



## **TOWN OF SOUTHAMPTON**

# **PERSONNEL RULES AND REGULATIONS**

**Rules and Regulations Amended and Approved by PPPB March 17, 2022**

**Rules and Regulations Approved by Select Board March 29, 2022**

**Submitted by  
Personnel Policies and Procedures Board  
Town of Southampton**

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## PERSONNEL RULES AND REGULATIONS

### GENERAL PROVISIONS

#### Authorization

These rules and regulations are promulgated in accordance with the authority granted by Section 5 of the Personnel By-Law. As used, herein, the terms Rules and Regulations and By-Laws are used interchangeably.

#### Purpose

The purpose of these Rules and Regulations is to establish a personnel system governing employment within the Town of Southampton (Town) and to ensure that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, and skill under fair and open competition. The personnel system shall be applicable to all persons regardless of race, color, religion, sex, sexual orientation, sexual identity, national origin and/or ancestry, genetics, veteran's status, political affiliation, age, disability, criminal background (where applicable) or other non-merit factors and with proper regard for privacy and the lawful rights for all positions and to provide equal treatment in all aspects of personnel management.

The Rules and Regulations shall be applicable to all persons in the service of the Town except officials elected by popular vote and persons under the direction and control of the School Committee. All persons covered hereby shall receive the rates of pay subject to the provisions set forth by the Select Board (SELECT BOARD) on recommendation of the Personnel, Policies and Procedures Board (PPPB), subject to budgetary considerations and appropriations of funds. Nothing in the Rules and Regulations shall be construed to be in conflict with Chapter 31 of the General laws relating to Civil Service, or with Chapter 150E of the General Laws relating to Public Employee Collective Bargaining, which shall prevail if there is any conflict. However, unless a term or condition of employment is specifically provided under the terms of a collective bargaining agreement, or a personnel/employment contract, the terms and conditions set forth herein shall prevail.

While under ordinary circumstances these Personnel Rules and Regulations should be closely adhered to, they are nonetheless guidelines intended to ensure the Town's personnel practices are fair, equitable and transparent. Accordingly, they may be modified or amended by the Select Board (SELECT BOARD), upon recommendation by the PPPB, or upon SELECT BOARD's own initiative, in order to address a particular unusual circumstance that cannot be resolved through the strict application of the said Rules and Regulations. Such modification or amendment shall not be regarded as a permanent change to the published Rules and Regulations, nor shall such modification or amendment establish a precedent for any future matter, unless specifically authorized by the SELECT BOARD at a duly scheduled Select Board meeting, at which members of the public and members of Town departments, commissions and boards shall be permitted to speak in favor of, or in opposition to such modification or amendment.

A Department Head, Board or Commission who is seeking such a modification or amendment in the application of the published Rules and Regulations, shall present its request to the PPPB in writing, fully explaining the change(s) being requested and the reason it believes such a change is warranted. Thereafter, the entity making such request shall be required to meet with the PPPB when it considers the request at an open meeting, in which the public may participate, to the extent found warranted by the Chair (or designee) of the PPPB.

Following such meeting the PPPB shall, if warranted, confer with other Town representatives (such as the Finance Committee, Town Administrator, etc.) and thereafter, submit its written report and recommendations to the SELECT BOARD.

#### Rules of interpretation

- A. These rules and regulations are intended to be in accordance with all applicable state and federal laws. In the event of inconsistencies with the applicable state or federal law, the applicable laws shall apply.
- B. Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.
- C. In the event any provision herein conflicts with any provision of an existing collective bargaining agreement (CBA) or personnel/employment contract, the terms of the CBA or personnel/employment contract shall be controlling for the employees covered thereunder.

#### Definitions

The following definitions shall apply:

- A. "Town" shall mean the Town of Southampton.
- B. "Employee" shall mean an individual who is regularly scheduled and paid by the Town to perform services on a full-time or regular part-time basis, but excluding school department personnel. All employees as defined, whether they work for a department or an elected board (and regardless of whether they are paid through an enterprise fund) are employees of the Town and, therefore, their terms and conditions of employment, rates of compensation, hours of employment, as well as recruitment, retention and termination, are subject to the policies and procedures set forth herein except to the extent that such matters are explicitly set forth in a collective bargaining agreement or personnel/employment contract.
- C. "Full-time employee" shall mean an employee regularly scheduled to work 30 or more hours per week. Benefits provided to full-time employees who work fewer than 40 hours per week shall be prorated where applicable.



- D. "Part-time benefited employee" shall mean an employee regularly scheduled to work at least 20 but fewer than 30 hours per week and who, therefore is entitled to sick leave, vacation leave, holidays, and bereavement leave, military leave, jury leave, maternity leave, leaves of absence and other benefits on a prorated basis.
- E. "Part-time non-benefited employee" shall mean an employee regularly scheduled to work fewer than twenty (20) hours per week and who, therefore, shall not be entitled to benefits, other than holiday pay on a prorated basis as defined in Section 11 (Holidays) herein.
- F. "Probationary Period" is defined as the first ninety (90) days of actual work by a newly hired, or newly assigned current employee, during which time the said employee may be terminated for any lawful cause, or for no cause, without recourse. At the sole discretion of the Employer, the probationary period may be extended. Police officers are subject to a one year probationary period under state law.
- G. "Temporary employee" shall mean any employee hired for a fixed period of time, normally not to exceed twelve (12) weeks, to substitute for an absent employee, or to provide services under special circumstances, such as unusually heavy workloads or the absence of the incumbent employee. Temporary employees are not eligible for benefits, except as required by law. A temporary position may be extended beyond twelve (12) weeks if doing so is in the best interest of the Town such as, for example, when the hiring process to fill the regular position has been delayed. In such instances a **new** Personnel Change Form (PCF) must be submitted to the PPPB setting forth in detail the reasons such an extension is deemed necessary, as well as completing all other items on the PCF. In such a situation, additional and more focused advertising may be recommended by the PPPB. The PCF, upon being approved by the PPPB, will then be submitted to the Finance Committee as warranted, before being submitted to the SELECT BOARD for consideration.
- H. "Interim/Acting" employee shall mean an employee who is already on staff and is filling in for another employee, generally of higher rank, who is on a leave of absence (LOA) or has terminated his/her employment. It is the expectation that the interim/acting position is only temporary until such time as the employee returns from his/her LOA or a qualified replacement is found and hired. The Interim/Acting position will be eligible for a stipend, if appropriate, for taking on additional duties as may be necessary, however, the stipend will be discontinued when the Interim/Acting position ends. The Interim/Acting employee will be eligible to apply for the open position if s/he meets the qualifications of the vacant position.
- I. "Emergency employee" shall mean a non-competitive appointment to a position for a period of time not to exceed two (2) weeks: to prevent stoppage of public

business; or the stoppage of services resulting from an emergency as declared by the SELECT BOARD or in the event the Fire Chief, Police Chief or Highway Superintendent needs to respond to an unanticipated emergency, such as a snow storm, in which case prior authorization by SELECT BOARD will not be required. However, all appropriate documents such as PRFs and PCFs must be submitted to the PPPB as soon as possible in order to ensure that the emergency employee may be paid in a timely manner. An emergency employee shall not be entitled to benefits.

- J. "Appointing Authority" shall mean any Board, Commission or official authorized by the General Laws or otherwise to hire employees.
- K. "Department Head" shall mean the officer responsible for managing and working within the department's budget and supervising a department's operations and activities. A Department Head may be an Appointing Authority. Department Heads are specifically: Fire Chief, Police Chief, Highway Superintendent, Treasurer/Collector, Town Clerk, Town Administrator, Library Director, Director of Council on Aging, Principal Assessor, Building Inspector, Health Director, Town Accountant and Water Superintendent.
- L. "Continuous service" shall mean employment uninterrupted except by authorized leaves.
- M. "Termination" is the cessation of employment with the Town for any reason. An employee (other than a Police officer. See Section 1-4 F) who is in good standing at the time of termination is eligible to be considered for re-employment by the Town. However, after a ninety (90) day hiatus, a returning employee shall be regarded as a new hire for the purpose of calculating benefits and seniority and will be required to complete another 90 day probationary period.

#### Amendment of rules and regulations

Amendment to these rules and regulations shall be in accordance with section 5 of the Personnel By-Law.

#### Conflict of Interest

An employee may not accept compensation, gratuities, gifts or hospitality that might influence their decision-making abilities, or that might affect the Town negatively. An employee is required to disclose any potential for a conflict of interest to his or her department head promptly, or to the chair of the elected board or commission for which the employee works. Any failure to report a conflict of interest could result in disciplinary measures up to and including dismissal. A department head, or an elected board, or commission with supervisory authority may ask employees to remove themselves from a decision-making role, where a conflict of interest exists.

A conflict of interest could arise in any of these examples:

- Acceptance of a gift in the form of cash, property, services or payment of expenses, loan discounts, rebates or kickbacks.
- Rendering services in the form of employment or consultation.
- Being the creator of a firm or entity which supplies or purchases goods or services from the Town.

It is not possible to list all examples. Any situations in question should be considered a potential for a conflict of interest and should be reported to one's department head, or Chair of an elected Board, or Commission for which the employee works.

In addition, all Town employees must comply with G.L., Chapter 268A, which sets forth the law concerning conduct of public officials and employees and members of their immediate families (i.e., spouse, domestic partners, parents, children, brother, sister). Employees will receive information regarding this law when they are hired and will receive periodic updates, thereafter.

## ADMINISTRATION OF RULES AND REGULATIONS

### Responsibility of the Personnel Policies and Procedures Board

The Personnel Policies and Procedures Board (PPPB) shall be responsible for the administration of the By-Law and rules and regulations promulgated pursuant to the ByLaw. The responsibilities of the Personnel Policies and Procedures Board shall be as follows:

- A. To maintain an effective personnel system, monitor the effectiveness of rules, regulations, procedures and practices, and prepare an annual report.
- B. To ensure that recruitment, selection, appointment, and removal of employees is consistent with the Personnel By-Law and the rules and regulations adopted pursuant to the Personnel By-Law.
- C. To meet and confer with Department Heads, Appointing Authorities, members of Boards and Commissions, and with other Town Officials and employees in order to resolve any issues relating to the application of these rules and regulations.
- D. To ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of membership in a class protected by law, or any other factor or condition proscribed by federal or state law, without regard to other non-merit factors and with proper regard for privacy and the lawful rights for all positions and to provide equal treatment in all aspects of personnel management.
- E. To formulate and review the classification plan and the compensation plan.
- F. To evaluate and classify positions and review requests for reclassification.
- G. To maintain a centralized personnel record keeping system.

