

# Town of Hudson



# Personnel Regulations

## **Table of Contents**

<b>1.0 AUTHORIZATION .....</b>	<b>6</b>
1.1 PERSONNEL OFFICER.....	6
1.2 DEFINITIONS.....	6
1.3 COVERAGE .....	9
<b>2.0 PRE-EMPLOYMENT .....</b>	<b>10</b>
2.1 POLICY .....	10
2.2 RECRUITMENT.....	10
2.2-1 Notice.....	10
2.3 APPLICATION.....	11
2.4 SELECTION .....	11
2.4-1 General .....	11
2.4-2 References.....	11
2.4-3 Examinations.....	11
2.4-4 Failure to Comply.....	12
2.5 APPOINTMENT .....	12
2.5-1 Coverage.....	12
2.5-2 General .....	12
2.5-3 Medical Examinations.....	12
2.5-4 Failure to Report to Work.....	12
<b>3.0 EMPLOYMENT .....</b>	<b>13</b>
3.1 POLICY .....	13
3.2 ORIENTATION.....	13
3.2-1 Coverage.....	13
3.2-2 General .....	13
3.3 PROBATION .....	13
3.3-1 Coverage.....	13
3.3-2 General Procedures .....	13
<b>4.0 CLASSIFICATION &amp; COMPENSATION ADMINISTRATION .....</b>	<b>14</b>
4.1 POLICY .....	14
4.2 COVERAGE .....	14
4.3 CLASSIFICATION PLAN .....	14
4.3-1 General .....	14
4.3-2 Procedure.....	14
4.3-3 Job Descriptions .....	14
4.4 COMPENSATION PLAN.....	15
4.4-1 Procedure.....	15
4.4-2 Overtime & Compensatory Time.....	15
4.4-3 Paid Holidays.....	16
4.4-4 Vacation Leave.....	17
4.4-5 Sick Leave .....	18
4.4-6 Bereavement Leave .....	19
4.4-7 Emergency Leave .....	19
4.4-8 Jury Leave.....	20
4.4-9 Military Leave.....	20
4.4-10 Other Leave.....	25
4.4-11 Job Transfer, Termination or Abolishment.....	25
4.4-12 Longevity Pay.....	25
4.4-13 Uniform/Clothing Allowance .....	26
4.4-14 Specialized Skill Stipends.....	26

4.4-14(a) Other Stipends .....	27
4.4-15 Maternity Leave and Family Medical Leave Act .....	27
4.4-16 Small Necessities Leave Act (SNLA) .....	29
4.4-17 Incentive Days .....	30
4.4-18 Length of Service .....	30
4.4-19 Mileage Reimbursement .....	30
<b>5.0 PERFORMANCE EVALUATION.....</b>	<b>31</b>
5.1 POLICY .....	31
5.2 COVERAGE .....	31
5.3 PROCEDURES.....	31
5.3-1 Annual Evaluation - Non-Exempt Employees .....	31
5.3-2 Annual Evaluation - Exempt Employees .....	32
<b>6.0 TRAINING AND EDUCATION.....</b>	<b>34</b>
6.1 POLICY .....	34
6.2 COVERAGE .....	34
6.3 GENERAL PROCEDURE .....	34
6.3-1 Training and Development Policy.....	34
6.4 INCENTIVE DEGREE PROGRAM .....	34
6.5 EDUCATIONAL ASSISTANCE .....	35
6.5-1 Eligibility.....	35
6.5-2 Tuition Reimbursement .....	35
6.5-3 Conference and Seminar Expenses .....	35
6.5-4 Approval of Payment or Reimbursement.....	36
<b>7.0 SAFETY .....</b>	<b>37</b>
7.1 POLICY .....	37
7.2 COVERAGE .....	37
7.3 PURPOSE.....	37
7.4 GENERAL PROVISIONS.....	37
7.4-1 Equipment and Rules.....	37
7.4-2 Safety Committee and Coordinator.....	38
7.4-3 Department Heads .....	38
7.4-4 Duties and Responsibilities of Supervisors .....	38
7.4-5 Duties and Responsibilities of Employees.....	39
7.4-6 Rules and Procedures .....	40
7.4-7 Enforcement and Disciplinary Action .....	40
<b>8.0 SEXUAL HARASSMENT.....</b>	<b>41</b>
8.1 POLICY.....	41
8.2 COVERAGE .....	41
8.3 PROHIBITED CONDUCT .....	41
8.3-1 Conduct That Can Constitute Unlawful Sexual Harassment .....	41
8.3-2 Individual Responsibilities .....	43
8.4 THE RULE.....	43
8.4-1 Retaliation.....	43
8.5 VIOLATION OF POLICY .....	43
8.6 PROCEDURES FOR COMPLAINTS .....	44
8.6-1 Complaint.....	44
8.6-2 Investigation.....	44
8.6-3 Decision .....	44
8.7 STATE AND FEDERAL AGENCIES .....	45
<b>9.0 HARASSMENT OF INDIVIDUALS IN PROTECTED CLASSES.....</b>	<b>46</b>

9.1 POLICY .....	46
9.2 COVERAGE .....	46
9.3 PROHIBITED CONDUCT .....	46
9.3-1 Conduct That Can Constitute Protected Class Harassment .....	46
9.3-2 Individual Responsibilities .....	47
9.4 THE RULE.....	47
9.4-1 Retaliation.....	48
9.5 VIOLATION OF POLICY .....	48
9.6 PROCEDURES FOR COMPLAINTS .....	48
9.6-1 Complaint.....	48
9.6-2 Investigation.....	48
9.6-3 Decision .....	49
9.7 STATE AND FEDERAL AGENCIES .....	49
<b>10.0 DRUG-FREE WORKPLACE.....</b>	<b>49</b>
10.1 POLICY .....	49
10.2 COVERAGE .....	50
10.3 PURPOSE.....	50
10.4 EMPLOYMENT CONDITION .....	50
10.5 VIOLATIONS OF POLICY.....	50
10.6 ADOPTION AND DISTRIBUTION.....	50
<b>11.0 TECHNOLOGY AND COMMUNICATIONS POLICIES .....</b>	<b>50</b>
11.1 DEFINITIONS RELEVANT TO THIS POLICY .....	50
11.2 UNACCEPTABLE USES OF TOWN SYSTEMS: AN OVERVIEW.....	51
11.3 ELECTRONIC MAIL (E-MAIL)—WORK TOOL AND ROLE AS PUBLIC RECORD.....	52
11.3-1 E-mail as Public Record.....	52
11.3-2 Role of E-mail in Litigation.....	53
11.3-3 Deleting/Expunging E-mail.....	53
11.3-4 File Management of E-mail.....	53
11.3-5 Monitoring Employee E-mail.....	53
11.3-6 Personal E-mail Use by Employees:.....	53
11.3-7 Inappropriate Uses of E-mail.....	54
11.3-8 E-mail and the Open Meeting Law.....	54
11.4 INTERNET USE.....	54
11.4-1 Using the Internet to Accomplish Job Responsibilities.....	54
11.4-2 Using the Internet for Professional Activities and Career Development.....	55
11.4-3 Using the Internet to Promote Training and Maintain Skills.....	55
11.4-4 Internet Etiquette.....	55
11.4-5 Personal Use of Internet .....	55
11.5 COMPUTER USE AND SECURITY MEASURES.....	55
11.5-1 Anti-virus Measures/Executable Programs.....	55
11.5-2 Passwords .....	56
11.5-3 Logging Off During Workday .....	56
11.5-4 Prohibited Actions.....	56
11.6 Cell Phone and/or Electronic Device Usage in a Vehicle.....	56
11.7 Social Media.....	56
11.8 Familiarity with this Policy.....	57
<b>12.0 MUNICIPAL VEHICLE AND EQUIPMENT POLICY.....</b>	<b>57</b>
12.1 POLICY .....	57
12.2 COVERAGE .....	58
12.3 CATEGORIES OF MUNICIPAL VEHICLE USE.....	58
12.4 VEHICLE ASSIGNMENT & AUTHORIZATION .....	58
12.5 VEHICLE IDENTIFICATION.....	58
12.6 GENERAL RULES REGARDING MUNICIPAL VEHICLE AND EQUIPMENT USE.....	59

12.7 TAXABILITY .....	59
<b>13.0 DISCIPLINARY ACTIONS.....</b>	<b>59</b>
13.1 POLICY .....	59
13.2 COVERAGE .....	60
13.3 REASONS FOR DISCIPLINARY ACTION .....	60
13.4 DISCIPLINARY PROCEDURE .....	60
13.4-1 Oral Reprimand .....	60
13.4-2 Written Reprimand.....	60
13.4-3 Disciplinary Probation.....	60
13.4-4 Suspension.....	61
13.4-5 Discharge.....	61
13.4-6 Written Notice .....	61
<b>14.0 SEPARATION.....</b>	<b>62</b>
14.1 EXIT INTERVIEWS.....	62
14.2 PROCEDURE FOR LAYOFFS OF REDUCTION IN FORCE .....	62
<b>15.0 ACKNOWLEDGEMENT OF RECEIPT OF POLICY .....</b>	<b>64</b>
<b>ENDNOTES.....</b>	<b>65</b>
<b>APPENDIX A .....</b>	
<b>APPENDIX B.....</b>	
<b>APPENDIX C .....</b>	
<b>APPENDIX D .....</b>	
<b>APPENDIX E.....</b>	
<b>APPENDIX F.....</b>	

## **1.0 AUTHORIZATION**

These regulations are promulgated pursuant to authorization of the personnel by-law.

### **1.1 Personnel Officer**

---

In the absence of a specifically appointed Personnel Officer, the Executive Assistant will carry out the duties of the Personnel Officer designated in the Personnel Policies, Procedures, and Regulations.

In the absence of a duly appointed Personnel Board, the Personnel Officer will carry out the responsibilities otherwise normally assigned to the Personnel Board.

### **1.2 Definitions**

---

In these regulations, words and phrases have the following meanings unless a different construction is clearly required by the context or by the law of the Commonwealth:

"Board" - the Personnel Board as defined in Administrative Code.

"Class" - A group of positions similar enough in duties and responsibilities so that the descriptive titles applies to the class as a whole. The same qualifications and tests of fitness are required of those holding or applying for these positions.

"Classification Plan" - Class titles and grades on file with the Select Board and Personnel Board.

"Compensation Grade" - Salary ranges (or wage rates) on file with Select Board and Personnel Board.

"Compensation Plan" - Compensation grades, classification titles, and corresponding wage rates on file with the Select Board and Personnel Board.

"Continuous Employment" - Total time an employee is carried on the municipal payroll, less all absent time exceeding thirty (30) days per year.

"Department" - Any department, board, committee, commission or other agency of the Town subject to these rules and regulations.

"Employee" - An employee of the Town occupying a position in the Classification Plan.

"Full-time Employee" - An employee retained by the Town in full-time employment on a Regular (52 week) or Temporary basis.

"Full-time Employment" - Employment for not less than 7 1/2 hours per day for five days a week for fifty-two weeks per year, minus legal holidays and authorized vacation leave, sick leave and other leave of absence. Special Schedules for Public Safety employees are determined by the appropriate labor contract.

"Grade" - Numerical scale of salary ranges to which each position within the Town's Classification Plan is assigned.

"Increment" - Dollar difference between step rates.

"Maximum Rate" - Highest step rate an employee normally is entitled to attain in a salary range.

"Minimum Rate" - Step rate in a range that is ordinarily the hiring rate of a new employee.

"Part-time Employee" - Employee retained for less than full-time employment and not entitled to any fringe benefits other than those required by statute.

"Regular Position" - Position that requires the services of an incumbent in continuous employment for a period of fifty-two calendar weeks.

"Position" - Office or post of employment with specific duties and responsibilities calling for the full-time, part-time or seasonal employment of one person.

"Promotion" - A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

"Range" - Dollar difference between minimum and maximum rates.

"Rate" - Monetary compensation for personal services on daily, weekly, monthly, annual, or other basis.

"Seasonal Employment" - Employment for less than full-time employment and not entitled to any fringe benefits.

"Sexual Harassment" - Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of a person's employment; or
2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting that person; or
3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance; or
4. Such conduct creates an intimidating, hostile or offensive work environment.

"Star Rates" - Rate of pay not included in the regular pay plan and not subject to any increase until it falls within the regular pay plan.

"Step Rate" - Rate in a range of compensation grades.

"Temporary Employee" - Employee retained in a temporary position or seasonal position or in a regular position in probationary or acting status.

"Town" - the Town of Hudson.

"Work Week" - Basic work week for salaried employees except Police and Fire, consisting of 37 1/2 hours within the payroll week. The basic work week for hourly employees is 40 hours within the payroll week. The basic work week for Police and Fire is negotiated in collective bargaining. Some shift employees may be required to work on any day of the year (including weekends, nights, and holidays) and thus may work more than a normal work week within some payroll cycles. However, the work schedule will be so designed that each shift employee will work, on average, the number of hours in a basic work week.

"Exempt Employees" – Those employees engaged in a bona fide executive, administrative, or professional capacity in accordance with Section 13 and other provisions of the Federal Fair Labor Standards Act of 1938, as amended. In the Town of Hudson personnel system, the following positions qualify and are hereby designated as Exempt Employees: the Executive Assistant, all Department Heads, the Recreation Director, the Library Director, the Council on Aging Director, the Director of

Information Technology, the Treasurer/Collector, the Assistant Administrator, and Planning & Community Development Director.



### **1.3 Coverage**

---

In accordance with Article IV, Section 2 of the Town of Hudson General By-Laws, all Town departments and all positions in the classified service of the Town shall be subject to these regulations with the following exceptions:

1. The School Committee and all of its employees.
2. All members of the Select Board.
3. Members of boards, committees, and commissions who are not Town employees.
4. The Executive Assistant.
5. All those under jurisdiction of the Light and Power Department.

The regulations promulgated hereunder shall apply to all permanent, temporary, emergency, provisional, seasonal, full-time, and part-time classified employees of the Town of Hudson. In the event of conflict, duplication, or overlap between a particular personnel rule and a collective bargaining agreement provision, civil service rule, or an approved uniformed department regulation, the collective bargaining provision, civil service rule, or uniformed department regulation shall prevail.

## **2.0 PRE-EMPLOYMENT**

### **2.1 Policy**

---

The Town of Hudson is an equal opportunity employer. All hiring decisions made by the Town of Hudson are administered without regard to race, color, creed, national origin, sex, age (40 and above), qualified mental or physical disability, sexual orientation (as defined by law), genetic information, veteran status, military status, or any other category or class protected by federal, state or local laws. All hiring decisions, are and will continue to be, administered in accordance with, and to further the principle of, equal employment opportunity.

### **2.2 Recruitment**

---

The Personnel Officer, under the direction of the Executive Assistant, will be responsible for recruitment of all positions. The Department Head will submit a position requisition form to the Executive Assistant for all vacant and new positions. The Executive Assistant will forward the requisition form to the Personnel Officer. The Personnel Officer will examine the classification level, qualifications, requirements, and availability of funds. The Personnel Officer may delegate or otherwise make minor modifications to the recruitment process as he or she deems necessary and appropriate. The recruitment process for all Town positions will consist of the following:

#### **2.2-1 Notice**

Department Heads will document all recruitment actions and provide documentation to the Personnel Officer. Once a new position is authorized or a vacancy is identified, the Department Head will prepare a job vacancy notice including:

1. Job title
2. Job description which conforms to the Town's Classification Plan
3. Salary
4. Closing date for applications
5. Application instructions
6. Job posting / advertisement which includes a statement that " *“the Town of Hudson is an Equal Opportunity / Affirmative Action employer. The Town of Hudson does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, veteran status, marital status, or an individual's status in any group or class protected by applicable federal, state, or local law. The Town of Hudson encourages applications from minorities, women, the disabled, protected veterans, and all other qualified applicants”.*
7. "

The Personnel Officer will review and approve all job notices prior to advertisement and distribution. The Personnel Officer will examine the job notice and the existing job description to determine if they reflect minimum requirements (skills, abilities, training, formal education, and experience), and the actual work to be performed.

The job vacancy notice will be posted in the Town Hall, Fire Station, Police Station, Public Works Building and Town Library. Additionally; a classified job advertisement may be placed in a local or general circulation newspaper for up to three days. The Personnel Officer will monitor the recruitment process and additional notices will be distributed at his or her direction.

