

# PERSONNEL BY-LAWS



## TOWN OF WARREN – PERSONNEL BY-LAW

### **SECTION I - DEFINITIONS**

The following words and phrases, wherever used in the Personnel By-Law Manual shall be defined as indicated below unless otherwise clearly required.

**Appointing Authority:** The Personnel Board shall be the appointing authority for the Town of Warren.

**Appointment:** The placement of a person in the service of the Town of Warren Appointments shall be of the following type: original, full time, part time and emergency. Appointments made through original, promotional, demotion or re-employment.

**Authorized Position:** positions may be established as full time or part time as follows: Full-Time Position – a position of the town that requires no less than 20 hours per week regularly (1 calendar year), Part Time Position – a position of the Town that requires less than 20 hours per week or less than 52 weeks (1 calendar year). “Except as provided for in Section X of this By-law, part time positions of the town are not eligible for the following town benefits (holidays, personal leave, medical and life insurance, etc.).

**Board:** an elected board or official that employs either full-time or part-time assistants as described in the preceding paragraphs.

**Demotion:** The downward movement of an employee to a lower maximum rate of compensation.

**Finance Committee:** Committee appointed by the moderator.

**Grievance:** Any difference between the town and its employees relating to the application or interpretation of the Personnel By-law.

**Immediate Family:** Includes employee’s spouse, children, parents, sisters, brother, mother-in-law, father-in-law and grandparents and other members who are actual members of the employee’s household.

**Layoff:** the removal of an employee due to lack of work, failure of financial appropriation or other causes that do not reflect on the employee’s capabilities and performance. Layoffs shall not be considered as dismissal or disciplinary action. Layoffs shall be converted to termination if the employee is not called back to work within a twelve-month period.

**Personal Leave:** An authorized period of absence from work approved by the Board, Personnel Board, or its agent to take care of personal business.

**Personnel Board:** The Personnel Board shall be the Board of Selectmen

**Town:** Town of Warren

**Transfer:** The movement of an employee from one position in the town organization.

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### **SECTION II - MANAGEMENT RIGHTS**

A. Nothing in this agreement shall limit the Town of Warren in the exercise of its function of management and in the direction and supervision of the town's business by the Personnel board, Personnel office holders and/or their appointed department superintendents. This includes, but is not limited to the right to: add or eliminate staff or departments; require and assign overtime; change process, assign work and work to be performed; schedule hours and shifts of work and lunch periods; hire suspend, demote, discipline or discharge; transfer or promote, layoff due to lack of work or other legitimate reasons; establish rules and regulations, job descriptions, policies and procedures; conduct orderly operations; establish new departments; abolish and change existing jobs; determine where, when how and by whom work will be done; except where any such rights are specifically altered or modified by the terms of this agreement.

B. Management also reserves the right to decide whether, when and how to exercise its options, whether or not enumerated in this agreement. Also, the failure of any party not to exercise its powers or any rights set forth in the following agreement shall not be deemed as abrogation of said powers and/or rights.

C. Maintenance: The Town Administrator shall periodically review the Personnel By-law and communicate any necessary changes to the Personnel Board. The Personnel Board will decide if an article shall be placed on the Town Meeting Warrant.

### **SECTION III - EQUAL EMPLOYMENT OPPORTUNITY ACT (EEOA)**

The Federal Government enacted the Equal Employment Opportunity Act (EEOA) of 1972 to govern the actions of municipalities in civil rights. The intent of the act is identical with the Town's policy. "It shall be the policy of the Town of Warren to Guaranty equal opportunity to all qualified applicants and to all employees with respect to initial appointment, advancement, compensation and general working conditions without regard to a person's race, color, religion, sex, national origin, age, disability or genetic information, or any other classification protected by state or federal law".

The Personnel Board or its agents shall be responsible for ensuring that all provisions of EEOA are complied with. Additional information on the EEOA may be obtained from the Personnel Board or its agent. All department heads, boards and employees are expected to comply and cooperate fully with implementing the EEOA.

### **SECTION IV: - BARGAINING AGENTS FOR THE TOWN**

The Personnel Board or its agent shall be the bargaining agents for the Town. No bargaining agreement shall be valid without Town Meeting approval.

### **SECTION V: - COMPENSATION PLAN**

A. A Compensation plan shall be established from time to time by the Personnel Board. Approval of said plan or amendment to shall be by vote at the annual town meeting. Said plan shall provide for minimum and maximum hourly rates of pay and/or salary for the position in a classification plan to be established by the Personal Board in conjunction with each department head or board. **Refer to ATTACHMENT A**

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- B. The wage compensation plan is designed to include all employees working 10 hours per week or more. Those employees working less than 10 hours shall be compensated as closely as possible to the job classification and wage compensation schedule but shall be paid at a rate based upon the amount of work performed.
- C. The Personnel Board shall administer the provisions of the compensation plan and shall establish such policies, procedures, and regulations as it deems necessary for the administration thereof.
- D. Upon recommendation of any board or department head supported by evidence in writing of any special reason deemed exceptional circumstances satisfactory to the Personal Board, said board or department head may authorize an entrance rate higher than the minimum rate established by the Town through a vote at the Annual Town Meeting provided however, that said rate does not exceed the rate established by the compensation plan.
- E. Only under very exceptional circumstances will the Personnel Board consider upgrading an employee between the period of a given fiscal year (July 1 to June 30) Grounds for such consideration would include, but not be limited to a promotion to fill a vacancy.
- F. When an existing employee is hired into a position in a higher grade, that employee shall be paid at the rate of pay (step) in the higher grade. When a grade change does not give an employee a minimum raise of (.50¢) an hour, the employee will be advanced to the next higher step within the grade.

### **SECTION VI – EMPLOYEE EVALAUTIONS**

- A. It shall be the responsibility of each board or department head to conduct an annual evaluation of each employee's job performance prior to June 1<sup>st</sup>. It will be mandatory that said review be discussed with the employee and acknowledgement of this discussion be made on the evaluation from used by each department. A copy of the evaluation will be given to the employee and placed in the employee's personnel file.

### **SECTION VII – HOURS OF WORK, OVERTIME, BREAKS**

- A. For full time employees, the hours of employment shall be as follows:
  - 1. For public works and public safety employees, forty (40) hours per seven (7) calendar weeks.
  - 2. For hourly employees not classified above, a minimum of twenty (20) and a maximum of forty (40) hours per week. The actual weekly hours for any full-time position in this class are determined by the appointing authority and are subject to the approval of the Town meeting.
- B. For part time employees, a maximum of nineteen (19) hours per seven (7) -day calendar week. If an employee is paid by more than one town department, the nineteen (19)-hour maximum applies to the total of hours worked for the town per week. Part-time seasonal employees are not included in this provision.
- C. In the best interest of the Town of Warren, a board or department head may require an employee to work less than what is determined to equate a full work week for each employee classification, provided that said employee's weekly compensation is accordingly reduced.
- D. Overtime: Hourly employees who are required by their appointing authority or department head to work in excess of forty (40) hours in a seven (7)-day calendar week, Sunday through Saturday shall be compensated at a rate of time and one-half (1½) for all hours in excess of forty (40) in one week.