### Responsibilities of Appointing Authorities and Department Heads

The responsibilities of Appointing Authorities and Department Heads shall be as follows:

- A. To meet and confer with the PPPB when requested to do so.
- B. To follow in terms of spirit and practice all Personnel Rules and Regulations, especially in regard to Section 4, herein.
- C. To withhold any action on any proposed personnel changes until after the PPPB has reviewed and forwarded the matter to the SELECT BOARD and the SELECT BOARD has approved such action.
- D. To provide, before taking any action, records as required by the P P P B including but not limited to:

- a. Personnel Request Forms (PRFs) and job descriptions for all new or modified positions
  - b. Job postings and recruitment advertisements prior to posting or publications
  - c. Personnel Change Form (PCF) to add a new employee to the payroll; to request changes in pay rates, benefits, hours of employment, terminations both voluntary and involuntary.
- E. When seeking to have a wage rate established for a new position or reclassification of an existing position, the Appointing Authority or Department Head, shall submit the appropriate Personnel Request Form (PRF) or PCF and other supporting documents such as a revised job description. Thereafter, upon the request of the PPPB, the requesting party shall appear at the PPPB meeting to participate in the scoring process.

## PERSONNEL RECORDS

### Coverage

All employees

### Centralized Record Keeping

The Personnel Policies and Procedures Board shall be responsible for establishing and maintaining personnel records as may be required by law, and as necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Personnel Policies and Procedures Board.

### Contents of Records

The Personnel Policies and Procedures Board shall maintain an individual personnel file for each employee which may include, but not be limited to, the following:

- A. The employment packet, including but not limited to the employee's application, resume, references, etc.
- B. A copy of any documented reference checks and background investigation reports.
- C. A copy of any physical and psychiatric examination reports, drug tests, and health reports, which shall be maintained in a separate confidential file
- D. A report of all personnel actions reflecting the original appointments, promotion, demotion, reassignment, transfer, separation, or layoff; history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title; commendations, records of disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

### Access to Records

Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the Chairman of the Personnel Policies and Procedures Board, persons authorized by the Personnel Policies and Procedures Board, Select Board, T o w n A d m i n i s t r a t o r , Appointing Authorities, and Department Heads for their r e s p e c t i v e employees.

### Medical Records

Copies of any physical and psychiatric examinations reports and health reports shall be kept in a separate file to ensure confidentiality.

## Release of Information

Unless written authorization is received from an employee, except to verify employment or as required by law, no information concerning an employee shall be released.

## Employees Access to Personnel Records (Public Record Law Ch 149 §52 C)

In compliance with G.L. c. 149 § 52 C, any employee shall upon written request to the PPPB have access to review his/her personnel file within five (5) business days of such request. The employee's review of his/her employment record shall be in the presence of the Chairman of the PPPB (or a designee) and an additional member of the PPPB. Such review shall be at the Town Hall, during normal business hours. Upon submission of a written request by the respective employee to the PPPB, the said employee shall be provided with a copy of his/her personnel record within five (5) business days of the date of receipt by the PPPB of such written request. The Town shall not be required to allow an employee to review his/her personnel record on more than two (2) separate occasions in a calendar year; provided however, that the notification and review caused by the placement of negative information in the personnel record shall not be deemed to be one of the two annually permitted reviews.

The Department Head or Appointing Authority shall notify an employee within ten (10) days of placing in the employee's personnel record information which is in regard to her/his employment, promotion, transfer, additional compensation or which may subject the employee to disciplinary action.

## SEEKING AUTHORIZATION TO FILL OPEN POSITIONS

### Coverage

All employees of the Town as defined in Section 1-4B above.

### Policy

The Town is committed to personnel practices and policies that endeavor to attract and employ qualified persons, and to act affirmatively in providing maximum opportunities to all persons regardless of membership in a class protected by law, or any other factor or condition proscribed by federal or state law, or other non-merit factors and with proper regard for privacy and lawful rights for all positions and provide equal treatment in all aspects of personnel management.

### Recruitment Process

#### A. Notice of Vacancies

Whenever a Department Head or other Appointing Authority seeks to fill a newly created position, or to fill a vacant existing position, a fully-completed Personnel Requisition Form (PRF) and a detailed job description shall be prepared and presented in writing to the PPPB in order to ensure compliance with the Personnel By-Law, Rules and Regulations, and state and federal laws and to determine, if warranted the appropriate pay rate for the said position:

1. The job description shall include job title, the specific duties, tasks and responsibilities of said position, and specify any and all special training, related work experience, certifications, educational requirements, special skills, physical abilities and licenses that the position requires. In addition, the job description shall set forth any residency requirements, and any need for the incumbent to be available to work unusual hours and all other requirements that are essential to the performance of the work involved.
2. The PRF should include the job title, reason for the requisition, anticipated start date, pay scale, number of hours per week, expense account line number, source of funds and the annual expense amount.
3. The PRF with the job description attached shall be initialed by the Accountant to verify the availability of funds and submitted to the PPPB for job scoring, if applicable. The requesting Department Head or Appointing Authority, or their designee, shall meet with the PPPB, if warranted, in order to participate in the scoring process to establish the appropriate wage rate for the position.
4. The Department Head or Appointing Authority shall also submit with the PRF, a copy of the notice he/she proposes to publish when advertising for job applicants. **The PPPB has the right and responsibility to offer input into the content of the advertisement to ensure it adheres to these Rules and Regulations.**



5. The PPPB may remand the PRF and/or the job description if, in its opinion, the documents are incomplete, or require further information. In addition, the PPPB may identify issues that may warrant further attention, such as, but not limited to, conformance with the Town's Personnel policies or state or federal laws. The PPPB and Appointing Authority shall seek to resolve such issues, but should such resolution not be possible, the PPPB shall note on the PRF its concerns, reservations and recommendations, when the PRF is forwarded to the Finance Committee and to the SELECT BOARD.
6. The PRF will be presented to the Finance Committee, which shall review the matter in accordance with its procedures before the matter is submitted to the SELECT BOARD. The Department Head or Appointing Authority may wish to be present during the review of the PRF by the Finance Committee in order to answer any budgetary questions to avoid potential delays in the process.
  - a. The SELECT BOARD has the final authority to approve, amend, or disapprove the PRF, with or without modifications. NO ADDITIONAL ACTION ON THE PRF MAY BE TAKEN UNLESS AUTHORIZED BY THE SELECT BOARD.

B. Posting and advertisement of job vacancy notices

Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. In all circumstances, after approval by PPPB and SELECT BOARD, Department Heads or Appointing Authorities shall ensure that notices of vacant positions be posted for a minimum of fourteen (14) days on the Town Hall bulletin board, Town's Website and on the Town's social media page. In addition, job vacancy notices may be placed in a local newspaper, or on other locations as needed. The posting period may be extended and advertising reinitiated if initially there are too few qualified applicants.

1. There may be times in which a position may be filled through the promotion of an eminently qualified current employee, or in which the SELECT BOARD determines that in the best interests of the Town an internal posting is preferable.
  - a. A promotion, without a formal posting, may be contemplated by the SELECT BOARD, upon recommendation by the Department Head, and the PPPB, when a higher rated job within a department is vacated and there is only one person in a subordinate position within the same department who is fully qualified to assume the higher position, by virtue of meeting all the educational, credentialing, certification and other requirements specified in the respective job description, and whose past work performance is of consistently high standards. A promotion under this provision shall be permitted only in circumstances in which the PPPB and the SELECT BOARD are convinced it would be in the best interest of the Town and a decision not to use promotion to fill a vacancy shall not be deemed in any way as reflecting negatively on any employee.

When more than one qualified individual is employed in the department in which a vacancy occurs, or in another department of the Town in a capacity that requires similar skill sets, the Department Head and the PPPB may recommend to the SELECT BOARD that the posting to fill the said vacancy shall be limited to current employees of the Town, who meet the requirement of the vacant position as set forth in the respective job description. A decision by the SELECT BOARD to require a traditional posting shall not be deemed in any way as reflecting negatively on any employee.

C. Applications

All candidates applying for employment in the Town shall complete an official employment application form and return the form to the Department Head or Appointing Authority prior to the end of the working day of the closing date specified by the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications.

D. References

A candidate's former employers, supervisors, and other references shall be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's files. All reference checks and investigations shall be completed prior to the offer of employment.

Certain positions require a CORI check. These include: Police, Fire Fighters, EMTs, Paramedics, Council on Aging staff, and any other staff who may in the course of their duties have direct and unmonitored access to the elderly, infirmed or children, including entrance into private homes. CORI inquiries may not be instituted until after an offer of employment has been proffered (conditional upon successful completion of any necessary background checks, including physical testing when required). The applicant cannot begin employment until the CORI process has been completed. Department Heads/Appointing Authority will initiate the CORI inquiry by contacting the Town Administrator, who is designated as the Town's CORI representative. The Town Administrator will receive the CORI results and store CORI results in separate confidential files. The Town Administrator may also designate one or more "organization users", as appropriate, to request and receive CORI results. The Town may not and will not allow applicants to provide their own CORI.

The Town's CORI policy is set forth as **Appendix A**, hereto.

E. Application records

The application, documentation of reference checks, and related documents submitted shall be maintained for all candidates by the Appointing Authority or Department Head and after filling of a vacancy, those materials shall be turned over to the Personnel Policies and Procedures Board. The Personnel Policies and Procedures Board shall maintain application records for the period required by law. Appointing Authorities, Department Heads and the Personnel Policies and Procedures Board shall, to the extent possible, maintain the confidentiality of all applications, to the extent permitted by law.

Appointment

When the successful job candidate has been selected, the Department Head or Appointing Authority shall prepare a fully completed Personnel Change Form (PCF), which should be submitted to the Town Accountant, who will verify whether funds are available for the new position. The PCF shall then be submitted to the PPPB for its review and recommendation. Thereafter, the PCF shall be submitted to the SELECT BOARD, which has the final authority to approve, disapprove, modify or remand the PCF. NO CANDIDATE MAY REPORT FOR DUTY PRIOR TO AUTHORIZATION BY THE SELECT BOARD OF THE PCF.

