

PERSONNEL BYLAW

ARTICLE I - General Provisions

1 Definitions of Terms used in Chapter 31

1a Appointing Authority - as specified in Massachusetts General Laws (MGL); if not specified in MGL, then as directed by this By-law

By-law positions - all salaried and hourly compensated positions in the Town's employment service, excluding those filled by popular election, those under personal service contract, those in a collective bargaining unit, and those under the jurisdiction of the Regional School Committee.

Department Head - the elected or appointed Official(s) that maintains day to day supervision of the department

Grievance - a dispute over terms and conditions of employment with the Town.

Employee Categories:

Benefit employee - an individual who is scheduled to work twenty (20) hours or more per week in a position requiring continuous coverage throughout the full twelve (12) months of the year.

Other part time employee - an individual who is scheduled to work less than twenty (20) hours per week in a position requiring continuous coverage throughout the full twelve (12) months of the year.

Temporary or seasonal employee - an individual who has been hired for a definite project or a defined time period, or hired into a position scheduled for less than twelve (12) months uninterrupted duration.

Non regularly scheduled employee - an individual who has been hired to work for the Town on an as-needed or irregular schedule.

Plan, the - Personnel Classification, Compensation and Benefit Plan of the Town of Pepperell

Proportionately - benefit factor computed by dividing the number of regularly scheduled work hours per week by forty

Town - the Town of Pepperell, Massachusetts

Under the authority of MGL, or by authorization of Town Meeting, the Town may elect to allow legally designated appointing authorities to enter into personal services contracts, not to exceed three years in duration, with individuals selected for appointment to management-level or specialty positions, and such contracted positions shall be removed from coverage by this Personnel By-law. Contracted positions shall, without limitation, include the Town Administrator, the Town Engineer, the Health Agent/Sanitarian, and the Chief of Police.

The Board of Selectmen shall annually set the amounts of all stipends to be paid to incumbents in positions not included in the classification schedule of this Personnel By-law, but who are compensated for services by flat fees or independent payment schedules.

2 Purpose

2a This chapter establishes the Personnel, Classification, Compensation and Benefit Plan of the Town of Pepperell (hereinafter called "the Plan"), pursuant to Massachusetts General Law (MGL). The plan classifies by-law positions; establishes rates of compensation, employee benefits and other indirect compensation; and establishes a Personnel Board and Personnel Administrator for the Town of Pepperell.

ARTICLE II - Personnel Administration

3 Personnel Board

3a Establishment; membership.

3a1 There is hereby established a Personnel Board ("the Board") consisting of five (5) members who shall be appointed by the Board of Selectmen. One (1) member of the Board shall be a member of the Board of Selectmen, one (1) member shall be a member of the Finance Committee, and one (1) member shall either be a paid employee of the Town who is covered by this plan, or a member at-large; each member shall serve for a one-year term. The remaining two (2) members of the Board are at-large members who shall be appointed to staggered two-year terms. All members of the Board shall serve without additional compensation. At-large members shall hold no other elective or appointed position or employment with the Town.

- 3b Election of Officers: Duties and responsibilities.
- 3b1 The Board shall elect a Chairperson and a Vice-Chairperson from its members. The Vice-Chairperson shall, in the absence or incapacity of the Chairperson, act as Chairperson.
- 3c Records, procedures and expenditures.
- 3c1 The Board shall keep a record of its official proceedings and actions, may establish its own procedures and may, subject to appropriation therefor, retain clerical and other assistance and make expenditures as may be necessary to the performance of its duties.
- 3d Quorum Requirements.
- 3d1 Three (3) members shall constitute a quorum for the transaction of business of the Board.
- 3e The Board is authorized to make interpretations and resolve all questions of policy relating to the Plan, and to assure that the administrative procedures established to carry out the provisions of the Plan are consistent therewith. The Board is responsible for the classification of all by-law positions. The Board shall annually recommend to the Finance Committee and to Town Meeting a schedule of compensation for each classification, showing the minimum and maximum payments for each classification. The Board shall annually recommend to Town Meeting changes in the levels of employee benefits or other changes to the Plan as it may deem advisable. The Board shall make recommendations to the Finance Committee and Town Meeting on compensation for positions or offices filled by popular election.
- 3f Administrative Orders.
- 3f1 The Board may from time to time issue, amend, or revoke administrative orders for the purpose of interpreting policy under the plan, other by-laws and votes of the Town pertaining to personnel policy. The Board shall present to Town Meeting each Administrative Orders not otherwise revoked in the form of an amendment to this Chapter not later than the first Annual or Special Town Meeting held after 18 months since the issuance of the Administrative Order.