## **2.3 Application<sup>1</sup>**

---

All candidates applying for employment in the Town of Hudson will complete an official employment application form (see Appendix A) and return it to the appropriate department's office prior to the end of the working day on the date specified in the announcement. An applicant will attest to the truth of all statements by signing the form. The Town acknowledges its legal and moral obligation to protect the privacy of all employees and applicants and will exercise all due consideration with respect to personnel records and applications and will, to the extent possible, maintain the confidentiality of applicants. When appropriate, for some positions a resume and cover letter may also be required.

## **2.4 Selection**

---

### ***2.4-1 General***

The Personnel Officer, in conjunction with Department Heads, will prescreen all applications. After pre-screening, qualified candidates will be referred to the department for further screening, interviews, examination, and reference checks. The Department Head, will give full and fair consideration to the results of the interviews, examinations and reference checks. The Department Head will then request that the Select Board confirm the appointment of an applicant for employment, starting salary, and employment date. The appointment will be forwarded through the Executive Assistant to the Select Board for confirmation. The Executive Assistant will determine if all appropriate procedures have been followed prior to referral to the Select Board, and may delegate or otherwise make minor modifications to the selection process as he or she deems necessary and appropriate.

If proper recruitment and selection procedures have been followed, the recommendation of the department will be forwarded to the Select Board for review and approval. At the discretion of the Select Board, the prospective employee and the Department Head may be asked to appear at the meeting.

### ***2.4-2 References***

The Department Head, as part of the selection procedure, may contact former supervisors, employers, and other references. References and other checks will be documented and made part of the applicant's file. All such information will be treated as confidential.

### ***2.4-3 Examinations***

The Department Head, with the approval of the Executive Assistant, may require an examination(s) as one part of the selection process. Examinations may be written, oral, practical, physical or any combination of all four and will be relevant to the requirements of the position.

#### ***2.4-4 Failure to Comply***

Failure to comply with procedures set forth in these hiring regulations invalidate the selection process. The Select Board may order the vacant position to be re-posted for failure to comply.

### **2.5 Appointment**

---

#### ***2.5-1 Coverage***

All regular full-time and part-time employees.

#### ***2.5-2 General<sup>2</sup>***

The Select Board will confirm the employment, starting salary, employment transfer, or promotion of any person after considering the recommendations of the Department Head, policies of the Town, and applicable state and federal laws. The Department Head shall submit required forms to the Executive Assistant's Office (see Appendix B).

#### ***2.5-3 Medical Examinations***

Every individual selected for employment with the Town will, prior to starting date, undergo a physical exam as a condition of employment. The examination will be at the expense of the Town by a physician appointed by the Executive Assistant. The examining physician will advise as to whether the applicant is physically qualified to perform the duties of the position for which application has been made. If the individual fails to undergo a physical exam, or upon the written recommendation of the physician that the applicant is unfit for employment, the Select Board may withdraw the employment offer.

#### ***2.5-4 Failure to Report to Work***

An applicant who accepts an appointment and fails to report to work within three (3) days after the date set by the Department Head, will be supposed to have declined the appointment and the offer of employment will be withdrawn.

## **3.0 EMPLOYMENT**

### **3.1 Policy**

---

The Town of Hudson is an equal opportunity employer. All employment decisions and personnel actions by the Town of Hudson are administered without regard to race, color, creed, national origin, sex, age (40 and above), qualified mental or physical disability, sexual orientation (as defined by law), genetic information, veteran status, military status, or any other category or class protected by federal, state or local laws. All employment decisions and personnel actions, such as hiring, promotion, compensation, benefits, and termination, are and will continue to be administered in accordance with, and to further the principle of, equal employment opportunity.

Performance of all new employees must meet acceptable work standards. Consequently, new employees will be adequately informed of their rights, responsibilities, duties and obligations.

### **3.2 Orientation**

---

#### ***3.2-1 Coverage***

All regular full-time and part-time employees.

#### ***3.2-2 General***

All new employees will be notified of a starting date and time to report to his or her Department Head. A copy of these policies will be provided to the new employee.

The Department Head will explain personnel policies and procedures.

The Department Head will thoroughly explain the benefits and options an employee is entitled to and will assist the employee with the appropriate forms (income tax deduction, life insurance, group health insurance, retirement, and others as applicable).

The Department Head will be responsible for on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department, including safety policies and procedures.

### **3.3 Probation**

---

#### ***3.3-1 Coverage***

All regular full-time and part-time non-civil service employees.

#### ***3.3-2 General Procedures***

All newly appointed employees will be required to complete successfully a probationary period of twelve (12) months. The Department Head will evaluate the employee's conduct, attitude, and ability to perform principal duties and achieve performance standards of the position.

## **4.0 CLASSIFICATION & COMPENSATION ADMINISTRATION**

### **4.1 Policy**

---

The policy of the Select Board is to have a Classification Plan that includes a written definition of each class of positions in the Town's service. No employee may be appointed to a position not included in the Classification Plan. The Town offers a pay plan consisting of a series of pay-rate steps for each class of positions.

### **4.2 Coverage**

---

All regular full-time and part-time employees with the exception of the Executive Assistant, Police Chief, Fire Chief, Director of Public Works, and Finance Director. Compensation, benefits, and other terms of employment for the Executive Assistant shall be established via an employment contract with the Select Board. Compensation, benefits, and other terms of employment for the Department Heads named herein shall be established via employment contract between the Executive Assistant and the respective employee. All employments contracts shall be subject to ratification by the Select Board.<sup>3</sup>

### **4.3 Classification Plan**

---

#### ***4.3-1 General***

Each classified position will be placed in a class with those positions similar with respect to difficulty, responsibility and character of work. Positions in the same class require the same amount of experience and training for satisfactory performance and merit equal pay within the established pay range of the class, subject only to differences created through the collective bargaining procedure.

For each class of positions, job descriptions will be prepared. These should include a written description, including: official class title, description of the representative duties, general level of authority and responsibility of the work, a statement of qualifications, and other pertinent information.

The job description will be the standard for classifying individual positions and for determining if reclassification is warranted. Job descriptions are descriptive and not restrictive; the kinds of duties and level of responsibilities assigned will not limit the power of a Department Head or supervisor to direct, assign, or control the work of an employee. Illustration of duties will not be construed to exclude other examples not mentioned that are of similar kind and quality.

#### ***4.3-2 Procedure***

The Executive Assistant will prepare the Position Classification Plan. The plan will be submitted to the Select Board who will adopt the plan with or without modifications

#### ***4.3-3 Job Descriptions***

Job descriptions will be reviewed annually at the time of the annual employee evaluation and development discussion. The supervisor or Department Head will thoroughly review each employee's job description and note any significant changes that have taken place in the employee's

job. The supervisor will prepare, with the employee's assistance, a description of changes, additions, or deletions required in the job description. Changes will be forwarded to the Executive Assistant who will determine if the changes are significant enough to warrant reclassification. After review by the Executive Assistant, any proposed reclassification will be submitted to the Select Board. The Select Board will approve or reject the proposed reclassification, with or without modifications.

## **4.4 Compensation Plan**

---

### ***4.4-1 Procedure***

The Select Board will adopt an official Compensation Plan.<sup>4</sup>

Unless otherwise provided in collective bargaining agreements, adjustments in the Compensation Plan will be recommended by the Executive Assistant subject to review and comment by the Personnel Board and approval of the Select Board, and subject to appropriation.

The Executive Assistant, through the Personnel Officer, will annually examine the salaries of non-union and management employees and report findings to the Select Board.

### ***4.4-2 Overtime & Compensatory Time***

All union-represented groups will be provided compensatory time or paid overtime in accordance with the terms of their respective labor contracts or department policy.

1. Non-union, non-exempt employees will be entitled to compensatory time off, for hours worked in excess of the normal work week. Compensatory time will at no time be accrued in excess of 75 hours. Such time will be accrued at the rate of 1.5 hours for each 1 hour worked in excess of 40 hours; and, 1 hour for each hour or part, thereof, worked in excess of 37.5 hours but less than 40 hours.
2. Non-union, non-exempt employees will be paid for overtime, including court-time, and any applicable shift differential in the same manner in which union employees of their departments are paid. Police Captains when working details in a supervisory capacity, as determined by the Chief or his designee, will be paid at one and one half times his base pay.<sup>1</sup>
3. Compensatory time accrued in this manner is subject to the following restrictions: Overtime to be worked must be approved by the appropriate supervisor and/or Department Head before it is worked. All Compensatory time accrued in this manner must be signed by the supervisor and/or Department Head and can be used only with the approval of the supervisor and/or Department Head. Such approval will not be unreasonably withheld.
4. Non-union exempt employees will not ordinarily be entitled to overtime or compensatory time when required to work beyond their normal workweeks. Under special circumstances, and when approved by the Executive Assistant, exempt employees may accrue and utilize compensatory time in accordance with the above guidelines.
5. Exempt employees are identified as: Executive Assistant, Department Heads, Recreation Director, Library Director, Council on Aging Director, Director of

---

<sup>1</sup> Approved by BOS 9/12/11

Information Technology, Treasurer/Collector, and Assistant Administrator, Community Development Director, and Principal Assessor.<sup>5</sup>

#### **4.4-3 Paid Holidays**

Bargaining unit members will be paid for holidays in accordance with the provisions of their respective contracts.

For non-union employees the following regulations will apply and the following days will be recognized as legal holidays within the meaning of these rules and regulations:

- New Year's Day
  - Martin Luther King Day
  - President's Day
  - Patriot's Day
  - Memorial Day
  - Juneteenth
  - Independence Day
  - Labor Day
  - Columbus Day
  - Veteran's Day
  - Thanksgiving Day
  - Christmas Day
1. On the above days employees will be excused from all duty not required to maintain essential Town services. Every employee in a permanent position as defined in Section 1.2 will be entitled to these designated holidays on the following terms:
    - If paid on an hourly basis, the employee will receive one day's pay at the normal rate based on the number of hours regularly worked.
    - If paid on a weekly, annual or similar basis, the employee will be granted each designated holiday without loss in pay.
  2. Payment under the provisions of this section will be made provided the eligible employee will have worked on his last regularly scheduled working day prior to and his next regularly scheduled working day following the holiday, or was in full pay status on the work days before and after the holiday in accordance with other provisions of these rules and regulations.
  3. An employee in continuous full-time employment who performs work on one of the holidays designated in sub-section 4.4-3 will be paid at his normal rate for such day or fraction thereof, or be granted compensatory time off at the convenience of the department in lieu of payment.
  4. Whenever one of the holidays set forth in sub-section 4.4-3 falls on a Sunday, the following day will be a legal holiday. Whenever the holiday falls on a Saturday, the previous Friday will be a legal holiday.



5. An employee whose day off falls on a holiday will be paid at his normal rate for such day or fraction thereof or be granted compensatory time off at the convenience of the department in lieu of payment.
6. The Fire Chief and his deputy and the Police Chief and Captain will be eligible to receive one additional day's pay for each designated holiday if he/she worked on the last regularly scheduled working day prior to, and the next regularly scheduled working day following the holiday, or was in full pay status on the work days before and after the holiday in accordance with other provisions of these rules and regulations.

#### **4.4-4 Vacation Leave**

Bargaining unit members will use vacation leave in accordance with the provisions of their respective contracts.

For non-union employees the following regulations will apply:

1. Regular full-time employees having less than twelve months of continuous service as of January 1<sup>st</sup> in such succeeding calendar year will be credited with vacation days as follows:
  - When full time employment begins between January 2<sup>nd</sup>, and June 30<sup>th</sup>, then 5 days of vacation will be granted and posted for use effective July 1<sup>st</sup>. A second 5 days of vacation will be granted and posted for use effective January 1<sup>st</sup>. Then a third 5 days of vacation will be granted and posted for use effective July 1<sup>st</sup>.
  - When full-time employment begins between July 1<sup>st</sup> and December 30<sup>th</sup>, then 5 days of vacation will be granted and posted for use effective January 1<sup>st</sup>, a second 5 days of vacation will be granted and posted for use effective July 1<sup>st</sup>. (The next January 1, the employee will have posted the full annual vacation due.)
2. Employees having completed twelve months of continuous service in any calendar year will be entitled to ten (10) working days of vacation with pay each calendar year to be posted January 1<sup>st</sup> for the upcoming year.
3. Employees having completed five (5) or more years of continuous service will be entitled to fifteen (15) working days of vacation with pay each calendar year to be posted January 1<sup>st</sup> for the upcoming year.
4. Employees having completed ten (10) or more years of continuous service will be entitled to twenty (20) working days of vacation with pay each calendar year to be posted January 1<sup>st</sup> for the upcoming year.
5. Employees having completed twenty (20) or more years of continuous service will be entitled to twenty-five (25) days of vacation with pay each calendar year to be posted January 1<sup>st</sup> for the upcoming year.
6. Employees having completed five (5) or more years of service may carry over and accumulate (with current year vacation credits) a maximum of ten days.
7. The Department Head will schedule vacations as nearly as possible as employees desire, giving preference to seniority within the needs of service requirements. Vacations may be scheduled throughout the year, but must be completed by December 31 except as provided in Paragraph (5) of this section.

8. Absences on account of sickness or personal reasons in excess of that authorized under the rules may, at the discretion of the Department Head, be charged to vacation leave.
9. An employee will be granted an additional day of vacation if, while on vacation leave, a designated holiday occurs.
10. Non-Union sworn Police personnel who qualify as permanent employees, and have completed twelve (12) months of continuous service in any calendar year shall be entitled to two weeks (14 days) vacation with additional vacation to be granted in accordance with the provisions of MGL Chapter 41 §111D.

#### **4.4-5 Sick Leave**

Unless otherwise provided by contract, sick leave will be utilized in accordance with the following regulations:

1. Cumulative sick leave will accrue to all full-time Town employees in continuous service at the rate of one and one-quarter (1 1/4) days for each month of continuous service. Upon reaching a total accumulation of Ninety (90) working days, the employee will elect, in writing, whether he/she wishes to be paid for days accumulated in excess of 90 working days pursuant to Section 4.4-5 (7) or whether he/she wishes to further accumulate days to a total of one hundred twenty (120) working days as calculated on January 1 after allowable sick leave buy back has been paid to the employee pursuant to Section 4.4-5, Subsection 7 below.<sup>6</sup> In no event will an employee accumulate more than 120 working days. Such election will be filed with the Personnel Officer/Executive Assistant and the Town Treasurer, and will be binding upon the employee until he or she separates from service with the Town. Upon retirement from the Town, accumulated sick days will be compensated in accordance with Section 4.4-5 (12) of the Personnel Rules and Regulations.
2. Sick leave must be authorized by the Department Head and must be reported on the employee's weekly time slip. Provided that all accrued compensatory time is used first, up to 50% of accrued sick leave may be used for leave taken under the Family Medical Leave Act because of an employee's serious health condition or that of a child, spouse or parent.
3. The appointing authority may require a medical certification from a licensed practicing physician for absences of one (1) or two (2) days and will require medical certification for all absences of three (3) or more days.
4. Self-imposed injury, illness, or disability will not be considered a proper claim for leave under this section. Injury, illness or disability resulting from the use of alcohol or drugs will not be considered a proper claim for leave under this section.
5. Payments made under the provisions of this section will be limited in the case of an employee who is receiving Workmen's Compensation to the employee's normal net pay.
6. In the event of payments made to an employee under the preceding sub-section, the Department Head or appointing authority may debit the employee's sick leave

accrual by the amount required to provide the employee with the compensation equal to his or her normal base pay.