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- E. Breaks: The town of Warren will provide a thirty (30) minute unpaid meal break during each work shift that lasts more than six hours. Employees who work less than six (6) hours and at least four (4) hours daily will be provided with one (1) fifteen (15) minute paid rest break.
- F. Newly hired employees of the town of Warren shall be subject to a ninety (90) day probationary period.

### **SECTION VIII – HOLIDAYS**

All full-time employees of the Town shall be entitled to the following holidays without loss of compensation provided that such employee be a full-time employee of the town for at least 90 days prior to any such legal holiday, and that such employee shall work the day preceding and following any such holiday unless a duly authorized leave has been granted for either of said days by the Personnel Board. Such legal holidays shall include New Year's Day, Martin Luther King Day, President's Day, Patriot's Day, Memorial Day, Juneteenth, July 4th, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day and two floating holidays.

Whenever one of these holidays falls on a Saturday, the preceding regular workday shall be granted with pay. Whenever the holiday falls on a Sunday, the holiday will be observed on Monday. For employees who work a full time four (4)-day week; if a holiday falls on a Friday, the preceding regular workday will be granted with pay.

Full-time employees who are scheduled to work on a holiday are either given another day off or are paid their holiday pay plus straight time for the hours worked with a minimum of four (4) hours.

Full-time employees who are not scheduled to work on a holiday, but for emergency reasons are called in to work, will be paid their holiday pay plus time and one-half of the hours worked.

### **SECTION IX - VACATIONS**

- A. Annual vacations with pay will be granted in accordance with the following schedule:
  - 1. Vacation time is accrued based on the employee's start date, not the hire date.
  - 2. Full-Time Positions:
    - a. Less than one year of employment - one half (1/2) day per month not to exceed the employee's regular work week.
    - b. One (1) year of employment but less than five (5) years - two (2) weeks
    - c. Five (5) years of employment but less than ten (10) years - three (3) weeks
    - d. Ten (10) years of employment but less than fifteen (15) years – four (4) weeks
    - e. Fifteen (15) years of employment and over - five (5) weeks
  - 3. Part-Time Positions: One week of annual vacation with pay will be granted after three (3) years of service to any part-time employee who is regularly scheduled to work ten (10) or more hours per calendar week.
  - 4. A week of vacation within the meaning of this section shall be equivalent to the number of hours an employee is regularly scheduled to work in one week and may be taken as a full week, or separate days only. The total number of hours taken during the year must not exceed the

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employees normally scheduled weekly hours times the number of vacation weeks that they have earned.

5. An employee's length of service on June 30<sup>th</sup> will determine the amount of vacation leave to which the employee is credited for the next fiscal year. The vacation time credited is only to be used from July 1<sup>st</sup> through June 30<sup>th</sup>. Unused Vacation time cannot be carried over at the end of a fiscal year.
- B. Vacation leave shall be granted by the Personnel Board, or Department Head of the Town at such time as in their opinion will cause the least interference with the regular work of the Town. The Personnel Board, board or department head will take seniority into consideration when determining vacation schedules.
- C. Compensation for unused annual vacation will be paid to employees upon separation of employment.
- D. Upon the death of an employee eligible for annual vacation, payments shall be made to the spouse or other surviving relative for time earned in accordance with paragraph A.
- E. For purposes of calculating vacation time under this section only, a part time employee of the town who subsequently obtains full time employment with the town will be credited with full time service using the following formula: every forty (40) hours of part-time service is to be equal to one week of full-time service and every fifty (50) weeks or two thousand (2000) hours of part time service is equal to one year of full-time service for the town of Warren for purposes of vacation time. Vacation time will be granted to the full-time employee using the service time calculated pursuant to the preceding part time to full-time service formula by applying the service time to paragraph A above.

### **SECTION X – LEAVES OF ABSENCE**

#### **A. Sick Leave**

Sick leave may be used only in instances when an employee is out of work due to illness or leaves work for medical appointments or to care for a sick or injured member of his or her immediate family. For purposes of this paragraph, immediate family shall include an employee's spouse, children, grandchildren, parents, and any other family member residing in the employee's home. Use of sick leave for other than the above stated reasons may result in loss of pay. Continual abuse of sick leave could result in further disciplinary action, including possible suspension and/or dismissal.

One (1) day of sick leave will be granted to full-time employees for each month worked. Employees may begin using sick leave once they have been employed for ninety (90) calendar days. Employees may accrue a maximum of one hundred twenty (120) days of sick leave.

For purposes of calculating sick time under this section only, a part-time employee who subsequently obtains full-time employment with the town will be credited with full-time service useful-time following formula: every forty (40) hours of part-time service is to be equal to one (1) week of full-time service, one hundred-sixty (160) hours of part-time service is equal to one (1) month of full-time service and every fifty (50) weeks or (2000) hours of part-time service is equal to one year of full-time service for the town of Warren for purposes of sick time. Sick time will be granted to the full-time

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employee using the service time calculated pursuant to the preceding part-time to full-time service formula by applying the service time to the above paragraph.

The Town may require an employee to produce written documentation justifying the need for sick leave in the following instances: 1) if the employee is absent from work for more than 24 consecutively scheduled work hours; 2) if the employee is absent for three consecutively scheduled workdays; 3) the employee's absence occurs after four unforeseeable and undocumented absences with a 3-month period.

Part-Time Employees: Part-time employees begin accruing earned sick time on their first date of actual work. Part-time employees are entitled to one (1) hour of sick leave for every thirty (30) hours worked.

Part-time employees can earn up to a maximum of forty (40) hours per year if they work enough hours. New Part-time employees may begin to request the use of sick leave following a ninety (90) day probationary period from the initial date of hire.

Personal Leave: A full-time employee shall be allowed three (3) personal leave days in each fiscal year. Any such personal days used shall be deducted from sick days available to the employee. Personal leave not taken during the year will be accumulated by the employee as a sick day as other sick leave is accumulated from year to year as provided by this by-law.

