

Town of Upton

Personnel Policy &
Procedure Manual



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Personnel Policy & Procedure Manual

SECTION 1 - GENERAL PROVISIONS

GENERAL PROVISIONS

1.1-1 Purpose and Authorization

The purpose of these personnel regulations is to establish a personnel system governing employment within the Town of Upton, which ensures that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition. The personnel system shall be administered without regard to race, color, religion, gender, national origin, political affiliation, age as defined by law, disability, sexual orientation, or other non-merit factors and with proper regard for privacy and employee rights as provided under Title VII of the Civil Rights Act of 1964.

These rules and regulations are not intended, nor should they be construed as a binding contract of employment, either expressed or implied, with the Town and the employee(s) who come under the purview of the rules and regulations. Employees of the Town that are not otherwise covered by a collective bargaining agreement, or an individual employment contract, are at-will employees, including those employees who have completed their probationary period and the employment relationship between the Town and the employee may be terminated by either party, any time, with or without cause, and with or without notice.

These personnel regulations are adopted pursuant to the authority granted to the Board of Selectmen within the Town of Upton General By – Laws Chapter 10 Personnel Board and shall be reviewed periodically.

1.1-2 Application

All Town agencies and positions shall be subject to the rules and regulations adopted under this section except as otherwise provided by collective bargaining agreement.

No vendor, independent contractor, or consultant employed from time to time to provide limited services shall be entitled to any rights or benefits provided under these personnel rules and regulations.

1.1-3 Rules of Interpretation

These regulations are intended to be in accordance with all applicable state and federal laws. In the event that Town policies are inconsistent with the applicable state and federal law, the applicable law shall apply.

1.1-4 Definitions

The following definitions shall apply:

- a. "Anniversary date" shall mean the date on which the employee begins employment with the Town.
- b. "Appointing authority" shall mean the Town Manager and any elected official authorized to appoint employees.
- c. "Creditable service" for retirement purposes shall mean the total combined period of employment with the Town and other government agencies.

- d. "Department head" shall mean the officer in charge of a department's operations and activities.
- e. "Exempt" (salaried) employee shall mean one who receives a specified salary, performs administrative, executive, professional, or outside sales work, and are therefore exempt from the Fair Labor Standards Act (FLSA).
- f. "Immediate family" shall mean spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers in law and sisters in law, daughters in law and sons in law. Adopted, half, and step members are also included in immediate family.
- g. "Non-exempt" (hourly) employee shall mean one who is covered by the provisions of the Fair Labor Standards Act (FLSA) and is subject to minimum wage and overtime provisions.
- h. "Regular employee" shall mean an employee working 1,040 or more hours in a calendar year.
 - Employees scheduled to work **more than 1,040** or more hours in a calendar year shall be eligible for health insurance, holiday pay, sick leave, personal leave, bereavement leave, or other authorized leave of absence (such leaves shall be prorated up to 2080 in a calendar year, not to exceed 40 hours per week in accordance with the number of hours regularly scheduled).
 - Employees scheduled to work **less than 1040** hours in a calendar year shall not be entitled to any benefits, including any leaves provided by the Town.
- i. "Retiree" shall mean an employee who permanently leaves employment of the Town who is at least age 55 and has at least (ten) 10 years of continuous creditable service or has as least twenty (20) years of continuous creditable service to be eligible for pension benefits or who has been granted an ordinary or accidental retirement pursuant to GL c 32.
- j. "Seasonal employee" shall mean an employee in the Town service holding an appointment of transitory nature not to exceed 20 weeks in a calendar year. A seasonal employee shall not be entitled to any benefits, including any leave provided by the Town. The assigned duties or tasks are identifiably distinct from the duties or tasks that are assigned to employees outside the seasonal period. To deem a position seasonal a written application at least 60 days prior to the beginning of the season, but not more than one year in advance of the season must be submitted to DUA.
- k. "Service" shall mean the period of continuous employment with the Town.
- l. "Temporary employee" shall mean an employee in the Town service holding an appointment of transitory nature not to exceed 1,040 hours in a calendar year. A temporary employee shall not be entitled to any benefits, including any leave provided by the Town.
- m. "Town" shall mean the Town of Upton Massachusetts.

ADMINISTRATION OF REGULATIONS

1.2-1 Town Manager is the Personnel Director

The Town Manager or a designee of the Town Manager shall be the Personnel Director. The Town Manager shall administer personnel rules and regulations in accordance with the Town of Upton General By – Laws Chapter 8 Town Manager Act Section 4 (i) and Chapter 10 Personnel Board.

1.2-2 General Responsibilities of the Town Manager as Personnel Director

The Town Manager shall be responsible for the efficient administration of the Town's personnel system and shall be responsible for:

- a. Implementing personnel policies and regulations;
- b. Implementing classification and compensation plans;
- c. Enforcing provisions of the Personnel Rules and Regulations and nullifying any personnel action which does not comply with provision of these regulations;
- d. Managing disciplinary issues, with department heads and supervisors as required;
- e. Monitoring the effectiveness of personnel practices and policies, and such other powers, duties and responsibilities as provided by these regulations.

1.2-3 Administrative Orders/Interpretation

The Town Manager may issue written administrative orders, which interpret these personnel regulations, or more fully explain any regulation. Any such administrative order shall have the force of these personnel regulations. Each administrative order shall be directed to department heads, numbered in sequence and a copy maintained in a file in the office of the Town Manager.

PERSONNEL RECORDS

1.3-1 Contents of Records

The Town Manager or a designee of the Town Manager shall maintain an individual personnel file for each employee, which may include, but is not limited to, the following:

- a. The employment application form;
- b. A report of all personnel actions reflecting the original appointment, promotion, demotion, re-assignment, transfer, separation, or layoff;
- c. A history of employment and correspondence directly related to the employee's past employment records, re-classification or change in the employee's rate of pay or position title, commendation, disciplinary action, training records; and
- d. Results of any performance appraisal, and other records that may be pertinent to the employee's employment records.
- e. Any other records that are required to be maintained separately by law shall be maintained in accordance with such laws.

1.3-2 Confidentiality and Access to Records

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Town Manager or a designee of the Town Manager, persons who have a need to know and are authorized by the Town Manager to administer the personnel system, and department heads. Employees shall have access to their personnel files in accordance with the provisions of GL c 149 section 52C.

1.3-3 Centralization of Record Keeping System

The personnel records keeping system shall contain such records as may be required by law and as necessary for effective personnel management. Records shall be maintained in the office of the Town Manager, unless otherwise determined by the Town Manager. These centralized records shall be the

official depositories of personnel records. The centralized records shall be maintained in a secure, fire-protected location.

1.3-4 Release of Records

No information concerning an employee, except to verify dates of employment, shall be released unless written authorization is received from the employee.

1.3-5 Forms and Reports

The Town Manager or a designee of the Town Manager shall adopt standardized administrative forms and practices to ensure proper maintenance of records. The Town Manager may request department heads to prepare special reports as deemed necessary.

SECTION 2 - PRE-EMPLOYMENT/EMPLOYMENT

RECRUITMENT AND APPOINTMENT

2.1-1 Recruitment Policy

The Town is an Equal Employment Opportunity/Affirmative Action employer. Procedures relating to the recruitment and selection of employees shall be in accordance with the "Equal Employment and Affirmative Action (EEO/AA) Policy".

2.1-2 Eligibility

All qualified persons shall be eligible for employment with the Town, subject to any statutory requirements or limitations.