7. On January 1<sup>st</sup> or as soon as practical each calendar year, each employee will be paid at the rate of one (1) day of base pay for each two (2) days of sick leave over the allowable ninety (90) or one hundred twenty (120) days accumulated during the preceding year. The Fire Chief, Deputy Fire Chief, Police Chief, and Police Captain will be paid at the rate of two (2) days for each three (3) days of sick leave.
8. The Select Board may permit an employee to take not more than (30) working days sick leave with pay over and above the accrued sick leave in cases of serious disabilities or sickness upon certification by a licensed, practicing physician.
9. All sick leave advanced to an employee will be repaid to the Town at the rate of one (1) day for each continuous month of service occurring after the return to duty. Should an employee leave Town employment with a sick leave advance liability against his record, such liability will be deducted from accrued earnings.
10. Whenever an employee has been granted advanced sick leave with pay, the employee will be examined by the Town Physician on or about the twenty-fifth (25th) day of the advanced sick leave. The Town Physician will report to the Select Board concerning the condition of the employee and the estimated time required for recovery. The Town will then take immediate action as follows:
  - If the estimated recovery time is less than thirty (30) calendar days, the leave will be extended.
  - If the estimated recovery time for the employee is more than thirty (30) calendar days, the employee will be placed on a temporary leave of absence without pay or fringe benefits. The Town's portion of the employee's hospitalization and life insurance will continue to be paid during this period.
  - If at the end of the temporary six-month leave of absence the employee is unable to return to work, his employment with the Town will be terminated.
  - If the report of the Town physician indicates that the employee may be unable to perform his/her normal job duties for a considerable period of time after recovery, the Select Board will try to transfer the employee to a suitable job and to reclassify the employee to the new position with commensurate pay. If the employee refuses such a transfer, the employee will be discharged. If the Select Board is unable to transfer the employee to a new position, the employee will be discharged.
11. Nothing in this Section will conflict with Section 100 of Chapter 41 of the General Laws or with Chapter 32 of the General Laws.
12. Employees who have completed five (5) years of consecutive service in a department (or departments) of the Town of Hudson will be entitled upon retirement to compensation, in a lump sum, of 25% of unused accumulated sick leave.

#### ***4.4-6 Bereavement Leave***

Leave up to three (3) days may be allowed for death in an employee's immediate family (wife, husband, mother, father, child, step-child, brother, sister, grandmother, grandfather, grandson, granddaughter, sister-in-law, brother-in-law, mother-in-law or father-in-law). Leave of one (1) day may be allowed for an employee's aunt, uncle, niece, or nephew.

#### ***4.4-7 Emergency Leave***

1. Emergency leave time totaling three (3) days with pay may be granted at the discretion of the Department Head or appointing authority to any full-time employee for each of the following:
  - Serious illness of a member of the immediate family (spouse, child, parent, parent-in-law) and certain other relatives (sister, brother, or grandparent).
  - Special cases of absence caused by other reasons beyond the employee's control.
2. Emergency leave time will be deducted from sick leave or vacation time

#### **4.4-8 Jury Leave**

An employee in full-time employment required to serve on a jury and thus absent from regular duty may, upon application, be paid the difference between the compensation received from jury duty and his normal compensation from the Town, upon presentation of an affidavit of jury pay granted.

#### **4.4-9 Military Leave**

##### **MILITARY LEAVE POLICY<sup>7</sup>**

1. Purpose and Scope: The purpose of this Policy is to ensure that the rights of employees who are reservists, National Guard Members, or who leave Town service to enter the Armed Forces, are balanced with the need of the Town to maintain essential services in an efficient manner.
2. Applicability
  - 2.1 This Policy applies to all eligible full and part-time compensated positions, excluding elected officials and employees of the School Department, in the Town of Hudson. Positions covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of this Policy that are not separately regulated by Civil Service Law or by a collective bargaining agreement.
  - 2.2 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this Policy, with employees whose positions are subject to this Policy, must follow all of the provisions of this Policy.
  - 2.3 There are other Town personnel policies that may affect an employee who is out on leave related to military service. Please consult the Family and Medical Leave Act Policy, Vacation Leave Policy, and the Sick Leave Policy.
  - 2.4 This Policy is intended to be consistent with any and all applicable laws. If any part of this Policy is inconsistent with the law, that part of the Policy shall be considered invalid, and the remaining provisions of the Policy shall be construed so as to be consistent with the law.
3. Definitions
  - 3.1 Please consult the Town's Personnel Regulations, Section 1.2 Definitions, regarding employment-related terms referenced throughout this Policy.
  - 3.2 Military Leave
    - 3.2.a Time off for certain types of active or inactive duty in the Armed Forces, National Guard or as a Reserve of the Armed Forces.
  - 3.3 USERRA - Uniformed Services Employment and Reemployment Act
  - 3.4 Active Duty – that period during which an employee is officially called up for military service and is subsequently unable to report to work.

- 3.5 Initial Active Duty Training (IADT) – that training period completed by a reservist or National Guard member when he/she first joins the service, which is not otherwise defined by law as falling within the scope of the definition of Active Duty, above.
- 3.6 Inactive Duty Training – that training performed by a reservist or National Guard member on an on-going basis such as weekend drills, which is not otherwise defined by law as falling within the scope of the definition of Active Duty, above.
- 3.7 National Guard – as defined by law, which generally includes an organized unit of the ready reserve of a State or Commonwealth jointly maintained by the federal or state government subject to the call of either.
- 3.8 Reserve Forces – as defined by law, which generally includes an organized unit of the ready reserve of the Armed Forces of the United States of America: the Coast Guard, the Navy, the Marine Corps, the Army or the Air Force.

#### 4. Eligibility

- 4.1 Regular full-time and regular part-time employees budgeted for and regularly scheduled to work at least 20 hours per week, are eligible for military leave benefits. Excessive requests for leave of absence related to military service must be reviewed and determined a necessity by the individual's military commander and department head before approval is granted in accordance with 5.2.
- 4.2 Part-time employees budgeted for and regularly scheduled to work fewer than 20 hours per week, Intermittent/Seasonal/Temporary Employees, Interns, and Volunteers are not eligible for military leave benefits.

#### 5. Policy

- 5.1 Federal and state laws require that veterans and reservists be granted certain employment rights, including a right to reemployment in certain circumstances. The Town will comply with all applicable laws and regulations governing military leave, including initial active duty for training, inactive duty training (such as weekend drills) and temporary and long-term active duty.
- 5.2 The Town does not have a "right of refusal" for military leave and cannot take any adverse action, or threaten to take adverse action against employees leaving for military service. However, if the Town employee's absence would cause a significant burden to the town, the employee's military unit commander may be contacted to inquire if the duty could be rescheduled or performed by another service member. If this request is not approved the Town must still provide unpaid leave so that the employee can perform his or her military duty obligation and adverse action may not be taken against the employee.

#### 5.3 Active Duty Pay

- 5.3.a In accordance with Chapter 137 of the Acts of 2003 (as amended by Chapter 77 of the Acts of 2005, and as extended by subsequent legislative action), military leave of absence with pay shall be granted, where applicable, to full time and permanent part time employees who are called for active service with the National Guard or reserve component of the armed forces of the United States subsequent to September 11, 2001.

- 5.3.b For purposes of this section, active service shall not include active duty for training purposes. In accordance with the legislation, active duty pay will be reduced by any amount received from the United States as base pay for military service performed during the same pay period.
- 5.3.c When the pay requirements of Chapter 137 of the Acts of 2003 (as amended) expire on September 11, 2024, the Town will re-visit the issue of whether or not and to what extent the Town compensates employees for military leave.
- 5.3.d Human Resources' will meet with an employee to identify the specific pay amount in advance of the leave beginning.
- 5.4 Draft Board Appearances and Physicals: Leave without loss of regular straight time pay shall be granted to employees on occasion of their required appearance under orders before armed forces draft boards or for physical examinations required by such boards during normally scheduled work hours.
- 5.5 Department Heads are required to act consistent with this Policy and ensure this Policy is implemented consistently within their department.
- 5.6 In the event of an error or violation of this Policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this Policy, whether intentional or unintentional, will not change this Policy, nor set a precedent in any future application of this Policy.

## **6. Provisions**

### **6.1 General Procedures**

- 6.1.a Full-Time and permanent part-time employees who are members of a state or federal military reserve unit or National Guard shall be entitled to a leave of absence from a permanent position for compulsory active duty for training or inactive duty training (drills & battle assemblies).
- 6.1.b Employees who resign from Town service for the purpose of entering Active Duty in the Armed forces of the United States, including the National Guard, shall be entitled to certain re-employment rights with the Town, in accordance with the law.
- 6.1.c The Department Head shall report employee requests for military leave to the Human Resources Director as soon as is administratively practicable.

### **6.2 Inactive Duty for Training/Drills**

- 6.2.a Employees who are reservists or members of the National Guard may not be denied retention in, or any other advantage of, employment due to military obligations.
- 6.2.b An employee who is required to report for inactive duty training must inform his/her department manager in the form of a written or verbal request for military leave unless precluded by military necessity or providing such request is otherwise unreasonable. The reservist or National Guard member need not have written orders at the time of the request, but must eventually produce written documentation.
- 6.2.c Reservists and National Guard members shall not be forced to utilize his/her personal, vacation or other accumulated leave time for military training, unless he/she so chooses.
- 6.2.d Where permitted by law, certain benefits may be pro-rated for time off the payroll in accordance with Section 6.6.b of this Policy or in accordance with the applicable Town policy (such as the Vacation Policy and Sick Leave Policy).

### **6.3 Active Duty for Training and Active Duty**

- 6.3.a Initial Active Duty Training (IADT), (which occurs when an employee first signs up to be a member of the reserves or National Guard), is treated in the same manner as regular active duty for the purposes of re-employment rights.

- 6.3.b Reservists and National Guard Members are sometimes called to perform regular active duty, voluntarily or involuntarily (e.g. on a short term, temporary basis during a blizzard, or on a long-term mission in the event that the President of the United States "calls up" the reserves).
- 6.3.c Except for emergency situations, or unless precluded by military necessity or is otherwise unreasonable, employees called for active duty must request a military leave of absence, verbally or in writing, for the period of the leave, or may choose to resign. Employees who request a military leave of absence will be required to submit documentation as proof of active duty service as soon as is practicable.
- 6.3.d Department Heads should immediately notify the Human Resources Department when approving the military leave or in the event of the resignation of an employee who is a reservist/National Guard member under orders.

#### **6.4 Reemployment**

- 6.4.a In accordance with the requirements of federal or state law, where applicable, an employee returning from military service is entitled to be returned to work or rehired within a reasonable period of time, but in no instance beyond the time required by any applicable law.
- 6.4.b An employee returning from military service is generally entitled to the position that would have been attained but for the leave taken for military service. The exact position of reemployment is determined by federal law and, where applicable, may depend on relevant collective bargaining agreements, personnel policies, and changes in the nature of the work environment (e.g. layoffs).
- 6.4.c An employee returning from military service of more than 180 days is entitled to be retained on the job for at least one year, unless discharged for cause as defined under USERRA. An employee returning from service of more than 30 days, but less than 181 days, is entitled to be retained on the job for at least 180 days, unless discharge for cause.
- 6.4.d The returning employee is entitled to the pay-level that would have been attained but for military service. This includes cost of living adjustments and length of service increases (such as longevity), step increases, but not merit increases based on satisfactory job performance.
- 6.4.e The employee is entitled to full credit for any job seniority lost as a result of military service. The length of service therefore includes: employment prior to military service; a reasonable time between leaving the job to enter military service and the date of entry into military service; the entire period of the military service; and the period between release from service and return to work.
- 6.4.f The returning employee is entitled to retirement credit as if his/her employment had continued without interruption.
- 6.4.g Reservists or National Guard members on Inactive Duty Training must report back to work for the next regularly scheduled work period after training ends.
- 6.4.h Persons in USERRA qualifying service must notify the Town of their intent to return to employment as follows:
  - 6.4.h.i for service of less than 31 days, by reporting to the employer no later than the first full regularly scheduled work period on the first full calendar day following the completion of the service (unless unreasonable to do so);

- 6.4.h.ii for service of more than 30 but less than 181 days by submitting an application for reemployment not later than 14 days after the completion of the service, unless to do so is unreasonable;
- 6.4.h.iii for service of more than 180 days, by submitting an application for reemployment not later than 90 days after completion of the service.
- 6.4.i It is unlawful to discriminate against a reservist or National Guard member as a result of his/her military obligations (e.g. lack of consideration for promotion, or discharge without cause).

#### **6.5 Reemployment Rights**

- 6.5.a Employees are entitled to reemployment for Active Duty service of not more than five years (more if extended at the request of the United States Government or if other statutory exceptions in 38 USC 4312 apply). Any service on Initial Active Duty for Training will not be included for the purposes of calculating the number of years of Active Duty Service.
- 6.5.b The returning veteran or reservist must still be qualified to perform the duties of the position. An employee who is disabled during military service and who cannot perform the duties of the otherwise appropriate job may be entitled to the nearest comparable job he/she is qualified to perform, as discussed in Section 6.4.b of this Policy
- 6.5.c The veteran or reservist must apply for reemployment within 90 days after separation from military service or from hospitalization continuing after separation for not more than one year.

#### **6.6 Leave and Benefit Procedures**

- 6.6.a Time spent on unpaid military leave of absence will affect the employee's length of continuous service for step increases and eligibility for leave and benefit accrual.
- 6.6.b Sick Leave Accrual - Employees on an unpaid military leave of absence for more than five days in a calendar month shall not accrue sick leave for that month. If the employee is performing some work during their period of leave, the Town shall prorate the accrual for these months.
- 6.6.c Health/Life Insurance
  - 6.6.c.i Employees granted an unpaid military leave are entitled to continue under the Town's health insurance plan as provided under USERRA, 38 USC 4317 for up to 24 months or when the employee fails to report or reapply for the position subsequent to his military service, whichever time period is lesser. An employee will be required to pay not more than 100% of the full premium under the plan, except that an employee absent on military leave for less than 31 days will be required to pay only the employee contribution for this time period. Employees who do not receive a paycheck for a particular week must pay the appropriate premium directly to the Town during the week that the deduction would have been made, had the employee been on the payroll.
  - 6.6.c.ii Employees granted an unpaid military leave of absences for more than 30 calendar days must pay the full cost (100%) of the premium directly to the Town, one month in advance of coverage, in accordance with M.G.L. Chapter 32(B).
- 6.6.d Retirement – During periods of military leave, the Town will deduct retirement contributions from any payments of salary made by the Town to the employee that would otherwise be considered “regular compensation,” and the Town will make any other retirement contributions required by law on the employee's behalf. Under present law, time spent on military leave for active duty and initial active duty training will be considered “creditable service” under M.G.L.



c. 32. Employees with questions about the effect of their military leave on their retirement are encouraged to contact the Middlesex County Retirement Board for additional information.

#### **6.7 Resources**

6.7.a Additional information can be obtained by contacting the Human Resources Department or the Veterans' Service Director.

6.7.b Town of Hudson employees who are members of the military are encouraged to utilize the Employee Assistance Program (EAP). The EAP can be reached at 1- 800-333-6624.

#### **Applicable Laws / Statutes**

This Policy takes into account and is consistent with a number of laws that relate to the obligations and responsibilities of both the employee and the employer with respect to an employee's military service. These include, but are not limited to:

- Family and Medical Leave Act [see the Town's FMLA Policy]
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Chapter 137 of the Legislative Acts of 2003, as adopted by Hudson Town Meeting November 15, 2010, and subsequent amendments.
- MGL Chapter 32, Retirement Systems and Pensions

Documents associated with military service may change to meet new requirements of law. The Town may make the necessary document changes without changing the intent or content of this Policy. Please consult the Human Resources Department for the most current version of relevant documents. Employee Acknowledgement of Receipt of Policy.

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

#### **4.4-10 Other Leave**

Absence for personal reasons may be charged to vacation leave upon application by the employee and approval by his Department Head. Such absences, however, may not be charged to vacation leave beyond that which the employee has earned at the time of the application.

#### **4.4-11 Job Transfer, Termination or Abolishment**

If any employee's job is abolished, the Select Board will try to transfer the employee to another job. If such transfer is offered and refused by the employee, the employee will be discharged. If the Select Board cannot transfer said employee to another job, the employee will be discharged.