4 Personnel Administrator

- 4a Designation
- 4a1 The Town Administrator shall serve as Personnel Administrator of the plan and shall be responsible for its administration, subject to interpretations of policy by the Board.
- 4b Duties
- 4b1 The Personnel Administrator shall make recommendations to the Board regarding personnel policy and its administration; shall be responsible for ensuring and documenting compliance with applicable government regulations; shall coordinate employment and benefits administration within the Town, including the publication and distribution of administrative guidelines; shall conduct orientation sessions with Town employees regarding personnel procedures and employee benefits; and shall maintain a central personnel file of all employees subject to this plan. The Administrator, in conjunction with department heads, will place all advertising for employment; accept all applications, and administer all testing programs, both written and physical; he/she shall maintain appropriate eligibility lists; and perform such other duties as may be necessary to assure availability of suitable candidates for employment.

5 Administrative and Policy Guide

- 5a The Board may establish guidelines needed to interpret policy under the Plan, other bylaws, and votes of the Town or other legal authority pertaining to personnel policy. These guidelines shall be followed by all departments and employees of the Town unless a waiver is granted by the Board. This Chapter and any associated guidelines are not a contract of employment between employees and the Town. The Board may amend, modify, subtract from, add to or abolish the guidelines or any provision of the guidelines at any time. A copy of the guidelines, if promulgated, shall be provided to each Town employee.

6 Access to personnel records.

- 6a Except as provided by law, the Board or Personnel Administrator shall have access to all facts, figures and records relating to the personnel of the Town, and the same shall be furnished by any Town Department or Official when so requested.

Article III - Classification and Compensation Plans

7 Classification Plan.

7a By-law positions of the Town of Pepperell are hereby classified by titles appearing in Appendix A of this chapter, maintained in the office of the Town Clerk. These classes of positions shall constitute the Classification Plan of regular paid employment or service within the meaning of MGL. Positions may be created, modified or eliminated at the recommendation of Department Heads or Elected Officials, with the concurrence of the Board.

7b Classifying/Reclassifying Positions

7b1 New position descriptions will be graded by the Board prior to the positions being filled. Existing position descriptions will be reviewed by the Board when requested by the Head of a Department in which the positions are located. After receiving such a request, if a position exists in more than one Department, each of the appropriate Department Heads will be asked by the Personnel Administrator to review the position description for accuracy, and submit revised position descriptions as appropriate for possible classification action. The Board may also schedule position descriptions for periodic review and may regrade positions as part of that review.

7c Position Descriptions

7c1 The Personnel Board shall maintain written descriptions of position classes in the Classification Plan, each consisting of a statement describing the essential nature of the work and characteristics of the class which distinguish the class from others. The description for any class shall be construed solely as a means of identification and not as a means of prescribing or in any way limiting what the duties or responsibilities of any position shall be, or as modifying or in any other way affecting the outcome of any administrative authority, as otherwise existing, to appoint, to assign duties to or to direct and control the work of any employee under the jurisdiction of that authority.

8 Compensation Plan.

8a The Compensation Plan shall consist of Appendices B, C, and D to this chapter. Appendices B and C provide minimum, maximum and intermediate wages and salaries for hourly and salaried employees, respectively. Appendix D provides wages and salaries for seasonal, temporary and non-regularly scheduled employees. The wage or salary range of a position class shall be the wage or salary range for all positions allocated to that class.

Article IV - Employment and Compensation

9 Hiring/Appointment

9a Town employees are selected by Department Heads to fill vacant positions within their departments. All Town employees require appointment to their positions by their respective Appointing Authorities, directly, or as delegated by the Appointing Authorities. Appointments are made for specified periods of time and are effective as of the first day of employment. All employees must successfully complete a pre-placement physical examination for the position in question, to determine if they are physically capable of performing essential job functions, prior to first performing the duties of the position.

Notwithstanding any Mass. General or Special Law to the contrary each Town employee shall be appointed for a specific term of approximately one year, except for seasonal or temporary employees, to coincide as much as possible with the Town's fiscal year, July 1st - June 30th. Town Departments that do not have specific hiring/appointing authority granted to them by law must request hiring/appointment of employees by the Pepperell Board of Selectmen.

10 New Employees.

10a The hiring rate shall be Step 1 of the range of the position class in Appendix B or Appendix C for which a position is being filled. If the Department Head decides that a new employee has sufficient prior experience in the same or similar type work, that employee may start at a higher step within the range, up to Step 4 with the approval of the Personnel Administrator. The hiring rate for seasonal, temporary or non-regularly scheduled positions shall be the rate of the position class in Appendix D for which the employee is being hired.