The conflict law prohibits elected and appointed public officials at the state, county, and municipal level from participating in particular matters in which their immediate family members have a financial interest. No person will be employed in a department, which has a member of his or her immediate family as another employee, or in a department which is governed by an appointing authority or elected official who is a member of his or her immediate family, without Town Manager approval.

2.1-3 Recruitment

The Town Manager or a designee of the Town Manager, the Appointing Authority or Department Head, and Personnel Board shall be responsible for the recruitment and selection of personnel. The qualifications, classification, and salary range for positions shall be in accordance with the established classification and compensation plans.

The Town shall have the discretion to use all appropriate measures to recruit personnel, including, but not limited to use of employment agencies, employee referrals, use of trade, and other professional journals.

Notice of Vacancies

Department heads shall, upon the identification of a vacancy that needs to be filled or on the authorization of a new position, prepare a job vacancy notice on a form approved by the Town Manager or a designee of the Town Manager. The job vacancy notice shall be based upon the existing job description and include: the job title, major duties of the position, qualifications, salary and wages, hours of work, reporting relationships, a proposed closing date for applications, and application instructions.

The Town Manager or a designee of the Town Manager and the Personnel Board shall review and approve all job vacancy notices prior to commencement of recruitment activities. Newly created positions will not be posted until classified by the Personnel Board and without approval and funding by a vote at Town Meeting.

Department heads shall, within three (3) business days of any resignation, notify the Town Manager of any such resignation.

Posting

Notices of vacant positions shall be posted for five (5) working days in prominent work locations.

Advertisement of Job Vacancy

When necessary, job vacancy notices shall be made public. Job advertisements shall be accomplished in accordance with the Town's affirmative action plan for employment.

Screening Committee

The Town Manager or a designee of the Town Manager, Appointing Authority or Department Head, and a Personnel Board representative may opt to convene a search committee to aid in the selection of candidates for positions classified as "exempt" as outlined in the FLSA regulations and any department head. The Screening Committee must adhere to all the applicable provisions of state law, Town bylaws and observe all Town policies and procedures.

Applications

All candidates applying for employment in the Town shall complete and submit an official employment application form to the Office of the Town Manager, prior to the end of the working day of the closing date specified for the position announcement. The Appointing Authority or Department Head, Town Manager or a designee of the Town Manager and a representative of the Personnel Board will screen all applications.

Selection

An interview team comprised of the Town Manager or a designee of the Town Manager, Appointing Authority or Department Head, and a representative of the Personnel Board will interview those candidates most qualified for the position. An additional interviewer may act in an advisory capacity. Interviews are not subject to the open meeting law and are private.

Examinations

The Town Manager or a designee of the Town Manager or other appointing authority may require an examination as one part of the selection process. Examinations may be written, verbal, practical, physical, or any combination thereof and shall be relevant to the requirements of the position. If an examination is required, said examination should be uniformly administered to all eligible finalists.

Pre-Employment Medical Examination

All persons selected for regular full-time and regular part-time labor service employment with the town, after receipt of a conditional offer of employment and prior to the starting date of employment shall undergo a medical examination to determine whether the candidate is

able to perform the essential functions of the position with or without reasonable accommodation. All other positions shall be reviewed by the Personnel Board to determine whether a pre-placement physical is needed. The examination shall be at the expense of the town by a physician or medical institution selected or approved by the Town Manager. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is able to perform the essential functions and duties of the position with or without reasonable accommodation. If deemed unable to perform the essential functions of the position with or without reasonable accommodations the Town Manager or other appointing authority shall withdraw the conditional offer of employment.

References/Checks

The Town may contact a candidate's current and former employers, supervisors, and other references as part of the selection process with written permission.

A candidate or employee may be subject to a financial record check, Sexual Offender Record Information (SORI) check, or Criminal Offender Record Information (CORI) check on a periodic basis where applicable.

Application Records

The application and related documents submitted shall be maintained by the Town Manager or a designee of the Town Manager in the employee's personnel file. The Town Manager or a designee of the Town Manager shall maintain application records for the period required by law. The Town Manager or a designee of the Town Manager, to the extent possible, shall maintain the confidentiality of all applications.

2.1-4 Offers of Employment

The Town Manager or other appointing authority shall make all offers of employment in writing. The written offer of employment shall include the salary on a weekly or hourly basis, the starting date, and any unique or unusual conditions of employment.

2.1-5 Reasons for Rejection

The Town Manager or a designee of the Town Manager or appointing authority may reject any candidate who does not possess the minimum qualifications required for the position, any application not filed by the announced closing date, or the inability to meet any of the contingencies outlined in an offer of employment. Further, an application shall be rejected if the candidate made a false statement of any material fact or practiced any deception or fraud. Written notice of rejection shall be given to all unsuccessful candidates.

2.1-6 Failure to Report

A candidate who accepts an offer of employment and fails to report to work on the date set by the Town Manager or other appointing authority, shall, unless excused, be deemed to have declined the position and the offer of employment shall be withdrawn.

ORIENTATION/PROBATIONARY POLICY

2.2-1 Orientation and Probationary Policy

Performance of all new and promoted employees must meet acceptable work standards. A probationary period shall be utilized to help new and promoted employees achieve an effective performance level and to ensure that new employees are aware of their duties and responsibilities. The Town shall inform new employees of their rights, responsibilities, duties, and obligations.

2.2-2 Orientations

a. Office of the Town Manager

The Town Manager or a designee of the Town Manager shall conduct orientation sessions for all new employees upon employment for the purpose of providing information on the benefits, rights, and obligations as an employee of the Town.

b. Department Heads

Department Heads shall provide on-site training and orientation regarding specific rules, regulations, policies, and procedures of the employee's assigned department including the safety policies and procedures.

2.2-3 Probationary Period

The first six months of employment shall be a probationary period to begin immediately upon the employee's hire date. If needed, the Department Head may extend the probationary period an additional six months to fully review the employee's work performance. The newly hired employee may receive a six-month performance review and will receive an annual performance review thereafter by the Department Head. The completed performance review will be submitted to the Town Manager for signature and filed in the employee's personnel file.

TRANSFER, PROMOTION, REINSTATEMENT, AND TERMINATION BY LAY-OFF

2.3-1 Transfers

Transfers of an employee from one position to another without significant change in level of responsibility may be done if the employee meets the qualification requirements for the particular position.

2.3-2 Promotions

- a. **Filling of Vacancies** - Vacancies in positions above the lowest rank in any department in the Town service shall be filled as far as practical by the promotion of employees in the Town service, provided the Town Manager or a designee of the Town Manager or other appointing authority shall continue to have the right to recruit and appoint employees deemed appropriate. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.
- b. **Notification** - A department head shall advise the employees within the department, by posting, of the existence of vacancies within the department.
- c. **Probationary Period** - Unless otherwise provided by law, promotions may be subject to a probationary period of three (3) months. If during the probationary period the appointing

authority determines that the job is not being satisfactorily performed, the employee may be returned to the former or equivalent position without prejudice with the approval of the Town Manager.

2.3-3 Resignation

Any employee who resigns from Town employment shall provide written notice to the department head or Town Manager. Department Heads shall immediately notify the Town Manager of any such resignation. The Town Manager will acknowledge such resignation in writing to the employee. Any employee who resigns shall be obligated to complete the necessary forms and may be requested to participate in an exit interview.

2.3-4 Reinstatements

An employee who has resigned from Town employment with a good record of employment may at the sole discretion of the appointing authority be re-employed. Any person re-employed after 30 days from separation shall be treated as any newly employed person.

2.3-5 Layoffs

The Town Manager or appointing authority is authorized to release any employee on the Town payroll because of lack of work or funds. The Town Manager or appointing authority will consider first the types of activities to be curtailed and the classes of positions thereby affected and will then proceed to the selection of individual employees to be released.