#### **4.4-12 Longevity Pay**

There will be longevity increments to be awarded yearly on second payday in December in a lump sum as follows:

<u>Year of Service</u>	<u>Longevity Increment<sup>8</sup></u>
After 5 years but less than 10	\$ 775
After 10 years but less than 15	\$ 850

After 15 years but less than 20	\$	900
After 20 years	\$	950

#### **4.4-13 Uniform/Clothing Allowance**

1. Each full-time permanent or provisional Police Chief, Police Captain, Fire Chief, and Deputy Fire Chief will receive one annual uniform allowance of Eight Hundred Dollars (\$800.00). The allowance will accrue in two equal installments on April 1 and on October 1 and be payable as a department expense within the month of accrual.
2. Upon the request of the Police Chief or Police Captain the Town will reimburse an officer for the purchase of a bulletproof vest, up to \$400.00. Any officer who receives such reimbursement will be required to wear the bulletproof vest when assigned to field duty.
  - An officer who fails to purchase and wear a vest will be required to execute an assumption of risk waiver applicable to all claims of third parties relative to the officer's failure to wear a bulletproof vest. This waiver will not affect the officer's rights and benefits under Massachusetts General Laws Chapter 41, Section III F.
  - The Chief of Police may waive, from time to time, the wearing of a vest for any officer at the chief's discretion for a particular assignment.
3. Each non-exempt, non-union employee in the Department of Public Works will receive an annual clothing allowance of \$250 accruing annually on October 1.<sup>9</sup>
4. The Building Maintenance Coordinator will receive an annual clothing allowance of \$250.00 accruing annually on October 1.
5. The Communications Supervisor/Records Clerk shall receive an annual clothing allowance of \$400.

#### **4.4-14 Specialized Skill Stipends<sup>10</sup>**

The benefits accruing under this section will be limited to non-union, employees of the Town.

In the event that an employee provides a service to the Town that is not required by his job and that is not compensable through any other section of these or other regulations, that employee will be eligible for an additional stipend to be added to his/her pay in the following manner:

1. Documentation of cost savings must be submitted to the Executive Assistant for review and recommendation to the Personnel Board, which will also review and recommend upon such material, and the Select Board, the decision of which will be final.
2. Any payments made as a special stipend will be limited to a maximum of 5% of the base pay of the employee, and in no case will it exceed the documented amount saved by the Town.
3. Any payments made as a special stipend will not be considered as part of base pay for the purpose of calculating future pay increases.
4. Payments made as special stipends will come from departmental salary accounts, and will be subject to appropriation in that manner.

5. This special skill stipend will be subject to yearly review by the Executive Assistant with a recommendation to the Personnel Board and a final decision by the Select Board as to its continued cost savings to the Town.

**4.4-14(a) Other Stipends**

1. Non-Union sworn police personnel regularly assigned as Police Prosecutor or Detective shall receive additional pay in the amount of \$2,000 per year payable monthly.
2. The Deputy Fire Chief shall receive a 12% pay differential as long as he or she maintains certification at the Emergency Medical Technician (EMT) Basic Level.<sup>2</sup>
3. The Police Captain, Communications Supervisor/Records Clerk, and Confidential Administrative Assistant to the Chief of Police, shall each receive a \$500 stipend annually for services associated with maintaining the police departments accreditation with the Massachusetts Police Accreditation Commission.

**4.4-15 Maternity Leave and Family Medical Leave Act<sup>11</sup>**

The provisions of Massachusetts General Laws, Chapter 149, Section 105 D, and the Federal Family and Medical Leave Act of 1993 ("FMLAII"), 29 U.S.C.6 Sections 2601 et seq. are incorporated herein by reference. The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons.

**Employee Eligibility**

To be eligible for FMLA benefits with the Town of Hudson (the "Town"), an employee must:

1. Work for the Town;
2. Have worked for the Town for a total of at least twelve months; and
3. Have worked at least 1,250 hours over the previous twelve months.

**Leave Entitlement**

The Town will grant an eligible employee up to a total of twelve work-weeks of unpaid leave during a rolling year measured backwards from the date of use for one or more of the following reasons:

1. For the birth or placement of a child for adoption or foster care;
2. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
3. To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the Town are jointly entitled to a combined total of twelve workweeks of family leave.

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently.

---

<sup>2</sup> Adopted 8-27-12, and 5-16-2022to reflect additional requirement in job description.

Also, employees or the Town may choose to use accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave.<sup>3</sup> In no case, however, can use of paid leave be credited as FMLA leave after the leave has ended.

### **Maintenance of Health Benefits**

The Town will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee will make arrangements with the Town to pay his or her share of health insurance premiums while on leave. The Town may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

### **Job Restoration**

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

### **Notice and Certification**

Employees seeking to use FMLA leave are required to provide to their Department Head:

1. Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
2. Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the attached form;
3. Second or third medical opinions and periodic recertifications (at the Town's expense) if requested by the Town; and
4. Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the department head or his/her designee.

When leave is needed under the category of care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.

Please note that the Town may designate any period of leave that qualifies as FMLA leave even if the employee does not formally request FMLA leave.

### **Other Provisions**

The FMLA does not affect any other federal or state law that prohibits discrimination, nor supersede any state or local law that provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights under a Collective Bargaining Agreement or employment benefit plan, where applicable.

Any non-collective bargaining unit employee on an approved maternity leave of absence may use up to twenty days of accrued sick leave, and any accrued vacation, compensatory, or incentive leave concurrent with FMLA leave.

---

<sup>3</sup> The use of paid sick leave will be restricted to leave for a serious health condition, or for such other leave as is specified in the Personnel regulations or in specific collective bargaining agreements.

## **Departmental Procedures**

The Town's department heads, with the approval of the Executive Assistant, may establish their own procedures to implement this policy, consistent with the policy.

### **4.4-16 Small Necessities Leave Act (SNLA)<sup>12</sup>**

#### **Eligibility**

Employees that have been employed by the Town of Hudson ("the Town") for at least twelve (12) months and have provided 1250 hours of service to the Town during the previous twelve (12) month period of time and qualify for Family Medical Leave status are eligible for leave under the Massachusetts Small Necessities Leave Act ("SNLA").

#### **Purpose and Amount of Leave**

An eligible employee is entitled to 24 hours of SNLA leave for any of the following purposes:

1. to participate in school activities directly related to the educational advancement of the eligible employee's son or daughter<sup>4</sup>, such as parent-teacher conferences or interviewing for a new school<sup>5</sup>;
2. to accompany the eligible employee's son or daughter to routine medical or dental appointments, such as check-ups or vaccinations; or
3. to accompany the eligible employee's elderly relative<sup>6</sup> to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

#### **Twelve Month Period**

The twelve (12) month period shall be consistent with that established under the Town's Family and Medical Leave Act Policy.

#### **Intermittent Use of Leave**

Eligible employees may use SNLA leave in increments of time of one (1) hour or more.

#### **Use of Accrued Leave**

Eligible employees that have accrued vacation, personal or compensatory leave at the time they use SNLA leave will be permitted to use such accrued leave during the time they are on SNLA leave.

Eligible employees that do not choose to utilize leave as indicated above will receive unpaid leave unless otherwise indicated in these regulations or in an applicable Collective Bargaining Agreement.

#### **Return to Work**

---

<sup>4</sup> A "son or daughter" is defined as a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. Further, the son or daughter must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

<sup>5</sup> A "school" is a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a licensed children's day care facility.

<sup>6</sup> An "elderly relative" is an individual that is at least 60 years of age and who is related by blood or marriage.

An employee that receives SNLA leave will be restored to the position he or she held when the SNLA leave commenced.

**Notice**

Eligible employees must request SNLA leave at least seven (7) days in advance of the time for which SNLA leave is requested whenever the need for SNLA leave is foreseeable. If the need for SNLA leave is not foreseeable, an eligible employee must give the Town notice as soon as practical. All notices to the Town shall be made in writing unless circumstances prohibit written notice.

**Certification**

Each time an eligible employee takes SNLA leave, the eligible employees must complete a certification. Certification forms are available at the Town Hall. As required by law, the certification will be maintained in the eligible employee's personnel file for three (3) years.

**Administrative Procedures**

The Town's department heads, with the approval of the Executive Assistant, may establish their own procedures to implement this policy, consistent with the policy.

***4.4-17 Incentive Days***

Non-union, non-exempt employees may earn days off with pay as follows: If an employee works continuously through six consecutive months without using a sick day, he will be granted one (1) day off with pay. Earned incentive days must be scheduled with the approval of the Department Head and used within the following six-month period. The following conditions will strictly apply:

1. Such incentive days off must be used and may not be accumulated or sold back to the Town;
2. The employee's Department Head will approve the day off at a time when the member's absence will not require payment of overtime to other personnel to replace the member.

***4.4-18 Length of Service***

For purpose of determination of length of service for longevity and vacation entitlements, only an employee's period of continuous service as a regular or permanent full-time employee in a department under the Select Board will be credited. However, after a service break, an employee will be credited with his or her prior service once the employee has returned to regular or permanent full-time service for a period equal to the duration of the break. For purposes of wage progression and all other benefits accruing on the basis of length of service, only an employee's period of continuous service as a regular permanent full-time employee in a department under the Select Board will be credited.

***4.4-19 Mileage Reimbursement<sup>13</sup>***

Non Union employees required to use his or her own vehicle while performing service for the Town shall be entitled to receive mileage reimbursement payments. The mileage reimbursement rate shall be \$ .50 cents per mile. Employees may be required to submit odometer statements for verification or other documentation if requested by a supervisor.

## **5.0 PERFORMANCE EVALUATION**

### **5.1 Policy**

---

The purpose of the performance evaluation system is to ensure the following outcomes:

1. Step increases are granted based on merit;
2. An employee's strengths, weaknesses and potential for growth are fairly and accurately evaluated;
3. The employee's special skills and work interests are encouraged.

### **5.2 Coverage**

---

All regular full-time and part-time employees.

### **5.3 Procedures**

---

#### ***5.3-1 Annual Evaluation - Non-Exempt Employees<sup>14</sup>***

1. Prior to an anniversary date of an employee, the supervisor will prepare an evaluation form.
2. The supervisor will discuss the evaluation with the employee to enable the supervisor to discuss the standards set for the job and to discuss performance as it relates to standards. The supervisor should discuss plans of future development and work interests.
3. The employee should have the opportunity to discuss any issues overlooked and to write comments on the evaluation form. The employee will sign the form to indicate that the form has been reviewed and discussed.
4. During the evaluation discussion, the supervisor should thoroughly review the job description with the employee to identify any major changes that have occurred in the employee's job and to clarify duties the supervisor assigns. Any major changes or additions in the employee's job should be reported to the Personnel Officer for a classification review.
5. The evaluation must be reviewed by the second level supervisor. The second level supervisor will sign the form and may make comments. The employee may review any comments made by the second level supervisor.
6. An employee performing at an acceptable level will be entitled to a step increase. The supervisor will send the form to the Department Head for concurrence prior to the employee's anniversary date. The Department Head will forward the form to the Personnel Officer and Executive Assistant prior to the employee's anniversary date. A copy of the evaluation form is to be placed in the employee's permanent file. The Finance Department will be notified of the approval for payroll purposes.
7. If the employee is failing to perform at an acceptable level of competence, the supervisor will notify the employee in writing prior to the employee's anniversary date. The supervisor will state the reasons for the determination and offer assistance to improve performance or correct a deficiency. The supervisor will notify the Personnel Officer, Executive Assistant, and Department Head of the determination

and the evaluation. Action on the step increase will be suspended for up to sixty (60) days.

8. If the supervisor observes improvement in performance during the sixty (60) day period, and the supervisor expects acceptable performance to continue, the supervisor will at the end of the sixty (60) day period, complete the evaluation, and certify that the employee is performing at an acceptable level of competence, state the reason on the form, and forward the form for approval. The employee may be eligible for a step increase at this time, based on the supervisor's recommendation and significant improvement.
9. If a supervisor does not observe improvement of performance during the sixty (60) day period, the supervisor will prepare the evaluation form and certify that the employee is not performing at an acceptable level of competence, stating the reasons. The Department Head must concur. Upon the Executive Assistant's approval, the step increase will be denied.
10. The supervisor of the employee denied a step increase will immediately provide a written notice to the employee and state the reasons for denial of an increase. The employee will have the right to appeal the denial of a step increase to the Executive Assistant within 10 days of receipt of the notice.
11. If the employee appeals to the Executive Assistant, the Executive Assistant will examine all aspects of the case and determine if the denial action is substantiated. The Executive Assistant may take remedial action.
12. Unless the Executive Assistant rescinds the denial, a new evaluation will be prepared six (6) months from the date of the step increase denial notice. The evaluation will be the same as the original process. The employee who shows significant improvement in performance will be certified as performing at an acceptable level of competence. The new evaluation will become part of the employee's permanent file.
13. The employee whose work remains unsatisfactory at the end of the six-month period will be notified of that finding by the supervisor and Department Head and will automatically be reviewed again at the end of a three-month period. The Department Head will reserve the right to suspend temporarily without pay or permanently discharge an employee continuing to perform an unacceptable level at the end of that three-month time period.<sup>15</sup>

### ***5.3-2 Annual Evaluation - Exempt Employees<sup>16</sup>***

1. Prior to the anniversary date of all employees, the supervisor will prepare an evaluation form.
2. The supervisor will discuss the evaluation with the employee to enable the supervisor to discuss the standards set for the job and to discuss performance as to standards. The supervisor should discuss plans of future development and work interests. At the request of the employee, he or she may ask that a fellow exempt employee participate in the discussion in order to provide additional perspective to the evaluation process.
3. The employee should have the opportunity to discuss any issues overlooked and to write comments on the evaluation form. The employee will sign the form to indicate that the form has been reviewed and discussed.



4. During the evaluation discussion, the supervisor should thoroughly review the job description with the employee to identify any major changes that have occurred in the employee's job and to clarify duties assigned by the supervisor. A classification review will be conducted as a result of any major changes or additions in the position.
5. Based upon the results of the evaluation, the employee will receive a pay adjustment in accordance with the Compensation Plan adopted pursuant to Section 4.4-1 of these regulations; Section 6 of the Personnel Bylaw; and Section 4-3: (e) of the Town Charter.
6. An employee aggrieved under these regulations may appeal pursuant to Section 5-4 of the Town Charter.

## **6.0 TRAINING AND EDUCATION**

### **6.1 Policy**

---

The policy of the Town of Hudson is to foster and promote training for the employees of the Town in order to improve the quality of services rendered to citizens and to aid employees in their professional advancement.

### **6.2 Coverage**

---

All regular full-time and part-time employees.

### **6.3 General Procedure**

---

#### ***6.3-1 Training and Development Policy***

The Personnel Officer, under direction of the Executive Assistant, will provide assistance to Department Heads in developing and conducting training programs to meet specific needs of their departments, develop supervisory and management training and employee development programs common to all departments, and keep records of all approved training courses and a record of employees who successfully completed them.

### **6.4 Incentive Degree Program<sup>17</sup>**

---

With the approval of the Department Head and the Executive Assistant pay increases will be given (after the first three months of employment) upon receipt of One Associate's Degree, One Bachelor's Degree, and One Master's Degree from an accredited institution. (The New England Association of Colleges and Secondary Schools, 50 Beacon St., Boston is the authority on accreditation.) Such approval will be based upon the relevancy of the degree to the requirements of the individual's job as determined by the Department Head and the Executive Assistant.

Upon receipt of an Associate's Degree the individual's pay will be increased by \$1,100. If that individual then receives a Bachelor's Degree his or her pay will be increased by an additional \$800. If that individual then receives a Master's Degree, his or her pay will be increased by an additional \$600, for a total increase of \$2,500. An individual who enters the service of the Town with a lower degree and earns a higher degree, which otherwise qualified under this section, will receive the differential applicable to that degree as indicated above. An individual who enters the service of the Town and earns a Bachelor's Degree (which otherwise qualifies under this section) without first earning an Associate's Degree, will receive an increase of \$1,900 provided that he or she had earned fewer than half of the course credit requirements towards that degree before start date of employment with the Town. These amounts will be budgeted within the salary account of each department and payment will be pro-rated in the year in which the degree is received and be subject to appropriation by Town Meeting. If the Commonwealth of Massachusetts discontinues the Quinn Bill program under Chapter 41, Section 108L, The Town of Hudson shall continue to pay eligible Command Officers including Captains an educational benefit similar to the current Quinn Bill program. In that event the payment would remain as follows:

- 10% for an Associates Degree
- 20% for a Bachelors Degree
- 25% for a Masters Degree<sup>7</sup>

---

<sup>7</sup> Approved by BOS 9/12/11

#### **6.4-1 Eligibility**

All full-time employees covered by the Personnel Rules and Regulations whose job descriptions do not specifically require a particular degree are eligible to participate in the Incentive Degree Program after 3 months of service, with the exception of those newly hired employees who have already attained the degree status prior to employment. These employees are not eligible to be reimbursed under the Incentive Plan for the degree held at time of hiring. Also ineligible for benefits under this section are employees who are provided with similar benefits under a provision of their collective bargaining agreement with the town, or employees who receive a similar benefit through a statutory program such as the Quinn Bill or other like program.