### B. Bereavement Leave

1. An employee of the town shall be entitled to be excused from work time with pay for up to five (5) days with the approval of the department head for each instance to deal with funerals and other personal business caused by a death in the immediate family. The members of the immediate family shall include the following: Mother, Father, Mother/Father-in-law, Sister, Brother, Spouse, Child, Son/Daughter-in-law, Grandchild, Grandparent, or any other relative living within the household of said employee.
2. An employee of the town shall be entitled to be excused from work time with pay for up to three (3) days with the approval of the department head for each instance to deal with the funerals and other personal business caused by the death of a brother/sister-in-law, niece/nephew.
3. Bereavement leave shall not accumulate from year to year.
4. Bereavement leave pay shall not be in addition to vacation or holiday pay.

### C. Military Leave:

An employee shall be granted regular pay less military pay for military duty not exceeding two weeks per fiscal year.

### D. Jury Duty Leave:

An employee will be granted regular pay less any pay received from the state, for jury duty. If said employee is excused from jury duty prior to 12:00 noon they will be required to report for the regular afternoon schedule.

### E. Parental Leave:

Eligible employees are entitled to take parental leave in accordance with the provisions of the G.L. c. 149, §105D and the Town's Parental Leave Policy. All employees having completed three months of employment, will be eligible upon request to eight (8) weeks of unpaid parental leave without loss of

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seniority or benefits for the purpose of giving birth or adopting a child under the age of eighteen (18) or under the age of twenty-three (23) if the child is mentally or physically disabled. Upon expiration of parental leave, employees will be restored to the same or similar position.

In the event that the employee is eligible for both FMLA and parental leave, that employee's leave will be charged to both forms of leave simultaneously.

To the extent practicable, employees requesting leave must provide notice to their department head and the Personnel Board at least two (2) weeks prior to the beginning of the anticipated leave.

Employees may use any accrued vacation or personal leave during this period of parental leave under G.L. c. 149, §105D, Employees are required to return to their positions when their leave expires.

### F. Leave without Pay

Leave without pay may be granted to an employee with extended illnesses, military leave in excess of two weeks, and other reasons deemed satisfactory by the Personnel Board.

G. Leave Covered by Workmen's Compensation: The town of Warren will pay employees as required by state law for compensation loss because of work related illness or injury. In addition, the town will compensate an employee for up to five working days of any incapacity resulting from a work-related illness or injury which is not covered by workers' compensation benefits.

### H. The Family and Medical Leave Act (FMLA):

The FMLA entitles eligible employees to take up to twelve (12) weeks of unpaid leave for medical reasons such as: The employee's own illness, the birth or adoption of a child or the placement of a child for foster care, and for the care of a child, spouse or parent who has a serious health condition. For further information, please refer to the Town's FMLA Policy, which is attached hereto as **ATTACHMENT B.**

### I. Pregnancy and Pregnancy-Related Conditions Policy:

The town does not discriminate on the basis of pregnancy and pregnancy-related conditions.

#### A. Application of the Pregnant Workers Fairness Act ("the Act"),

##### a. The Town will:

- i. Upon request for accommodation, communicate with the employee in order to determine reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it will be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the town.
- ii. Accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the Town significant difficulty or expense.
- iii. Will not require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would

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enable the employee to perform the essential functions of the job without undue hardship to the Town.

- iv. Will not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- v. Will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of reasonable accommodation for a pregnancy or pregnancy-related condition.
- vi. Will not require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. The Town may, however, request medical documentation for other accommodation.

### **B. Complaints of Pregnancy and/or Pregnancy-Related Discrimination:**

- a. If you believe that you as an employee have been subjected to pregnancy and/or pregnancy-related discrimination, you have the right to file a complaint with the Town. This may be done in writing or orally.
- b. If you would like to file a complaint you may do so by contacting the Director of Human Resources XXX, 781-334-6666, [XXX@town.com](mailto:XXX@town.com) or his/her designee will be available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

### **C. Investigation**

- a. When the Town receives the complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. When the investigation is complete, the Town, to the extent appropriate, will inform the person filing the complaint of the results of the investigation.
- b. If it is determined that inappropriate conduct has occurred, the Town will act promptly to correct the condition.

### **D. Disciplinary Action:**

- a. If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as it deemed appropriate under the circumstances.

### **E. State and Federal Remedies:**

- a. In addition to the above, if you believe you have been subjected to discrimination, you may file a formal complaint with either or both government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a brief time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

The United States Equal Employment Opportunity commission (EEOC)

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The Massachusetts Commission Against discrimination (MCAD)

### **SECTION XI – MEDICAL INSURANCE**

- A. Description: membership in Blue Cross-Blue Shield or other recognized insurance company medical insurance, or a Blue Cross-Blue Shield recognized Health Maintenance Organization shall be offered to all full-time employees of the Town or elected or appointed officials to be determined by the Personnel Board. Description of the plans are available through the Treasurer's office.
- B. Eligibility: all full time permanent, probationary, elected and appointed officials as stated in Section I.
- C. Contributions: The town's contribution will be not less than 50%. A town contribution in excess of 50% is subject to appropriation.

### **SECTION XII – GRIEVANCE PROCEDURE**

- A. General Policy: It is the policy of the Town of Warren that all employees should be treated fairly, courteously and with respect. Conversely, each employee is expected to accord the same treatment to his associates, supervisors, subordinates and to the public.

Employees shall follow the following procedures in presenting grievances for consideration:

STEP 1: Whenever an employee has a grievance, they should first present it (in writing) to their immediate supervisor, department head or board. It is the responsibility of the supervisor to arrange a mutually satisfactory settlement of the grievance within seven (7) calendar days of the time it is first presented.

STEP 2: If the employee is not satisfied with the decision of the immediate supervisor, they shall present their grievance to the department head (if other than the immediate supervisor). The department head or board shall follow the procedure for the immediate supervisor as outlined in Step 1, above.

STEP 3: Within seven (7) calendar days after the response of the department head, if the aggrieved is not satisfied, the employee shall present their grievance in writing to the Personnel Board. The Personnel Board may request additional documents relating to the grievance from the department head or board. Upon receipt of the grievance, the Personnel Board shall schedule a meeting to be held within seven (7) calendar days for final resolution of the grievance.

The Personnel Board shall hear the grievance in the presence of the aggrieved, the supervisor, the department and such other persons as the Board may deem appropriate. The Personnel Board shall decide the matter and give notice of the decision to the employee within seven (7) calendar days of the meeting. The decision of the Personnel Board shall be final.

- B. Suspension or Dismissal: the procedure for processing a grievance concerning the suspension or dismissal of an employee shall commence with Step 3 as follows:  
The employee shall present the grievance in writing directly to the personnel board within seven (7) calendar days of receipt of the notice of suspension or dismissal. The procedure outlined in Step 3 above shall be followed.