Employees shall be provided with a ten (10) business day notice of layoffs or compensation in lieu of notice for an employee released because of lack of work or funds.

DISCIPLINE

2.4-1 Corrective Actions and Discipline Policy

The Town of Upton shall maintain a corrective action and discipline procedure that is designed to be both fair and impartial.

The Town values its employees and believes that when an employee is given fair notice, it is expected the employee will correct problems in performance or conduct. There will be, however, instances in which termination for problem behavior is unavoidable.

This policy is designed to ensure consistent and fair treatment for all employees within the corrective action and discipline procedure.

2.4-2 Guidelines for Disciplinary Action

Disciplinary action may be initiated for the failure of an employee to fulfill responsibilities as an employee, including any standards set forth in these personnel rules and regulations. Some examples of actions, which are to be considered sufficient cause for disciplinary action, shall include, but are not limited to the following:

Performance:

- a. Incompetence or inefficiency in performing assigned duties;
- b. Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor;

- c. Habitual tardiness or absence from duty;
- d. Abuse of sick leave or absence without leave;
- e. Violation of safety rules, practices and policies;

Misconduct:

- a. Falsification of time sheets;
- b. Use or possession of illegal drugs or alcohol while on duty;
- c. Inability to carry out essential functions of the position as a result of use of drugs or alcohol;
- d. Misuse or unauthorized use of Town property;
- e. Fraud in securing appointment;
- f. Disclosure of confidential information;
- g. Engaging in sexual or other harassment;
- h. Acceptance of gratuities;
- i. Conviction of a felony;
- j. Political activity while on duty;
- k. Violence in the workplace
- l. Intimidation

Any other situation not covered above but deemed to be of such seriousness, or detrimental to fulfilling job responsibilities for which disciplinary action is warranted.

2.4-3 Disciplinary Procedures

The Town Manager or other appointing authority, department heads, supervisors, and employees shall be responsible for enforcing standards of conduct, and these rules and regulations. Failure to comply with standards of conduct or any rules and regulations may result in disciplinary action.

The type of disciplinary action imposed is at the discretion of the appointing authority and/or the department heads and is dependent upon the nature of the disciplinary violation. Disciplinary action may include any of the following:

- a. Counseling session
- b. Written reprimand
- c. Suspension
- d. Demotion
- e. Discharge

Department heads and supervisors shall be responsible for preparing written documentation of disciplinary action imposed. All written documentation shall be provided to the appointing authority and the Town Manager for placement in the personnel file in the centralized personnel record keeping system. In all circumstances the employee shall have the opportunity to file a written response to the discipline imposed which shall be placed in their personnel file.

2.4-4 Disciplinary Actions Defined

- a. Counseling Session

The Town Manager or other appointing authority, department head or supervisor observing the action of an employee warranting disciplinary action counsel the employee. Such counseling shall be presented in a manner minimizing embarrassment to the employee. Such counseling shall include a statement concerning the purpose of the reprimand and include an offer of assistance in

correcting the deficiency. Documentation of the counseling session shall be placed in the employee's personnel file subject to the requirements of c 149 section 52C.

b. Written Reprimand

A written reprimand shall include: the charge, the specific behavior and dates of the behavior, as appropriate; the warning that the continuance of the behavior will result in severe disciplinary action up to and including termination of employment; an offer of assistance in correcting the behavior. Circumstances affecting the severity of the written reprimand shall be placed in the employee's personnel file subject to the requirements of c 149 section 52C.

c. Suspension

An appointing authority may suspend an employee without pay after notice and an opportunity to be heard. On or before the date of suspension the Town Manager, an appointing authority, or a department head, shall furnish the employee with a written statement setting forth the reasons for the suspension, the effective date of the suspension and the date the employee shall return to work, the warning that continuance of the behavior will result in further disciplinary action up to and including termination; an offer of assistance in correcting the behavior; and any right of appeal. A copy of the notice of suspension shall be placed in the employee's personnel file subject to the provisions of c 149 section 52C. Any employee suspended more than twenty (20) working days in any twelve (12) month period shall be discharged.

d. Discharge

The Appointing Authority in conjunction with the Town Manager, may discharge an employee after notice and an opportunity to be heard.

2.4-5 Appeal Procedures

Any employee may appeal any disciplinary action to the next higher level of management, up to the Appointing Authority. Said appeal must be requested within five (5) business days of the date of notice of the disciplinary action. A meeting may be held at the Appointing Authority's discretion. Any employee discharged shall be provided with a meeting with the Town Manager on the matter. Any time limit may be extended by written agreement of the Appointing Authority and the employee filing the appeal.

When the Appointing Authority is not the Town Manager, and the employee is still not satisfied, the employee may appeal to the Town Manager for any disciplinary matter. The Town Manager may then overturn the disciplinary action, reduce the action imposed, or may increase the action imposed, up to and including discharge.

2.4-6 Procedural Protections

Department heads or supervisors shall not retaliate or take any disciplinary action against an employee for filing an appeal to the next step as this is considered harassment.

2.4-7 Failure to Act

Appeals are expected to be filed in a timely manner and the employee filing an appeal shall meet all time limits specified in the appeals process and the Town, provided, however, any time limit may be extended by written agreement of the Town Manager or Personnel Board as it may apply and the

employee filing the Appeal. Failure of the employee to meet the time limits specified in Section 2.4-5 shall result in an appeal being declared null and void.

2.4-8 Uniformity of Practice

Department heads and appointing authorities shall discuss disciplinary problems and actions with the Town Manager or a designee of the Town Manager to ensure uniformity of practice and coordination of disciplinary actions.

SECTION 3 - CLASSIFICATION PLAN

CLASSIFICATION PLAN

3.1-1 Classification Plan Policy

The Town, through the Town Manager and the Personnel Board shall maintain and provide a uniform system for classifying all positions and establish proper relationships between positions based on the level of the responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class, ensuring equitable pay. The Classification Plan is contained within Attachment A to these Rules and Regulations.

3.1-2 Classification Plan Administration

The Town Manager or a designee of the Town Manager and the Personnel Board shall have responsibility for the administration of the classification plan and shall be authorized to:

- a. Complete studies of new positions and make allocations to existing classes, establish a new class of positions;
- b. Provide for studies of existing positions when there has been a substantial change in the duties and the responsibilities which justify consideration of possible re-classification;
- c. Conduct periodic studies to ensure the classification plan remains uniform and current; and
- d. Develop and implement procedures to determine the proper classification of each position and classify positions based upon job characteristics.

3.1-3 Classification of New Positions

A department head or appointing authority proposing the creation of a new position shall provide the Town Manager and the Personnel Board with a written request. The department head or appointing authority proposing a new position to determine the essential job functions will complete a job questionnaire. This questionnaire will be forwarded to the Town Manager or the designee and the personnel board to prepare an official job description and determine the appropriate salary range for the position.

3.1-4 Reclassification of Positions

Positions may not be reclassified without a review and approval of the Town Manager and the Personnel Board. The Town Manager or the designee and the Personnel Board shall review all positions subject to the classification plan and in accordance with proper personnel practices.

SECTION 4 - PERFORMANCE

PERFORMANCE

4.1-1 Performance Review Policy

The Town recognizes the need to establish and maintain a system of performance review, which is designed to provide constructive feedback to the employee about the employee's performance.

Every employee will receive an annual performance review. For proposed changes to an employee's rate of compensation a satisfactory performance review shall be required, unless otherwise provided by the collective bargaining agreement.