### **6.5 Educational Assistance**

---

#### ***6.5-1 Eligibility***

All full-time employees covered by the Personnel Rules and Regulations are eligible to participate in the Tuition Reimbursement Program after 3 months of service. Where a similar benefit is available through the employee's collective bargaining agreement with the town, the employee shall be ineligible for benefits under this section.

#### ***6.5-2 Tuition Reimbursement***

1. An employee who wishes to enroll in a job-related course or courses or in a degree program will submit to his supervisor, prior to enrollment, an application for course and cost approval. The supervisor will discuss the career and job relevancy of the request with the employee. The supervisor, whether or not he approves, will forward the application, through any intervening supervisors, if applicable, to the Department Head for signature. The Department Head will forward the application to the Executive Assistant who will review the application for appropriateness and cost. The Executive Assistant will respond to the application through the Department Head to the employee. If the application is rejected alternatives will be suggested to the employee.
2. The approval of any educational incentives or assistance is contingent upon the evidence submitted to the Executive Assistant by the particular educational institution that a course(s) has been completed with a passing grade. The educational institution is the final authority on what constitutes a passing grade.
3. Upon notification to the Executive Assistant by the educational institution that the employee has passed a course or courses, the Executive Assistant will authorize up to \$600 per course reimbursement for tuition and books only to the employee.
4. Employees will be limited to two (2) courses per semester, or four (4) courses per year, whichever is less. Additional courses may be approved only after all Town employees have had the opportunity to enroll in two (2) courses per semester.

#### ***6.5-3 Conference and Seminar Expenses***

1. An employee wishing to attend an in-state job-related conference or seminar will apply in the same manner as indicated in 6.5-1, 1 above.
2. If approved, the Town will make direct payment of in-state conference or seminar fees to the conference or seminar registration committee, whenever practicable.

Where this is not practicable, reimbursement will be made to the employee as reimbursement for conference or seminar fee.

3. As soon as possible upon return from the in-state conference or seminar the employee will submit to his or her Department Head an expense report, which, upon approval, will result in reimbursement of all appropriate expenses.
4. The employee's ordinary day's salary will be paid for approved in-state conferences or seminars attended during a regularly scheduled work day, and no overtime will be paid or compensatory time be awarded for conferences or seminars exceeding 7 1/2 hours on a given day. No pay will be given for conferences attended on days the employee would not have been scheduled to work.
5. There is a limit of \$300 for in-state conference or seminar fees for each employee for each fiscal year.
6. The Town will not reimburse employees for attendance at conferences or seminars out-of-state.

***6.5-4 Approval of Payment or Reimbursement***

Approval of payment or reimbursement for any course or conference or seminar fee is subject to available appropriation within the Town's Educational Incentive Plan account.

## **7.0 SAFETY<sup>18</sup>**

### **7.1 Policy**

---

It is the policy of the Town of Hudson that every employee is entitled to work under the safest possible conditions. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work place, safe equipment, proper materials and to establish and require safe work practices at all times. The Town will follow operating practices that will safeguard all employees, while fostering safe and efficient operations.

### **7.2 Coverage**

---

Safety is both a preventive and corrective function and it applies to all hourly and salaried employees of the Town.

### **7.3 Purpose**

---

The purpose of this safety policy is to establish areas of responsibility for enforcing the work practices outlined herein, including the availability and use of personal protective clothing and equipment.

### **7.4 General Provisions**

---

#### ***7.4-1 Equipment and Rules***

All employees who are furnished safety equipment and/or clothing by the Town will be required to wear such safety equipment at all times while doing the work for which the equipment was furnished. Safety gloves, aprons, hard hats, goggles, face shields, vests, ear protection, or other safety item provided by the Town are designed for the protection of all employees and must be used without exception.

Except where otherwise provided by contract, safety equipment furnished by the Town and damaged or worn out will be replaced. The foregoing will apply provided the damaged equipment is turned in immediately when the damage occurs and the worn equipment is turned in when new equipment is issued, and also provided there is no evidence of abuse. It is the sole responsibility of the employee to turn in such equipment.

1. Seat belts will be worn when operating or riding in town vehicles.
2. Safety Shoes or a good work boot will be worn when required by the job.
3. Safety Glasses or full face shields will be worn when using grinders, torches, pipe cutters cleaning tools, jackhammers, stump chippers or any tool or device which may produce chips or flying particles. Safety glasses will be equipped with wide shields.
4. Hearing protection will be worn in designated areas or around designated equipment.
5. Safety helmets will be worn in all trenches over five feet deep, around all overhead equipment or where work is being performed overhead. If there is a possibility of a head injury, wear a hard hat.

6. Shorts and sneakers are prohibited unless expressly allowed by a department head for good cause shown.
7. Work gloves will be used as required.

#### ***7.4-2 Safety Committee and Coordinator***

The Executive Assistant shall serve as the Safety Coordinator. He shall appoint and convene a Municipal Safety Committee as needed to review policies and procedures. The Basic Functions of this Committee are:

1. To periodically discuss current safety policies and make recommendations for improvements where needed.
2. To implement safety education and practices designed to reduce accidents.
3. To create and maintain an active interest in safety.
4. To review accident reports.
5. To Follow-up investigations with appropriate corrective action if necessary.
6. To Review inspection checklists and forward findings to department head.

#### ***7.4-3 Department Heads***

The Department Head is designated with the responsibility for the safety program within his or her department. The Department Head is required to:

1. Assume full responsibility for safe working areas under his/her jurisdiction.
2. Insure that all management policies are fully implemented for maximum efficiency of each job.
3. Take the initiative in recommending corrections of deficiencies noted in facilities, work procedures, employee failure to use safety clothing or equipment, employee job knowledge, or attitudes that adversely affect loss control effort.
4. Assure the availability and utilization of appropriate protective clothing and equipment when performing hazardous operations.
5. Act upon safety suggestions, continuously demonstrate concern over entire safety programs, and set a good example.
6. Observe working conditions and field practices to prevent development of possible safety hazards. Investigate thoroughly the causes of all accidents and near accidents, and take appropriate corrective actions.
7. Make sure all accidents are promptly reported regardless of the extent of injury or property damage.
8. Investigate all accidents to determine the application of appropriate corrective action, evaluate accident and injury reports, review with the Safety Committee all accident records and develop statistics showing trends or patterns.
9. Implement safety training programs and workshops for both supervisory and non-supervisory personnel.
10. Coordinate and direct all safety efforts in his/her department.
11. Be firm and consistent in the enforcement of work policies.

#### ***7.4-4 Duties and Responsibilities of Supervisors***

Each supervisor has the responsibility for maintaining safe and healthful working conditions within his jurisdiction, whether in the field, in the shop, or in the office. Personnel problems and hazards vary from department to department, and it is expected that all supervisors will work to control injuries. Each supervisor and foreman shall:

1. Assume full responsibility for safe and healthful working areas for his/her employees while they are under his/her jurisdiction.
2. Insure that all management policies herein are fully implemented for maximum efficiency of each job.
3. Take the initiative in recommending corrections of deficiencies noted in facilities, work procedures, employee failure to use safety clothing or equipment, employee job knowledge or attitudes that adversely affects Town loss control efforts.
4. Be firm and consistent in the enforcement of work policies.
5. Insure that each employee is fully trained for the job he or she is assigned to do and insure that he or she is familiar with established division work rules.
6. Assure the availability and utilization of appropriate protective clothing and equipment when performing hazardous operations.
7. Act upon safety suggestions, continuously demonstrates concern over entire safety program, and set a good example by working safely him/herself.
8. Observe working conditions and field practices to prevent development of possible safety hazards.
9. Investigate thoroughly the causes of all accidents and near accidents, and take appropriate corrective action.
10. Make sure all accidents are promptly reported, regardless of the extent of injury or property damage.

#### ***7.4-5 Duties and Responsibilities of Employees***

Each employee will:

1. Observe established health and safety rules, operating procedures, and safe work practices in the performance of his or her work.
2. Use personal protective equipment when directed to do so by a Department Head, supervisor or foreman.
3. Identify and report to appropriate management any unsafe areas, conditions, or other safety problems.
4. Be continually aware of the need for safety.
5. Report all accidents, no matter how slight, promptly to the Department Head, supervisor, or foreman.

#### ***7.4-6 Rules and Procedures***

Minimum standards are presented here for the most common situations with the understanding that additional protection must be provided where special complexities and hazards prevail. Detailed rules and procedures for each department can be found in Appendix F. Although each situation must be dealt with individually, conformity with the established provisions is required.

1. Horse-play, fighting, pranks, wrestling or similar activity are prohibited.
2. Smoking is prohibited around any flammable material.
3. Heavy objects, tools, or materials should not be lifted alone.
4. Lifting must be performed properly
5. Asbestos pipe may not be cut with any tool that will create dust.
6. Work areas will be kept clean and orderly for maximum safety.
7. Intoxication, reporting for work or trying to work while under the influence of alcohol or drugs, and or consumption or possession of alcohol or drugs during working hours is prohibited.

#### ***7.4-7 Enforcement and Disciplinary Action***

Employees violating safety rules may be subject to disciplinary action.



## **8.0 SEXUAL HARASSMENT<sup>19</sup>**

### **8.1 POLICY**

---

The Town of Hudson (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Sexual harassment is a form of behavior that adversely affects the employment relationship. State and Federal law prohibit such behavior. Sexual harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. The Town also condemns and prohibits sexual or other harassment by any applicant, client, vendor, or visitor.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate, including discharge.

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

### **8.2 Coverage**

---

All full-time and part-time employees.

### **8.3 Prohibited Conduct**

---

#### ***8.3-1 Conduct That Can Constitute Unlawful Sexual Harassment***

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. While it is not possible to list all of the circumstances that may constitute sexual harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, following is a list of situations that could constitute sexual harassment.

- ◆ verbal abuse of a sexual nature;
- ◆ use of sexually degrading words;
- ◆ jokes or language of a sexual nature;
- ◆ conversation or gossip with sexual overtones;
- ◆ obscene or suggestive gestures or sounds;

- ◆ sexually-oriented teasing;
- ◆ verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual;
- ◆ inquiries into one's sexual experiences;
- ◆ discussion of one's sexual activities;
- ◆ comments, jokes or threats directed at a person because of his/her sexual preference;
- ◆ unwelcome and repeated invitations (for lunch, dinner, drinks, dates, sexual relations);
- ◆ demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment;
- ◆ physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or repeated brushing up against one's body;
- ◆ deliberate bumping, cornering, mauling, grabbing;
- ◆ assaults, molestations or coerced sexual acts;
- ◆ posting or distributing sexually suggestive objects, pictures, cartoons or other materials;
- ◆ sexually-oriented letters or notes;
- ◆ sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., electronic mail, including the Internet, voice mail and facsimile) which contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation;
- ◆ staring at parts of a person's body;
- ◆ sexually suggestive gestures, leering; and
- ◆ condoning sexual harassment.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember:

- ◆ A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser;
- ◆ The harasser does not have to be the victim's supervisor;
- ◆ The victim does not have to be of the opposite sex from the harasser;
- ◆ The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance.

### **8.3-2 Individual Responsibilities**

Each individual of the Town is personally responsible for:

- ◆ ensuring that his/her conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
- ◆ cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- ◆ actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such discrimination; and
- ◆ ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

## **8.4 The Rule**

---

It is, therefore, against the policy of the Town for any individual, male or female, to harass another individual sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- ◆ submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- ◆ submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- ◆ such conduct has the purpose of interfering with an individual's work performance; or
- ◆ a hostile or intimidating work environment is created for the employee, or
- ◆ such conduct has the effect of interfering with an individual's work performance.

It is also against the policy of the Town for an individual to sexually harass any person with whom the employee comes in contact on the job or to engage in any harassment or inappropriate or unprofessional conduct in the workplace.

### **8.4-1 Retaliation**

Retaliation against an individual for filing a complaint of sexual harassment or against any individual for cooperating in an investigation of a sexual harassment complaint is against the law.

## **8.5 Violation of Policy**

---

Any individual violating this policy will be subject to appropriate discipline, including possible discharge.

## **8.6 Procedures for Complaints**

---

### ***8.6-1 Complaint***

The Town has designated a Sexual Harassment Grievance Officer. The current Sexual Harassment Grievance Officer is Thomas Gregory, Affirmative Action Officer. He can be reached at Town of Hudson, 78 Main Street, Hudson, MA 01749, and her telephone number is (978) 562-9963 X400. If you would prefer, you may contact Fernanda Santos, HR & Licensing Manager, who has been designated as the Alternate Sexual Harassment Grievance Officer. She can be reached at Town of Hudson, 78 Main Street, Hudson, MA 01749, and her telephone number is (978) 562-9963 X401.

If any individual believes he or she has been subjected to sexual harassment, the individual should initiate a complaint by contacting the Sexual Harassment Grievance Officer as soon as possible. The individual should file the complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Sexual Harassment Grievance Officer to investigate what occurred. The individual will be requested to write out his or her complaint to document the charge.

If an employee prefers to discuss a possible sexual harassment problem with his or her supervisor, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting sexual harassment and may go directly to the Grievance Officer.

### ***8.6-2 Investigation***

On receiving the complaint, the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer will promptly have a preliminary investigation made into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Town will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the Town.

### ***8.6-3 Decision***

After the response of the charged individual has been made, and any further investigation that may be warranted has been carried out, the Town will make a final decision. If the Town finds that the allegations in the complaint have been established by the investigation, the Town will initiate discipline of the charged individual. Discipline will be appropriate to the offense and employees involved, and may include discharge subject to the Town's at-will employment policy.<sup>8</sup>

The complainant will be notified of the disposition of the investigation.

---

<sup>8</sup> Employees of the Town that are members of a bargaining unit shall be subject to discipline in accordance with the terms of the applicable Collective Bargaining Agreement. Similarly, contract employees will be subject to discipline in accordance with the terms of the employee's Employment Agreement if such Employment Agreement so provides.

## **8.7 State and Federal Agencies**

---

The Massachusetts Commission Against Discrimination (“MCAD”), located at One Ashburton Place, Boston, MA 02108, and 436 Dwight Street, Springfield, MA 01103, and 18 Chestnut Street, Worcester, MA 01608 is responsible for enforcing the Massachusetts sexual harassment law, and the U.S. Equal Employment Opportunity Commission (“EEOC”) is responsible for enforcing the federal law prohibiting sexual harassment. The EEOC is located at John F. Kennedy Federal Building, 15 New Sudbury Street, Boston, MA 02203 . They may be contacted at the above addresses. A complaint to the MCAD must be filed within 300 days. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

## **9.0 HARASSMENT OF INDIVIDUALS IN PROTECTED CLASSES<sup>20</sup>**

### **9.1 Policy**

---

The Town of Hudson (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Harassment on the basis of race, creed, color, national origin, gender, age, physical or mental disability, sexual orientation or genetic information (hereafter referred to as “protected class harassment”) is a form of behavior that adversely affects the employment relationship. It is prohibited by Federal and/or State law. Protected class harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. The Town also condemns and prohibits protected class harassment by any applicant, client, vendor or visitor.

Because the Town takes allegations of protected class harassment seriously, we will respond promptly to complaints of protected class harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate, including discharge.

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

### **9.2 Coverage**

---

All full-time and part-time employees.

### **9.3 Prohibited Conduct**

---

#### ***9.3-1 Conduct That Can Constitute Protected Class Harassment***

Protected class harassment refers to behavior which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. While it is not possible to list all of the circumstances that may constitute protected class harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, following is a list of situations that could constitute protected class harassment.

- ◆ verbal abuse on the basis of any protected status;
- ◆ use of words that degrade a protected class or person because of his/her protected class status;
- ◆ jokes or language about a protected class;
- ◆ obscene or suggestive gestures or sounds intended to relate to the protected class;
- ◆ teasing related to the protected class;

- ◆ verbal comments of a nature about an individual's appearance or terms used to describe an individual that are related to the individual's protected class;
- ◆ verbal abuse, comments, jokes, teasing or threats directed at a person because of his/her protected class status;
- ◆ posting or distributing objects, pictures, cartoons or other materials degrading to the protected class or a person because of his/her protected class status;
- ◆ letters or notes that degrade the protected class or a person because of his/her protected class status;
- ◆ sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., electronic mail, including the Internet, voice mail and facsimile) which are degrading to the protected class or a person because of his/her protected class status;
- ◆ condoning harassment on the basis of protected class.