Subsequent to SELECT BOARD authorization, all appointments shall be made in writing by the Appointing Authority or Department Head. The written notices of appointment shall include the salary, the starting date, and appropriate additional information to fully complete a signed PCF. Approved PCFs will be returned to the PPPB and retained in employee personnel files.

Medical Examination

Persons who have been given a conditional offer of employment may be required to undergo a medical examination and psychiatric examination, drug testing or other relevant tests prior to the start date of employment. Such examinations/testing shall be at the expense of the Town by a physician/psychiatrist or other health care professional or testing facility approved by the Select Board. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit for employment and if deemed unfit for employment the appointing authority shall withdraw the offer of employment. The Department Head or Appointing Authority, for cause, at any time may require a physical or psychiatric examination, drug testing or other relevant tests to determine a current employee's fitness for continued employment, consistent with any applicable state or federal law.

Failure to Report

An applicant, who accepts an appointment and fails to report to work on the date set by the Department Head or Appointing Authority without an acceptable excuse, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

## **ORIENTATION**

### Coverage

All employees

### Policy

Department Heads or Appointing Authorities shall inform new employees of their rights, responsibilities, duties and obligations.

### Orientation

Department Heads or Appointing Authorities or their designee shall:

Notify the new employee of a date, time and designated location for starting work, AND if the new employee is subject to provisions of a collective bargaining agreement the employee shall be provided with a copy of such agreement.

Thoroughly explain all the benefits and options the employee is entitled to and assist the employee with completion of appropriate forms. The Appointing Authority shall provide the employee with a copy of these Personnel Rules and Regulations.

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

## PROBATIONARY PERIOD

### Coverage

All full-time and part-time employees

### Policy

Performance of all new employees must meet acceptable work standards. The probationary period shall be utilized to help new and promoted employees achieve effective performance level.

### Probationary Period

All newly hired and promoted employees shall be required to successfully complete a ninety (90) day probationary period, during which period the employee may be terminated, or removed from her/his newly acquired position for any lawful reason, at the sole discretion of the employer. By law, police officers must serve a one year probationary period<sup>1</sup>. Such Probationary Period shall begin immediately upon the employees starting date or promotion date and is defined as the first ninety (90) days of actual work by a newly hired, or newly assigned current employee. The ninety (90) days shall include scheduled non-work-days (such as weekends, or regular days off) but shall not include days on which the newly hired, or newly assigned employee is absent from work for any other reason. The probationary period may be extended by the number of days the employee may be absent from work. The probationary period shall be used by the Appointing Authority and Department Head to observe and evaluate the employee's attitude, conduct and work habits. Upon expiration of the probationary period the Appointing Authority or Department Head shall notify the probationary employee in writing that:

- A. the employee's performance meets satisfactory standards and the individual will be retained in the position; or
- B. the employee's performance, due to extenuating circumstances, requires additional observation and that the probationary period will be extended an additional period of time not to exceed three months; or
- C. If a Department Head or Appointing Authority believes a probationary employee should not be retained, he/she shall so advise and confer with the PPPB

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<sup>1</sup> For police officers, all references herein to the probationary period shall mean the 1 years probationary period required by law, regardless of any reference to a 90 day probationary period.

After conferring with the PPPB, an Appointing Authority or Department Head may terminate a probationary employee if it is revealed that the employee intentionally falsified information relating to his/her application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits or dependability which did not merit continuing the employee in the position. The employee shall be notified in writing of the termination and the effective date of the action. A copy of this written notification must be given to the PPPB for inclusion in the employee's personnel file, with a copy to the Town Administrator for informational purposes. Probationary employees may be terminated for any lawful cause or for no cause at any time during the probationary period, and shall not have the right to appeal.

#### Department Head Responsibilities

Department Heads or Appointing Authorities, during the probationary period of any employee, shall at reasonable intervals discuss work performance with the probationary employee. The Department Heads or Appointing Authorities shall be responsible for documenting these discussions.

## CLASSIFICATION PLAN

### Coverage

All full-time and part-time employees

### Policy

It is the Town's intention to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.

### Administration of Classification Plan

The Personnel Policies and Procedures Board shall have responsibility for the administration of the classification plan and shall be authorized:

- A. to complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;
- B. to provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
- C. to conduct periodic studies to insure the classification plan remains uniform and current; and
- D. to develop procedures to determine the proper classification of each position and classify positions.

### Classification of New Positions

Department Heads or Appointing Authorities proposing the creation of new positions shall provide the Personnel Policies and Procedures Board with a description of the duties, skill, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the Personnel Policies and Procedures Board to appropriately classify the position. (Refer to Recruitment Process Section)

### Reclassification of Positions and Periodic Reviews

Positions may not be reclassified without a review and approval of the PPPB. The PPPB shall review all positions subject to the classification plan in accordance with proper personnel practices.

### Classification Plan

The classification plan is appended to these rules and regulations and shall be considered a part of these rules and regulations.

## COMPENSATION PLAN

### Coverage

All employees employed by the Town of Southampton, including those who are paid through an Enterprise funds, but excluding officials elected by popular vote and persons under the direction and control of the School Committee, are subject to the provisions of the Compensation Plan, to the extent that the said provisions do not conflict with provisions of a collective-bargaining agreement, which shall be controlling.

### Policy

The intention of the Town shall be to establish a compensation plan. The compensation plan shall consider; relative responsibilities between various positions; wage rates for comparative type work and economic conditions in the labor market as well as the Town's budget. Employees shall be paid in accordance with the rates in the compensation plan, subject to appropriation.

### Starting Rates for New Appointments

Persons appointed to positions shall be paid at the minimum rate within the approved wage range; however, the Department Heads or Appointing Authorities may recommend compensation at a higher rate within the authorized wage range (grade) on the basis of exceptional qualifications, subject to review by the PPPB and approval by the Select Board.

### Merit Increases

Exceptional performance by an employee may, at the discretion of the Appointing Authority or Department Head, constitute grounds to recommend said employee for a merit wage increase. Under such circumstances the Appointing Authority, or Department Head shall submit a fully completed Personnel Change Form (PCF) together with a comprehensive, written recommendation to the PPPB detailing the basis upon which such a recommendation is warranted. Merit increases are not to be regarded as a common practice, as they are intended to recognize performance over and above the employee's expected level of full performance. The amount of such merit increase shall be determined by the PPPB and the Finance Committee, with final approval thereof, by the SELECT BOARD, but shall not exceed the amount the employee could normally expect as an annual wage increase, under ordinary circumstances. (For example: if the annual increase is limited to 2% the merit increase amount may not be more than an additional 2% above the annual increase amount.)

### Interim Wage Increase

There may be circumstances in which an employee may be asked or required to assume some, or all, the duties of a higher rated employee employed in the same department due



to the absence of the higher rated/ paid employee for a significant period of time<sup>2</sup>, or when the higher rated/paid position is vacant and a new hire for the said position is being recruited. Under such circumstances, the Hiring Authority or Department Head may recommend to the PPPB that the employee(s) to whom additional duties and/or responsibilities have been assigned, should receive a temporary stipend to augment his/her pay rate until the higher-rated/paid employee returns from his/her absence, or until the person hired, or promoted to fill the vacant higher-rated position has reported for duty. When the higher-rated employee returns or the position is filled the stipend will be removed.

Under such circumstances, the Appointing Authority or Department Head shall submit a PCF to the PPPB together with a detailed written statement explaining the reasons for the said recommendation, and the amount of the suggested **stipend**. After considering, the PPPB shall submit the PCF, and its comments and recommendations to the Finance Committee. Thereafter, the PCF shall be submitted to the SELECT BOARD for final determination.

### Promotion

An employee who receives a promotion shall at least be paid the minimum of the pay range for the new position providing the new wage rate is at least one step higher than the employee's current rate of pay.

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<sup>2</sup> A significant period of time, as used in Section 8-5 shall not include times the , higher-paid employee is absent for brief periods of illness, or is on vacation.

## PERFORMANCE EVALUATION

### Coverage

All full-time and part-time employees

### Policy

Personnel Performance Reviews will occur each year for all Town Employees including Management reporting to the Select Board and Non-Management Employees (Full, Part-Time) reporting to their respective Department Heads or Appointing Authorities. It is important for Department Heads or Appointing Authorities to meet with an individual to identify incremental progress towards goals, to address issues, and give positive acknowledgement and constructive counseling whenever needed. The Performance Review Form, when completed, should be retained as part of the employee's personnel records. Definition of Ratings:

- A. **CONSISTENTLY EXCEEDS EXPECTATIONS (5):** Job performance consistently exceeds job requirements, performance approaches best possible attainment.
- B. **OFTEN EXCEEDS EXPECTATIONS (4):** Accomplishments are above expected level or essential requirements.
- C. **MEETS EXPECTATIONS (3):** Fully Meets established objectives in a satisfactory and acceptable manner. Performance requires normal degree of supervision.
- D. **OCCASIONALLY MEETS EXPECTATIONS (2):** Meets some of the established objectives and expectations but definite areas exist where achievement is substandard. Performance requires somewhat more than normal degree of direction and supervision.
- E. **RARELY MEETS EXPECTATIONS (1):** Performance is at a level below established objectives with the result that overall contribution is marginal and substandard. Performance requires a high degree of supervision.

### Procedure

- A. All Town Employees will be evaluated each year.
- B. Two (2) Performance Evaluation Forms are available for Non-Management and Management employees (forms can be found on the Town Server).
- C. Non-Management Performance Evaluation –
  - 1. Department Head/Supervisor or Appointing Authority sits down with employee, at least once a year on or about the employee's anniversary date and after probationary period) to discuss performance.
  - 2. Department Head/Supervisor or Appointing Authority obtains the Southampton Performance Evaluation Form for Non-Management employees from the Town Server for each employee and fills out the form giving each performance section a rating from 5 to 1 (see above). The Department Head or Appointing Authority determines the Overall Performance Score by adding up the ratings of each section and dividing by the number of items counted in the evaluation.
  - 3. The Department Head/Supervisor or Appointing Authority discusses with the employee, his/her performance review. Additional notes and comments from the meeting should be included. A path to improve the

employee's performance and next year's goals should be discussed and agreed upon. Department Head/Supervisor or Appointing Authority and Employee must sign the form even if the employee does not agree with the rating/overall score (Employee can note on the form that he/she does not agree with the rating/overall score and the reasons, if desired).

4. Return the Performance Evaluation Form to the Town Administrator who will sign the form and put the form into the employee's personnel file. At this time, the Department Head/Supervisor or Appointing Authority should discuss with the Town Administrator if there are any performance or other issues identified as part of the evaluation process or which have arisen since the last performance evaluation. The Town Administrator may require further discussions with the Select Board concerning the employee.