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Termination of an employee classified as Administrative (job grade A) by this by-law shall be upon written notice of at least thirty (30) days of the intended termination. If said employee is terminated by the Personnel Board a detailed statement of reasons for termination shall be included and shall be for just cause.

- C. Discipline: no employee shall be removed, dismissed, discharged, suspended, or disciplined except for cause. Disciplinary action or measures shall include the following: oral reprimand; written reprimand; suspension; discharge. Any of the above measures are to be fully documented by the supervisor, department head or appointing authority.
- In general discipline is progressive. However, in cases of serious misconduct or violation of a state or federal policy such as the drug free workplace policy or sexual harassment policy, suspension or discharge may be initiated without any prior warnings or reprimands.

Any employee shall have the right to take up a suspension or discharge as a grievance procedure as described above in this section.

### **SECTION XIII – SEVERABILITY:**

The provisions contained herein shall be considered to satisfactorily meet with all the statutes of the Commonwealth of Massachusetts. However, any provision or provisions of this policy which conflict with a statute of the Commonwealth including a statute which requires acceptance which has previously or may hereafter be accepted by the Town of Warren shall be nullified or modified to the extent that the statute of the Commonwealth is applicable.

### **SECTION XIV – APPLICATION OF THIS BY-LAW:**

This by-law shall apply to all employees excluding positions filled by popular election and those which are covered by separate agreement between any association of employees and the town developed through collective bargaining. All provisions of this by-law shall be applicable as far as any collective bargaining agreement may refer to this by-law and to the extent applicable by statute or in the absence of any other provisions.

### **SECTION XV – MILAGE REIMBURSEMENT:**

Reimbursement for mileage traveled by an employee in fulfilling duties required by the Town Selectmen. Effective from July first of each year, the rate will be the rate allowed by the Internal Revenue Service as determined by that agency at the start of that calendar year.

### **SECTION XVI – DRUG-FREE WORKPLACE:**

For further information, please refer to the Town’s DRUG-FREE WORKPLACE Policy, which is attached hereto as ATTACHMENT C

### **SECTION XVII – SOCIAL NETWORKING POLICY**

For further information, please refer to the Town’s SOCIAL NETWORKING Policy, which is attached hereto as ATTACHMENT D

### **SECTION XVIII ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

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For further information, please refer to the Town's ANTI-DISCRIMINATION & ANTI-HARRASMENT Policy, which is attached hereto as ATTACHMENT E

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## ATTACHMENT A PAGE 1

Voted Annual Town Meeting May 14, 2022

Attachment A July 1, 2022 - June 30, 2025  
 Pursuant to Town of Warren Personnel By-Law, Section V, paragraph A- Adopted 5/15/95 and MGL Chapter 41 Section 108A

EMT / Training			
Grade / PS-1	FY23	FY24	FY25
Minimum	\$18.21	\$18.57	\$18.95
Step 1	\$18.76	\$19.13	\$19.51
Step 2	\$19.32	\$19.71	\$20.10
Step 3	\$19.90	\$20.30	\$20.70
Step 4	\$20.50	\$20.91	\$21.32
Step 5	\$21.11	\$21.53	\$21.96
Step 6	\$21.74	\$22.18	\$22.62
Step 7	\$22.40	\$22.84	\$23.30
Step 8	\$23.07	\$23.53	\$24.00
Step 9	\$23.76	\$24.24	\$24.72
Step 10	\$24.47	\$24.96	\$25.46

EMT / Firefighter			
Grade / PS-2	FY23	FY24	FY25
Minimum	\$21.55	\$21.98	\$22.42
Step 1	\$22.20	\$22.64	\$23.09
Step 2	\$22.86	\$23.32	\$23.79
Step 3	\$23.55	\$24.02	\$24.50
Step 4	\$24.25	\$24.74	\$25.23
Step 5	\$24.98	\$25.48	\$25.99
Step 6	\$25.73	\$26.25	\$26.77
Step 7	\$26.50	\$27.03	\$27.57
Step 8	\$27.30	\$27.84	\$28.40
Step 9	\$28.12	\$28.68	\$29.25
Step 10	\$28.96	\$29.54	\$30.13

COA Home Visitor / General Helper / Van Driver			
Grade / C-0	FY23	FY24	FY25
Minimum	\$15.50	\$15.81	\$16.13
Step 1	\$15.97	\$16.28	\$16.61
Step 2	\$16.44	\$16.77	\$17.11
Step 3	\$16.94	\$17.28	\$17.62
Step 4	\$17.45	\$17.79	\$18.15
Step 5	\$17.97	\$18.33	\$18.69
Step 6	\$18.51	\$18.88	\$19.26
Step 7	\$19.06	\$19.44	\$19.83
Step 8	\$19.63	\$20.03	\$20.43
Step 9	\$20.22	\$20.63	\$21.04
Step 10	\$20.83	\$21.25	\$21.67

Lunch Coordinator			
Grade / C-1	FY23	FY24	FY25
Minimum	\$18.50	\$18.87	\$19.25
Step 1	\$19.06	\$19.44	\$19.82
Step 2	\$19.63	\$20.02	\$20.42
Step 3	\$20.22	\$20.62	\$21.03
Step 4	\$20.82	\$21.24	\$21.66
Step 5	\$21.45	\$21.88	\$22.31
Step 6	\$22.09	\$22.53	\$22.98
Step 7	\$22.75	\$23.21	\$23.67
Step 8	\$23.44	\$23.90	\$24.38
Step 9	\$24.14	\$24.62	\$25.11
Step 10	\$24.86	\$25.36	\$25.87

Sewer Collection / Sewer / Conservation Clerk- Assessors / Treasurers/ Asst. Tax Collector			
Grade / C-2	FY23	FY24	FY25
Minimum	\$16.40	\$16.73	\$17.06
Step 1	\$16.89	\$17.23	\$17.57
Step 2	\$17.40	\$17.75	\$18.10
Step 3	\$17.92	\$18.28	\$18.64
Step 4	\$18.46	\$18.83	\$19.20
Step 5	\$19.01	\$19.39	\$19.78
Step 6	\$19.58	\$19.97	\$20.37
Step 7	\$20.17	\$20.57	\$20.96
Step 8	\$20.78	\$21.19	\$21.61
Step 9	\$21.40	\$21.83	\$22.26
Step 10	\$22.04	\$22.48	\$22.93