Harassment on the basis of protected class status is not limited to behavior by a non-member of the protected class. Protected class harassment can occur in a variety of circumstances. Here are some things to remember:

- ◆ The harasser does not have to be the victim's supervisor;
- ◆ A member of the protected class may be victimized by another member of the protected class;
- ◆ The victim does not have to be the person at whom the unwelcome protected class harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance;

### ***9.3-2 Individual Responsibilities***

Each individual of the Town is personally responsible for:

- ◆ ensuring that his/her conduct does not harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
- ◆ cooperating in any investigation of alleged protected class harassment by providing any information he/she possesses concerning the matter being investigated;
- ◆ actively participating in efforts to prevent and eliminate protected class harassment and to maintain a working environment free from such discrimination; and
- ◆ ensuring that an employee who files a protected class harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

## **9.4 The Rule**

---

It is, therefore, against the policy of the Town for any individual, whether a member of a protected class or not, to harass another individual on the basis of protected class status by:

- ◆ making submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;

- ◆ making submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- ◆ intending to or having the effect of interfering with an individual's work performance; or
- ◆ by creating a hostile or intimidating work environment for the employee.

It is also against the policy of the Town for an individual to harass any person with whom the employee comes in contact on the job or to engage in any protected class harassment or inappropriate or unprofessional conduct in the workplace.

#### ***9.4-1 Retaliation***

Retaliation against an individual for filing a complaint of protected class harassment or against any individual for cooperating in an investigation of a protected class harassment complaint is against the law.

### **9.5 Violation of Policy**

---

Any individual violating this policy will be subject to appropriate discipline, including possible discharge.

### **9.6 Procedures for Complaints**

---

#### ***9.6-1 Complaint***

The Town has designated a Protected Class Harassment Grievance Officer. The current Protected Class Harassment Grievance Officer is Thomas Gregory, Affirmative Action Officer. He can be reached at Town of Hudson, 78 Main Street, Hudson, MA 01749, and her telephone number is (978) 562-9963X400. If you would prefer, you may contact Fernanda Santos, HR & Licensing Manager, who has been designated as the Alternate Protected Class Harassment Grievance Officer. She can be reached at Town of Hudson, 78 Main Street, Hudson, MA 01749, and her telephone number is (978) 562-9963 X401.

If any individual believes he or she has been subject to protected class harassment on the basis of his/her protected class, the individual should initiate a complaint by contacting the Protected Class Harassment Grievance Officer as soon as possible. The individual should file the complaint promptly following any incident of protected class harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Protected Class Harassment Grievance Officer to reconstruct what occurred. The individual will be requested to write out his or her complaint to document the charge.

If an employee prefers to discuss a possible protected class harassment problem with his or her supervisor, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting protected class harassment and may go directly to the Grievance Officer.

#### ***9.6-2 Investigation***



On receiving the complaint, the Protected Class Harassment Grievance Officer or the Alternate Protected Class Harassment Grievance Officer will promptly have a preliminary investigation made into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Town will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the Town.

### **9.6-3 Decision**

After the response of the charged individual has been made, and any further investigation which may be warranted has been carried out, the Town will make a final decision. If the Town finds that the allegations in the complaint have been established by the investigation, the Town will initiate discipline of the charged individual. Discipline will be appropriate to the offense and employees involved, and may include discharge.<sup>9</sup>

The complainant will be notified of the disposition of the investigation.

## **9.7 State and Federal Agencies**

---

The Massachusetts Commission Against Discrimination ("MCAD"), located at One Ashburton Place, Boston, MA 02108, and 436 Dwight Street, Springfield, MA 01103, and 18 Chestnut Street, Worcester, MA 01608 is responsible for enforcing the Massachusetts discrimination and protected class harassment law, and the U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the federal law prohibiting protected class harassment. The EEOC is located at John F. Kennedy Federal Building, 15 New Sudbury Street, Boston, MA 02203. They may be contacted at the above addresses. A complaint to the MCAD must be filed within 300 days. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

## **10.0 DRUG-FREE WORKPLACE<sup>21</sup>**

### **10. 1 Policy**

---

It is the policy of the Town of Hudson (the "Town") to provide a drug-free workplace for all of its employees in accordance with the provisions of the United States Drug Free Workplace Act of 1988 (PL 100-690 or 41 U.S.C.S. 701-707).

---

<sup>9</sup> Employees of the Town that are members of a bargaining unit shall be subject to discipline in accordance with the terms of the applicable Collective Bargaining Agreement. Similarly, contract employees will be subject to discipline in accordance with the terms of the employee's employment agreement if such employment agreement so provides.

## **10.2 Coverage**

---

Accordingly, the Town hereby notifies every employee that the manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited when in the employ of the Town. ,

## **10.3 Purpose**

---

The purpose of establishing a drug-free work place is to inform Town employees about:

1. the serious danger of drug abuse in the workplace;
2. the Town's policy of maintaining a drug-free workplace;
3. the availability of drug counseling, rehabilitation, and employee assistance programs; and
4. the consequences of employee drug use in the workplace (see number 3, above).

## **10.4 Employment Condition**

---

The Town establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy; and that each employee must notify his or her supervisor, within five days (5) of any conviction for violation of any federal or state criminal drug law occurring in the workplace.

## **10.5 Violations of Policy**

---

Violation of this policy shall result in a disciplinary action, including, but not limited to, suspension and/or termination

The Town shall notify the appropriate federal agency within ten (10) days of receiving notice of a violation of statute and shall have up to thirty (30) days, from the time of notification by the employee of a conviction for a workplace offense, to take appropriate personnel action up to and including discharge. The Town may require the employee to participate in an approved drug abuse assistance rehabilitation program.

## **10.6 Adoption and Distribution**

---

1. All employees will be given a copy of this policy to retain and review.
2. The Town will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.
3. Employees having any questions in regard to this policy are invited to contact their supervisor to discuss their concerns.
4. This policy is effective as of its adoption by the Select Board on April 10, 2000.

## **11.0 TECHNOLOGY AND COMMUNICATIONS POLICIES<sup>22</sup>**

### **11.1 Definitions Relevant to This Policy**

---

“Telecommunications systems” - include, but are not limited to: telephones, computers, electronic mail (e-mail), facsimile (fax) machines, and Internet-based applications.

“Information Technology(IT)” - The department and personnel responsible for primary decisions regarding Hudson’s telecommunications and computer systems.

“Electronic mail (e-mail)” - is documents created, transmitted and received by computer systems, or a system for the transmission and receipt of such documents. E-mail are comprised of text or numbers which may include attachments of word processing documents, spreadsheets, or other data compilations transmitted through the *electronic mail system*. Like the telephone, e-mail allows instant communication; like traditional mail, it creates a durable written record of messages delivered and received. Messages sent by e-mail may be simple announcements or chat, or formal or substantive documents supporting or executing business activities and policy decisions

“Electronic mail system” - A service that provides facilities for creating messages, transmitting them through a network, and displaying them on a recipient’s computer terminal.

“Public record” - by Massachusetts law, is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics.<sup>23</sup>

“Systems Administrator” - Town or departmental employee charged with supervision and control over computers and peripheral equipment.

“Open Meeting Law” - State law mandating that no substantive discussion by a quorum of members of a governmental body may confer about public business within the jurisdiction of that governmental body except at a meeting held in compliance with the requirements of the Open Meeting Law.

“Internet” - International network of computers permitting data exchange among users around the world.

“Transmission” - Sending text, data, or images to another by means of telephone, electronic mail (e-mail), facsimile (fax), or Internet technologies.

“Records retention” - Administrative process whereby Town records are maintained and/or stored for backup and archival purposes.

“Meeting” - as defined by the Open Meeting Law, is “any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.”

“Governmental body” - as defined by the Open Meeting Law, is “every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority.”

## **11.2 Unacceptable Uses of Town Systems: An Overview**

---

Use of the Town’s technologies is a privilege, not a right, which may be revoked at any time if policies are violated. Employees are responsible for complying with the guidelines and standards of conduct contained in this policy document. In addition, employee use of the Town’s computer systems constitutes consent to monitoring. The following activities are prohibited under Town policy:

1. Any type of criminal activity or any illegal activity, including but not limited to: transmission of copyrighted, trademarked, patented, trade secret material;

2. Inappropriate activities, including, but not limited to the transmission or inquiry of obscene, defamatory, discriminatory or threatening material;
3. Creating or receiving any messages or images that contain: abusive or objectionable language, sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious/political beliefs, national origin, or disability;
4. Misrepresentation of oneself or the Town;
5. Participating in Internet "chat rooms," unless job related and approved by supervisor;
6. Conducting any prohibited activities when on Town property before or after normal workday hours;
7. Playing computer games, unless during designated break periods and approved by supervisor;
8. Conducting private investigations or surveillance;
9. Using official dissemination tools such as fax or e-mail to distribute personal information;
10. Offering personal opinions, or making statements to the public on behalf of the Town by e-mail or other transmission;
11. Conducting activities that could cause congestion and disruption of networks and systems;
12. Tampering with or violating the computer and/or network security systems implemented by the Town of Hudson or such security systems of other public and private institutions, organizations, companies, or individuals;
13. Any violation or attempt to violate the Open Meeting Law.<sup>24</sup>

### **11.3 Electronic Mail (E-Mail)—Work Tool and Role as Public Record**

---

Electronic mail plays a significant role in Town communications. All employees are responsible for adhering to standards outlined in this policy document for both internal and Internet-based e-mail. The failure to do so can put both the Town and the individual user at risk for legal liabilities, embarrassment and other setbacks. Employees need to be aware of the factors associated with using electronic mail.

E-mail is a correspondence tool for business matters directly related to the operational activities of the Town of Hudson and used as a means to further the Town's objective of providing efficient, complete, accurate, and timely service to citizens.

#### **11.3-1 E-mail as Public Record**

E-mail created or received by an employee of a government unit is a public record under the definition set forth in the Public Records Law.<sup>25</sup> Subject to certain exceptions in the law, E-mail messages are considered public records.<sup>26</sup> Employees may not expect that E-mail messages (even those marked "personal") are private or confidential.

E-mail messages are subject to public access through the Public Records Law. Some e-mail documents are exempted from public access.<sup>27</sup> As a result, all requests from the public for e-mail records should be directed to the Executive Assistant. Procedures and fees for this service are administered by the Executive Assistant's Office.

### ***11.3-2 Role of E-mail in Litigation***

E-mail messages may be sought through the discovery process in litigation and may be admissible as evidence. Like all electronically created and stored records, e-mail is subject to the rules of evidence and a judge will rule on its admissibility.

### ***11.3-3 Deleting/Expunging E-mail***

Simply deleting a message does not remove it from the system. The “delete” key merely removes pointers to the electronic file, and the file itself may persist on the system indefinitely unless it is deliberately expunged by the IT department. Questions regarding that process should be addressed to IT. Offices must ensure that systems administrators implement procedures that lead to the complete expungement of deleted e-mail files and for the retention and disposition of system back-ups in a manner that is consistent with established records retention schedules.

### ***11.3-4 File Management of E-mail***

E-mail messages (and their attachments) are subject to the same records management principles as all other records of the office. Records retention schedules must be implemented for e-mail as well as for analogous paper records based on content and function. E-mail messages must be preserved or disposed of in the same manner as traditional paper records. E-mail should not be retained electronically for longer than two weeks; after that time, the record should be printed and retained in paper form.

The contextual data (the “envelope” that contains the mailing address, date/time stamp, routing instructions and transmission and receipt information) that accompanies e-mail messages constitutes an integral part of the record and must be retained as a part of any printed or stored version of the record.

E-mail messages that are clearly conversational and do not add in any way to the operational records of the department may be discarded without adhering to retention schedules. Examples of this form of e-mail include: “Sorry I missed you via telephone. Please call me”; “I will be out of the office at a conference this Thursday, so please mark your calendar”; or “Say hi to Thelma for me.”

### ***11.3-5 Monitoring Employee E-mail***

E-mail systems are a Town resource, installed and maintained for the conduct of the Town’s business. The Town will exercise control over the use of the resource by employees, and has the right to monitor and read employee e-mail. Monitoring of telecommunications systems usage may be necessary for reasons such as, but not limited to: investigation into claims of possible criminal activity, investigations into violations of this policy, and review of employee productivity. Monitoring decisions will be made by the Executive Assistant’s office.

### ***11.3-6 Personal E-mail Use by Employees:***

While sending and retrieving personal messages is not expressly prohibited, any personal use of the system must be at a level that will not interfere in any way with the system’s ability to serve its intended official purpose, or with individual employee performance. Employees should use discretion in utilizing this resource, and should generally do so before or after normal working hours or during designated break periods. Use of the system for any commercial activity for personal gain is prohibited.

### ***11.3-7 Inappropriate Uses of E-mail***

*Promoting Discrimination/Sexual Harassment/Personal Beliefs:* E-mail must not be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; to promote, result in, or contribute to sexual harassment; or to promote personal, political or religious business or beliefs.

1. No employee will read another employee's e-mail, and no employee will access another employee's e-mail when there is no governmental purpose for doing so and when explicit approval has been granted.
2. No employee will send e-mail under another employee's name without authorization.
3. employee will change any portion of a previously sent e-mail message without authorization from the original sender of the e-mail.

### ***11.3-8 E-mail and the Open Meeting Law***

1. Members of Hudson's governing bodies and boards are required to abide by the state's Open Meeting Law. This law states that no substantive discussion by a quorum of members of a governmental body may confer about public business within the jurisdiction of that governmental body except at a meeting held in compliance with the requirements of the Open Meeting Law. Private conversations held in person, over the telephone, or by e-mail among a quorum of members violates the Open Meeting Law, since the public is deprived of the opportunity to attend and monitor the proceedings. Private e-mail communications deprive the public of the chance to monitor the discussion while it is happening, and also excludes non-participating members. These communications are also inconsistent with the collegial character of governmental bodies. For these reasons, e-mail messages among members of governmental bodies are best avoided except for matters of a purely housekeeping or administrative nature. Examples of housekeeping and administrative correspondence are: meeting schedules and cancellations, announcements and directions, requests to put items on an agenda, requests for copies of minutes and agendas.
2. Employees have an obligation to learn about etiquette, customs, and courtesies applying to e-mail communication. Accepted procedures and guidelines should be followed. If you are unsure about e-mail etiquette, the IT department should be able to assist you.

## **11.4 Internet Use**

---

Internet access is provided to employees as a research and communication tool to help them conduct Town business. Employees are trusted and expected to exercise good judgment in both duration and frequency of Internet use and to access Internet sites only for job-related purposes.

Employees are encouraged to use the Internet to its fullest potential to further the Town's ability to provide service of the highest quality to the Town's citizens and customers, to discover new ways to use resources to enhance service, and to promote staff development.

### ***11.4-1 Using the Internet to Accomplish Job Responsibilities***

The Internet provides access to a wide variety of information resources that can aid employees in the performance of their jobs. Examples of job-related use of the Internet include: accessing external databases and files to obtain information or conduct research; searching online public access catalogs; corresponding with citizens when appropriate; disseminating documents to individuals or groups; participating in and reading electronic mail discussion groups on job-related topics.

#### ***11.4-2 Using the Internet for Professional Activities and Career Development***

Use of the Internet facilitates pursuit of professional and career development goals. Examples of professional use include: communicating with fellow members of a professional organization; collaborating on articles and other writing; connecting to resources that provide information relating to education opportunities; participating in and reading electronic mail discussion groups on professional development topics. Department heads and supervisors will determine the appropriateness of using the Internet for professional activities and career development during working hours, and to ensure that employees do not use equipment and facilities for private gain.

#### ***11.4-3 Using the Internet to Promote Training and Maintain Skills***

Department heads and supervisors will determine the appropriateness of attending hands-on training courses online, keeping in mind the job requirements and the department-related development needs of employees. When appropriate resources are identified, they will support staff attendance at training sessions, and permit use of official time for maintaining skills. At the discretion of supervisors, employees may use official time to attend meetings and programs related to the Internet.