11 Probationary Period.

11a A new employee is on probation for the first six (6) months of actual, continuous work. During this period, the employee may be discharged by the hiring Department Head with the concurrence of the Appointing Authority at any time, without notice or hearing.

11b Supervisors shall evaluate probationary employees who have completed 150 days employment with the Town. A satisfactory performance evaluation must be on file prior to the employee continuing in position at the end of the probation period or taking vacation or sick leave.

12 Salary adjustments

12a. Benefit and other part time employees of the Town who have received satisfactory performance evaluations shall, annually on their anniversary dates, proceed to the next succeeding step in their respective compensation schedules.

12b. Any employee denied a step increase on the basis of an unsatisfactory performance evaluation shall be eligible for reconsideration, six (6) months after said denial, at the request of the Department Head to the Personnel Board. The step adjustment shall be effective when approved, and shall establish a new anniversary date from which all subsequent step increases shall be measured.

13 Transfers and Promotions

13a An employee promoted to a higher graded position shall first be granted a one-step increase within the present grade, and then enter the higher grade either at Step 1 or the step rate in that grade immediately at or above the former rate, whichever is higher. The effective date in Step shall be the effective date of the promotion.

13b An employee temporarily assigned duties of a job classification in a different grade shall continue to be compensated at the grade and step of their regular position. Temporary duty assignments out of grade longer than twenty-one (21) calendar days shall be presented to the Board for further determination.

13c If an employee requests an appointment to a position in the same or lesser grade, the employee shall be paid at the same step in the new compensation grade as he or she was paid in the former grade.

14 Regraded Positions

14a If a position is regraded to a higher grade, the incumbent shall be assigned the step in the new grade that has the rate of pay equal to or closest above the incumbent's prior rate of pay at the time of the reclassification. The effective date of the promotion and any associated Step adjustment shall be identical. However, the anniversary date for the incumbent's step increase consideration shall not be changed.

14b If a position is regraded to a lower grade, the incumbent shall thereafter be compensated at the same Step as before, but in the new grade of the position, effective the pay period following the reclassification.

14c When a benefit or other part time position becomes available within a department, the Department Head shall notify the Personnel Administrator of the available position, at which time the position shall be posted on the bulletin board at Town Hall. Employees interested in such positions shall make application to the Personnel Administrator, and shall also notify their Department Head of their intentions. All employees who apply and are qualified for the position, as determined by the Department Head, shall be considered prior to applicants from outside Town employment. Vacancies may be posted and advertised concurrently, at the discretion of the Personnel Administrator.

15 Performance Evaluations.

15a All Pepperell Town Departments, Appointing Authorities and persons with employee performance evaluation responsibilities shall undertake employee performance evaluations on forms approved by the Personnel Board. The completed approved forms will be permanently filed in the employee's folder. The completed approved forms shall be completed at the frequency stated herewith for the following categories of town employees:

New Probationary Town Employees:

Frequency of evaluation: 150 days from the start of employment.

Unsatisfactory Review Town Employees:

Frequency of evaluation: 180 days after unsatisfactory review.

All Town Employees Due a Step Increase:

Frequency of evaluation: 30 days before a step increase is due.

All Town Employees Not in Categories above:

Frequency of evaluation: During the months of October/November of each year, provided that 120 days has elapsed since the last performance evaluation.

All Town Employees in General:

Frequency of Evaluation: Any town employee may request a performance evaluation from his or her department head or supervisor at anytime and one will be provided within 30 days. The performance evaluation will cover the period from the last performance evaluation to the date of the requested performance evaluation.

16 Layoff and Reinstatement

16a If a layoff or reduction in force (RIF) is directed, Department Heads shall identify positions to be eliminated and define the level of function to be retained in each class. Within each affected class, employees will be laid off in the following category order: non-regularly scheduled, temporary or seasonal, probationary, part-time (non-benefit), benefit.

16b Employees within each affected class working for a single Department or for any class that spans more than one Department, will be allocated one (1) point for each full year of Town service, one (1) point for each hour scheduled to work per week, plus the numerical score received in the last performance evaluation. These points will be added to the numerical grade of the employee, and, with the concurrence of their Appointing Authorities, employees will be laid off in the order of fewest points to greatest within the category. Employees to be laid off will be notified by their supervisors and in writing by the Personnel Administrator.