Secretary - Building / Planning / Police / Highway / Asst. Town Clerk			
Grade / C-3	FY23	FY24	FY25
Minimum	\$18.00	\$18.36	\$18.73
Step 1	\$18.54	\$18.91	\$19.29
Step 2	\$19.10	\$19.48	\$19.87
Step 3	\$19.67	\$20.06	\$20.46
Step 4	\$20.26	\$20.66	\$21.08
Step 5	\$20.87	\$21.28	\$21.71
Step 6	\$21.49	\$21.92	\$22.36
Step 7	\$22.14	\$22.58	\$23.03
Step 8	\$22.80	\$23.26	\$23.72
Step 9	\$23.49	\$23.96	\$24.43
Step 10	\$24.19	\$24.67	\$25.17

### PROVISIONS

Step advancement is automatic upon 3 year anniversary date of hire, not withstanding paragraph E.  
 Grade advancement for an existing position must be approved by vote of the Annual Town Meeting.  
 Use of "not otherwise classified" is reserved for new positions subject to appropriation at any town meeting but must be classified at the next Annual Town Meeting.  
 In accordance with MGL, Ch 41, Section 108A, elected officials are exempt from the compensation plan.  
 Compensation plan in no way alters or amends any other section of the personnel By-Law or supersedes authority of Town Meeting Appropriation.  
 No amounts to be retroactive.  
 Step 10 is the last step that an employee can obtain.  
 Town Accountant & Administrative Assistant compensation per employment agreement, MGL Ch 41, 108N

**TOWN OF WARREN – PERSONNEL BY-LAW**  
**ATTACHMENT A PAGE 2**

Attachment A July 1, 2022 - June 30, 2025  
Pursuant to Town of Warren Personnel By-Law, Section V, paragraph A- Adopted 5/15/95 and MGL Chapter 41 Section 108A

Cemetery Labor / Highway Labor			
Grade / PW-1	FY23	FY24	FY25
Minimum	\$16.60	\$16.93	\$17.27
Step 1	\$17.10	\$17.44	\$17.79
Step 2	\$17.61	\$17.96	\$18.32
Step 3	\$18.14	\$18.50	\$18.87
Step 4	\$18.68	\$19.06	\$19.44
Step 5	\$19.24	\$19.63	\$20.02
Step 6	\$19.82	\$20.22	\$20.62
Step 7	\$20.42	\$20.82	\$21.24
Step 8	\$21.03	\$21.45	\$21.88
Step 9	\$21.66	\$22.09	\$22.53
Step 10	\$22.31	\$22.76	\$23.21

WWTP Operator / Mechanic - Driver Laborer			
Grade / PW-2	FY23	FY24	FY25
Minimum	\$22.38	\$22.83	\$23.28
Step 1	\$23.05	\$23.51	\$23.98
Step 2	\$23.74	\$24.22	\$24.70
Step 3	\$24.46	\$24.94	\$25.44
Step 4	\$25.19	\$25.69	\$26.21
Step 5	\$25.94	\$26.46	\$26.99
Step 6	\$26.72	\$27.26	\$27.80
Step 7	\$27.52	\$28.08	\$28.64
Step 8	\$28.35	\$28.92	\$29.50
Step 9	\$29.20	\$29.78	\$30.38
Step 10	\$30.08	\$30.68	\$31.29

Driver Labor / Mechanic			
Grade / PW-3	FY23	FY24	FY25
Minimum	\$26.83	\$27.37	\$27.91
Step 1	\$27.63	\$28.19	\$28.75
Step 2	\$28.46	\$29.03	\$29.61
Step 3	\$29.32	\$29.90	\$30.50
Step 4	\$30.20	\$30.80	\$31.42
Step 5	\$31.10	\$31.73	\$32.36
Step 6	\$32.04	\$32.68	\$33.33
Step 7	\$33.00	\$33.66	\$34.33
Step 8	\$33.99	\$34.67	\$35.36
Step 9	\$35.01	\$35.71	\$36.42
Step 10	\$36.06	\$36.78	\$37.51

FOREMAN			
Grade / PW-4	FY23	FY24	FY25
Minimum	\$26.58	\$27.11	\$27.65
Step 1	\$27.38	\$27.92	\$28.48
Step 2	\$28.20	\$28.76	\$29.34
Step 3	\$29.04	\$29.63	\$30.22
Step 4	\$29.92	\$30.51	\$31.12
Step 5	\$30.81	\$31.43	\$32.06
Step 6	\$31.74	\$32.37	\$33.02
Step 7	\$32.69	\$33.34	\$34.01
Step 8	\$33.67	\$34.34	\$35.03
Step 9	\$34.68	\$35.37	\$36.08
Step 10	\$35.72	\$36.44	\$37.16

WWTP Assistant Chief Operator			
Grade / PW -5	FY23	FY24	FY25
Minimum	\$28.56	\$29.13	\$29.71
Step 1	\$29.42	\$30.01	\$30.61
Step 2	\$30.30	\$30.91	\$31.52
Step 3	\$31.21	\$31.83	\$32.47
Step 4	\$32.14	\$32.79	\$33.44
Step 5	\$33.11	\$33.77	\$34.45
Step 6	\$34.10	\$34.78	\$35.48
Step 7	\$35.13	\$35.83	\$36.54
Step 8	\$36.18	\$36.90	\$37.64
Step 9	\$37.26	\$38.01	\$38.77
Step 10	\$38.38	\$39.15	\$39.93

WWTP Chief Operator			
Grade / PW-6	FY23	FY24	FY25
Minimum	\$34.68	\$35.37	\$36.08
Step 1	\$35.72	\$36.43	\$37.16
Step 2	\$36.79	\$37.53	\$38.28
Step 3	\$37.90	\$38.65	\$39.43
Step 4	\$39.03	\$39.81	\$40.61
Step 5	\$40.20	\$41.01	\$41.83
Step 6	\$41.41	\$42.24	\$43.08
Step 7	\$42.65	\$43.51	\$44.38
Step 8	\$43.93	\$44.81	\$45.71
Step 9	\$45.25	\$46.15	\$47.08
Step 10	\$46.61	\$47.54	\$48.49

**PROVISIONS**

Step advancement is automatic upon 3 year anniversary date of hire, not withstanding paragraph E.  
Grade advancement for an existing position must be approved by vote of the Annual Town Meeting.  
Use of "not otherwise classified" is reserved for new positions subject to appropriation at any town meeting but must be classified at the next Annual Town Meeting.  
In accordance with MGL, Ch 41, Section 108A, elected officials are exempt from the compensation plan.  
Compensation plan in no way alters or amends any other section of the personnel By-Law or supersedes authority of Town Meeting Appropriation  
No amounts to be retroactive.