All newly appointed employees shall receive a six-month performance review prior to the completion of the probationary period. Such performance review must be satisfactory if employment is to be continued after the completion of the probationary period.

4.1-2 Performance Review Process

A tool for conducting employee performance reviews shall be determined by the Town Manager. The performance review process shall be to appraise an individual's actual job performance and behaviors as they impact productivity and shall not be an assessment of personality characteristics or other extraneous factors.

4.1-3 Performance Review Procedures

To ensure compliance with the performance review policy, the following procedures shall be followed:

- a. The Department Head shall complete, or if appropriate, cause to be completed, an annual performance review for each employee.
- b. Completed performance reviews shall be forwarded to the Town Manager and shall be maintained as part of the employees' personnel record. Performance reviews shall be completed on the instrument designed for such purposes and shall be conducted in the manner prescribed.

SECTION 5 - COMPENSATION

COMPENSATION

5.1-1 Compensation Schedule

Employees shall be hired, classified, promoted, and eligible for pay increases in accordance with the Classification Plan and the policies and procedures herein set forth at rates of pay in the annual Compensation Schedule as determined by the Personnel Board and the Town Manager. The Town Manager with the recommendation of the Personnel Board will submit all funding requests to a town meeting thru normal processes.

5.1-2 Merit Increases

Merit increases shall be granted in accordance with the performance review process established by the Personnel Board and the Town Manager and in accordance with performance standards in Section

4 of these regulations. Requests for merit increases must be submitted to the Town Manager and the Personnel Board with a written justification signed by the Department Manager.

5.1-3 Reclassification

Employees who receive a promotion or job reclassification will be paid at an appropriate level recommended by the department head. The Town Manager, with the recommendation of the Personnel Board will be the final approving authority.

5.1-4 Compensation for Temporary Employees

The Town Manager shall establish the rate of pay for any temporary employee or group of employees that are not included in the Town classification plan.

5.1-5 Temporary Assignments

Compensation for an employee filling temporary assignment will be considered on an individual basis upon recommendation of the Department Head and approval of the Town Manager.

5.1-6 Overtime Procedures

The Town shall pay overtime for non-exempt employees in conformance with the Fair Labor Standards Act (FLSA). Employees, other than CBA personnel, shall be paid for overtime work at a rate equal to time and one-half (1½) their regular rate for work in excess of forty (40) hours per week. Department heads shall be responsible for the control and authorization of overtime.

Hours worked will not include any sick time, personal leave, or other leaves of absence whether paid or unpaid used during the week.

5.1-7 Compensatory Time Policy for Nonexempt Employees

Effective Date: July 1, 2025 – see Addendum A

5.1-8 Compensatory Time Policy for Exempt Employees

Effective Date: July 1, 2025 – see Addendum B

5.1-9 Weather and Emergency Events

The Town will compensate employees who cannot report for work when the municipal building they work in is closed due to snow or other emergency events. Closure will be announced only by the Town Manager or his/her designee.

Each employee of the Town of Upton is expected to make his or her own personal safety decision with regard to reporting to work on days of poor road conditions. Employees will be required to use personal or vacation time for lost hours in lieu of reporting to work.

Employees who were previously scheduled to be on vacation, sick, or other leave for that period when the building was closed or had a delayed opening will not be compensated for that time.

5.1-10 Pay Periods

Payroll will be paid on a bi-weekly basis and by direct deposit at the discretion of the town.

SECTION 6 – LEAVES AND RELATED BENEFITS

Elected Officials are not eligible to earn, accrue, use, or receive compensation for Vacation Leave or Sick Leave as provided for in Section 6.2-1 – 6.2-2 and 6.3-1 – 6.3-4.

HOLIDAYS

6.1-1 Recognized Holidays

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days' employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

New Year's Day	Martin Luther King Day	Presidents' Day	Patriots' Day
Memorial Day	June 19 th	Fourth of July	Labor Day
Columbus Day	Veterans Day	Thanksgiving Day	
Day After Thanksgiving	Christmas Day		

6.1-2 Terms of Holiday Pay

Holiday pay shall be granted as follows:

- a. Employees scheduled to work **more than 1,040** or more hours in a calendar year are eligible to receive prorated holiday pay based on the number of work hours regularly scheduled on the day on which the designated holiday occurs. If the number of hours worked varies, the amount of holiday pay to which an employee is entitled shall be determined by the employee's appointing authority.
- b. Holiday pay shall be granted to an employee, provided that the employee shall have worked on the last scheduled working day prior to, and the next regularly scheduled working day following such holiday or was in full pay status on such preceding and following days in accordance with other provisions of these rules and regulations or was appropriately excused.
- c. For any holiday that falls on a Saturday employees will receive Friday off as the holiday. For any holiday that falls on a Sunday, employees will receive Monday off as the holiday.

VACATION LEAVE

6.2-1 Vacation Accrual

Employees scheduled to work **more than 1,040** or more hours in a calendar year are eligible to receive prorated vacation pay. Employees shall be granted vacation time with pay in each fiscal year in accordance with the following schedule:

(Number of hours regularly scheduled) times (Accrual Rate Factor) equals Vacation Hours

Years of Service	Accrual Rate Factor	FT Hours	Vacation
Less than one	.0192	2080	40 Hours
One but less than five	.0385	2080	80 Hours
Five but less than ten	.0577	2080	120 Hours
Ten but less than twenty	.077	2080	160 Hours
Twenty or more	.0962	2080	200 Hours

Employees scheduled to work **1,040 or less hours** in a calendar year are eligible to receive vacation time **without pay** in each fiscal year in accordance to the number of regularly hours scheduled per week:

<u>Years of Service</u>	<u>Vacation</u>
Less than one	One Week
One but less than five	Two Week
Five but less than ten	Three Week
Ten but less than twenty	Four Week
Twenty or more	Five Week

Annual vacation accruals are provided for each employee on July 1. Vacation leave earned shall be computed from the date of employment. However, an employee shall not be entitled to vacation leave until the completion of six (6) months of continuous service at which time the employee is eligible to take one-half of the allotment for the year subject to the approval of the department head.

6.2-2 Use of Vacation

Use of said vacation leave must be approved in advance by the employee's immediate supervisors or their designee. Employees are allowed to carry over up to (80) hours of vacation leave into the following fiscal year with the recommendation of the Department Head and approval of the Appointing Authority. A request to carry over more than (80) hours of paid vacation leave into the following fiscal year must be submitted in writing by April 30th and requires the approval of the Town Manager. Vacation hours not used or carried over as set forth above shall be forfeited.

Upon the death of an employee who is eligible for vacation pay under these rules, payment shall be made to the estate in an amount equal to the vacation allowance as accrued in the vacation year prior to the employee's death but which had not been taken. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which the employee died, up to the time of separation from the payroll.

6.2-3 Vacation Credits

New employees with previous specific and relevant department experience may receive vacation credits determined upon their years of experience and upon the recommendation of the hiring authority and human resources, with final approval from the Town Manager.

6.2-4 Unused Earned Vacation Time at Termination of Employment

Any unused paid vacation time remaining at the time of an employee's termination of employment will be paid out in accordance with the Massachusetts Wage Act. Employees may not add unused vacation days to their last day worked to postpone their termination date, whether to accumulate more vacation time, prolong insurance benefits, or for any other purpose.

SICK LEAVE

6.3-1 Sick Leave Accrual

Town employees scheduled to work **more than 1,040** in a calendar year shall, on July 1 of each year, receive paid sick leave in an amount equal to .0577 multiplied by the number of hours he/she is

scheduled to work that year. Said sick leave balance shall be measured and used in one-hour increments and will be prorated for new employees.