16c Reinstatement within each Department or class that spans more than one Department shall be in reverse order to the layoff. Reinstatement rights pertain only to positions previously held, and last for one year from the effective date of the layoff.

17 Termination

17a After the probation period, an employee may be terminated for cause at any time.

17b An appointment that is not renewed or extended by the Appointing Authority expires at the end of the stated length of the appointment and the employment of the employee in that position ends effective on that date. Employees of the Town who were not required to be appointed to their positions prior to 1 July 1994 are exempt from this provision. The Personnel Administrator will maintain a list of employees so exempted and will also annotate the personnel records of these employees to this effect.

Article V - Employee Benefits

18 General:

Department Heads have the authority to schedule and grant all leaves under this article.

19 Vacation Leave

19a Benefit employees shall be entitled to vacation leave with pay on the basis of their regularly scheduled hours per week. Vacation leave for employees working less than 40 hours per week shall accrue in the proportion of their scheduled hours per week to forty hours ("proportionately"). Vacation time will begin to accrue on the first day of the first full month following start of employment. New employees must successfully complete their six month probationary employment period prior to using accrued vacation leave.

19b Vacation leave shall accrue monthly on the basis of the number of completed calendar months of active employment with the Town. Vacation leave may accumulate to a maximum of 1.5 times an employee's maximum annual accrual amount.

19c Employees shall take vacation in full day increments, but shall charge vacation leave in hourly increments. They may take (and charge) vacation in hourly increments with the written approval of the Department Head. Pay in lieu of vacation is allowed only in the case of employee termination.

19d Vacation Leave scale for benefit employees scheduled to work 40 hours per week ("Months" is defined as months of continuous active employment):

19e

Complete Months of Active Employment	Monthly Accrual Amount (Hours)	Maximum Yearly Accrual Amount (Hours)
0-60	6 2/3	80
61-120	10	120
121-179	13 1/3	160
180 – 299	16 2/3	200
300 plus	20	240

19f Vacation leave may accumulate to no more than the limit established under the Pepperell Personnel Code. If an employee's work hours are revised downward, which also revises the vacation leave accumulation limit, and if that employee had accumulated more leave than the new limit allows, the following rule will apply:

Under no circumstances may an employee lose earned accumulated vacation leave due to a revised work schedule. At the employee's discretion, and with the concurrence of the Department Head, accrued vacation leave in excess of the new maximum may be paid out as though the employee still had a longer work schedule (not to exceed the earlier, longer schedule), so the employee may receive a maximum of regular pay for vacation leave as under the prior work schedule. Vacation leave taken in lieu of hours worked will be deducted from the new, lower accumulation limit, to allow for normal accumulation. If vacation leave over and above the new scheduled work hours is taken, it will come from the excess accrued vacation and will result in additional pay, but not additional time off work. Under no circumstances may vacation leave be paid out for hours not worked, if such payments would result in an overtime payment.

Example: A 40 hour per week employee with 720 hours of accrued vacation leave has his/her scheduled work hours revised to 20 hours per week, with a corresponding reduction of allowable vacation accrual to 360 hours. The employee now has an excess of 360 hours over the limit normally allowed for an employee with a 20 hour per week schedule. If that employee works 10 hours and takes 10 hours vacation time during the next week, he/she is paid for 20 hours total, and has reduced his/her vacation below the 360 hour limit by 10 hours. At the end of that month, up to 10 hours of vacation (depending on the length of service with the Town) may be accrued, bringing the total vacation balance back to no more than 360 hours. During the week in this example, up to 20 excess vacation hours may also be paid out to the employees so that the employee does not receive more than 40 hours per week of regular pay and vacation leave combined.

If departmental scheduling or other extenuating circumstance related to the function of the department preclude the use of vacation leave, the limit shall be extended for a maximum of sixty (60) days; Department Head approval of this extension is required in writing.

20 **Holidays.**

20a The Town of Pepperell shall observe eleven and one half (11-1/2) holidays per year, as follows, unless superseded by a list in the Administrative Guide, which shall take precedence:

20a1 New Year's Day
Martin Luther King Day
Washington's Birthday
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
1/2 Day Christmas Eve
Christmas Day

