

TOWN OF EASTHAM

CLASSIFICATION AND COMPENSTION PLAN AND PERSONNEL CODE

JULY 1, 2023

TOWN OF EASTHAM

CLASSIFICATION AND COMPENSATION PLAN AND
PERSONNEL CODE

AS OF JULY 1, 2023

Adopted by Select Board at a Public Meeting September 25, 2023

TOWN OF EASTHAM

CLASSIFICATION AND COMPENSTION PLAN AND PERSONNEL CODE

JULY 1, 2023

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PREAMBLE

The purpose of the Personnel Code of the Town of Eastham in the Commonwealth of Massachusetts is to vest appropriate administrative and executive powers in the hands of elected and appointed Town officials and to establish fair and consistent personnel policies that are equitable to Town employees. The Personnel Code of the Town of Eastham is hereby published for the guidance of Town officials, employees of the Town, those who reside here, and taxpayers who support financially the services that the Town renders.

This total revision encompasses recent Federal and State legislation, changes and achieves consistency between the Home Rule Charter Adopted May 21, 1991, and personnel practices and policies of the Town.

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1.0 CODE AUTHORIZATION:

Pursuant to the authority contained in Sections 108,108A and 108C of Chapter 41 of the General Laws, there shall be established a Personnel Code for the Town of Eastham, which may be amended by the Select Board as outlined in May 2004, Annual Town Meeting, Article 11. The Code is required to include the following:

- a) Classifying positions in the service of the Town, other than those filled by popular election, covered by other collective bargaining agreements, or employed on a fee basis.
- b) Authorizing a compensation plan for said covered positions herein defined.
- c) Establishing certain working conditions and fringe benefits for employees occupying positions covered by the classification plan.

The provisions of this Personnel Code apply to all personnel not otherwise included in a collective bargaining agreement with the Town of Eastham.

The Personnel Code shall not be construed as a contract between the Town of Eastham and its employees.

2.0 NON-DISCRIMINATION

The Town of Eastham does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, hiring, and firing of staff, selection of volunteers and vendors, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, residents, vendors, contractors, subcontractors, volunteers, and clients.

3.0 DEFINITION OF CODE TERMS:

Continuous Employment - Uninterrupted service within any Town Department (exclusive of the Elementary School) including, vacation periods, sick leave and other leaves granted in accordance with this Agreement, Federal Law and/or the General Laws of the Commonwealth, except leaves of absence. Continuous service will be applicable in determining an employee’s benefits (e.g., vacation accruals, sick leave credits, etc.) However, if an employee transfers from one department to another, only the service in the department to which the employee is transferred (departmental seniority) would be applicable for purposes of layoff or placement on the salary scale in that department.

Should a part-time employee become a full-time employee, vacation entitlement shall be calculated (and pro-rated) based on the full-time equivalent of years of service and accrual thereafter shall be on the adjusted anniversary date of hire.

Department - Any division or branch of the Town municipal service under the direction of an elected Town official or Board, or an appointed Town official or Board.

Department Head - Any elected or appointed Town employee having direct supervision and control of a department, who reports directly to the Town Manager or designee.

Employee - For purposes of this Agreement, an employee is any person who works for wages or salary in the service of the Town.

Full-time Employee - An employee in the service of the Town filling a position scheduled for not less than thirty-five hours per week for fifty-two (52) weeks per fiscal year.

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Regular part-time Employee - An employee in the service of the Town scheduled an average of 19 hours per week but less than 35 hours per week for fifty-two (52) weeks per fiscal year.

Supervisor - An employee having direct supervisory control over a position or a department.

Temporary Employee - An employee retained in a temporary or seasonal position as defined.

Temporary Position or Seasonal Position: Any position in the Town that is funded and requires the services of an employee for a period not exceeding six calendar months. A seasonal employee is not entitled to time off benefits under this code or entitled to participate in health or other insurance benefits.

4.0 PERSONNEL RECORDS, JOB DESCRIPTIONS, AND CLASSIFICATION

The Town Manager shall administer this code and shall establish such procedures as deems necessary for the proper administration thereof.