Step 10 is the last step that an employee can obtain.  
Town Accountant & Administrative Assistant compensation per employment agreement, MGL Ch 41, 108N

# TOWN OF WARREN – PERSONNEL BY-LAW

## ATTACHMENT A PAGE 3

Attachment A July 1, 2022 - June 30, 2025  
Pursuant to Town of Warren Personnel By-Law, Section V, paragraph A- Adopted 5/15/95 and MGL Chapter 41 Section 108A

Admin Assistant Selectmen / Town Administrator / Board of Health			
Grade / A-1	FY23	FY24	FY25
Minimum	\$21.87	\$22.31	\$22.75
Step 1	\$22.53	\$22.98	\$23.44
Step 2	\$23.20	\$23.67	\$24.14
Step 3	\$23.90	\$24.38	\$24.86
Step 4	\$24.61	\$25.11	\$25.61
Step 5	\$25.35	\$25.86	\$26.38
Step 6	\$26.11	\$26.64	\$27.17
Step 7	\$26.90	\$27.44	\$27.98
Step 8	\$27.70	\$28.26	\$28.82
Step 9	\$28.54	\$29.11	\$29.69
Step 10	\$29.39	\$29.98	\$30.58

Assistant Assessor / COA Director			
Grade / A-2	FY23	FY24	FY25
Minimum	\$25.32	\$25.83	\$26.34
Step 1	\$26.08	\$26.60	\$27.13
Step 2	\$26.86	\$27.40	\$27.95
Step 3	\$27.67	\$28.22	\$28.79
Step 4	\$28.50	\$29.07	\$29.65
Step 5	\$29.35	\$29.94	\$30.54
Step 6	\$30.23	\$30.84	\$31.45
Step 7	\$31.14	\$31.76	\$32.40
Step 8	\$32.07	\$32.72	\$33.37
Step 9	\$33.04	\$33.70	\$34.37
Step 10	\$34.03	\$34.71	\$35.40

Seasonal Staff Parks / Cemetery / Highway			
	FY23	FY24	FY25
State Minimum	\$14.25	\$15.00	\$15.75

Seasonal Staff Camp Supervisor			
	FY23	FY24	FY25
	\$15.50	\$16.25	\$17.00

Facilities Custodian			
Grade / BM-1	FY23	FY24	FY25
Minimum	\$16.60	\$16.93	\$17.27
Step 1	\$17.10	\$17.44	\$17.79
Step 2	\$17.61	\$17.96	\$18.32
Step 3	\$18.14	\$18.50	\$18.87
Step 4	\$18.68	\$19.06	\$19.44
Step 5	\$19.24	\$19.63	\$20.02
Step 6	\$19.82	\$20.22	\$20.62
Step 7	\$20.42	\$20.82	\$21.24
Step 8	\$21.03	\$21.45	\$21.88
Step 9	\$21.66	\$22.09	\$22.53
Step 10	\$22.31	\$22.76	\$23.21

Grade/ BM-2			
Minimum			
Step 1			
Step 2			
Step 3			
Step 4			
Step 5			
Step 6			
Step 7			
Step 8			
Step 9			
Step 10			

**PROVISIONS**

Step advancement is automatic upon 3 year anniversary date of hire, not withstanding paragraph E.  
Grade advancement for an existing position must be approved by vote of the Annual Town Meeting.  
Use of "not otherwise classified" is reserved for new positions subject to appropriation at any town meeting but must be classified at the next Annual Town Meeting.  
In accordance with MGL, Ch 41, Section 108A, elected officials are exempt from the compensation plan.  
Compensation plan in no way alters or amends any other section of the personnel By-Law or supersedes authority of Town Meeting Appropriation  
No amounts to be retroactive.

Step 10 is the last step that an employee can obtain.  
Town Accountant & Administrative Assistant compensation per employment agreement, MGL Ch 41, 108N

## TOWN OF WARREN – PERSONNEL BY-LAW

### FAMILY AND MEDICAL LEAVE ACT POLICY

#### ATTACHMENT B

##### Purpose:

The purpose of this policy is to describe the eligibility, duration and procedural requirements relating to the administration of leave taken pursuant to the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612, *et seq.*

The Town is committed to complying with the FMLA, as it may be amended from time to time. In the event of any conflict between the Town’s FMLA policy and the federal law and regulations, the federal law and regulations applicable to the Town and its employees shall prevail.

##### Procedures

###### A. Eligibility

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months are eligible to take leave in accordance with the FMLA. The FMLA entitles eligible employees to take unpaid leave with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees entitled to:

- Twelve (12) workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth.
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
  - to care for the employee’s spouse, child, or parent who has a serious health condition.
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
  - any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty.”
- Twenty-six (26) workweeks of leave in a 12-month period for:
  - to care for a covered service member who is seriously injured or ill as a result of active-duty military service.

###### B. 12-Month Period

For purposes of this policy, the twelve (12) month period shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave “rolling period.” An eligible employee’s leave entitlement consists of up to twelve (12) weeks (or 26 weeks, where applicable) of FMLA leave during this twelve 12- month period.

## TOWN OF WARREN – PERSONNEL BY-LAW

### C. Concurrent Use of Accrued, Unused Paid Leave

Employees taking FMLA leave shall be required to use concurrently with FMLA leave any paid sick leave, vacation, emergency, and personal leave benefits accrued as of the beginning of such leave. Once these benefits have been exhausted, the remainder of FMLA leave shall be unpaid.

### D. Notice

Leave for a serious medical condition: If the leave is foreseeable based on planned medical treatment, you are required to make a reasonable effort to schedule the treatment so as to not disrupt unduly the operations of the Town and you are required to provide 30 days advance notice, or if the treatment is in less than 30 days, such notice as is practicable.

## BASIC CONDITIONS OF THE LEAVE

### Intermittent or Reduced Leave

If you are requesting leave because of your own serious health condition, or the serious health condition of a child, spouse or parent, you may take leave intermittently or on a reduced leave schedule, as it is medically necessary. The term "intermittently" describes a schedule in which you do not take all 12 weeks consecutively, but rather you take a series of shorter leaves over an extended period of time. The term "reduced" leave describes a leave schedule in which you simply work fewer hours per week than usual.

The Town may require employees who seek an intermittent or reduced leave schedule to transfer temporarily to another position which can better accommodate recurring periods of leave. The alternative position must provide equivalent pay and benefits.

If you are requesting leave to care for a newborn or newly placed adopted or foster child, you may also take intermittent to reduced leave if the Town agrees to such an arrangement.