- 20b Benefit employees who have completed 30 days of continuous service to the Town shall be entitled to eight (8) hours holiday leave with pay per holiday, calculated "proportionately" then rounded to the nearest half-hour. To be eligible for holiday pay, an employee shall have worked during the holiday week, including his or her last scheduled shift prior to the holiday, the holiday itself, if scheduled to work, and his or her next scheduled shift immediately following the holiday, unless the employee takes vacation leave or personal leave, or has been excused for a legitimate reason, in writing, by the Department Head.
- 20c Holiday leave will be granted on the holiday whenever possible. If, however, according to the needs of a department, holiday leave cannot be granted on the day on which the holiday is observed, the employee shall receive as total payment, wages based upon two and one-half (2-1/2) times his or her hourly rate for all hours worked the day of the holiday.
- 20d Should a holiday fall on Saturday or Sunday, the day observed by the Commonwealth of Massachusetts on the Friday or Monday for state employees shall be considered the holiday. If this holiday falls on an employee's scheduled day off, compensating holiday time will be scheduled by the Department Head, giving consideration to the desires of employees, or the employee will be entitled to a payment of his or her regular hourly rate times the number of hours of holiday time the employee would have been entitled to. Compensating time earned from a holiday will be taken within thirty (30) days of the holiday or the holiday observed by the Commonwealth of Massachusetts. In the case of employees who are on a seven-day schedule, should a holiday fall on Saturday or Sunday, the day upon which the holiday falls shall be considered the holiday, notwithstanding that the legal holiday under MGL, occurs on another day.
- 20e To be eligible for holiday pay, an employee must have completed thirty (30) days of employment with the Town and shall have worked during the holiday week, including his or her last scheduled shift prior to the holiday, the holiday itself, if scheduled to work, and his or her next scheduled shift immediately following the holiday, unless the employee has been excused for a legitimate reason, in writing, by the Department Head.

21 Sick Leave.

- 21a A benefit employee scheduled to work 40 hours per week (benefit, 40 hour) is entitled to 6-2/3 hours of paid sick leave for each completed calendar month of active employment. Sick leave for other benefit employees shall accrue "proportionately." Sick leave may be taken in half-hour increments.
- 21b A Department Head may allow an employee to use sick leave when the employee is unable to perform required duties of the position due to personal illness or accident. The Department Head may also allow an employee to use sick leave in the event of family illness, prescribed medical examinations or other absences caused by accidents or illness, at the discretion of the Department Head. Five (5) or more consecutive working days of sick leave, or less than five (5) days if required by the Department Head, will require a physician's certificate certifying the illness, to be submitted to the Department Head, a copy of which shall be forwarded to the Town Accountant for the office file.
- 21c Unused sick leave may accumulate to a maximum of 720 hours for benefit, 40 hour employees. The maximum accumulation of sick leave for other benefit employees is calculated "proportionately." Sick leave in excess of the maximum accrual amount will be lost at the end of each fiscal year.
- 21d If any employee's scheduled work hours are revised downward, which also revises the sick leave accumulation limit, and if that employee has accumulated more sick leave than the new limit allows, the difference between the new limit and the employee's accumulated sick leave will be recorded in the employee's personnel record and with the Town Accountant as banked sick leave earned. No sick leave may be accrued above the new limit or added to the banked sick leave earned account. Banked sick leave cannot be used, unless later transferred as follows: If the employee's scheduled work hours are later revised upward, which increases the sick leave accumulation limit, banked sick leave will be transferred, as available, to accumulated sick leave, not to exceed the new higher limit.

22 Personal Leave

- 22a Benefit, 40 hour employees as of July 1 of any year are entitled to twenty-four (24) hours of personal leave with pay during that fiscal year. New benefit, 40 hour employees who complete their probationary period prior to 31 March are entitled to eight (8) hours of personal leave with pay for use through the end of the current fiscal year. Other benefit employees accrue personal leave "proportionately", rounded to the nearest half-hour. Personal leave shall be scheduled with the approval of the Department Head subject to the operating needs of the department, as determined by the Department Head. Personal leave must be used during the fiscal year it was awarded and

cannot be carried over from fiscal year to fiscal year. Personal leave not used by the end of the fiscal year shall be lost.

23 Funeral Leave.

23a In the event of the death of a benefit employee's spouse, child, or step-child resident in the household; or a parent, brother, sister, stepfather, stepmother, grandparent or grandchild of the employee or his/her spouse; an excused absence with pay of not more than four (4) consecutive, scheduled work days will be allowed.

24 Overtime

24a Benefit employees shall be entitled to one and one-half (1-1/2) times their regular rate of pay for all hours worked in excess of forty (40) hours in one (1) work week. For the purpose of this section, "hours worked" shall be defined as hours physically worked, vacation leave, holiday leave, and personal leave. Hours worked shall not include funeral leave, jury duty, on-call hours not actually worked, compensatory time, leaves of absence, sick leave except as authorized in writing by the Department Head, or hours physically worked that have already qualified as overtime.

