignation, retirement, or termination, arrear vacation time will be subtracted from any final payment to the employee.

The employee shall be granted vacation according to the following table:

| <u>Length of Service</u> | <u>Amount of Vacation</u> |
|--------------------------|---------------------------|
| Less than 1 year | 5/6 day per month |
| 1 year but less than 5 | 10 days per year |
| 5 years but less than 10 | 15 days per year |
| 10 years + | 20 days per year |

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- (b) When hiring salaried exempt employees, the Town may credit prior municipal experience of such new hires in offering the initial number of vacation weeks that can be taken. New hires cannot be initially awarded more than four (4) weeks of vacation and must have at least five (5) years of municipal experience, or comparable private sector experience, to qualify for such benefit.
- (c) Permanent Part-Time Employees shall earn vacation according to the above table in the following prorated manner: One (1) day of vacation shall mean one-fifth (1/5) of the average number hours actually worked per week during the preceding year, or in the case of a new hire, during the period of time employed by the Town.
- (d) If employed prior to the 16th of the month, vacation leave shall accrue from the first of the month. If employed on or after the 16th of the month, vacation leave shall accrue from the first day of the next month
- (e) Vacation time may not be cumulative from year to year. An employee may carry over up to 10 vacation days per year, which must be used by June 30th of the following fiscal year; the total vacation carry over in any year can't exceed 10 days. The Town shall annually, during the month of July, notify all employees of the total amount of the employee's accrued vacation leave as of June 30 of the previous year.
- (f) All employees eligible for vacation days shall take their vacation leave in accordance with a schedule mutually agreed upon by the employee and the supervisor.

Section 15: Resignation of Employment

- (a) Employees must give written notice to their supervisor prior to termination.
- (b) Any employee who does not report to work for three consecutive working days without notification to their supervisor, will be considered a voluntary resignation without notice.
- (c) Employees in appointed positions: If the employee is not reappointed at the end of his/her term, he/she will receive all unused accrued vacation time upon termination.

Section 16: Funeral Leave

- (a) Employees shall be eligible for up to three (3) day's consecutive leave with pay for the purpose of making arrangements and attending the funeral of members of their immediate family. The term "Immediate Family" as used in this paragraph shall mean the following: parents and parents in-law, sister, brother, sister in-law, brother in-law, spouse, child, and grandparents, of the employee or the employee's spouse.

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- (b) Employees shall be eligible for up to one (1) day of leave with pay for the purpose of making arrangements and attending the funeral of members of their non-immediate family: aunt, uncle, niece, nephew, cousin, and all other relatives of the employee or of the employee's spouse.

Section 17: Personal Leave

Employees shall be eligible for three (3) days of paid personal leave per year for the purpose of attending the personal business which unavoidably conflicts with the employee's work schedule. Personal day shall not be accrued and must be taken prior to June 30 of each fiscal year. Unused personal days will be forfeited. Use of a personal day shall require twenty-four (24) hours' notice to and approval from the Town Administrator. Approval for use of such leave will not be arbitrarily or capriciously denied. Such notice may be waived on an individual basis.

Section 18: Family and Medical Leave

Family and Medical Leave will be granted to all eligible employees as provided in the Family Medical Leave Policy adopted by the Town.

Section 19: Health, Life and Accidental Death Group Insurance

- (a) The Town shall, pursuant to Chapter 32B of the Massachusetts General Laws, provide contributory group health, life and accidental death insurance to Regular Permanent Full-Time and Regular Permanent Part-time employees. The cost of the group insurance is paid on 70/30 basis by the Town and the participating employee. Participation in the group insurance plan is optional.
- (b) Upon termination, the Town's health insurance policy, in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), is discontinued.

Section 20: Military Leave

An Employee, upon request, shall be granted military leave in accordance with state and federal law.

Section 21: Court Time

An Employee called to Jury Duty or to Testify as a witness as a result of employment in the Town or as a result of the performance of official Town duties or on behalf of the Town, shall be paid in an amount equal to the difference between the amount received from the court, other than for travel allowances and the pay normally received from the Town.

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Section 22: Annual Evaluations

The Board may require that each Employee be given a written annual evaluation by the Department Head or supervising Administrative Authority. This evaluation shall be in a form as the Plan Administrator may prescribe and it shall be filed with the Plan Administrator after it has been provided to and discussed with the Employee.

Section 23: Hiring Procedure

The following procedure shall be used in filling all regular full-time and regular part-time positions.

- (a) A job description agreed to by both the Plan Administrator and the Appointing Authority must be completed prior to the application deadline.
- (b) The hiring rate and the annual rate for the job must be commensurate with comparable communities and agreed to by the Plan Administrator and the Appointing Authority prior to the announcement of the job opening. The Town Administrator may post a vacant position as soon as practical after the vacancy occurs, but he/she must notify the Appointing Authority at their next regularly scheduled meeting.
- (c) The job opening, approved by the Plan Administrator, must be posted at least seven calendar days, internally or externally, prior to the job being filled. If there are no internal applicants, then the job must be posted on the Town's website, one additional internet based job-search engine, and a hard copy must be posted at Town Hall in the same manner as public meeting notices.

The job opening announcement shall include:

Job Title

Rate of Pay

Summary statement of duties

Direction on how applications may be filed

Application Deadline

Minimum of five (5) days after notice publication for the deadline for filing application.

The following statements:

“Applications will be received no later than ___ by the Department Head.”

“Equal Opportunity Employer”

- (d) **Employee Physical Examinations**
Every Employee, regular, supplemental, or seasonal, and any other Employee as the Plan Administrator may designate, may be required, as a condition of their employment, prior to the effective date of their employment, to have a physical

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examination by a physician appointed for such purpose by the Board of Selectmen. The cost of the physical examination shall be borne by the Town and reports from the examining physician shall be filed with the hiring Department or Administrative Authority.

- (e) The Town Administrator may appoint a qualified Emergency Employee or Temporary Employee for a period of up to 60 days to prevent a work stoppage. In this case, the Town Administrator must inform the Board of Selectmen at their next regularly scheduled meeting. Only the Board of Selectmen may vote to extend the 60-day period or make an emergency appointment or a temporary appointment permanent.

Section 24: Employees and the Board

All Employees shall have the right to request an appointment to confer with the Board on any matter which is covered by the Plan.

Section 25: Severance Clause

The provisions of this Policy are hereby declared to be severable, and if any provision and the application of any such provision to any person or under any circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to effect the validity, legality or constitutionality of any of the remaining provisions or of that provision with respect to persons or circumstances other than those as to which the offending provision is held to be invalid, illegal or unconstitutional.