D. Management Performance Evaluation –

1. Each Department Head/Supervisor reporting to the Town Administrator will fill out "Southampton Managers Self Evaluation Form" found on the Town's Server and submit it to the Town Administrator.
2. The Select Board will set up a meeting with each Department Head/Supervisor to discuss his/her yearly Performance Review.
3. Each Select Board member fills out a Performance Evaluation Form giving each performance section a rating from 5 to 1 (see above) and determines an Overall Performance Score by adding up the ratings of each section and dividing by the number of items counted in the evaluation.
4. The Chairman (or designee) determines an average performance section rating and the Overall Performance Score based on each Select Board member's inputs. The Select Board discusses with the Department Head/Supervisor, his/her performance review. Additional notes and comments from the meeting should be included. A path to improve the Department Head/Supervisor's performance and next year's goals should be discussed and agreed upon.
5. The Chairman (or designee) and Department Head/Supervisor must sign the form even if the Department Head/Supervisor does not agree with the rating/overall score (Department Head/Supervisor can note on the form that he/she does not agree with the rating/overall score). The signed form is put in the Department Head/Supervisor's personnel file.

## OVERTIME

### Coverage

All employees

### Policy

The Town shall pay overtime in conformance with the Fair Labor Standards Act (FLSA). Department Heads or Appointing Authorities shall be responsible for the control and authorization of overtime. The Town shall pay one-and-one-half times a non-exempt employee's regular, base hourly rate for hours worked in excess forty (40) hours per week, in accordance with the Fair Labor Standards Act (FLSA).

## HOLIDAYS

### Coverage

All employees

### Recognized Holidays

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days', employees shall be excused from all duties without loss of pay, except in the cases where the Department Heads or Appointing Authorities determine that the employee is required to work in order to maintain essential town services:

New Year's Day  
Martin Luther King Day  
Presidents' Day  
Patriots' Day  
Memorial Day  
Juneteenth Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans' Day  
Thanksgiving Day  
Christmas Day

### Terms of Holiday Pay

Holiday pay shall be granted as follows:

- A. An employee paid on an hourly basis shall receive one day's pay at the regular rate of the employee, based on the number of hours regularly scheduled on the day on which the designated holiday occurs.
- B. To qualify for holiday pay, an employee must work or be on pre-approved paid status (such as vacation) on his/her last regularly scheduled work day immediately preceding the holiday and on his/her first regularly scheduled work day immediately following the holiday; and
- C. An employee is who is otherwise eligible for holiday pay pursuant to Section B (above) shall be entitled to holiday pay if the said holiday is observed by the Commonwealth of Massachusetts on a day the employee is ordinarily scheduled to work, or is required by the Town to be at work. Thus, for example, if a holiday is on a Saturday or Sunday, but is observed by the Commonwealth on a Friday, employees who are not regularly scheduled to work on Friday, or who are not called into work on the said Friday, shall not be eligible for holiday pay. If the Commonwealth observes on a Monday a holiday that falls on a Saturday or Sunday, all employees scheduled to work, or required to work on the said Monday shall be eligible for Holiday pay. Individuals, who are required to work on the date a holiday is observed by the Commonwealth, shall be paid

at one-and-one-half times their regular hourly base rate of pay **for all hours actually worked and shall be compensated at the employee's regular wage rate for any hours within their normal schedule that they did not actually work.**

#### VACATION LEAVE

##### Coverage

Eligible employees working 20 hours or more per week shall be granted vacation leave on a pro-rated basis. New employees are eligible for vacation leave only after their ninety day (90) probationary period has been completed (this includes police officers even though their probationary period is one year). Vacation leave is granted on July 1 (beginning of the fiscal year) and must be taken by June 30 (end of the fiscal year) or the remaining vacation leave will be forfeited (see under Scheduling section below). Town employees covered under Collective Bargaining Agreements (CBA) are eligible for vacation leave in accordance with the specific terms of the applicable CBA.

##### Full-Time Employees/Part-Time Benefited Employees

Employees shall be credited with vacation leave at the commencement of each fiscal year (July 1) provided that an employee is employed prior to July 1, in accordance with the following guidelines: number of **service equivalents** x number of hours listed on the employees Personnel Change Form (PCF) = number of hours vacation. As an example, employee has worked for the Town 2 years, works 40 hours per week (according to the employee's hiring PCF) and is granted 2 service equivalents. 2 service equivalents x 40 hours = 80 hours or 2 weeks' vacation.

- A. An employee in continuous service shall be granted one (1) service equivalent after completion of one (1) year of service but less than two (2) years of continuous service.
- B. An employee in continuous service shall be granted two (2) service equivalents after two (2) years of continuous service but less than five (5) years of service.
- C. An employee in continuous service shall be granted three (3) service equivalents after five (5) years of continuous service but less than twelve (12) years of service.
- D. An employee in continuous service shall be granted four (4) service equivalents after twelve (12) years of continuous service but less than twenty (20) years of service.
- E. An employee in continuous service shall be granted five (5) service equivalents after twenty (20) years of continuous service.
- F. For an employee with less than one full year of continuous service, the following formula should be used to determine the granted vacation leave for the fiscal year as follows (**Note:** 90 day probationary period has to be completed before vacation leave is granted):

multiply each month worked by 0.083 (service equivalents) x number of hours on PCF = number of hours of vacation granted

- G. Any unusual circumstances that fall outside the vacation leave policy will be handled on an individual basis between the Town employee (Department Head or Appointing Authorities if necessary) and the Personnel Policies and Procedures Board.

#### Scheduling

Employees must request vacation leave from their Department Head or Appointing Authority two (2) weeks prior to the requested vacation period. Department Head or Appointing Authority may refuse an employee's vacation request due to department work load. Vacation leave must be taken in the fiscal year in which it was granted or it will be forfeited. Only under extraordinary circumstances and with the advance approval of the Personnel Policies and Procedures Board and the appropriate Department Head or Appointing Authorities, will the exception be granted to carry over vacation to the next fiscal year. Vacation carried over is limited to one week and must be taken in the next fiscal year.

#### Separation/Termination

Whenever employment is severed, the employee shall be paid an amount equal to the vacation leave remaining that was granted in the fiscal year. SICK and PERSONAL time shall not be paid at the time of separation.

#### Death

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation leave remaining that was granted in the fiscal year.

#### Additional Days' Vacation

An employee shall be granted an additional day of vacation, if while on vacation leave, a designated holiday occurs.

## SICK LEAVE

### Coverage

Eligible employees working 20 hours or more shall be granted sick leave on a pro-rated basis. Town employees covered under Collective Bargaining Agreements (CBA) are eligible for sick leave in accordance with the specific terms of the applicable CBA.

### Full-Time Employees/Part-Time Benefited Employees

At the commencement of each fiscal year (July 1), each employee having six (6) months of continuous service shall be credited with five (5) days of sick leave. Sick leave for new employees shall be allowed to accrue from their start date according to the below schedule and may utilize the sick time accrued once they have earned it. Employees with less than six (6) months of service shall be provided sick leave in accordance with the following schedule:

<u>Months of Service</u>	<u>Days Allowed</u>
0-1	0 days
1-2	1 Day
2-3	2 Days
3-4	3 Days
4-5	4 Days
5-6	5 Days

### Part-Time Employees (regular set schedule of at least 20 hrs/wk)

Part-time employees shall receive sick leave on the same basis as full-time employees provided, however, that such leave shall be pro-rated according to the number of hours or days of work per full-time week which such employee is required to perform.

### Non-Accumulation

Sick Leave shall not accumulate from year to year.

### Use of Sick Leave

Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury or quarantine by public health authorities. Injury, illness, or disability, self-imposed or resulting from the use of alcohol or drugs, may not be considered proper claim for leave under this section. Employees may also use their sick leave to care for their minor child who is ill.

### Notification



Sick leave will commence on the date and time that notification of the employee's sickness, injury or quarantine is given to the Department Head or Appointing Authority by the employee or the employee's family or physician. Notification shall be made to the employee's Department Head or Appointing Authority, if possible, prior to starting time but not later than one hour after starting time. In extreme cases, such as an automobile accident on the way to work, notification shall be made as soon as practical.

#### Certification of Illness

A Department Head or Appointing Authority may request a physician's certification of illness after any illness or a series of repeated absences during the year. A physician's certification of illness is required after 3 consecutive workdays of absences. Physician certifications of illness are to be submitted to the Town Administrator by Department Head or Appointing Authority.

## Extended Accident and Sickness Plan

### Coverage

All full-time and part-time benefitted employees after 6 months of continuous service

### Policy

The purpose of this plan is to provide town employees with a weekly income in the event that an employee is unable to work because of a sickness or a non-occupational accident.

### Benefits

The extended accident and sickness plan provides an employee with seventy-five (75) percent of the employee's personal rate of pay and will continue during the entire period of the disability to a maximum of twenty-six (26) weeks within a twelve (12) month period. Benefits will be paid beginning with the first working day of disability due to an accident or beginning with the sixth working day due to sickness. If not treated by a physician on or before the day upon which benefits would otherwise begin, such benefits will be payable from the day after the employee is treated by a physician.

Benefit payment will be made for as many separate periods of disability as may occur.

The extended accident and sickness plan benefits do not apply.

1. To disability due to bodily injury arising out of or in the course of employment, no disability due to occupational or other disease or sickness covered by applicable workmen's compensation or occupational disease law;
2. To disability for which treatment is not provided by a physician legally licensed to practice medicine

### Claims

To assure prompt payment of accident and sickness benefits, claim forms must be fully completed by the employee and the employee's physician, making certain all questions are answered. Incomplete forms will delay the benefit until the missing information is obtained. Claim forms are available from the Treasurer's Office.

It is the employee's personal responsibility to notify the Department Head and the Treasurer's Office of an accident or sickness and request the claim forms. If an employee is unable to report personally, a member of the family may report for the employee. Claims cannot be accepted for sick benefits after two (2) weeks from the time of the first date of sickness. Claims cannot be accepted for accident benefits if notification has not been made to the Department Head.

Claim forms must be returned to the Treasurer's Office.