Unused paid sick leave shall accumulate from year to year to a maximum accumulation of (320) hours. Probationary employees will accrue paid sick leave but will not be allowed to use this benefit until their probationary period is over. The Town does not buy back any unused paid sick leave from its employees under any circumstances.

6.3-2 Use of Sick Leave

Sick leave is intended for protection of employees against loss of pay due to personal illness.

- To care for the employee's child, spouse, parent, or parent of a spouse who is suffering from illness, injury, or a medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
- To care for the employee's own illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; and
- To attend a routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse.

6.3-3 Sick Leave Abuse

If in judgment of the Town Manager, an employee is developing a pattern of sick leave abuse, the Town Manager may then require such employee to submit a certificate of illness from their healthcare provider or the Town nurse for every day of sick leave taken by such employee.

6.3-4 Sick Leave Documentation

For an illness or injury that exceeds three consecutive days, the employee shall provide the department head with medical certification of such illness. If an employee has been warned of sick leave abuse, the Town, in its exclusive discretion, may require medical documentation from the employee's healthcare provider or a written certificate from a Town selected healthcare provider establishing incapacity, illness, or injury as a condition of payment of sick leave benefits. If an employee uses sick leave for purposes other than legitimate illness or injury the employee may, at the Town's discretion, be subject to disciplinary action, up to and including termination from employment.

6.3-5 Long Term Sick Pay

In the event that an employee suffers a non-job-related injury or illness which is expected to keep him/her out of work more than fourteen (14) calendar days, the employee will be paid according to the terms of the town funded Short Term Disability Policy commencing upon the completion of a fourteen (14) calendar day waiting period, referred to as an "elimination period." During this elimination period the employee may use any accrued sick leave until the Short-Term Disability Policy begins.

The benefits of this Short-Term Disability Policy shall be 100% tax free, requiring the Town of Upton to pay 100% of the premium of said policy and requiring the employee to pay the income tax on the premium assignable to him/her.

During the period of time that the employee is receiving benefits from the Insurance Company providing the Short-Term Disability Policy the Town will continue to pay its portion of the costs for medical benefits (i.e. – health insurance and flexible spending account) and the employee will continue

to pay, directly to the Town, his/her portion of the costs for medical benefits (i.e. – health insurance, flexible spending account and dental insurance).

BEREAVEMENT LEAVE

6.4-1 Bereavement Leave

Employees scheduled to work **more than 1,040** or more hours in a calendar year are eligible to receive prorated bereavement leave. Up to three (3) days with pay may be granted at the time of death with the approval of the department head or appointing authority in the event of the death of the employee's immediate family.

"Immediate family" shall mean spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers in law and sisters in law, daughters in law and sons in law. Adopted, half, and step members are also included in immediate family.

In order to attend services for aunts, uncles, nieces, and nephews bereavement leave of (1) one day with pay may be granted. Any bereavement leaves in excess of that allowed will, at the employee's request, be charged against the employee's paid time off.

JURY LEAVE

6.5-1 Jury Leave

Employees shall be paid the difference between their regular week's pay and the compensation they receive for jury duty, provided they report for work on each regularly scheduled working day when excused from such duty. A certificate setting forth the amount received by the employee for jury duty shall be required prior to such payment.

MILITARY LEAVE

6.6-1 Military Leave

Employees shall be granted a leave of absence, without loss of pay or reduction in vacation leave credit, as authorized under MGL c.33 s.59; provided that said employee shall furnish to the Board of Selectmen or their designee an authenticated copy of the orders issued to him/her and shall furnish an authenticated certificate showing the date or dates on which such duty was performed.

LEAVE OF ABSENCE

6.7-1 Leave of Absence

The appointing authority with the approval of the Town Manager may grant a leave of absence without compensation for a period not exceeding twelve (12) weeks in duration without loss of previous seniority. Only those employees completing at least one (1) year of continuous service shall be eligible for a leave of absence under this section.

Employees granted a leave of absence shall be classified as out of service of the Town and shall not be entitled to their benefits as may be provided by the Town, including, but not limited to seniority, sick leave, vacation leave and compensation during the period of the leave.

An employee granted a leave of absence for a period of thirty (30) days or less shall be entitled to coverage under applicable group health and life insurance plans. An employee granted a leave of absence for a period of more than thirty (30) days may be provided coverage under applicable group

health and life insurance plans, provided that the employee pays the total premium cost, in accordance with applicable statutes.

A leave of absence shall not be granted to enable an employee to accept other employment or for self-employment. Any request for leave of absence or re-instatement after such leave without pay shall be made in writing.

If the employee fails to return to full duty after the leave expires, it shall be considered a voluntary resignation effective the last day of the unpaid leave.

FAMILY AND MEDICAL LEAVE

6.8-1 Family and Medical Leave

The Family and Medical Leave Act ("FMLA") requires employers of over fifty (50) employees to provide up to twelve (12) weeks of unpaid, job-protected leave during a twelve (12) month period to employees who worked a minimum of 1,250 hours in the prior twelve (12) months.

FMLA is granted to eligible employees for any of the following reasons:

- The birth, adoption, or foster placement of a child, and to subsequently care for such newborn, adopted, or foster child;
- To care for an employee's spouse, child, or parent with a serious health condition and
- For a serious health condition that makes the employee unable to perform the employee's job.

Leave to care for a newborn, adopted, or foster child must be taken within the twelve (12) month period that begins with the birth or placement of the child.

The twelve (12) months leave entitlement is measured forward from the employee's first use of FMLA leave.

FMLA leave shall be unpaid unless an employee applies sick leave as described in Section 6.3-2 that may be available. The substitution of paid leave time for unpaid leave time does not extend the twelve (12) weeks leave period.

If an employee is injured on-duty and absent from work due to the injury and the injury meets the definition of a "serious health condition" as that term is defined by the FMLA and the Regulations, the Town will classify the absence as FMLA leave and charge the absence against the employee's twelve (12) week FMLA leave entitlement.

Benefits (except health and life insurance), and accruals of paid time off are suspended for the unpaid portion of an employee's leave. During an approved FMLA leave, the Town will maintain the employee's health insurance benefits under the same terms and conditions applicable to employees not on leave. If paid time off is substituted for unpaid FMLA leave, the Town will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the FMLA leave is unpaid, the employee must pay his/her portion of the premium by the 15th of each month or by making arrangements with the Town Treasurer prior to that date. If these conditions are not met, the Town reserves the right to cancel the employees' coverage. The use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The employee must notify, in writing, the Department Head thirty (30) days in advance of requested FMLA leave, or as soon as possible under the circumstances if the leave cannot be anticipated. The notice should include the dates and expected duration of the leave. Upon notification of an

employee's intent or need to take time off pursuant to the FMLA, the Department Head should refer the employee to the Human Resources Office. The Human Resources Office shall provide all required information and forms to properly certify a leave as FMLA leave.

The Human Resources Office will notify the employee in writing, within two (2) business days of the request for leave, whether the leave will be designated as FMLA leave.

The Human Resources Office shall forward a copy of its response to the Department Head. A physician's certification will be necessary if FMLA leave is requested for medical reasons. The employee may be required to provide periodic updates to the Town during the period of FMLA leave if the leave is requested for medical reasons. Employees are required to notify the Human Resources Office of their anticipated return to work within five (5) days of the effective return date if possible. A physician's certificate may also need to be submitted to the Human Resources Office indicating that the employee is cleared to return to work with or without restrictions.