4.1 PERSONNEL RECORDS

The Town Manager shall maintain a personnel record for each Town employee. Such record shall contain but is not limited to vital statistics, a Town employment record with reference to positions held and rates of pay, records of attendance, vacation, sick leave, compensated time off, injury leave and leave of absence, enrollment information on retirement, health/life insurance, deferred compensation, and union deductions, as well as memos and letters of compliment or discipline. Said records to be kept in the Administration offices at Eastham Town Hall. (Payroll and attendance records may be stored separately in the payroll department in the Treasurer’s office at Eastham Town Hall.) Any information not contained in the personnel file shall not be considered part of the official record of employment for any purpose including but not limited to discipline, promotion, or references.

Any employee may review their personnel record in the presence of the Town Manager or their designee in such a manner as not to intrude on the employee’s privacy. No information from an employee’s personnel record, other than a simple verification of employment, shall be released without the written consent of the employee. All personnel information subject to HIPPA regulations shall be kept in accordance with such regulations.

An employee shall have the right to place a written reply in their file to all complaints, reprimands, or any other material derogatory or disciplinary in nature and have it attached to said material. The employee will be shown all material of a negative or detrimental nature and initial such material prior to inclusion in the personnel file. The purpose of the initials is not to imply acceptance of said material but only to indicate that the employee has reviewed the information.

4.2 CLASSIFICATION PLAN GRADE - MODIFICATIONS

The Town Manager shall maintain written job descriptions consisting of, at a minimum, a statement describing the essential nature of the work and the characteristics, and the position grade within in the system. Maintenance of current job descriptions is the responsibility of the Town. The job descriptions may be amended from time to time for purposes of updating, or as part of a reclassification effort, and in accordance with the procedure below. Changes to the position grade may be made as follows:

The employee may initiate Job description review by submitting a written request to the supervisor. The supervisor

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shall notify the Town Manager of the request within 10 business days. The supervisor shall provide to the Town Manager a written response to the request including a recommendation within 45 calendar days. Town Manager within 15 business days of receiving the supervisor’s comments shall make a final decision on the request and send that written decision to the, the employee, and the supervisor.

The supervisor may initiate Job description review by submitting a written request to the Town Manager. The Town Manager, within 45 business days of receiving the request, shall make a final decision on the request and send that written decision to the employee and supervisor.

The Town Manager may initiate Job description review after written notice to the supervisor. Within 45 days of the request, the supervisor may provide comments and a recommendation to the Town Manager. The Town Manager, within 15 business days of receiving the comments, shall make a final decision and send that written decision to the employee, and the supervisor.

4.3 APPEALS OF PERSONNEL ACTIONS

All appeals to actions taken under this code shall be delivered to the Town Manager in writing within 10 business days of the specific action being appealed. The Town Manager may discuss the matter with the appealing employee and/or their representative and will render a written decision within 15 business days of the initial action under appeal.

5.0 COMPENSATION

Compensation for each covered position shall be by a Grade and Step plan. No employee shall make less than the minimum salary for the position grade. Employees are eligible for an annual step increase on July 1 of the fiscal year if they have been in continuous employment for six months or more. However, employees may be hired at other than Step 1 if the Town Manager determines that the skills and experience of the incoming employee and the needs of the Town justify a start at other than Step 1. Furthermore, an employee covered under this agreement may also be permitted a step increase after six months regardless of the start date, if the hiring letter issued by the Town Manager, makes provision for such an increase. The compensation scales are contained in the Appendices of this document.

5.1 LONGEVITY

In addition to wages, employees after eight years of continuous service to the Town and are currently employed in a position covered by this code shall be entitled to a longevity stipend as shown on the scale that follows based on years of services as of July 1 of that year. These payments shall be made with the first payroll in December.

Year	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>
	\$600.00	\$650.00	\$700.00	\$750.00	\$800.00	\$850.00
Year	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>
	\$900.00	\$975.00	\$1,200.00	\$1,300.00	\$1,400.00	\$1,500
Year	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>		
	\$1,600.00	\$1,800.00	\$1,950.00	to a maximum of \$2,000.00		

Part-time employees will have their longevity payments prorated based on their full-time percentage.

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5.2 OVERTIME/COMP TIME

No qualified employee shall work more than their regular schedule, except upon direct request and/or approval of the department head. Such worked time, unless otherwise specified shall be recorded as “earned comp time” and used in lieu of working hours. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions and is based on actual hours worked. Time off of accrued vacation time, holiday, sick or personal time or any other leave of absence will not be considered hours worked for purposes of calculating overtime.