## **BEREAVEMENT LEAVE**

### Coverage

All full-time employees and part-time benefited employees

### Policy

Bereavement leave of up to three (3) days may be granted for a death in the employee's immediate family. Immediate family is intended to include: spouse, domestic partner, mother, father, child, brother, sister, mother-in-law, father-in-law or grandparents. One (1) day bereavement may be granted for death of Aunt, Uncle, Niece or Nephew.

There may be occasions when the circumstances surrounding the death of an immediate family member may not require an employee to take the full three (3) days of bereavement consecutively as, for example, if the actual burial is delayed. In such instances, the employee's supervisor may permit the employee to use his or her three (3) days of bereavement leave in a manner that will accommodate the exigencies of the particular situation.

## **MILITARY LEAVE**

### Coverage

Full-time employees and Part-time benefited employees

### Policy

Employees called for temporary summer or like period of training in the military forces of the Nation or the Commonwealth shall be paid for a period of up to thirty (30) days an amount equal to the difference between an employee's normal straight time compensation and the amount received for such service upon presentation of evidence of the amount paid for military training. Employees shall remain entitled to vacation leave. At the option of the employee, military leave may be taken as vacation and the employee will then be eligible to receive full vacation pay, provided the employee has sufficient accrued but unused vacation leave to cover the absence.

## **JURY LEAVE**

### **Coverage**

Full-time employees and Part-time benefited employees

### **Policy**

Employees called for jury duty will be paid their full pay (hourly wage, times the number of hours of scheduled work shift), minus any compensation received for such jury service, to the extent that jury duty is required on a day the employee is normally scheduled to work.

Employees called to jury duty during a time they may be pre-approved for leave, have ample opportunity to change their vacation leave, prior to reporting for jury duty.

## MASSACHUSETTS PARENTAL LEAVE ACT (MPLA)

### Coverage

Full-time and Part-time benefited employees who have successfully completed the required probationary period of ninety (90) days (or in the case of police officers, the first 90 days of employment).

### Policy

Eligible employees shall be entitled to 8 weeks of parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled; for adoption with the employee adopting or intending to adopt or for the placement of a child with an employee pursuant to a court order provided, however, that any 2 employees of the same employer shall only be entitled to 8 weeks of parental leave in aggregate for the birth or adoption of the same child. The employee shall give at least two weeks' notice to the employer of the anticipated date of departure and intention to return or provide notice as soon as practical if the delay is for reasons beyond the individual's control. The employee shall be restored to the employee's previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of the leave. An employee on parental leave for the adoption of a child shall be entitled to the same benefits offered by the employer to an employee on parental leave for the birth of a child. The parental leave is without pay.

The parental leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employee was eligible at the date of the leave, and any other advantages or rights of employment incidental to the employment position; provided, however, that the parental leave shall not be included, when applicable, in the computation of the benefits, rights and advantages; and provided, further, that the employer need not provide for the cost of any benefits, plans, or programs during the parental leave unless such employer so provides for all employees who are on leave of absence.

**Employees on parental leave shall be cross-designated as on leave under the Family and Medical Leave Act, whenever appropriate, and the leaves shall run concurrently, not consecutively.**

## FAMILY, MEDICAL AND SMALL NECESSITIES LEAVE POLICY

### Purpose

This Policy describes the eligibility, duration and procedural requirements relating to the administration of leave taken pursuant to the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2612, et seq., and the Small Necessities Leave Act ("SNLA"), G.L. c. 149, § 52D.

### Application

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

### Policy

The Town is committed to comply with the FMLA and SNLA, as they may be amended from time to time. In the event of a conflict between the Town's FMLA/SNLA policy and applicable federal or state law and regulations, said federal/state law and regulations applicable to the Town and its employees shall prevail.

### Procedures

#### A. Family and Medical Leaves of Absence-

1. The FMLA allows eligible employees up to twelve (12) weeks of unpaid leave, and in limited cases up to twenty-six (26) weeks of unpaid leave<sup>3</sup> ("FMLA Leave") per year, under the circumstances outlined below. Employees may take leave for the following reasons:
  - birth of the employee's child or placement of a child with the employee through adoption or foster care;
  - the employee is needed to care for a child, spouse, or parent who has a serious health condition; or
  - the employee is unable to perform the functions of his or her position because of a serious health condition; or

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<sup>3</sup> Twenty-six weeks of leave is available only to employees who are eligible for such leave to care for a covered servicemember who is seriously injured or ill as a result of certain military service, as defined by the FMLA.

military service-related leaves.

- a. Leave for Exigent Circumstances: leave when an employee has a close family member (spouse, son, daughter or parent) who is called to covered active military duty for “any qualifying exigency”; the leave must be for nondomestic military service and applies equally to the families of active duty military and reservists (when called to active duty)
- b. Leave to Care for a Covered Servicemember: leave for an employee to care for a close family member in military service, who is seriously injured or ill as a result of such military service (up to twenty-six (26) weeks of leave).

The terms “serious health condition” and “seriously injured or ill” are defined by law and generally refer to in-patient care, and in some instances out-patient care, by a medical provider.

## 2. Use of Paid Leave

Employees are required to use certain types of accrued or available paid leave first, as part of the total FMLA leave, before commencing the unpaid portion of the leave. Employees who take leave because of the birth, or placement of a child must first use all accrued vacation and personal time. Employees who take leave because of their own serious illness or to care of a spouse, parent or child, or who take leave to care for a covered service member or leave for exigent circumstances, must use all accrued vacation, personal and sick time.

## 3. Eligibility

To be eligible for FMLA leave under this policy, an employee must have been employed by the Town for at least twelve months, and must have worked at least 1250 hours during the twelve month period preceding the commencement of the leave.

## 4. Conditions

- a. *Length of Leave.* In most instances, employees may take no more than twelve weeks (or up to twenty-six weeks to care for a covered servicemember) of FMLA leave in a twelve-month period. The twelve-month period is defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave “rolling period.” If both spouses are employed by the Town, they are together entitled to a total of twelve weeks of leave for the birth or placement of a child or care of a sick parent.



An employee eligible to take leave to care for a covered service member may not take more than twenty-six weeks of leave in any twelve-month period, in total, regardless of the reason for the leave. Moreover, unlike other forms of leave (as discussed in the preceding paragraph), leave to care for a covered service member starts as of the date the employee first takes leave.

- b. *Notice.* Employees wishing to take FMLA leave must give 30 days' notice of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances. Employees must schedule planned medical treatments with due regard for the Town's operational needs.

#### 5. Certification

Employees requesting FMLA Leave must provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, parent, or covered servicemember. The medical certification must set forth: the date on which the serious health condition, or serious illness or injury, in the case of a covered servicemember, commenced; the probable duration of the condition; and, the appropriate medical facts within the knowledge of the health care provider regarding the condition. Periodic recertifications may be required, as permitted by law. In some limited circumstances, the Town may require a second medical opinion, at its own expense.

#### 6. Reduced Schedule Leave

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, or the serious illness or injury of a covered servicemember, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Town may require the employee to transfer temporarily to a position, with equivalent compensation, which better accommodates recurring periods of absence or a part-time schedule.

#### 7. Benefits

- a. *Health Coverage.* Employees on leave are entitled to the continuance of group health coverage under the same conditions they received coverage prior to the leave. Employees who contribute to their health insurance premiums via payroll deduction must arrange to pay the premium contributions during the period of unpaid absence, if they wish to retain coverage. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Town may recover from the employee the cost of any payments made to maintain

the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.

- b. *Other Benefits.* Benefits based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence. Employees do not accrue sick, vacation or personal time while on unpaid leave.

#### 8. Return to Work

Employees returning from FMLA Leave in accordance with this policy will be restored to their original positions, or to equivalent positions with equivalent pay and benefits. Employees should contact the personnel department and their supervisors at least two weeks before their return date to make arrangements.

#### 9. Posting

The Town shall post the attached document prepared by the U.S. Department of Labor summarizing the major provisions of the FMLA.

### B. Small Necessities Leaves of Absence-

1. The Small Necessities Leave Act ("SNLA"), enacted in Massachusetts in 1998, allows eligible employees twenty-four (24) hours of unpaid leave during a twelve-month period for employees to attend to family obligations. Employees may take leave for the following reasons:
  - to participate in school activities directly related to the educational advancement of the employee's child, such as parent-teacher conferences or interviewing for a new school;
  - to accompany the employee's child to routine medical or dental appointments, such as checkups or vaccinations; or
  - to accompany an elderly relative of the employee to routine medical or dental appointments, or for other professional services related to the elder's care, such as interviewing at nursing or group homes.
2. Use of Paid Leave

Employees are required to substitute paid leave for leave under the SNLA to the extent that the event occasioning SNLA leave is one that would entitle the employee to paid leave under the Town's policies. Personal and vacation time, if available, must

be used as part of SNLA leave. However, the use of sick time for SNLA leave will be available only to the extent that such use would otherwise be permissible under the Town's policies or applicable Collective Bargaining Agreement.

### 3. Eligibility

To be eligible for SNLA leave under this policy, an employee must have been employed by the Town for at least twelve months, and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave.

### 4. Conditions

- a. *Twenty-four Hours.* Employees may take no more than twenty-four hours of SNLA leave in a twelve-month period. The twelve-month period is a rolling twelve months, beginning twelve months prior to the proposed commencement of the requested leave.
- b. *Notice.* Employees wishing to take SNLA leave must give at least 7 days' notice in the case of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practical under the circumstances.

### 5. Certification

The Town reserves the right to request a certification of the need for SNLA leave.

### 6. Reduced Schedule Leave

Leave under this Policy may be taken intermittently on a reduced leave schedule.

## NON-FMLA LEAVE OF ABSENCE

### Coverage

Full-time and Part-time benefited employees

### Policy

The Department Head or Appointing Authority may, in consultation with the PPPB and authorization by the SELECT BOARD grant leaves of absence, which would not otherwise qualify for FMLA Leave, without compensation for periods up to 30 days duration without loss of seniority or benefits and employees shall be entitled to return to the same position held at the time the leave of absence was granted. An extension beyond thirty (30) days may be considered in the event of serious or extenuating circumstance. When an employee returns from a personal leave of absence longer than thirty (30) days, the Town is not obligated to reinstate the employee in his/her former position or in a comparable position.

### Requests for Leaves of Absence

An employee seeking a Non-FMLA Leave of Absence shall submit in writing a request for the leave of absence to the employee's Department Head or Appointing Authority. The request shall state the reason for the leave and the length of time that is requested. If the Appointing Authority or Department Head is inclined to grant such a request she/he shall forward the written request along with a PCF to the PPPB for consideration prior to the submission to the SELECT BOARD for approval.