#### ***11.4-4 Internet Etiquette***

Employees have an obligation to learn about network etiquette, customs, and courtesies. Accepted procedures and guidelines should be followed when using electronic mail communications, participating in electronic mail discussion groups, using remote computer services, transferring files from other computers, or disseminating information to others on the Internet. Consult the IT department for further assistance.

#### ***11.4-5 Personal Use of Internet***

Subject to written approval by a department head, limited personal use of the Internet (not in violation of any of the prohibited uses) may be permitted.

### **11.5 Computer Use and Security Measures**

---

Use of Town computers and peripherals (e.g., printers, scanners, modems, fax machines, etc.) is a responsibility and requires care of the equipment and attention to system security. The following precautions can be effective deterrents to equipment failure and security breaches.

#### ***11.5-1 Anti-virus Measures/Executable Programs***

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. In particular, executable programs imported from sites to Town computers must not be opened or executed unless they have been checked and authorized by the IT Department. The

Manager of IT may, from time to time, impose other restrictions on importing of remote files, and these restrictions should be strictly followed.

### ***11.5-2 Passwords***

Ideal passwords are at least 6 characters in length, and *should not* include obvious links to the password holder such as names of pets, birthdays, or names of loved ones. Passwords should never be posted or given out to coworkers. Changing passwords frequently is recommended to keep systems more secure.

### ***11.5-3 Logging Off During Workday***

Employees should either log off or revert back to a password screen saver when leaving their computer for an extended period of time. When leaving for the day, employees should log off.

### ***11.5-4 Prohibited Actions***

1. Employees will not make changes to hardware configuration or computer setup without the express permission of the IT department
2. Employees will not install or download software without the express approval and participation of the IT department.

## ***11.6 Cell Phone and/or Electronic Device Usage in a Vehicle***

This Cell Phone Usage in a Vehicle policy applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of and responding to email whether the device is Town-owned or personally owned.

An employee who uses *a Town-supplied device or a Town-owned vehicle* is prohibited from using a cell phone or similar device while driving, whether the business conducted is personal or Town-related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to your employment; the business; our customers; our vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the Town; or any other Town or personally related activities not named here while driving. To safely use your cell phone or similar device you are required to stop your vehicle in a safe location.

In addition, Hudson prohibits employee use of personal cellular phones or similar devices *in a personal vehicle, for business purposes related in any way to The Town, while driving*. To safely use your cell phone or similar device you are required to stop your vehicle in a safe location.

The sole exception to the above-policy shall be in the case of public safety emergency notifications such as incident call-backs.

## ***11.7 Social Media***

Choosing to develop or contribute to a blog, wiki, online social media network or any other form of online publishing or discussion is a personal decision. As user-generated web content—blogging, social web-applications and networking increase, *it is key that employees understand The Town's policies and guidelines.*

### **Social Computing Guidelines**



1. Employees are personally responsible for the content they publish on blogs, wikis or any other form of user-generated social media. Remember that what you publish will be public for a long time—protect your privacy.
2. Always identify yourself with your name, and when relevant, your role at The Town of Hudson when you discuss the Town or Town-related matters. Always write in the first person to make it clear that you are speaking for yourself and not on behalf of The Town of Hudson.
3. If you publish content to any website outside of the Town's website, and it has something to do with work you do or subjects associated with The Town, use a disclaimer. For example, "The postings on this site are my own and do not necessarily represent The Town of Hudson's positions, strategies or views."
4. Respect copyright, fair use and financial disclosure laws.
5. Don't provide confidential or other proprietary information.
6. Don't cite or reference residents or those doing business with the Town without their approval. When you do make a reference, where possible link back to the source.
7. Respect your audience. Don't engage in any conduct that would not be acceptable in The Town's workplace. You should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics and religion.
8. Be aware of your position within the Town in online social networks. If you identify yourself as an Hudson employee, be sure that your profile and related content is consistent with how you wish to present yourself as an employee.
9. Add value. Provide meaningful information and perspective. Hudson's reputation is best represented by its people and what you publish may reflect on the Town's brand.

### ***11.8 Familiarity with this Policy***

All Town employees are required to read and comply with the Technology and Communications Policy. Failure to comply with the provisions of this policy may result in disciplinary action ranging from limiting an employee's use of telecommunications systems up to and including termination of employment.

Department heads and supervisors are responsible for ensuring that all their employees using the Town's telecommunications systems have read this policy and understand its provisions.

## **12.0 MUNICIPAL VEHICLE AND EQUIPMENT POLICY<sup>28</sup>**

### **12.1 Policy**

---

The purpose of this policy is to:

1. Ensure the safety of Town employees and the public.
2. Ensure identification of Town vehicles and equipment.
3. Ensure adherence to all ethics laws and tax regulations that apply to municipal employees.

## **12.2 Coverage**

---

This policy applies to all regular full-time and part-time employees. In the event of a conflict between this policy and a collective bargaining agreement or a personal services contract, that agreement or contract will prevail.

## **12.3 Categories of Municipal Vehicle Use**

---

1. Work Use Only – The vehicle is used at work only and remains on Town property at the end of the employee's work shift. All non-vehicle equipment falls into this category. Passengers of Work Use Only vehicles shall be restricted to other employees and people with a direct business-related purpose, such as a contractor.
2. Work & Commuting Use – The vehicle is used at work and for commuting back and forth to the employee's primary residence. This category applies to certain employees whose duties require them to be on-call to regularly respond to work situations during nights and weekends. Passengers of Work & Commuting Use only vehicles shall be restricted to other employees and people with a direct business-related purpose, such as a contractor. Commuting use shall be restricted to the Commonwealth of Massachusetts.
3. 24-Hour Use – Vehicles may be used at all times for professional and personal use due to the 24/7 nature of the employee's duties. This category applies to certain public safety employees. If an employee with a 24-Hour Use vehicle has a passenger who is neither a Town employee or a person with a direct business relationship with the Town and is called to duty, the employee will take all reasonable actions necessary to ensure the safety of the passenger up to, and including, dropping off the passenger at a safe location. Commuting and personal use shall be restricted to the Commonwealth of Massachusetts.

## **12.4 Vehicle Assignment & Authorization**

---

1. Work Use – The general assignment of municipal vehicles to Town employees shall be based on the specific duties of the position as defined in the position's job description. Department Heads are responsible for assigning vehicles in their department.
2. Work & Commuting Use – This use must be authorized by Department Head and the Executive Assistant, and may be approved on a regular, temporary or one-time basis. This use will also be subject to Internal Revenue Service regulations on taxability.
3. 24-Hour Use – This use must be authorized by the Executive Assistant, and written justification must be placed in the employee's personnel file. This use will also be subject to Internal Revenue Service regulations on taxability.

## **12.5 Vehicle Identification**

---

1. Vehicles of the Fire and Public Works Departments shall be clearly marked with fire or municipal plates and lettering indicating "Town of Hudson" or the Town's seal. They may also be marked with the department name.
2. Vehicles of the Police Department shall be clearly marked with police plates and lettering that identifies them as belonging to the Hudson Police Department. This requirement shall not apply to vehicles that may be used for undercover operations.
3. Other Town vehicles shall be clearly marked with municipal plates and lettering indicating "Town of Hudson" or the town seal, although the Executive Assistant may waive the lettering requirement for vehicles other than trucks or SUV's.

## **12.6 General Rules Regarding Municipal Vehicle and Equipment Use**

---

1. Non-vehicle equipment shall not be used for personal or outside business, nor shall it be borrowed or otherwise removed from Town property.
2. Municipal vehicles should only carry items for which the vehicle is designed.
3. Employees shall turn off the ignition, remove the keys and lock the vehicle when not in use.
4. Municipal vehicles must be parked in safe, legal locations.
5. The Town is not responsible for the loss or damage of personal property.
6. Employees are expected to keep municipal vehicles clean and to promptly report any malfunction to the department head.
7. Employees shall not operate a municipal vehicle under the influence of alcohol, illegal drugs or substances that may interfere with safe and effective operation.
8. All employees and passengers must wear seatbelts at all times during operation.
9. No employee or passenger shall smoke in a municipal vehicle.
10. Employees driving municipal vehicles must maintain a valid driver's license with sufficient authorization for that particular type of vehicle, and authorize the Town to monitor their Massachusetts drivers license status. Police and Fire employees are exempt from this monitoring requirement.
11. Employees are responsible for traffic or parking citations that they receive while operating a municipal vehicle.
12. Any accident involving a municipal vehicle or damage to the vehicle must be reported promptly to the department head.
13. Any employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of their license shall notify the department head immediately when practical, but in no case later than 24 hours.
14. The Town reserves the right to suspend or revoke the privilege of using a municipal vehicle for violations of these General Rules or based on the employee's driving record.

## **12.7 Taxability**

---

1. Federal and state law required employers to include "Fringe Benefit Income" on employee W-2 forms submitted to the IRS, DOR and the employee. Such fringe benefits include the employee's use of an employer-provided vehicle for commuting purposes at \$3.00 per day commuting rate as established by the IRS (subject to any IRS changes). The Town shall use this method for tax reporting purposes.
2. Police and Fire vehicles may be exempt from the fringe benefit income reporting requirements as specified by IRS regulations.

## **13.0 DISCIPLINARY ACTIONS**

### **13.1 Policy**

---

All employees are responsible for observing the regulations necessary for proper operation of the departments in the Town of Hudson. Discipline and discharge procedures will be used with the utmost concern for individuals involved, and all actions taken under this section will be taken for just cause.

## **13.2 Coverage**

---

All regular full-time and part-time employees.

## **13.3 Reasons for Disciplinary Action**

---

Disciplinary action may be imposed upon an employee for failure to fulfill his responsibilities as an employee. The following will be sufficient cause for disciplinary action:

1. Habitual tardiness or absence from duty.
2. Intoxication or use of illegal substances while on duty.
3. Conviction of a felony or misdemeanor involving moral indiscretions.
4. Wanton carelessness or negligence of Town property.
5. Refusal to perform a reasonable amount of compensated work after working hours when directed to do so by supervisor.
6. Incompetency or inefficiency in the performance of the duties of the position to which the employee has been appointed.
7. Willful violation of provisions of the Town personnel rules.
8. Violation of any reasonable or official order, or failure to carry out any lawful and reasonable directions made and given by a proper supervisor.
9. Any other situation or instance of such seriousness that disciplinary action is considered warranted.

## **13.4 Disciplinary Procedure**

---

Department Heads will be responsible for enforcing rules and regulations. Disciplinary action will include only the following: oral reprimand, written reprimand, disciplinary probation, suspension and discharge.

### ***13.4-1 Oral Reprimand***

At his discretion, a Department Head who notes unsatisfactory job performance, non-compliance with department regulations, or display of undesirable personal traits may issue an oral warning to the employee. This oral warning will include reasons for the warning and an offer of assistance on the part of the Department Head in correcting the unsatisfactory situation. Oral warnings will be presented with a maximum regard for minimizing embarrassment to the employee in the presence of other employees or the public. Oral reprimand will also be noted in the employee's file.

### ***13.4-2 Written Reprimand***

If the oral warning fails to correct the situation within thirty (30) days, the supervisor will issue a written warning including reasons for the warning and an offer of assistance on the part of the Department Head in correcting the unsatisfactory situation. A copy of the written warning will be placed in the employee's personnel file and carry a five (5) day requirement for improvement.

### ***13.4-3 Disciplinary Probation***

If the written warning fails to correct the situation, the employee may serve a maximum three-month disciplinary probation at the discretion of the Department Head and after consultation with the Executive Assistant. The employee will receive a written notice, stating the reasons for the disciplinary action and effective date of such action.

When the employee's disciplinary probation expires, the Department Head will notify the Executive Assistant in writing that either:

1. The employee's performance and behavior was satisfactory and that he/she will retain the employee in his position; or
2. The employee's performance and behavior remained unsatisfactory and he/she recommends either suspending or discharging the employee.

#### ***13.4-4 Suspension***

At the discretion of the Department Head, and after consultation with the Executive Assistant, an unsatisfactory employee may be suspended without pay for a period or periods that will not exceed a total of twenty (20) days in any twelve-month period.

Such suspension may be in lieu of disciplinary probation or at the expiration of the disciplinary probation, at the discretion of the Department Head. The employee will receive a written notice stating the reasons for suspension and the effective date. At the end of the suspension period and a reasonable observation period, the Department Head will inform the Executive Assistant either of the employee's improved performance/behavior and recommend retention, or of the continued unsatisfactory performance/behavior, and recommend discharge of the employee.

#### ***13.4-5 Discharge***

An employee may be discharged for unsatisfactory performance on the job or for violation of Town regulations. Prior to discharge, a Department Head will make every effort to correct disciplinary matters by counseling, oral reprimand, or a written statement.

#### ***13.4-6 Written Notice***

If the Department Head determines that there is just cause for discharge, the employee will be suspended for five (5) days following the mailing of a written notice stating the reasons for discharge. Discharge will become effective five (5) days after the notice of discharge has been mailed to the employee. Said employee will have the right to appeal under Section 5-4 of the Hudson Town Charter.

## **14.0 SEPARATION**

### **14.1 Exit Interviews**

---

Each employee separating from the service of the Town on a voluntary basis will be requested to undergo an interview with the Executive Assistant or his or her designee. The purpose of such interview will be to provide the Executive Assistant (and, through him, the Department Heads) with accurate feedback on the operations of the various departments. Exit interviews will also be available with the Personnel Board, upon request of the employee.

Such interviews will also be available to those separating from the service of the Town for other than voluntary reasons, at the request of the employee.

### **14.2 Procedure for Layoffs of Reduction in Force**

---

1. In the event that a Department Head should determine that a reduction in work force or layoff in any department is necessary or appropriate, the Department Head will inform the Executive Assistant of such intended layoff as soon as possible, preferably at least sixty (60) days before the intended layoff or reduction in force is to be accomplished. The Department Head will inform the Executive Assistant of the number of employees to be affected and the reason for the layoff.
2. The Executive Assistant will review the proposed layoff and the reasons for it and take any appropriate action to avoid, modify or sustain the proposed layoff or reduction in force.
3. Unless such proposed layoff or reduction in force is avoided by action of the Executive Assistant or the Department Head, the Department Head will give all employees affected by the layoff as much advance notice as possible.
4. When it is necessary to reduce the work force in any department, consideration will be given to the following factors:
  - Necessity of the Job Function;
  - Ability and Performance of an Employee;
  - Experience in the Position;
  - Residence of the Employee;
  - Family Status of Employee;
  - Cost Savings to be Achieved;
5. Employees laid off during a reduction in force pursuant to this section will be paid all accrued economic benefits due upon termination of employment at the time that the employee receives compensation for his or her last work period.
6. Whenever a vacancy occurs in a position in Town employment under the Select Board, whether by creation of a new position or by the termination of the employment of an incumbent, the Town will give notice of such vacancy to any employee who has been laid off pursuant to this layoff procedure within the previous 12 months, and who, in the opinion of the Head of the Department where such vacancy exists, is qualified to fill the vacancy. Employees who have been laid off will be afforded the opportunity to apply for the vacant position with their past

service to the Town considered. Nothing in this section, however, will require the filling of any vacancy.