24b All employees may be required to work overtime by their Department Heads.

24c Persons working for more than one department shall combine all hours worked in all Town positions to determine overtime eligibility. Department Heads shall obtain written concurrence of any department whose employee they wish to hire and provide that documentation to the Personnel Administrator to file in the employee's personnel record.

25 Longevity Pay.

25a. Benefit, 40 hour employees are entitled to longevity pay based on each employee's grade and seniority as of the end of the previous fiscal year, and according to the schedule set forth in Appendix E. Other benefit employees are entitled to longevity pay calculated "proportionately." All payments shall be subject to the approval of the Personnel Board.

25b. Longevity shall be paid in two installments, one at the end of each six months of the fiscal year. Any employee who receives a less than satisfactory performance during the fiscal year following the year on which the longevity payment is based, is entitled to only one half of his or her scheduled longevity payment. If more than one performance evaluation is less than satisfactory, the employee shall lose eligibility for longevity pay in any amount.

26 Insurance.

26a Medical Insurance: The Town will pay a percentage of the premiums for benefit employees in a Town-sponsored group health indemnity plan and a percentage of the premium of a group HMO medical plan as determined by the Board of Selectmen. When more than one member of a family is employed by the Town, the Town will pay a percentage of the premiums for a family plan in the name of one of the benefit members so employed if otherwise qualified. The Town will pay a percentage of the premiums for retired employees receiving county retirement benefits for group life insurance and blanket hospital, surgical and medical insurance.

26b Life Insurance: The Town will pay a percentage of the premiums of benefit employees in a Town-sponsored term life insurance plan through a qualified life insurance company.

27 Jury Duty

27a Town employees summoned to appear for jury duty shall submit a copy of the summons to their Department Head in advance of such duty, and shall be granted time off to perform the service. Such employees shall receive their regular wages or salary from the Town during the period of service. Employees receiving fees or payment for jury service shall reimburse the Town for all payments received, exclusive of payments received for meals or travel. An employee who serves jury duty shall file a juror service certificate with the Town Accountant as proof of service.

28 Military leave of absence.

28a A benefit employee who serves an annual tour of military duty shall be granted leave with pay for up to seventeen (17) days per calendar year by the Town for such a tour. This section is subject to applicable State and Federal laws.

29 Leave of Absence Without Pay

- 29a Upon a written request, a Department Head may grant a leave of absence without pay to a benefit or other part-time employee for up to thirty (30) calendar days per year. Leaves of absence for periods of time in excess of thirty (30) days shall require the approval of the Personnel Board, which shall consult with the Department Head. Employees on unpaid leave shall return to work at the specified date and time unless the leave is extended by the Department Head or the Board. Failure to return to work on the specified date, except in the case of a leave for medical necessity or disability for which the Town's workmen's compensation insurer is making payments, will be considered a resignation from the employment of the Town with the loss of all seniority and benefits.
- 29b Employee benefits, including sick leave and vacation, do not continue and/or accrue during leaves of absence without pay, including absences covered by workers' compensation, but shall remain frozen at the levels at which they existed at the commencement of the leave. In order to continue coverage under the Town's health and life insurance plans, employees shall pay the total monthly premiums for the Plans, payable to the Treasurer on the first of each month, except in the case of the leave for medical necessity or disability for which the Town's workmen's compensation insurer is making payments, in which case the Town shall assume a percentage of the premiums determined by the Board of Selectmen.
- 29c In the case of an employee on a leave of absence for medical necessity or disability for which payments are being paid by the Town's workmen's compensation insurer, the employee may elect to receive wages or salary in part for sick leave accumulated as of the commencement of the leave, to be paid in such amounts as, when added to the compensation received from the Town's insurer, will result in up to full payment of his or her wages or salary until the depletion of accumulated sick leave. Otherwise no cash salary or wages shall be paid for any period for which total incapacity compensation is paid by the Town's insurer, except that, in the case of subsequent separation from the Town's employment during the term of the leave, the employee may receive salary or wages in full for any accumulated vacation leave at the commencement of the leave of absence.
- 29d Employees returning from an unpaid leave of absence shall be credited with seniority and benefits at the level at which they were frozen and to the extent that they were not used in conjunction with workmen's compensation.
- 29e Paternity leave of up to three (3) consecutive, scheduled workdays will be granted, with pay, for the birth of a child, or the adoption of a child under two (2) years old. Paternity leave will commence on the day the child is brought home from the hospital, or, in the case of adoption, the day the child is permanently introduced into the home.
Maternity leave arising from the pregnancy of an employee will be governed by applicable State and Federal Law.