### Other Employment During Non-FMLA Leave of Absence

An employee on an approved Non-FMLA Leave will be considered as having voluntarily resigned if she/he holds other employment while on an approved Leave of Absence.

### Religious Observances

By state law, G.L. c. 151B, §4, employers have to make a reasonable accommodation to religious observances. The Town is not required to pay an employee who is absent due to attending a religious observance, but the employee may use personal or vacation leave.

## DOMESTIC VIOLENCE LEAVE POLICY

### Purpose

This Policy describes the eligibility and procedural requirements relating to the administration of leave taken pursuant to the Massachusetts Domestic Violence Leave Act, G.L. c. 149, §52E (“DVLA” or “the Act”).

### Application

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

### Policy

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

### Procedures

#### A. Eligibility

To qualify for domestic violence leave under the DVLA, an employee or a covered family member must be the victim of “*abusive behavior*.” “Abusive behavior” includes any of the following behaviors: domestic violence, stalking, sexual assault or kidnapping.

*Domestic violence* is abuse against an employee or a covered family member by a current or former spouse, a person with whom the victim shares a child, a person cohabitating with or who has cohabitated with the victim in the past, a relative by blood or marriage, or a person with whom the employee or family member has or had a dating or engagement relationship.

*A Covered family member* includes a spouse, parent, step-parent, child, step-child, sibling, grandparent, grandchild, persons in a substantive dating relationship or who reside together, persons having a child in common, or persons in a guardian relationship. In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

## B. Duration of Leave

If an employee or a covered family member of the employee is a victim of abusive behavior, he/she may take up to fifteen (15) days of unpaid leave in any 12-month period.

Employees are required to exhaust all paid leave before taking leave under the DVLA.

## C. Reasons for Requesting Leave

Employees may request leave to address issues directly related to the abusive behavior. This includes seeking medical attention, counseling or victim services. Leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law enforcement personnel. It is not a requirement of the Act that the employee maintain contact with the alleged abuser before being eligible for leave.

## D. Notice

Employees must provide sufficient advance notice of the decision to use domestic violence leave, unless there is a threat of imminent danger to the health or safety of the employee or a member of the employee's family. An employee who does not give advance notice must notify the employer within three (3) work days that leave is being taken pursuant to the DVLA. The notice may be provided by certain specified individuals other than the employee.

If an unscheduled absence occurs, the employee has 30 calendar days to produce documentation of the need for leave, in accordance with paragraph E, below.

## E. Documentation

Employees taking leave pursuant to the DVLA may be required to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. If requested, an employee is required to provide such documentation within a reasonable period after the request is made. An employee can satisfy this requirement by providing any one of the following documents:

- A protective order issued by a court as a result of abusive behavior against the employee or employee's family member;
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior;
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior;
- Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts in court, or has been convicted of any offense constituting abusive behavior;

- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement provided by a counselor, social worker, or health care worker who has assisted the employee or the employee's family member; or
- A sworn statement from the employee attesting that the employee has been the victim of abusive behavior.

F. Return to Work

Employees who take leave pursuant to the DVLA will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status. The Town shall not retaliate against an employee for exercising his/her rights under the DVLA.

G. Confidentiality

With limited exceptions set forth by law, information related to the employee's leave shall remain confidential.

## PERSONAL DAYS

### Coverage

Full-time employees

### Policy

At the commencement of each fiscal year (July 1), full-time employees shall be granted two (2) personal days per fiscal year, upon request and with the approval of the Department Head or Appointing Authority, for conducting important personal business that cannot be handled or scheduled other than during the employee's scheduled working hours. Personal days cannot be carried over to the next fiscal year for any reason.

Personal time shall not be paid at the time of separation.



## STANDARD OF CONDUCT

### Coverage

All employees

### Policy

Town employees shall avoid any action which violates the State's Code of Ethics including but not limited to any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting Town business. Employees are expected to conduct themselves in a manner which in no way discredits the Town, public officials or fellow employees.

## **DRUG FREE WORKPLACE**

### Coverage

All employees

### Policy

The Town of Southampton values its employees and recognizes the need for a safe, productive and healthy work environment. The establishment of a Drug-Free Workplace Program (DFW) is consistent with the Town of Southampton's desire to provide a safe, productive work environment for our employees. Additionally, the U.S. Department of Transportation (DOT) has regulations which govern the use of drug and alcohol by employees who hold a commercial Driver's License (CDL) and drive a Commercial Motor Vehicle (CMV). The DOT requires the Town of Southampton to conduct drug and alcohol testing of all regulated employees at times and conditions described in the U.S. Department of Transportation Policy Module on Drug and Alcohol Regulations.

## **SMOKE FREE WORKPLACE**

### Coverage

All employees, customers and visitors

### Policy

In compliance with state law (G.L. c. 270 §22), the Town of Southampton's Board of Health (BOH) Tobacco Regulations and in keeping with the Town of Southampton's intent to provide safe and healthful environment, smoking in, or on all Town property is prohibited. This includes e-cigarettes as stated within the BOH policy. Smoking is not allowed in any Town vehicles.

## **WORKING FROM HOME**

### Coverage

All employees

### Policy

Non-exempt employees are not permitted to work from home in lieu of reporting to their place of work. Town files and records must remain in the municipal building at all times.

## SEPARATION/TERMINATION

### Coverage

All employees

### Policy

It is the policy of the Town of Southampton to ensure that any employee whose employment is being terminated (voluntarily or involuntarily) receives an exit interview. An interview shall be held at the time of the employee's separation/termination. The interview will be conducted by the Town Administrator or his/her designee. The objectives of the exit interview are as set forth below:

### Purpose

To ensure that exiting employees are informed of their benefits and rights and arrange the return all Town property. The exiting employee is asked to fill out a voluntary questionnaire to help maintain accurate records on reasons for termination of employment.

- A. To review administrative details with the employee such as benefits continuation rights and conversion privileges, if any, final pay, re-employment policy, and employment compensation;
- B. To arrange for the return of any Town of Southampton property that has not already been returned to the Department Head/ Supervisor;
- C. To determine the actual reason for an employee's resignation;
- D. To discover any grievances the employee may have about the department in order that corrective action(s) may be undertaken;
- E. To discover any misunderstandings the employee may have had about his/her job, or with his/her Department Head/Supervisor(s) in order that corrective action(s) may be undertaken;
- F. To retain the goodwill of the employee toward the Town.

### Procedure

- A. When an employee announces his/her intention to resign, the Department Head/Supervisor should schedule an exit interview for the employee with the Town Administrator or his/her designee as soon as possible.

- B. When a decision has been made to terminate an employee, the employee should meet with the Town Administrator or his/her designee for an exit interview as soon as possible, as appropriate.
- C. During the exit interview, the Town Administrator or his/her designee will seek to meet all objectives listed in this Personnel Separation Policy statement.
- D. The departing employee will complete the Personnel Separation Form (PSF) as thoroughly as possible.
- E. Any information obtained during the exit interview may be disclosed to (and/or discussed with) the Supervisor, the Department Head, the Town Administrator and the Select Board in order to investigate any allegation(s) made and/or to be made aware of emerging problem(s). The Town Administrator may make recommendations to the Select Board for corrective action based on the information contained in the exit interview.
- F. A Personnel Separation Form (PSF) and Personnel Change Form (PCF) are filled out and with any supporting documents, sent to the Personnel Policies and Procedure Board (PPPB).

## CLOSURE POLICY

### Coverage

All employees except needed emergency personnel

### Policy

For snow, other weather-related events or emergencies which begin before and during working hours, the Select Board or designee will make the decision not to open municipal buildings or schedule a late opening or early closing. Employees will be notified by their Supervisors as soon as possible prior to the start of the workday.

Employees who are at their physical work locations at the time the building in which they work is closed, shall be paid for the hours they actually worked and for the balance of their regularly scheduled hours of work. If the building in which employees work is closed before they are scheduled to report to work, they will be paid for their entire shift.

## MEAL REIMBURSEMENT POLICY

### Coverage

Employees who are in authorized travel status to conduct official business on behalf of the Town, including attendance at authorized training, conferences, and symposiums which require overnight travel.

### Policy

Meal reimbursements will be limited to no more than the following, including taxes and gratuities. Expenses incurred in excess of these limits will be at the employee's expense.

Breakfast \$10.00

Lunch \$15.00

Dinner \$25.00

Employees must submit **original** itemized receipts for employee **ONLY** with their reimbursement request. Non-itemized charge slips **WILL NOT** be accepted.

Town of Southampton **WILL NOT** reimburse employees for the purchase of alcoholic beverages.



## DISCIPLINARY POLICY

### Coverage

All employees

### Policy

All employees are responsible for observing regulations necessary for proper operation of Town departments. Disciplinary actions shall be the responsibility of Supervisors, Department Heads and Appointing Authorities, who shall exercise their responsibility with discretion and with concern for the employee.

### Reasons for Disciplinary Action

Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. The following shall be sufficient cause for disciplinary action:

- A. Incompetence or inefficiency in performing assigned duties and/or neglect of duty
- B. Inability to perform one or more critical elements of the positions
- C. Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any reasonable directions made by a proper supervisor
- D. Habitual tardiness or absence from duty
- E. Falsification of time sheets, expense forms, or any other official documents; untruthfulness in any aspect of employment and/or performance of official duties
- F. Use or possession of illegal narcotics or alcohol while on duty
- G. Misuse or unauthorized use of Town property
- H. Fraud in securing appointment
- I. Disclosure of confidential information
- J. Abuse of sick leave or absence without leave
- K. Violation of safety rules, practices and policies
- L. Engaging in sexual or other prohibited harassment

- M. Any situation or instance of such seriousness that disciplinary action is warranted
- N. Abuse or violation of any Town policy, including but not limited to the Town's Workplace Anti-Bullying policy

#### Disciplinary Procedures

- A. Department Heads, Appointing Authorities and Supervisors shall be responsible for enforcing rules and regulations. In most cases the usual steps involved in the disciplinary process include the following: oral reprimand, written reprimand, final written warning with or without suspensions, and discharge. However, in the event the nature of the violation is considered especially egregious the Town may bypass any or all of these steps and proceed to suspend the employee while an investigation is conducted. Based on the results of the investigation, if warranted, the employee may be terminated. In situations involving a final written warning (with or without suspension) or termination, the Department Head, Appointing Authority and/or Supervisor must confer with the Town Administrator and the PPPB. If the Town Administrator is not available the Department Head, Appointing Authority or Supervisor should suspend the employee and contact the Town Administrator as soon as possible. Within forty-eight (48) hours of the effective date of the suspension, the employee must be provided with a written notice stating the reasons for and the length of suspension.
- B. At each level, the reprimand shall be presented with maximum regard for minimizing embarrassment to the employee and shall include a statement concerning the purpose of the warning and the consequences for not attaining and sustaining acceptable performance or behavior.
- C. Reprimands involving poor or substandard performance will be given with appropriate counseling and training if necessary, to help the employee improve his/her performance. The employee will be given a reasonable amount of time to enable him/her to achieve their performance goals, usually 90 days. If at the end of the specified period, the employee's performance has not improved to acceptable levels the next level of reprimand may be issued.
- D. Reprimands resulting from inappropriate behavior will usually require immediate and sustained improvement. If the employee continues to exhibit inappropriate behavior, whether the same or different offense, the next level of reprimand may be issued.