## **15.0 ACKNOWLEDGEMENT OF RECEIPT OF POLICY**

I acknowledge receipt of these Personnel Regulations, and I have read, understood, and been afforded the opportunity to ask questions about its contents. This includes, but is not limited to the provisions concerning sexual and protected class harassment as well as technology and communications policies

Witness \_\_\_\_\_ Employee \_\_\_\_\_

Date \_\_\_\_\_



## **ENDNOTES**

- 
- <sup>1</sup> See Appendix A for application form last updated March 2000.
- <sup>2</sup> See Appendix B for required "Employee Status Form."
- <sup>3</sup> Updated by SB 3/24/25 to include Police Chief, Fire Chief, Public Works and Finance Director.
- <sup>4</sup> See Appendix C for a copy of the current Grade and Step payment chart.
- <sup>5</sup> Updated by SB 3/5/01 to add Recreation Director and Library Director, Updated by SB 3/24/25 to add Community Development Director and principal Assessor.
- <sup>6</sup> Updated by SB 12/15/03.
- <sup>7</sup> Policy adopted by Select Board 02/26/2024
- <sup>8</sup> Rates updated by BOS, June 1998, December 2003, September 2007 & December 2020.
- <sup>9</sup> Clothing Allowance increase for both section 3 & 4 by SB 9/17/07.
- <sup>10</sup> Updated by SB 12/29/03 to remove the word "exempt" from the qualifying requirements.
- <sup>11</sup> Forms are required for each individual seeking to be absent in accordance with FMLA. See Appendix D for forms and policies which were last updated April 2006.
- <sup>12</sup> Added April 2006
- <sup>13</sup> Changed from .28 to .40 10/17/05, from .40 to .50 11/17/2022
- <sup>14</sup> See Appendix D for Evaluation Forms.
- <sup>15</sup> Language modified by SB 3/5/01.
- <sup>16</sup> See Appendix E for Exempt Evaluation Forms.
- <sup>17</sup> Rates last updated by SB, June 1998
- <sup>18</sup> Updated policy from existing safety regulations 4/24/00.
- <sup>19</sup> Policy revised 7/21/03
- <sup>20</sup> Policy adopted by Select Board 7/21/03
- <sup>21</sup> Policy adopted by Select Board 4/10/00.
- <sup>22</sup> Policy Policy adopted by Select Board 4/24/00.
- <sup>23</sup> MGL Ch. 4, § 7(26)
- <sup>24</sup> MGL Ch. 4 § 23A, 23B
- <sup>25</sup> MGL Ch. 4 § 7(26)
- <sup>26</sup> MGL Ch. § 10
- <sup>27</sup> MGL Ch. § 7(26) (a-m)
- <sup>28</sup> Policy adopted by Select Board 6/15/2015

# APPENDIX A

## TOWN OF HUDSON, MA APPLICATION FOR EMPLOYMENT



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

Name:	Social Security Number:
Mailing Address:	City, State, Zip Code:
Phone:	Email:

Position Sought:	Available Start Date:
Please Circle One: Full-Time      Part-Time      Shift Work      Seasonal	
How did you find out about this position?	

If you are under 18 years of age, can you provide required proof of your eligibility to work?	YES	NO
Have you ever filed an application with the Town of Hudson before? If yes, give date _____	YES	NO
Have you ever been employed by the Town of Hudson before?	YES	NO
Are you currently employed? If yes, since what date _____	YES	NO
May we contact your present employer?	YES	NO
Are you a citizen of the United State or a person authorized to work under the Immigration Laws of the U.S.?	YES	NO

EDUCATION	Name & Location	Degree/Diploma	
HIGH SCHOOL		YES	NO
COLLEGE/UNIVERSITY		YES	NO
TRADE SCHOOL		YES	NO
OTHER EDUCATION		YES	NO

The Town of Hudson considers applicants for all positions without regard to race, color, religion, sex, sexual orientation, national origin, age, marital or veteran status, the presence of a non-job-related medical condition or handicap, or any other legally protected status.

**REFERENCES**

Please give name, address and telephone number of three references who are not related to you and not previous employers

1.

2.

3.

**EMPLOYMENT EXPERIENCE**

Employer	Address & Phone #	Dates of Employment
Job Title	Supervisor	Work Performed

Employer	Address & Phone #	Dates of Employment
Job Title	Supervisor	Work Performed

Employer	Address & Phone #	Dates of Employment
Job Title	Supervisor	Work Performed

**Special Skills & Qualifications**

I certify that the answers given herein are true and complete to the best of my knowledge.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at the time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, and employment relations hip with this organization is an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge the Employee at any time with or without cause or notice. It is further understood that this "at will" employment relationship may not be change by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations as set forth I the Town's policies, by-laws, or other communication distributed to all employees, which my be changed without notice at the discretion of the Town.

---

**Signature of Applicant**

---

**Date**



## APPENDIX B

### TOWN OF HUDSON EMPLOYEE STATUS REPORT

DEPARTMENT: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

EMPLOYEE: \_\_\_\_\_

EMP. # \_\_\_\_\_

Union

Non-Union

Wage / Salary Change  
Promotion  
New Hire

  
  

Termination \*  
Resignation \*  
Retirement

  
  

REASON \_\_\_\_\_

FROM		TO	
TITLE		TITLE	
GRADE		GRADE	
STEP		STEP	
WAGE		WAGE	
<b>APPROVED</b> DATE: _____		<b>APPROVED</b> DATE: _____	
DEPARTMENT HEAD:		EXECUTIVE ASSISTANT:	
SIGNATURE		SIGNATURE	

\* "Separation Report" must be submitted to Treasurer's Office

DISTRIBUTION:

  

Treasurer  
HR Dept.

## APPENDIX C

### NON UNION SCALES

FY25 2.00% COLA								
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
NU - A	21,234	22,083	22,963	23,885	24,841	25,832	26,863	27,939
NU - B	29,723	30,917	32,151	33,437	34,775	36,166	37,610	39,117
NU - C	32,103	33,388	34,723	36,111	37,555	39,058	40,620	42,246
NU - D	34,671	36,057	37,500	38,998	40,558	42,181	43,869	45,623
NU - E	37,444	38,941	40,500	42,119	43,805	45,557	47,382	49,274
NU - F	40,441	42,057	43,742	45,490	47,308	49,199	51,169	53,214
M1	43,674	45,422	47,243	49,131	51,093	53,137	55,262	57,476
M2	47,172	49,058	51,018	53,060	55,182	57,391	59,686	62,072
M3	50,942	52,981	55,102	57,304	59,597	61,981	64,461	67,042
M4	55,019	57,220	59,509	61,891	64,364	66,941	69,616	72,400
M5	59,421	61,796	64,268	66,840	69,513	72,295	75,184	78,193
M6	65,365	67,978	70,696	73,524	76,465	79,523	82,703	86,012
M7	71,900	74,774	77,765	80,877	84,112	87,476	90,975	94,614
M8	79,089	82,252	85,540	88,963	92,520	96,223	100,072	104,075
M9*	86,997	90,476	94,097	97,856	101,774	105,843	110,079	114,482
M10	95,698	99,523	103,504	107,646	111,954	116,428	121,087	125,929
M11	100,483	104,499	108,679	113,028	117,551	122,250	127,141	132,225

FY26 1.00% COLA								
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
NU - A	21,446	22,304	23,193	24,123	25,089	26,090	27,132	28,219
NU - B	30,021	31,226	32,473	33,771	35,122	36,528	37,986	39,508
NU - C	32,424	33,722	35,070	36,472	37,931	39,448	41,026	42,668
NU - D	35,017	36,417	37,875	39,388	40,964	42,603	44,308	46,080
NU - E	37,818	39,330	40,905	42,541	44,243	46,012	47,856	49,767
NU - F	40,845	42,477	44,179	45,945	47,781	49,691	51,681	53,746
M1	44,111	45,876	47,715	49,622	51,604	53,668	55,815	58,051
M2	47,643	49,548	51,528	53,591	55,734	57,965	60,282	62,693
M3	51,452	53,511	55,653	57,877	60,193	62,601	65,106	67,712
M4	55,570	57,793	60,104	62,510	65,008	67,610	70,312	73,124
M5	60,015	62,414	64,910	67,509	70,209	73,018	75,936	78,975
M6	66,019	68,658	71,403	74,259	77,230	80,318	83,530	86,872
M7	72,619	75,522	78,543	81,686	84,954	88,351	91,885	95,560
M8	79,880	83,075	86,395	89,853	93,446	97,185	101,073	105,116
M9*	87,867	91,381	95,038	98,835	102,792	106,901	111,180	115,627
M10	96,655	100,519	104,539	108,722	113,074	117,593	122,298	127,189
M11	101,487	105,544	109,766	114,158	118,727	123,473	128,413	133,548

**APPENDIX D**  
**PERFORMANCE EVALUATION AND DEVELOPMENT PLAN**  
**(NON-EXEMPT EMPLOYEES)**

NAME: \_\_\_\_\_ EMPLOYEE NO. \_\_\_\_\_

DATE HIRED: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_ TIME IN PRESENT POSITION \_\_\_\_\_

DATE OF EVALUATION: \_\_\_\_\_ EFFECTIVE DATE: \_\_\_\_\_

SUPERVISOR: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

DEPARTMENT HEAD: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

**POSITION OBJECTIVES AND MAJOR RESPONSIBILITIES**

*Describe any change in responsibilities or job requirements.*

**ACCOMPLISHMENTS AND/OR IMPROVEMENTS**

*What specific accomplishments and/or improvements has this individual made since the last review? What progress has been made toward meeting established performance goals?*

**DEVELOPMENT PLAN**

*What specific action can you suggest to help the employee improve their performance? How can you as their supervisor help?*

**EMPLOYEE COMMENTS/GOAL STATEMENTS**

*Each individual evaluated is encouraged to add any comments/goals to this review. If additional space is needed attach a separate sheet.*

PLEASE CONSIDER THE EMPLOYEE'S DEMONSTRATED PERFORMANCE AND MARK THE SQUARE WHICH MOST CLOSELY DESCRIBES THAT PERFORMANCE.

**EXCEPTIONAL**.....Performance consistently far exceeds expectations.

**VERY GOOD**.....Performance consistently exceeds normal expectations and job requirements

**GOOD**.....Performance consistently meets expectations and job requirements.

**ACCEPTABLE**.....Performance usually meets expectations and minimum requirements for the job.

**UNACCEPTABLE**.....Performance is below the minimum acceptable level.

**WORK QUALITY:** *The reliability and accuracy of work produced and attention to detail.*

\_\_\_\_ **EXCEPTIONAL**  
\_\_\_\_ **VERY GOOD**  
\_\_\_\_ **GOOD**  
\_\_\_\_ **ACCEPTABLE**  
\_\_\_\_ **UNACCEPTABLE**

**PRODUCTIVITY:** *Rate employee on efficiency and effective use of time, as well as ability to meet deadlines.*

\_\_\_\_ **EXCEPTIONAL**  
\_\_\_\_ **VERY GOOD**  
\_\_\_\_ **GOOD**  
\_\_\_\_ **ACCEPTABLE**  
\_\_\_\_ **UNACCEPTABLE**

**JUDGEMENT:** *The ability to make well-reasoned, sound decisions which affect work performance.*

\_\_\_\_ **EXCEPTIONAL**  
\_\_\_\_ **VERY GOOD**  
\_\_\_\_ **GOOD**  
\_\_\_\_ **ACCEPTABLE**  
\_\_\_\_ **UNACCEPTABLE**

**INITIATIVE:** *The combination of job interest, dedication and willingness to extend oneself to complete assigned tasks.*

\_\_\_\_ **EXCEPTIONAL**  
\_\_\_\_ **VERY GOOD**  
\_\_\_\_ **GOOD**  
\_\_\_\_ **ACCEPTABLE**  
\_\_\_\_ **UNACCEPTABLE**

**INTERPERSONAL SKILLS:** *Teamwork/relationship with fellow employees and ability to relate well to citizens.*

\_\_\_\_ **EXCEPTIONAL**  
\_\_\_\_ **VERY GOOD**  
\_\_\_\_ **GOOD**  
\_\_\_\_ **ACCEPTABLE**  
\_\_\_\_ **UNACCEPTABLE**

**DEPENDABILITY:** *Applies to attendance, punctuality, reliability and perseverance.*

\_\_\_\_ **EXCEPTIONAL**  
\_\_\_\_ **VERY GOOD**  
\_\_\_\_ **GOOD**  
\_\_\_\_ **ACCEPTABLE**  
\_\_\_\_ **UNACCEPTABLE**

*I am signing this evaluation to indicate that my supervisor and I have had a discussion of the above.*

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE



**TOWN OF HUDSON**  
COMMONWEALTH OF MASSACHUSETTS

Hudson Town Hall  
78 Main Street  
Hudson, MA 01749  
Phone (978) 562-9963

**TOWN MANAGER'S  
OFFICE**

**Department Head Performance Evaluation and Goal Setting**

**Employee Information**

**Name:** \_\_\_\_\_ **Department:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Date of Hire:** \_\_\_\_\_ **Review Date:** \_\_\_\_\_ **Date of Last Review:** \_\_\_\_\_

**Date Employee Began in Present Position:** \_\_\_\_\_

---

**Section I - Job Performance Standards**

**Performance Criteria:** (Rate each category on a scale of 1-4)

- |                               |       |
|-------------------------------|-------|
| 1. Professional Image         | _____ |
| 2. Quality of Work            | _____ |
| 3. Communication Skills       | _____ |
| 4. Problem-Solving Ability    | _____ |
| 5. Dependability & Attendance | _____ |
| 6. Teamwork & Collaboration   | _____ |
| 7. Adaptability & Initiative  | _____ |
| 8. Supervision & Delegation   | _____ |
| 9. Budget Management          | _____ |

**Ratings:**

- 4 – Exceeds Expectations:** Employee consistently exceeds job standards and expectations. The employee is performing at a level well beyond what is expected of employees with similar duties.
- 3 - Meets Expectations:** Employee consistently meets the established job standards and expectations. The results consistently achieved are those the Town expects of employees in this position.
- 2 – Needs Improvement:** Performance does not consistently meet job standards and expectations of the position, or is only marginally acceptable. Development, coaching or training is needed to meet expectations consistently.
- 1 – Unacceptable:** Performance demonstrates an inability or unwillingness to meet job standards and expectations of the position. Immediate and sustained improvement is required.

**Overall Job Performance Rating:** \_\_\_\_\_

---



**Section II - Status of Prior Year's Major Tasks**

**Major Task #1:**

**Major Task #2:**      ☐ Completed      ☐ Ongoing      ☐ Not Completed

**Major Task #3:**      ☐ Completed      ☐ Ongoing      ☐ Not Completed

**Major Task #4:**      ☐ Completed      ☐ Ongoing      ☐ Not Completed

☐ Completed      ☐ Ongoing      ☐ Not Completed

---

**Section III - Goals & Tasks for the Next Review Period**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

---

**Section IV- Job Performance Standards**

**Overall comments, commendation, feedback and recommendations:** (Supervisor to provide comments which may include but are not limited to: areas for improvement, training or support needed or requested, major contributions, etc.)

---

---

---

---

---

**Section V - Employee Comments**

**Within (5) days from the receipt of the review, the employee may provide additional comments about his/her performance evaluation.**

---

---

---

---

**Section VI - Policy Acknowledgment**

**The employee has reviewed the Town of Hudson Personnel Regulations including the Sexual Harassment, Protected Class Harassment, and Drug and Alcohol Policies. The following questions and answers shall indicate the employee's understanding of the policy.**

***Sexual Harassment and Protected Class Harassment Policies:***

Have you reviewed and understood the Town’s policies prohibiting all forms of harassment?  

☐ Yes ☐ No

Initial: \_\_\_\_\_

Do you know how to file a complaint should you ever have a problem with harassment, or if you see behaviors at work that you believe violate these policies?  

☐ Yes ☐ No

Initial: \_\_\_\_\_

Are you aware of any behavior either in our workplace or outside the workplace that may impact the workplace that is inconsistent with these policies?  

☐ Yes ☐ No

Initial: \_\_\_\_\_

---

**Section VII - Signatures**

The signature of the employee signifies the employee has had a review meeting with the Town Manager and has read and received a copy of his/her appraisal. It does not necessarily signify agreement.

**Employee Signature:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**Town Manager Signature:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

## APPENDIX F

OFFICE OF THE  
EXECUTIVE ASSISTANT



Town of Hudson  
78 Main Street  
Hudson, MA 01749  
Tel: 978-562-9963  
Fax: 978-568-9641

### **Town of Hudson** MASSACHUSETTS 01749-2134

#### **AUTHORIZATION TO MONITOR MASSACHUSETTS DRIVER'S LICENSE STATUS**

I, \_\_\_\_\_ (Employee Name), understand that as part of my official job duties, I am required to operate a Town-owned vehicle or use my personal vehicle for which I receive a car allowance. As a condition of my employment with the Town of Hudson, I acknowledge that I must maintain a valid driver's license (Class D or Commercial Driver's License (CDL)).

I, \_\_\_\_\_ (Employee Name), hereby authorize the Town of Hudson to subscribe me to the Massachusetts RMV's eServices Portal Driver Verification System (DVS) program to verify the status of my driver's license at the time of hire. I further authorize the Town of Hudson to access the DVS program to monitor my driver's license status throughout the duration of my employment, and to receive notifications from the RMV of any changes to my license status.

This authorization shall apply to the use of the DVS program by the Town. I acknowledge that this authorization will expire upon the separation of my employment with the Town.

---

**Signature of Employee**

---

**Date**