30 EXCEPTIONS

Notwithstanding any contrary provision of this By-law:

At any Annual Town Meeting, the Finance Committee, with the approval of the Board of Selectmen, may make budget recommendations for the succeeding Fiscal Year that include suspension of step increases and/or longevity payments with regard to all personnel not otherwise covered by contract;

At any point in any Fiscal Year, the Board of Selectmen may, upon declaration of a financial emergency, direct forfeiture of payment for step increases and/or longevity not already implemented or expended, with regard to all personnel not otherwise covered by contract.

Article VI - Grievances

30 Right to present grievances.

- 30a Any employee or group of employees has the right to present a grievance to the Town. The grievance may be presented by the aggrieved employee(s) or any representative chosen by the aggrieved employee(s). The Personnel Administrator will provide guidance on the remaining steps in the grievance procedure within two (2) days of receiving a request for such assistance.

Note: "Days" as used in this article means consecutive days, excluding Saturdays, Sundays and holidays.

31 Grievance Procedures.

- 31a All grievances shall be promptly dealt with in the following manner (the calendar days of the time limits shall exclude Saturdays, Sundays, and holidays) and copies of written grievances and responses at all steps shall be filed with the Personnel Board:

- 31b Step 1: The grieving employee(s) presents a grievance in writing within five (5) days of the incident upon which the grievance is based, to the employee's immediate supervisor and the appropriate Department Head. The supervisor shall advise the employee(s), in writing, and within ten (10) days of the proposed resolution.
- 31c Step 2: If the grievance is not resolved, the employee(s) shall present the grievance, in writing, to the governing elected official or elected board. The grievance must be submitted within five (5) days of the Step 1 reply and must specify the reason(s) for not accepting the Step 1 proposed resolution. The elected official or elected board shall reply, in writing, within fifteen (15) days. If the immediate supervisor is the elected official or elected board, then Step 2 is eliminated - proceed to Step 3.
- 31d Step 3: If the grievance is not resolved, the employee(s) shall present the grievance, in writing, to the Personnel Board within five (5) days of receipt of the proposed resolution and must specify the reason(s) for not accepting the proposed resolution. The Board shall review the grievance at either a regularly or specially scheduled meeting within fifteen (15) days after the Step 3 grievance is presented. The Board shall reply within five (5) days of that review to the grieving employee(s). The employee member of the Board shall not participate in Board activities pertaining to the grievance if that member is the employee or one of the employees who presented the grievance, or will be affected by the grievance and decision.
- 31e Board Actions. The Personnel Board shall determine such actions as may be needed to resolve the grievance, and shall communicate those actions to the employee and to that person or agency empowered to act on those recommendations. The Board's decision shall be binding upon the employee; in the event that the Board is unable to achieve compliance with its recommendation(s) by the affected department, the Board may petition the Board of Selectmen for directed enforcement.
- 31f Applicability. The above procedure shall not apply to temporary, seasonal or non-regularly scheduled employees until they have been continuously employed by the Town in the same position for six (6) months or longer. By agreement of both parties to a grievance, a meeting may be held in lieu of any required grievance presentation at any step of the procedure. If such a meeting is held, the time limitation for replying to the presentation shall be from the date of the meeting. Copies of all presentations and replies pertaining to any grievance shall be filed by the Board.

Article VII - Other Policies

32 Severability.

- 32a In the event that any provision of this chapter or application thereof shall be held invalid by the proper authorities, this shall not be construed to affect the validity of any other provisions or application of this chapter.

**ARTICLE VIII - Appendices
APPENDIX A
CLASSIFICATION PLAN**

GRADE	COMPENSATION PLAN B	COMPENSATION PLAN C	COMPENSATION PLAN D
0			Summer Playground Assistant Dispatcher Trainee
1			Summer Playground Assistant Director
2	Clerk Custodian Receptionist		Cemetery Laborer Parks & Rec Laborer
3	Activities Coordinator – Council on Aging Animal Health Inspector Asst. Animal Control Officer Community Center Coordinator Dispatcher Highway Department Secretary Head Custodian Kitchen Supervisor Senior Clerk	Animal Control Officer	Firefighter/EMT (Office/Maintenance) Spare Dispatcher Summer Playground Director
4	Coordinator of Volunteers – Council on Aging Education & Recreation Program Director Outreach Coordinator – Council on Aging Recreation Facilities & Program Director Secretary to Fire Chief Secretary to Board of Appeals Secretary to Board of Health Sewer Department Secretary Water Department Secretary		
5	Administrative Assessor Administrative Asst. to Board of Selectmen Administrative Asst. to DPW Administrative Assistant to Police Chief Assistant Council on Aging Director Assistant Town Accountant Assistant Collector Assistant Treasurer/Benefits Administrator Assistant Town Clerk Firefighter/EMT Basic or Intermediate/Administration Fire Inspector/EMT Paramedic		
6	Firefighter/Paramedic Firefighter/Paramedic-Billing/Administration	Assistant to Building Inspector Public Health Nurse	
7	Cemetery & Parks Manager Conservation Administrator Planning Administrator	Cemetery & Parks Superintendent Communications Director Council on Aging Director Library Director	
8		Assistant Assessor Fire Chief Systems Administrator	
9		Highway Superintendent Sewer Superintendent Water Superintendent	
10		Water/Sewer Superintendent	