Compensation for hours worked in excess of the standard work week must be with prior approval and shall be as follows:

- Confidential, clerical, supervisory and administrative Fair Labor Standards Act (FLSA) non-exempt employees with standard 35 hours per week schedules who are required to work in excess of 35 hours in a defined seven-day period, shall, with the prior approval of the Department Head, receive compensatory time off at straight time for all hours worked between 35 and 40 hours. Non-Exempt employees who are required to work in excess of 40 hours a week will be given compensatory time off at the rate of time and one-half (1.5) for all hours in excess of 40 hours.
- Management employees and those non-union confidential, professional, administrative & supervisory employees designated as FLSA exempt are not eligible for overtime and will be paid regular bi-weekly salaries less time off charged against their regular work schedule.

The provisions of the Fair Labor Standards Act apply to all employees except those exempted from the requirements of this act. A list of position titles by their Fair Labor Standards Act (FLSA) classification is included as Appendix C.

6.0 HOLIDAYS

The following days shall be recognized as legal holidays within the meaning of this Code on the day designated by statute of the Commonwealth of Massachusetts:

- New Year’s Day
- Martin Luther King Day
- Presidents Day
- Patriots Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day/ *Thanksgiving Friday
- Christmas Day

Part-time employees covered by the Code, who are not scheduled to work on the holiday, may at the supervisor’s discretion, be given the scheduled day preceding or following the holiday as a day off.

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Holidays that fall on a Saturday shall be recognized on the preceding Friday. Holidays which fall on a Sunday, shall be recognized on the following Monday. Except for weekends as described above, holidays shall be recognized on the day they occur.

Employees will receive one-half day off on the day before Thanksgiving as well as one-half day off on Christmas Eve in FY25 (12/24/2024) and FY26 (12/24/2025).

7.0 VACATIONS

Vacation time shall be accrued monthly and recorded in hours, in accordance with the following chart:

Tenure	<u>Annual Vacation Hours by Work Schedule</u>		
	<u>35 Hour</u>	<u>40 Hour</u>	<u>19 Hour</u>
One to Four Years	77	88	41.8
Five to Seven Years	112	128	60.8
Eight to Nine Years	119	136	64.6
Ten Years	140	160	76
Eleven Years	147	168	79.8
Twelve Years	154	176	83.6
Thirteen to Fourteen Years	161	184	87.4
Fifteen to Seventeen Years	168	192	91.2
Eighteen to Twenty Years	175	200	95
Twenty-two Years and thereafter	182	208	98.8

Vacation may be used in the first six months of employment, with the permission of the supervisor.

With the permission of their direct supervisor (appealable to the Town Manager), employees may take up to two (2) weeks (80, 70 or 38 hours) of vacation in advance of it being earned. If an employee terminates with a deficit in their vacation hours, the value of such deficit will be deducted from their final paycheck.

Vacation leave shall be granted based on seniority and job activity and to the convenience of the departmental work program.

Maximum vacation accrual allowed in any month is 2.0 times the employee’s annualized vacation, or no more than 35 days (245 hours, 280 hours, 133 hours) whichever is less. All vacation in excess of 35 days equivalent will be lost.

Should a part-time employee become a full-time employee, under this code, vacation entitlement shall be calculated (and pro-rated) based on the full-time equivalent of years of service and accrual thereafter shall be on the blended anniversary date of the new position.

8.0 SICK LEAVE

Sick Leave Defined: Sick leave shall be defined as any absence due to injury, illness, or appointment with a doctor or other medical professional. A sick day shall be defined as the average number of hours an employee works in a week divided by the number of days in the week. Full and regular part-time employees will accrue and be entitled to use sick leave on the following basis:

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For employees, the sick accrual per month shall be in accordance with the chart below:

- 40 hr. wk. - 10 hours per month
- 35 hr. wk. - 8.75 hours per month
- 19 hr. wk. - 4.75 hours per month

Maximum Sick Leave Accrual: Sick leave credits for employees may be allowed to accumulate to a maximum number of hours as per the chart below:

- 40 hours per week, maximum 1,600 hours.
- 35 hours per week, maximum 1,400 hours.
- 19 hours per week, maximum 760 hours

8.1 REPORTING SICK LEAVE USE

The Department Head or his designee must be notified by the employee regarding the employee’s absence as soon as possible but in no event later than one (1) hour after the beginning of the employee’s workday. The Town has acquired an automatic answering capability in all departments. All employees are required to contact their supervisor **directly** if they are taking a sick day off. After a three-day absence, or for a suspected abuse of sick leave, or to certify the employee as “fit for duty” upon return from sick leave, the Town may require the submission of a doctor’s certificate. Vacation credits may be applied to sick leave in cases of prolonged illness.