## GRIEVANCE PROCEDURE

### Coverage

All employees

### Policy

The intent of this grievance procedure is to reconcile employee grievances in an appropriate and effective manner. Participants in the grievance are expected to act appropriately and respect the grievance process.

### Procedure

Grievance shall relate to improper application of these personnel rules and regulations or disciplinary procedures and shall be resolved in the following manner.

- A. An aggrieved employee is encouraged to discuss any matter of dispute with the Department Head, Appointing Authority or Supervisor in a mutual effort to resolve any problem or misunderstanding. Failing to resolve any grievance in an informal manner an aggrieved employee may present a grievance in writing to the Department Head, Appointing Authority or Supervisor along with any pertinent information relative to the grievance and indicating the relief that is desired. The Department Head, Appointing Authority or Supervisor within five (5) working days of receipt of a grievance shall provide an answer in writing to the aggrieved employee.
- B. If the grievance has not been resolved as provided in A. above, the aggrieved employee may within five (5) working days after receipt of the written answer from the Department Head, Appointing Authority or Supervisor or within ten (10) working days after presentation of the grievance to the Department Head, Appointing Authority or Supervisor, present the grievance in writing to the PPPB. The PPPB shall schedule a hearing on the grievance within ten (10) working days after receipt of the grievance. The Personnel Policies and Procedures Board shall answer any grievance in writing within ten (10) working days after such hearing.
- C. If the grievance has not been resolved as provided in B. above, the aggrieved employee may within ten (10) working days after receipt of the written answer from the PPPB present the grievance in writing to the Select Board. The SELECT BOARD shall schedule a hearing on the grievance and shall answer the grievance within thirty (30) days after it receipt.

## SEXUAL AND OTHER UNLAWFUL HARASSMENT

### Coverage

All Employees and Town Officials, whether elected or appointed, Full or Part-time benefited and Part-Time non-benefited. Paid or Unpaid

### Introduction

It is the goal of the Town of Southampton to promote a workplace that is free of unlawful harassment including sexual harassment. Unlawful harassment is defined as offensive, unwelcome physical or verbal behavior. It can include unsolicited comments or conduct related to a person's race, national origin, age, sex or disability.

Sexual or other unlawful harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will NOT be tolerated by the Town of Southampton. Further, any retaliation against an individual who has complained about sexual or unlawful harassment or retaliation against individuals for cooperating with an investigation of a sexual or unlawful harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual and other unlawful harassment, the conduct that is described in this policy will not be tolerated and the SELECT BOARD has provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

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

Please note that while this policy will set forth our goal of promoting a workplace that is free of sexual and other unlawful 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 or other unlawful harassment.

### Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- A. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions:

or

- B. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, the following conduct would constitute sexual harassment:

- A. Unwelcome sexual advances-whether they involve physical touching or not:
- B. Direct or implied requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- C. Assault or coerced sexual acts.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

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

- A. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- B. Displaying sexually suggestive objects, pictures, cartoons;
- C. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- D. Inquiries into one's sexual experiences, and
- E. Discussion of one's sexual activities

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Southampton.

## Complaints of Sexual or Other Unlawful Harassment

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint. This may be done in writing or orally. If you would like to file a complaint, you may do so by contacting any member of the SELECT BOARD. Any member of the SELECT BOARD is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, this individual will work with you to find a way of resolving your concerns in an informal manner acceptable to you in a manner which would offer you as much privacy and confidentiality as possible.

## Sexual and/or Other Harassment Investigation

When the SELECT BOARD receives a complaint, the SELECT BOARD will then investigate the allegation in a fair and expeditious manner. The SELECT BOARD investigation would include a private interview with the person filing the complaint and with witnesses. The SELECT BOARD will also interview the person alleged to have committed sexual or other unlawful harassment. If the SELECT BOARD investigation reveals that sexual or other unlawful harassment did occur, the SELECT BOARD will act promptly to eliminate the offending conduct, and where it is appropriate the SELECT BOARD will also impose disciplinary action which could include termination from employment. When the SELECT BOARD has completed the investigation, the SELECT BOARD will inform the person filing the complaint of the results of that investigation.

## Disciplinary Action

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

## State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below, within 180 days. Using the Town of Southampton complaint process does not prohibit you from filing a complaint with these agencies.

1. The United States Equal Employment Opportunity Commission  
("EEOC")  
John F. Kennedy Federal Building  
475 Government Center  
Select Boardton MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820
  
2. The Massachusetts Commission Against Discrimination ("MCAD")

**Boston Office:**

One Ashburton Place, Room 601  
Boston, Ma 02108  
Phone: (617) 994-6000  
TTY: (617) 994-6196

**Worcester Office:**

484 Main Street, Suite 320  
Worcester, MA 01604  
(508) 453-9630  
(508) 453-9641 - FAX

**Springfield Office:**

424 Dwight Street, Room 220  
Springfield, Ma 01103  
(413)739-2145

**Worcester Office:**

485 Main Street, Suite 320  
Worcester, Ma 01604  
(508)453-9630  
(508) 453-9641- FAX

## ANTI- BULLYING POLICY

### Coverage

All Employees and Town Officials, whether elected or appointed, Full or Part-time benefited, Part-time non-benefited, paid or unpaid.

### Introduction

It is the goal of the Town of Southampton to provide a work environment in which all employees and officials may perform their services free from fear of physical or emotional abuse, resulting from inappropriate behavior by one or more perpetrators against one or more victims, such as bullying.

### Definition of Bullying

Bullying is the repeated use by one or more employees or officials of a written, oral or electronic expression, or physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to herself or himself or of damage to her or his property; (iii) creates a hostile environment in the workplace for the victim; (iv) infringes on the rights of the victim while at work; or (v) materially and substantially disrupts the orderly conduct of business.

Cyber-bullying is included in this definition and relates to bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by wire, radio, electromagnetic, photo electric or photo optical system, including but not limited to electronic mail, internet communications, instant messages, or facsimile communications.

Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of the posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) through (v) of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution of posting creates any of the conditions enumerated in clauses (i) through (v) of the definition of bullying.



## Complaints of Bullying

Any employee, who believes he or she has been subjected to bullying in the workplace or in a manner impacting the employee's performance of his/her job, may file either an oral or written complaint with any member of the Select Board (SELECT BOARD). Any member of the SELECT BOARD is available to discuss any employee concerns regarding bullying and to provide the employee with information and, if the employee so wishes, may work with the employee to resolve the issue informally, or may advise the employee about pursuing the matter in a more formal manner.

## Bullying Investigation

Upon receipt from an employee of a complaint alleging bullying, the SELECT BOARD or its designee shall investigate the allegations of the complaint in a fair and expeditious manner, including interviewing the involved employee and his or her witnesses when appropriate. The SELECT BOARD or its designee shall also meet with the accused person or persons. In the event the SELECT BOARD or its designee finds merit to the complaint, the alleged perpetrator will be subject to discipline up to and including termination from employment.

Nothing herein is intended to preclude, interfere with or deter an employee who fears for his or her safety or well-being, or has cause to believe his or her property may be damaged, to file a report with the appropriate law enforcement agency, or any other government agency or department that may have jurisdiction over such matters.

## APPENDIX A

### TOWN OF SOUTHAMPTON CORI POLICY

#### PURPOSE

This Policy outlines the requirements for the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing.

#### APPLICATION

State law and regulations govern the use of Criminal Offender Record Information (CORI) and other criminal history checks by a municipality. When such checks are conducted, such as in connection with an application for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and may also result in disciplinary action against an employee found to have violated said laws and regulations, up to and including termination from employment.

#### POLICY

##### A. Access to CORI

All CORI obtained from the Massachusetts Department of Criminal Justice Information System (DCJIS) shall remain **CONFIDENTIAL**, and CORI may only be disclosed to those individuals who have a “need to know” the information in order to fulfill their duties. This may include hiring managers, staff submitting the CORI requests, and staff charged with processing applications. However, every effort will be made to limit the number of individuals authorized to access or receive CORI. The Town must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

Pursuant to state regulations, all CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

##### B. Training

All personnel authorized to review or access CORI, which includes all personnel authorized to conduct criminal history background checks, shall review and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### C. Conducting CORI Screening

CORI checks will only be conducted as authorized by the DCJIS and G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed by the individual to be checked.

With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every CORI check.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification (such as a driver's license). If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government-issued non-photographic identification, such as a birth certificate or social security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgment Form, shall be maintained on file by Town for at least one year from the date the Form was signed by the applicant.

In no instance will the applicant be asked or required to provide a copy of his/her own CORI.

### D. Use of Criminal History in Employment Background Screening

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this Policy and any applicable law or regulations.

### E. Use of a Credit Reporting Agency to Conduct CORI Checks

If a Credit Reporting Agency (CRA) is used to conduct CORI checks on applicants, Town will comply with the state regulations particular to use of a CRA.

### F. Verifying Subject's Identify Once CORI Record is Received

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

#### G. Inquiring About Criminal History

In connection with any decision regarding employment, volunteer opportunities, housing, or licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history, and **PRIOR** to making any adverse decision based upon the applicant's criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

#### H. Determining Suitability

If a determination is made, based on the information as provided in Section F of this Policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulation. Factors to be considered in determining suitability may include, but not be limited to, the following:

- (1) Relevance of the offense(s) noted on the record to the position or license sought, or to public housing;
- (2) The nature of the work to be performed (where applicable);
- (3) Time since the conviction;
- (4) Age of the candidate at the time of the offense;
- (5) Seriousness and specific circumstances of the offense;
- (6) The number of offenses;
- (7) Whether the applicant has pending charges;
- (8) Any relevant evidence of rehabilitation or lack thereof; and
- (9) Any other relevant information, including information submitted by the candidate or requested by the organization.