APPENDIX B
 COMPENSATION PLAN
 FISCAL 2009 (EFFECTIVE JULY 1, 2008)
 REGULAR FULL-TIME AND REGULAR PART-TIME HOURLY
 EMPLOYEES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1	13.15	13.68	14.22	14.79	15.39	16.01
2	13.95	14.50	15.08	15.69	16.32	16.96
3	15.35	15.97	16.60	17.26	17.95	18.67
4	16.87	17.55	18.25	18.98	19.73	20.53
5	18.57	19.31	20.09	20.89	21.72	22.60
6	20.42	21.24	22.09	22.98	23.90	24.85
7	22.46	23.36	24.30	25.37	26.28	27.34
8	24.72	25.71	26.74	27.81	28.92	30.08
9	27.19	28.28	29.41	30.59	31.81	33.08
10	29.89	31.09	32.33	33.62	34.97	36.37

APPENDIX C
 COMPENSATION PLAN
 FISCAL 2009 (EFFECTIVE JULY 1, 2008)
 REGULAR FULL-TIME AND REGULAR PART-TIME SALARIED
 EMPLOYEES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1	13.15	13.68	14.22	14.79	15.39	16.01
2	13.95	14.50	15.08	15.69	16.32	16.96
3	15.35	15.97	16.60	17.26	17.95	18.67
4	16.87	17.55	18.25	18.98	19.73	20.53
5	18.90	19.65	20.45	21.26	22.11	23.00
6	21.18	22.02	22.91	23.82	24.77	25.76
7	23.71	24.66	25.65	26.67	27.74	28.85
8	26.56	27.62	28.73	29.88	31.08	32.32
9	29.74	30.92	32.17	33.44	34.78	36.17
10	33.31	34.64	36.03	37.47	38.96	40.53

APPENDIX D
 COMPENSATION PLAN
 FISCAL 2009 (EFFECTIVE JULY 1, 2008)
 SEASONAL, TEMPORARY & NON-REGULARLY SCHEDULED
 EMPLOYEES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
0	8.72	9.07	9.43	9.81	10.20	10.61
1	13.15	13.68	14.22	14.79	15.39	16.01
2	13.95	14.50	15.08	15.69	16.32	16.96
3	15.35	15.97	16.60	17.26	17.95	18.67
4	16.88					20.53
5	18.56					22.58
6	20.42					24.85
7	22.46					27.33
8	24.72					30.07

Special Rates: Special Police Officer: Step 1 from Patrolmen's Contract
 Detention Room Monitor: C3-1
 Entry Level Playground Assistants/Dispatcher Trainees - \$1.00 less than
 Grade 0 Step 1

APPENDIX E – LONGEVITY

Eligibility shall be as follows:

In years 6-10 of full-time, benefit employment:	\$500 + \$25 x grade
In years 11-15 of full-time, benefit employment:	\$600 + \$30 x grade
In years 16-20 of full-time, benefit employment:	\$700 + \$35 x grade
In years 21-25 of full-time, benefit employment:	\$800 + \$40 x grade
In years 26-30 of full-time, benefit employment:	\$900 + \$50 x grade
In years 31-35 of full-time benefit employment:	\$1,000 + \$60 x grade
In years 36 and after of full-time, benefit employment:	\$1,100 + \$70 x grade

except that employees scheduled, under the terms established by the language of the preceding version of this section, to receive more than \$1,000 in longevity pay in FY 2000 shall be paid that scheduled amount, which shall also be a cap for their longevity payments, unless and until they come, by progress of term of employment, into conformity with schedule set forth above. No employee covered by this by-law shall, under any circumstances, receive more than \$3,500 in longevity pay in any fiscal year.