### Certification Requirement

The Town may require that you provide medical certification to support leave for your own serious health condition or to care for a seriously ill family member. For your own medical leave, the certification must include a statement that you are unable to perform the functions of your position. For leave to care for a seriously ill family member, the certification must include an estimate of the amount of time you are needed to care for the person. In its discretion, the Town may require a second medical opinion and periodical re-certifications.

### Holiday Occurring During Leave

A paid holiday is not granted to an employee on unpaid FMLA leave and cannot be used to extend your leave of absence.

### Employee Benefits During Leave

In the event that you elect not to return to work upon the completion of an approved FMLA leave, the Town may recover from you the cost of any payment made to maintain your medical,

**TOWN OF WARREN – PERSONNEL BY-LAW**

dental and/or life insurance coverage, from the first day of the unpaid FMLA leave, unless failure to return to work was for reasons beyond your physical control.

Benefit entitlements based upon length of service will be calculated as of the last paid workday prior to the start of the FMLA leave.

Medical and Dental Insurance

The Town will continue to maintain group medical and dental insurance for eligible participants based on existing terms prior to any approved FMLA leave. Participants shall continue to pay the appropriate premiums in a timely manner (considered timely if it is made by the thirtieth day after the first day of the cover age period or due date).

Retirement Plans

The Town will maintain your retirement status as of the first day of FMLA leave. If you are participating in a contributory plan, these contributions will be suspended during any period of time when you are not receiving a regular paycheck.

Reinstatement Following Leave

An employee of the Town is entitled to reinstatement to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment as was held before going on the FMLA leave, unless you are in the highest ten percent of the workforce, in which case you may not be eligible for reinstatement if, in the determination of the Town, denial of your job restoration is necessary to prevent substantial and grievous economic injury to the Town.

You will be informed of such denial as soon as possible after the determination is made and may then elect to return to work to avoid being denied reinstatement.

Posting

The Town shall conspicuously post a notice summarizing the substantive provisions of the FMLA.

This acknowledges that I have received and reviewed the Town of Warren’s Family and Medical Leave Act Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated there under, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding Family and Medical Leave Act Policy are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# TOWN OF WARREN – PERSONNEL BY-LAW

## ATTACHMENT C

### DRUG-FREE WORKPLACE POLICY

#### I. PURPOSE

This Policy outlines prohibited workplace conduct with respect to controlled substances and alcohol. This Policy complies with the Town's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.

#### II. APPLICATION

This Policy applies to all employees of the Town. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

#### III. POLICY

It is the Policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently.

#### IV. PROCEDURES

- A. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances, including on-the-job consumption of alcohol, on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited. Although the non-medical use of lesser amounts of marijuana has been decriminalized in the Commonwealth of Massachusetts, the use of marijuana on Town property or any other worksite where employees may be assigned remains strictly prohibited.
- B. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent that such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.
- C. Employees who are convicted of controlled substance-related violations in the workplace under state or federal law, or who plead guilty or *nolo contendere* to such charges, must inform their department head or appointing authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the Town Administrator.
- D. Employees who are convicted or who plead guilty or *nolo contendere* to such drug-related violations or are found to have consumed alcohol while on-duty, may be required to

**TOWN OF WARREN – PERSONNEL BY-LAW**

successfully complete a drug abuse or similar program as a condition of continued employment or re-employment with the Town.

- E. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

**V. EMPLOYEE ASSISTANCE PROGRAM**

The Town recognizes drug and alcohol dependency as an illness and a major public health problem. The Town’s objective is to prevent conviction for drug-related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Personnel Board or their healthcare provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee’s job and will not be noted in any personnel record.

**VI. SANCTIONS**

Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

This acknowledges that I have received and reviewed the Town of Warren’s Drug and Alcohol-Free Workplace Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated there under, and I agree to review periodically any changes or modifications.

I understand that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited on any property of the Town, or while performing official duties for the Town, and violation of this Policy can subject me to disciplinary action, up to and including termination. I further understand that as a condition of employment, I must abide by the terms of this Policy and will notify my employer of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction.

I recognize that the law and associated Policy regarding drugs and alcohol in the workplace are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee’s personnel file*

# TOWN OF WARREN – PERSONNEL BY-LAW

## ATTACHMENT D

### Social Networking Policy

#### A. General Concerns

The Town of Warren recognizes the proliferation and, in some instances, usefulness, of online conversation between employees and the general public. However, due to the nature of social networking sites, there exists a risk, without care and planning, that the lines between one's professional life and personal life will be blurred. Our employees should always be mindful of how they present themselves to the world, online and otherwise. Should an employee "friend" a resident on Facebook, subscribe to a resident "twitter" account, regularly engage in email "chat" with a resident, exchange text messages with resident or engage in other electronic communication, the Town of Warren is concerned, and the employee should be concerned, that such activities may undermine the employee's authority to maintain discipline, encourage inappropriate behaviors and compromise the employee's ability to remain truly objective with the general public.

In addition, any online communication using one's own personal resources, as opposed to the Town of Warren's resources, compromises the employees, as well as the Town of Warren, ability to retain public records in accordance with the requirements of the Commonwealth's public records laws. The law requires public employees who send, receive, or maintain records in their capacity as public employees, to retain, disclose and dispose of such records in compliance with strict provisions of the public records law. This law applies whether the record is in the form of a paper document or an electronic communication. When town employees communicate through town-based resources, such as town email, such records are retained and archived through the town's information technology department (Google Email). If, however, an employee communicates outside of these resources, such information is not retained. The burden falls on the employee to comply with public records laws when using personal email or social network accounts to communicate with the public.

#### B. Expectations of Town Employees

With these concerns in mind, the Town of Warren has instituted this "Social Networking Policy," and announces its expectations for town employees' use of social networks such as Facebook, Linked-in, Twitter, personal email accounts, text message features of cell phones, use of blogs, and other electronic or technologically based communication systems.

1. Before endeavoring to establish any social networking account, employees should familiarize themselves with the features of any account they choose to use. For example, Facebook requires account holders to take specific steps to "privatize" the information they place online. You must educate yourself to these features of Facebook or any other social networking site you select. You will be responsible should any information you intended to be "private" becomes "public" due to your own ignorance of the features of the social network you have decided to use or your failure to effectively use such features.
2. You must also know that any information you share privately with a recipient could be re-distributed by such recipient, without your knowledge or consent. The same principles you apply to in person communication should be applied to online conversation: use discretion, and do not place your trust in individuals who have not proven themselves trustworthy. In essence, nothing you post online is ever truly "private."