Whenever possible, the applicant is to be notified of the decision and the basis for it in a timely manner.

#### I. Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified promptly. The subject shall be provided with copies of: 1) the organization's CORI Policy; 2) the criminal history at issue, indicating the source(s) of said criminal history; and 3) DCJIS' ***Information Concerning the Process for Correcting a Criminal Record***, or other similar information published by DCJIS relating to the process for correcting CORI.

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI record and/or submit additional information. In most instances, that reasonable

opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or the DCJIS, the Town shall review the information. If the CORI record does not exactly match the identification information provided by the applicant, the Town will make a determination based upon a comparison of the CORI record and documentation provided by the applicant. The Town shall document all steps it takes in this regard.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

J. Maintenance of CORI

All CORI information, including CORI Acknowledgment Forms and copies of government- issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password protected and encrypted. No CORI shall be stored using public cloud storage methods. CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later. Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which they are stored and from any system used to back up the information. Appropriate measures shall be taken to “clean” any computer used to store CORI, prior to disposal or repurposing of such a computer.

K. Secondary Dissemination Logs

All CORI obtained from the DCJIS is **CONFIDENTIAL** and can only be disseminated as authorized by law and regulation. A central “secondary dissemination log” shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1) the applicant/subject’s name; 2) the applicant/subject’s date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5) the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained electronically or on paper in the same secure manner as other CORI information; and are subject to audit by DCJIS.

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice

Town of Southampton

Personnel By-Law

Amended June 23, 2016

Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617)660-4640 or go to the Massachusetts iCORI service - <https://icori.chs.state.ma.us/icori/ext/global/landing.action?page=1&bod=1435094138316&m=presentLanding>.

2. The DCJIS charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please contact the Constituent Assistance and Research Unit at 617.660.4640 between 8:00AM and 6:00PM Eastern Time, Monday – Friday or via email at [iCORI.INFO@state.ma.us](mailto:ICORI.INFO@state.ma.us)
4. The DCJIS does not offer “walk-in” service but you may call our Legal Division at (617)6604760 for assistance or the CORI Unit of the Office of the Commissioner of Probation at (617)7275300.
5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.
6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers – see <http://www.mass.gov/courts/courtinfo/courthouses/>
8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.
9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617)660-4640.

**FORMS AND CLASSIFICATION PLAN**  
(Forms in following sections are subject to change)

**Personnel Change Form (PCF)**

**TOWN OF SOUTHAMPTON**  
**PERSONNEL CHANGE FORM (PCF)**

(For use by Department Head or Appointing Authorities to Add or Change Employee Payroll Information),

JOB TITLE: \_\_\_\_\_

**EMPLOYEE INFORMATION**

Name: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
last first middle

Address: \_\_\_\_\_  
street town state zip code

( ) Full time ( ) Part time ( ) Temporary ( ) Emergency Benefitted Y N

Date of Job Posting \_\_\_\_/\_\_\_\_/\_\_\_\_

**REASON FOR CHANGE**

( ) New Hire	( ) Resignation/Separation
Replaces	Last Day working ____/____/____
( ) Additional position	Was adequate notice given? Y N
( ) Other Town Dept. _____ hrs./wk. _____	
( ) Change in salary, wage or appointment (see below)	Reason for resignation, separation or change:
( ) Change in position - promotion, transfer, title (see below)	
( ) Leave of absence date ____/____/____	
( ) Return to payroll from leave ____/____/____	

Employee Name \_\_\_\_\_ Signature \_\_\_\_\_

Date \_\_\_\_\_ Comments \_\_\_\_\_

You may write additional comments on the back of this form

**POSITION INFORMATION**

( ) Salaried New annual salary of \$ \_\_\_\_\_ for months \_\_\_\_\_  
 Old annual salary of \$ \_\_\_\_\_ for months \_\_\_\_\_

( ) Hourly New hourly rate \$ \_\_\_\_\_ for \_\_\_\_\_ hrs/wk for \_\_\_\_\_ wks/yr Annual \$ \_\_\_\_\_  
 Old hourly rate \$ \_\_\_\_\_ for \_\_\_\_\_ hrs/wk for \_\_\_\_\_ wks/yr Annual \$ \_\_\_\_\_

( ) Position New title \_\_\_\_\_ Position number 1 \_\_\_\_\_  
 Old title \_\_\_\_\_ Position number 2 \_\_\_\_\_  
 Grade \_\_\_\_\_ Position number 3 \_\_\_\_\_

**TOWN OF SOUTHAMPTON  
PERSONNEL CHANGE FORM (PCF)**

Employee Name \_\_\_\_\_

Source of Funds: General Fund    Revolving Fund    Grant    Enterprise Fund  
(circle one)

Account Line Number from Expense Budget \_\_\_\_\_

Budget Verified by Accountant \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

*Attach copy of PRF if applicable*

**Signatures**

Department \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Department Head Name \_\_\_\_\_ Signature \_\_\_\_\_

Signature of PPPB Chair \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Finance Committee \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
(required if PCF requests an employee change in pay or benefit status)

Signature of Select Board Chair \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

(Effective Date for Employment or Changes is one day after all signatures are complete  
with exception of resignations)

<p><b>Office use only</b></p> <p>PPPB Re'd _____</p> <p>Approved Effective Date: _____</p>
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Personnel Separation Form (PSF)



**TOWN OF SOUTHAMPTON**  
**PERSONNEL SEPARATION FORM**

EMPLOYEE INFORMATION

Name: \_\_\_\_\_ Department: \_\_\_\_\_  
First Last

Job Title: \_\_\_\_\_

( ) Date of Hire    /    /    Last working day    /    /   

Was adequate notice given? ( ) Yes ( ) No Vacation time due \_\_\_\_\_  
(Please attach accrual printout from Treasurer)

( ) Resignation

( ) Retirement

( ) Other \_\_\_\_\_

TOWN PROPERTY CHECK OFF

( ) Employee has turned in all keys to building and office Received by \_\_\_\_\_

( ) Employee has turned in all equipment Received by \_\_\_\_\_

( ) Employee has turned in all uniforms Received by \_\_\_\_\_

( ) All Computer access denied Completed by \_\_\_\_\_

\*No payment of vacation time will be paid until all town property is returned\*

TREASURER'S OFFICE USE ONLY

Is Employee Insured ( ) Yes ( ) No

( ) Insurance Refund Due Amount Due \_\_\_\_\_

( ) Cobra Packet Issued Date Mailed    /    /   

( ) Direct Payment (Retirees)

SIGNATURES

Town Administrator (or designee) \_\_\_\_\_ Date    /    /   

Employee \_\_\_\_\_ Date    /    /   

PPPB PerSepForm ver3 3/14/2014



**TOWN OF SOUTHAMPTON**  
**PERSONNEL SEPARATION QUESTIONNAIRE**  
**(Voluntary)**

Employee's Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Department: \_\_\_\_\_ Employed: From \_\_\_\_\_ To \_\_\_\_\_

Reason for Leaving: Resignation \_\_\_ Discharge \_\_\_ Layoff \_\_\_ Other \_\_\_\_\_

Have you accepted another position? Yes \_\_\_ No \_\_\_ If yes, where? \_\_\_\_\_

Present Title: \_\_\_\_\_ New Title: \_\_\_\_\_

Present Salary: \_\_\_\_\_ New Salary: \_\_\_\_\_ Additional Fringe Benefits offered by new employer: \_\_\_\_\_

1. How long ago did you begin searching for another position? \_\_\_\_\_ What incident or circumstance(s) made you begin looking for another job? \_\_\_\_\_

2. What were the reasons you decided your career goals could not be met here or could be better met somewhere else? \_\_\_\_\_

3. Did you speak with your supervisor or anyone else in management or the Administration Office concerning your career goals? Yes \_\_\_ No \_\_\_

4. If the answer to 3 above was Yes, what was the outcome of this conversation? \_\_\_\_\_

5. If the answer to 3 above was No, why not? \_\_\_\_\_

6. Did you get along well with your supervisor? Yes \_\_\_ No \_\_\_ If No, please explain: \_\_\_\_\_

7. How well did your supervisor handle any complaints or grievances you may have had? \_\_\_\_\_

8. What could have been done to make your job here more rewarding? \_\_\_\_\_

9. What did you like best about your job? \_\_\_\_\_

10. What did you dislike about your job? \_\_\_\_\_

11. What makes the Town of Southampton a good place to work? \_\_\_\_\_

12. What makes the Town of Southampton a poor place to work? \_\_\_\_\_

13. How does your new position compare with the one you are leaving? \_\_\_\_\_

14. How would you rate the following:

- > Job responsibilities?
  - Outstanding
  - Very Good
  - Satisfactory
  - Fair
  - Unsatisfactory
- > Opportunity for achieving goals?
  - Outstanding
  - Very Good
  - Satisfactory
  - Fair
  - Unsatisfactory
- > Work environment?
  - Outstanding
  - Very Good
  - Satisfactory
  - Fair
  - Unsatisfactory
- > Supervisor/Department Head?
  - Outstanding
  - Very Good
  - Satisfactory
  - Fair
  - Unsatisfactory
- > Pay?
  - Outstanding
  - Very Good
  - Satisfactory
  - Fair
  - Unsatisfactory
- > Benefits?
  - Outstanding
  - Very Good
  - Satisfactory
  - Fair
  - Unsatisfactory

15. What recommendations would you have for making your department and/or the Town a better place to work? \_\_\_\_\_

16. Would you have stayed if a more-satisfactory arrangement could have been worked out? Yes \_\_\_\_\_

17. It has been explained to me that completion of this Personnel Separation Questionnaire is voluntary and I was given the option not to complete this form if I so desired. Yes \_\_\_\_\_ No \_\_\_\_\_

18. I authorize the placement of this Personnel Separation Questionnaire in my personnel file. Yes \_\_\_ No \_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# The National Position Evaluation Plan

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*Definitions of Factors and Respective Degrees Used In Evaluating*

**Supervisory**

**Professional**

**Sales**

**and Administrative Positions**

Positions usually determined to be  
exempt under the terms of the Fair Labor Standards Act