Eligible employees may take up to twelve (12) weeks of FMLA within a twelve (12) month period on a full-time, intermittent, or reduced work schedule basis as allowed by the FMLA. In consultation with the Town Manager or a designee of the Town Manager, the Department Head may evaluate, if warranted or appropriate given the circumstances of the request, whether an intermittent or reduced work schedule can be arranged. The employee may be required to obtain physician certification of the medical necessity for intermittent FMLA leave or a reduced work schedule.

Each department will track all FMLA days on the payroll and FMLA leave shall be counted against FMLA entitlement.

At the conclusion of an employee's FMLA leave, the employee shall be restored to the same position or to an equivalent position, if the employee is able to perform the essential functions of the job, with equivalent benefits, pay and other terms and conditions of employment. If the employee chooses not to return to work (for any reason other than continued health-related problems or due to circumstances beyond control), the employee will reimburse the Town's contribution to the health insurance premium paid during his or her FMLA leave.

The above provision regarding benefits, length of service, and reinstatement of employment are limited to a period not to exceed twelve (12) weeks. After twelve (12) weeks, approval of leave, provision of continued benefits, and reemployment are at the discretion of the Town considering staffing needs and circumstances of the individual case.

The taking of another job while on FMLA leave, or any other authorized leave, may lead to disciplinary action, up to and including termination.

[**DOMESTIC VIOLENCE LEAVE ACT**](#)

[**6.9-1 Domestic Violence Leave Act**](#)

In accordance with MGL c149, §52E, all employees will be permitted to take up to fifteen (15) days unpaid leave in any 12 month if (a) the employee, or a family member of the employee, is a victim of abusive behavior; (b) the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from the court; appear in court or before a grand jury; meet with a district attorney or other law-enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and (c) the employee is

not the perpetrator of the abusive behavior against such employee's family member. Except in cases of imminent danger, the employee shall provide twenty-four (24) hour advance notice of said leave. If there is a threat of imminent danger, the employee shall notify his/her supervisor within three (3) workdays that the leave was taken under this section.

If an unscheduled absence occurs, the employee, within thirty (30) days of the absence, shall provide his/her supervisor with documentation evidencing leave was taken consistent with the domestic violence leave act, as described in accordance with MGL c149, §52E(e).

An employee seeking leave under this section shall exhaust all annual vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking leave under this section.

All information related to the employee's leave under this section shall be kept confidential and should not be disclosed, except to the extent allowed under MGL c149, §52E(f).

SMALL NECESSITIES ACT LEAVE (SNA)

6.10-1 Small Necessities Act Leave

In accordance with MGL c149, §52D, all employees will be permitted to take up to twenty-four (24) hours of unpaid leave in any twelve (12) month period for the purpose of participating directly or indirectly in school activities of a son or daughter; to accompany a son or daughter to routine medical and dental appointments; or to accompany an elderly relative to routine medical or dental appointments. Although the leave is unpaid, employees may use available vacation, personal or sick time to compensate for the absence. The SNA Leave may be taken all at once, intermittently, or on a reduced work schedule. Employees wishing to take SNA Leave must provide seven days' written notice to their supervisors, where possible. If seven (7) days' notice is not possible, notice must be provided as soon as practicable.

SECTION 7 - OTHER BENEFITS

WORKERS' COMPENSATION

7.1-1 Period Not Covered by Workers' Compensation

An employee may use vacation or sick leave balance for the legal waiting period not covered by the state workers' compensation act. *See Board of Selectmen Administrative Policy - Work-Related Injury Practices, approved July 17, 2018.*

7.1-2 Coordination of Paid Time Off with Workers' Compensation

Employees may use vacation or sick leave balance to supplement their pay if unable to work due to a work-related injury while receiving workers' compensation benefits. The employee may not receive a combined amount exceeding their regular earnings.

HEALTH AND LIFE INSURANCE

7.2-1 Health Insurance

Employees scheduled to work **more than 1,040** or more hours in a calendar year are eligible for group health insurance. The Town of Upton contributes a percentage of the premium to the offered plans.

7.2-2 Voluntary Waiver of Health Insurance for Enrollment in Health Insurance Opt-Out Program

In return for the agreement to waive Town health insurance coverage, the Town agrees to pay an eligible employee one of the following amounts:

- (1) \$1,500.00 for waiving individual health insurance plan coverage, or;
- (2) \$3,000.00 for waiving family health insurance plan coverage

The Town will make the above payment at a rate of \$125.00/month (individual plan) or \$250.00/month (family plan) on or about the last pay period in each month that the employee deferred coverage from the Town. The opt-out payments will be subject to Federal, State, and Medicare taxes.

To be eligible an employee must not have an outstanding court order or agreement requiring the employee to provide health insurance coverage for the employee's spouse, ex-spouse, or dependent children, if any.

To be eligible, an employee must completely remove themselves as either a subscriber or dependent on the Town's health plan. A Town employee is not eligible for the opt-out payment where the employee opts-out of their individual health plan and becomes a dependent on their spouse's plan, when their spouse is also a subscriber on the Town's plan.

To be eligible, an employee must have been a subscriber to the Town's health plan in the immediate twelve (12) month period of the fiscal year prior to agreeing to opt-out of the Town's health plan.

Retirees on the Town's health plan are not eligible for this Opt-Out Program.

If an employee is eligible and elects to opt-out of the Town's health insurance plan, the Town is not responsible for medical coverage effective on July 1, 2015 (except for medical coverage for injuries and illnesses covered by G.L. c. 41, Sec. 111F or G.L. c. 152) and for each fiscal year thereafter that the employee voluntarily agrees to waive health insurance coverage through the Town.

An employee is only eligible to re-enroll in the Town's health insurance plan during the Annual Open Enrollment Period or due to a loss of coverage from the source other than the Town, i.e. a qualifying event under COBRA, such as:

1. the death of a covered employee;
2. the termination (other than by reason of the employee's gross misconduct), or reduction of hours, of a covered employee's employment;
3. the divorce or legal separation of a covered employee from the employee's spouse;
4. a covered employee becoming entitled to Medicare benefits under Title XVIII of the Social Security Act; or
5. a dependent child ceasing to be a dependent child of the covered employee under the generally applicable requirements of the plan and a loss of coverage occurs.

To re-enroll, the employee must complete the required paperwork during the Open Enrollment Period or, for a loss of coverage, notify the Town Manager's Office and complete the re-enrollment process within thirty (30) days of the date of loss of coverage.

If an employee does re-enroll in the Town's group health insurance or the employee's employment with the Town ends (termination, resignation, retirement, reduction of hours, layoff, or death) during the fiscal year, the employee will only be eligible for a pro-rated payment.

Each employee agreeing to opt-out of the Town's health insurance plan must acknowledge that they have read and agree to comply with the terms and conditions of the Town's Opt-Out Program on the attached Acknowledgement Form, a copy of which will be placed in the employee's personnel file.ⁱ

Employees in part-time positions who work at least 20 hours regularly per week, each week of the year, are also eligible for the Town's group Medical Plan.

7.2-3 Life Insurance

The Town will provide regular employees who work 1,040 hours or more per calendar year with the opportunity to receive death benefits. The Town of Upton contributes a percentage of the premium to the offered plans.

7.2-4 Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA (Enacted in 1986)

Federal law (Public Law 99-272, Title X) requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

Under the law, the employee or a family member has the responsibility to inform the Town of Upton of a divorce, legal separation, or a child losing dependent status under the Town's health insurance. See the Town Manager's Office regarding COBRA eligibility criteria and benefit enrollment.

COMPENSATORY DEDUCTIONS

7.3-1 Worcester County Retirement System

Employees who regularly work not less than 20 hours in the regular work week are required to contribute a percentage of base wages (pre-tax) as determined by the Worcester County Retirement System.