## TOWN OF WARREN – PERSONNEL BY-LAW

3. At all times, and in the use of any form of communications, information that is protected by law from disclosure to third parties will not be communicated online in a way that unreasonably exposes such information to retrieval by those third parties.
4. Use of one’s personal email account or social networking account to discuss town business with the general public is prohibited. It should be noted that, just because an employee uses his/her personal email as opposed to a town email account, this does not shield such email from the provisions of the public records law or from discovery in litigation. It only prevents the archiving of such messages through the town’s automatic email archiving system. We again remind employees that information sent or received by them, even though personal email or social network accounts that are related to their capacity as town employees are still subject to public records retention, exemption, and disclosure requirements.
5. No matter what medium of communication an employee selects, he/she should adhere to appropriate conduct. You are an employee of the town, and you should always conduct yourself in accordance with this understanding.
6. This policy is not intended to infringe upon an employee’s right to speak publicly on matters of public concern, or to communicate with fellow members of their union on workplace issues, so long as such communication adheres to appropriate time, place and manner restrictions and does not interfere with the performance of your job duties. However, when you speak via social networking sites or tools on matters concerning your work, you are speaking as an employee and not as a citizen; restrictions may be placed upon your freedom to express yourself. Those restrictions are intended to preserve confidentiality and maintain professional standards established by the town.
7. Employees may not access their personal email accounts during their scheduled hours of work or private social network (i.e., Facebook) accounts using the town’s computer resources. If your behavior is inappropriate or is derogatory towards the town or its employees, the town reserves the right to impose discipline for such behavior. An employee may also face individual liability for inappropriate on-line communications as well as exposing the town to vicarious liability in certain instances. At the same time, the town recognizes that, in limited cases, use of emails during scheduled hours of work may be reasonably necessary.
8. If you are communicating as an employee of the town in your online communications, you must be aware that readers will assume you **“speak for the town.”** Therefore, all of your online communications, when you are actually acting on behalf of the town, or creating the appearance that you are doing so, must be professional at all times and reflect positively on the town.
9. In the use of any social networking site, you may not, without express permission from the Board of Selectmen, use the town’s logo, likeness or any town photographs or other property that belongs to the town.
10. References to “Facebook” are not included to limit application of their policy to use of that program. All online, electronic, or computerized means of communication are subject to this policy. Given the rapid pace of technological change it is not possible to identify all proprietary or commonly named or identified means of such communications.

**TOWN OF WARREN – PERSONNEL BY-LAW**

This acknowledges that I have received and reviewed the Town of Warren’s Social Networking Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated there under, and I agree to review periodically any changes or modifications.

I recognize that the law and associated Policy regarding Social Networking Policy in the workplace are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee’s personnel file*

# TOWN OF WARREN – PERSONNEL BY-LAW

## ATTACHMENT E

### Anti-Discrimination and Anti-Harassment including Sexual Harassment Policy

#### INCLUDING SEXUAL HARASSMENT

##### I. INTRODUCTION

It is the goal of our Town to promote a workplace that is free of unlawful discrimination and harassment (“harassment”) of any type, including sexual harassment. Harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as race, color, religious creed, national origin, ancestry, sex/gender, gender identity, age, criminal record (inquiries only), handicap (disability) mental illness, retaliation, sexual harassment, sexual orientation genetics, pregnancy and pregnancy-related conditions, active military status, or other bases prohibited under state or federal anti-discriminations statues, will not be tolerated. Our Town will not tolerate harassing conduct that affects employment conditions, which interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

This policy applies to all employment practices and employment programs sponsored by the Town. This Policy shall apply, but not be limited to, the area of:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion
- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment

This Policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy.

- Whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function.
- Whether the conduct occurred during work hours.
- The severity of the alleged outside-of-work conduct.
- The work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job.
- Whether the conduct adversely affected the terms and conditions of the complainant’s employment or impacted the complaint’s work environment.

Because the Town takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred, we

## TOWN OF WARREN – PERSONNEL BY-LAW

will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment as defined above, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

### II. DEFINITIONS:

“Harassment” means unwelcome conduct, whether verbal or physical, that is pervasive and severe and is based on a characteristic protected by law. Harassment includes but is not limited to:

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

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

1. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual’s employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating hostile or offensive working environment.

Under this definition, for example, 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 definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct that has the effect, whether intended or not, of creating a work environment that is hostile, offensive, intimidating or humiliating to either male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not; or
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess; or
- Displaying sexually suggestive objects, pictures, cartoons; or
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; or
- Inquiries into one’s sexual experiences; and
- Discussion of one’s sexual activities.

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All employees should take special note that, as stated above, retaliation against an individual for having complained about discrimination and /or harassment and/or discrimination complaint will not be tolerated by this organization.

### **III. EXAMPLES OF PROHIBITED DISCRIMINATORY BEHAVIOR:**

It is not possible to list all the circumstances that may constitute discrimination in violation of this Police. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs, or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures and any conduct constituting sexual harassment.

### **IV. COMPLAINT PROCEDURES**

All employees, managers, and supervisors of the Town share responsibility for avoiding, discouraging, and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with David Dufresne Chair for the Select Board and Kerry Schmidt Sexual Harassment Officers, who will administer the policy and procedures described herein.

If any of our employees believes that he or she has been subjected to discrimination and/or harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents, and employees, or other third parties who believe they have been subjected to discrimination and/or harassment may also file a complaint with the Town using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents, and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of our Town and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting David Dufresne or Kerry Schmidt. He/She will be available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

### **V. COMPLAINT INVESTIGATION**

When we receive a complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances, but confidentiality cannot be guaranteed. Our investigation may include private interviews with the person filing the complaint and with witnesses. We may also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. When we have completed our investigation, we will inform the person filing the complaint and the person alleged to have committed the conduct that the investigation has been completed. Notwithstanding any provision of this policy, we reserve the right to investigate and act on our initiative in response to conduct which may constitute

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harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

**VI. DISCIPLINARY ACTION**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or may include such other forms of disciplinary action as we deem appropriate under the circumstances.

**VII. STATE AND FEDERAL REMEDIES**

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

The United States Equal Employment Opportunity Commission (EEOC)  
One Congress Street, 10<sup>th</sup> Floor, Boston, Ma 02114  
(617) 727-3200

The Massachusetts commission Against Discrimination (MCAD)  
Boston Office:  
One Ashburton Place Room 601, Boston MA 02108  
(617) 727-3900

Springfield Office:  
436 Dwight Street Room 220, Springfield, Ma 01103  
(413) 739-2145

Worcester Office:  
484 Main Street, Room 320, Worcester, MA 01641  
(508) 799-6379

This acknowledges that I have received and reviewed the Town’s Anti-Discrimination and Anti-Harassment including Sexual Harassment Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated there under, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding discrimination and harassment are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_