Employees who work less than 1,040 hours per calendar year are required to contribute a percentage of base wages (pre-tax) to a mandatory deferred compensation plan as directed by law under OBRA of 1990.

7.3-2 Other Post-Employment Benefits Trust Fund

Employees hired after January 1, 2019 will contribute 2% of their gross salary (longevity, base, academic degree) to the Town's Other Post-Employment Benefits Trust Fund. In the event the Commonwealth passes legislation mandating "OPEB" deductions from employee salary, the Town will comply with State requirements.

EMPLOYEE INCURRED EXPENSES AND REIMBURSEMENT

7.4-1 Employee Incurred Expenses and Reimbursement Policy

The Town will reimburse all legitimate expenses incurred by an employee as a result of that employee performing Town business related to the employee's work.

All incurred expenses must be documented by an acceptable receipt and approved by the employee's Department Head or Town Manager in advance of the expense.

LONGEVITY

7.5-1 Longevity

Employees scheduled to work **more than 1,040** or more hours in a calendar year are eligible to receive prorated Longevity pay. Longevity (also known as Length of Service) in this policy refers to the attainment of a certain amount of Creditable Service in years, as the Anniversary Date:

Creditable Service shall be defined as the length of an employee's uninterrupted service to the Town of Upton except for the exclusions below:

- Approved Leaves of Absence where an employee is also being paid by the Town through available paid time off (such as vacation, sick, personal and compensatory).
- Approved Military leave where and as required by law, for the length of Leave.
- Approved Unpaid FMLA, MMLA and Workers' Comp Leave of Absence for up to 12 weeks within a calendar leave.
- Other approved time off where Town Bylaws, State or Federal regulations the law requires the approved time to be counted. The Personnel Board will make any such determination based on the applicable statute or policy.

Longevity pay to eligible employees is subject to annual funding by Town Meeting.

Longevity payments will be provided to qualifying employees in a lump sum in June annually, such payment to be based on the number of consecutive years of creditable service to the town in positions in accordance with the following schedule.

5-9	years of service	\$ 500.00
10 -14	years of service	\$ 700.00
15-19	years of service	\$ 750.00
20-24	years of service	\$ 800.00
25+	years of service	\$ 850.00

Part-time regularly scheduled employees who work at least 20 hours per week, are eligible for a prorated share of longevity pay based on the following formula:

$(\text{Longevity payment}) * (\text{employee's scheduled weekly hours}) / 40$

It is the responsibility of the Department Head to notify the Town Manager, Finance Committee and all appointing authorities of the payment values that should be used and included in each department's budget.

The Personnel Board is responsible for determining any changes (additions, removals, increases or decreases) to the service time(s) which enable an employee to obtain Longevity Pay or the service intervals required to obtain any level of Longevity Pay.

There is no pro-rated payment made to employees who are separated from Town employment prior to their next Anniversary Date.

SECTION 8 - STANDARDS OF CONDUCT

STANDARDS OF CONDUCT POLICY

8.1-1 Definition and Intent

Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times with regard to their responsibilities, the interests of the Town and the welfare of its residents.

Employees have an obligation as follows:

- to be present at work as required and to be absent from the workplace only with proper authorization
- to carry out their duties in an efficient and competent manner, and maintain specified standards of performance
- to comply with reasonable employer instructions and policies and to work as directed
- to respect the privacy of individuals and use confidential information only for the purposes for which it was intended
- to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes
- to incur no liability on the part of the Town without proper authorization
- to maintain all qualifications necessary for the performance of their duties legally and efficiently.

The intent of this policy is to ensure that:

- a) employees meet the Town's legitimate expectations in the areas of performance and behavior;
- b) employees whose performance or behaviors are deficient are provided with the necessary assistance to meet the Town's expectations; and
- c) disciplinary action initiated against an employee is fair and appropriate.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the alleged violation.

All persons employed by the Town hold a position of public trust, and as a result, Town employees must present themselves in a professional and appropriate manner. Town employees shall avoid any action, which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to adhere to conduct established by any and all laws of the U.S. Government, the Commonwealth of Massachusetts, and the Town of Upton. All employees may be subject to disciplinary action for acting in a manner that is not consistent with these standards of conduct.

This policy applies to all paid, appointed employees in the Town service other than those positions under the supervision and control of the School Committee. Employees subject to collective bargaining agreements are subject only to those provisions in this order, which are not specifically regulated by collective bargaining agreements.

POLITICAL ACTIVITY

8.2-1 Political Activity

Employee participation in political activities is to be carried on outside of normal working hours except as required in the performance of job duties. No political activities or solicitations will be conducted on Town owned property by employees.

CONFLICT OF INTEREST

8.3-1 Conflict of Interest

In accordance with Mass. General Law, Chapter 268A, 268B, and Upton General By-Law Chapter 10 Personnel Board, no employee shall maintain an outside business or financial interest or engage in any outside business or financial activity which interferes with their ability to fully perform job responsibilities or furnish products, materials, or services to the Town.

EMPLOYMENT SAFETY

8.4-1 Employment Safety Policy

The Town of Upton is extremely conscious of the safety and welfare of its employees and that of its citizens. As an employer, the Town recognizes its obligation to ensure the safest possible workplace for our employees. As a governmental entity, the Town recognizes its responsibility to provide a safe environment for the public it serves.

The Town functions on the belief that most accidents are preventable. In accordance with this belief, it shall allocate resources to administer an aggressive loss control program for the community.

Each department or service division head is responsible for the loss control activities within his or her department.

Loss control functions are continuous and equal in importance with all other operational considerations.

All employees are responsible for cooperation with and support of the Town's loss control programs and its objectives. All employees are expected to adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to complete the task. Loss control shall be every employee's responsibility. Employees, including supervisors, violating safety rules, practices and policies may be subject to disciplinary action.

8.4-2 Responsibilities of Department Heads and Supervisors

Department heads and supervisors shall assume full responsibility for the safety of working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing, equipment or attitudes of employees; ensure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards and investigate and report all accidents promptly.

8.4-3 Responsibilities of Employees

Each employee shall observe all safety rules, operating procedures, and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems, and report all accidents promptly to the appropriate supervisor.

SUBSTANCE ABUSE POLICY

8.5-1 Substance Abuse Policy

The Town of Upton's approach to substance use and abuse is to emphasize self-responsibility for our employees. The Town believes that employees should be responsible for their own behavior outside as well as within their individual workplace. Individual responsibility and trust are the overall values the Town and its employees share. While the Town does not oversee what employees do on their own time, it does have policies that address conduct at the workplace. As such, it is expected that employees will conduct themselves in a safe and healthy way. The use, possession of, or distribution of controlled substances or alcohol on Town property or work site could be cause for immediate employment termination.

This section does not apply to Law Enforcement Officers during the performance of their official duties in compliance with Police Department Policies and Procedures.

Employees should seek assistance for substance dependency problems and are offered help through the Employee Assistance Program as well as health coverage. Employees who violate workplace rules are subject to disciplinary action up to and including termination.

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

8.6-1 Drug and Alcohol-Free Workplace Policy

This Policy outlines prohibited conduct with respect to controlled substances, marijuana, and alcohol. This Policy complies with the Town of Upton's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq. A copy of the Drug and Alcohol-Free Workplace Policy is available in the Town Manager's Office and the Town's website.

ADDITIONAL PERSONNEL POLICIES & PROCEDURES

8.7-1 Additional Personnel Policies & Procedures

Listed are additional policies and procedures that each employee must acknowledge and adhere to as a condition of employment. A copy of these policies is available in the Town Manager's Office and on the [Town's website](#):

[CORI Policy](#)

[Drug & Alcohol-Free Workplace Policy](#)

[Electronic Devices & Social Media Policy](#)

[Eligibility for Benefits Policy](#)

[Equal Employment Opportunity, Anti-Discrimination and Harassment Policy \(Including Sexual Harassment\)](#)

[Massachusetts Pregnant Workers Fairness Act](#)

[Summary of the Conflict-of-Interest Law for Municipal Employees](#)

[Work -Related Injury Practices](#)

SECTION 9 - ACKNOWLEDGEMENT OF RECEIPT

TOWN OF UPTON **PERSONNEL POLICY & PROCEDURES POLICY**

I have received, read, and understand, the Town of Upton Personnel & Procedures Policy. I will comply with the guidelines set out in this Policy and understand that failure to do so may result in disciplinary action, up to and including termination from employment.

Employee Name

Employee Signature

Date

Addendum A - PPPM**Town of Upton****Personnel Policy & Procedure Manual****Compensatory Time Policy for Nonexempt Employees****Effective Date: July 1, 2025**

POLICY SCOPE:

The purpose of this Policy is to set forth the rules governing the accumulation and use of compensatory time for nonexempt Town employees in accordance with the Fair Labor Standards Act (the “FLSA”).

APPLICABILITY:

This Policy applies to full-time, nonexempt employees who may be required to work more than the typical scheduled work week of forty (40) hours for projects or events occurring during their normally scheduled time off. Seasonal employees, such as Park and Recreation or DPW summer staff, are not eligible for overtime payment or compensatory leave. Employees governed by a collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by law or agreement.

DEFINITION:

Nonexempt Employee: A Town employee who is not exempt from the overtime provisions of the FLSA and is therefore entitled to overtime pay for all hours worked beyond 40 in a workweek (as well as any state overtime provisions). Nonexempt employees may be paid on an hourly or other basis.

Exempt Employee: A Town employee who is exempt from the overtime provisions of the FLSA because he or she is classified as an executive, professional, or administrative professional (one who is directly related to management), and meets the specific criteria for the exemption. Certain computer professionals may also be exempt. With some limited exceptions, exempt employees must be paid on a salary basis and minimum pay level each week.

POLICY DESCRIPTION:

Compensatory time is authorized when a nonexempt employee is not entitled to overtime pay or when a nonexempt employee elects to not be paid for work performed more than the employees' standard workweek in accordance with the FLSA.

- Compensatory time is not an entitlement and is only given with the direct supervisor's prior authorization and the nonexempt employee's agreement.
- Compensatory time must be requested and approved prior to working the extra time.
- For hours required to be actually worked* in excess of forty (40) hours per week, compensatory time will be allowed at the employee's option at the rate of one (1) hour compensatory time for

one (1) hour of required work.

- For hours required to be worked* in excess of forty (40) hours per week, compensatory time will be allowed at the nonexempt employee's option at the rate of one and one half (1.5) hours compensatory time for one (1) hour of required work.

**Holiday pay, sick, vacation, or personal leave taken within a pay period is not considered time worked. In a week where one (1) sick, vacation, or personal leave day was paid, compensatory time will not accrue at time and one half until after forty (40) hours have been worked. It will accrue at straight time.*

PROCEDURE:

- Accrued compensatory time will be documented on the nonexempt employee's timesheet and tracked in the Town's timekeeping software program.
- The use of any accrued compensatory time must be requested five (5) days in advance of the designated date and will be granted or denied based on staffing and workload levels.
- No nonexempt employee may be forced to receive compensatory leave instead of overtime wages.
- Use of compensatory time must be recorded on the employee's timesheet, Department Payroll Input Sheet, and the Town's timekeeping software program.
- Compensatory time used within a workweek will not be counted towards time worked in computing overtime hours, as it is not considered "time worked."
- This policy does not imply automatic authorization of compensatory time. The appointing authority/department manager ultimately decides whether you or your department is eligible to accrue compensatory time.
- Compensatory time must be used within three (3) work months of a project's completion. If it is not used within this period, the time will be cashed out.
- All compensatory time must be used by June 30th of each fiscal year, or it will be cashed out on the first paycheck after July 1st of each fiscal year.
- All the time worked outside of the workday must be documented and pre-authorized.
- The maximum accrual of compensatory is forty (40) hours at any given time.
- Upon termination for any reason, employees who have an official, accumulated compensatory time bank will be cashed out in accordance with the FLSA and the Massachusetts Wage Act.



Compensatory Time Policy for Exempt Employees

Effective Date: July 1, 2025

POLICY SCOPE:

The purpose of this Policy is to set forth the rules governing the accumulation and use of compensatory time for exempt Town employees in accordance with the Fair Labor Standards Act (the "FLSA").

APPLICABILITY:

This policy shall apply to all Town of Upton full-time regular, exempt employees. Employees whose positions are governed by a collective bargaining agreement are subject only to those portions of this policy that are not specifically regulated by law or agreement.

DEFINITION:

Nonexempt Employee: A Town employee who is not exempt from the overtime provisions of the FLSA and is therefore entitled to overtime pay for all hours worked beyond 40 in a workweek (as well as any state overtime provisions). Nonexempt employees may be paid on an hourly or other basis.

Exempt Employee: A Town employee who is exempt from the overtime provisions of the FLSA because he or she is classified as an executive, professional, or administrative professional (one who is directly related to management), and meets the specific criteria for the exemption. Certain computer professionals may also be exempt. With some limited exceptions, exempt employees must be paid on a salary basis and minimum pay level each week.

POLICY DESCRIPTION:

The Town Manager may grant compensatory time off to employees in exempt positions. The Town of Upton is not legally required or obligated to grant compensatory time off to exempt employees. However, the town Manager may choose to grant compensatory time off to exempt employees who are required to work in excess of forty (40) hours per week for special projects, unusual/irregular events, weekends, or any normally scheduled time off. Compensatory time will be granted on an hour-for-hour basis.

Exempt employees are generally expected to work the hours needed to complete their work (even above the typical work week). Staying late to "catch up" on work does not qualify for compensatory time. However, time worked between the end of the workday and a mandatory evening meeting does qualify for compensatory time.

PROCEDURE:

- Accrued compensatory time will be documented on the Department Payroll Input Sheet and tracked on the Town's timekeeping software program.
- The use of any accrued compensatory time must be requested five (5) days in advance of the designated date and will be granted or denied based on staffing and workload levels.
- Compensatory time must be used prior to using vacation or personal time.
- The use of compensatory time must be recorded on the Department Payroll Input Sheet and the Town's timekeeping software program.
- This Policy does not imply automatic authorization of compensatory time. It is ultimately the Town Manager's decision as to whether you are eligible for and/or permitted to accrue and/or use compensatory time.
- Compensatory time must be used within three (3) work months of a project's completion. The employee will forfeit the time if it is not used within this period.
- All Compensatory time accrued is subject to an **accrual limitation equal to one week** or forty (40) hours at any given time. Employees can only accrue compensatory time of up to forty hours (40) in a fiscal year.
- With the permission of the Town Manager, compensatory time more than forty (40) hours per year may be granted due to unusual or emergency situations.
- Compensatory time must be used in the fiscal year it was earned. Any compensatory time earned in June must be used and cannot be cashed out. With the approval of the Town Manager, compensatory time earned in June of a fiscal year may be carried over but must be used by July 31st of the following fiscal year.
- If any employee leaves employment, they will be compensated for their compensatory time on the books, up to the maximum accrual of one week, and in accordance with the FLSA and Massachusetts Wage Act.