8.2 SICK LEAVE BUY BACK

All employees under this code are entitled to participate in the sick leave buyback program of the town. The details of which are listed below.

8.2.1 Upon Separation of Service

Upon separation from service with the Town but not upon retirement from municipal service, whether for any reason or upon the death of a full-time employee, the employee’s estate will receive a payment for unused sick leave based on the following schedule:

Full-time Employees (40 hrs.)	Minimum 640 hours required. Payment for hours over 640 up to 1,280 hours. Paid at \$50 for every full 8 hours.
Full-time Employees (35 hrs.)	Minimum 560 hours required. Payment for hours over 560 up to 1,120 hours. Paid at \$50 for every full 7 hours.
Part-time Employees (19 hrs.)	Minimum 304 hours required. Payment for hours over 304 up to 608 hours. Paid at \$25 for every full 3.8 hours.

An employee whose employment is terminated as the result of a reduction in force or involuntary retirement, or disability will be entitled to the payments described above based on eligibility. Employees terminated for cause, are not eligible for sick leave buy back.

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8.2.2 Buy Back Incentive Upon Retirement

Employees who are retiring from municipal service or have at least ten years of creditable service and who use no more than thirty-five (35) or forty (40) hours (equivalent one week) within 60 days of retirement, and are eligible for sick buy back, shall have eligible hours purchased at the rate of \$75/per day in accordance with the buyback schedule above.

8.2.2.1 Notice of Retirement

In all cases, the employee must notify the Town six months in advance of their intention to leave Town service. If a shorter period of notice is unavoidable, the Town reserves the right to delay the sick leave buy back payment until such funds are available but in no case longer than one (1) year from the date of notice.

8.3 Family Sick Leave

All employees covered by this code will be allowed to use up to three (3) accumulated sick days in any fiscal year for tending to an ill family member. If the employee takes three consecutive days, the employee may be required to provide a doctor’s note verifying the illness, and confirming the employees’ need to assist. Use of sick leave in this manner is intended to be used for family members.

9.0 MISCELLANEOUS LEAVES

All employees are entitled to take advantage of various types of leaves as situations present. Following are requirements for the utilization of various types of leave.

9.1 INJURY LEAVE

Employees shall report all injuries suffered while in service to the Town promptly and in no event later than 24 hours following such occurrence, to their supervisor or designee. Said report shall be submitted in writing on forms supplied by the Town that will include the following:

- Name of employee
- Time, date, and location of injury
- Cause of injury (including brief description of the events)
- Nature of the injury
- Medical treatment applied to injury
- Names of witnesses to the event

Employees injured in the line of duty shall submit to an examination by the Town’s physician, at the Town’s request within 24 hours of the event. An employee who refuses will not be eligible for benefits under this section. Further, if an injury is the result of an unsafe or inappropriate action by the employee, the employee may be subject to discipline, and in the case of motor vehicle incidents, police citation.

Should a full-time or regular part-time employee be absent from work due to injury directly attributed to their employment, the employee shall be entitled to Worker Compensation benefits in accordance with the law. All employees injured as a result of their employment who are receiving benefits, shall continue to participate in the Town’s Health Care, Dental and Life Insurance and Retirement plans provided they continue to make the required contributions to these Plans. Furthermore, employees receiving such benefits referred to above will continue to accrue departmental seniority for purposes of layoff and placement on the salary scale.

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Time absent shall not be deducted from their sick leave credits. For the first twenty-four (24) months while on Worker's Compensation leave, an employee will continue to accrue sick and vacation leave at the same rate at which the employee had been accruing sick and vacation leave before the work-related injury occurred. Thereafter, an employee on Worker's Compensation leave shall not accrue any paid sick and vacation leave. While on Worker's Compensation leave, the employee may elect to utilize any accrued sick, vacation, or compensatory time accrued, to supplement the Worker's Compensation benefits so that the employee receives 100% of their salary. All normal payroll deductions including the employee's share of all insurances, taxes, and retirement will be deducted from the pay received. If all accrued leave has been exhausted, the employee must ensure that their share of all insurance premiums are paid directly to the Town when due.

Public Safety employees covered by this code, including but not limited to Police Chief, Deputy Police Chief, Police Lieutenant, Fire Chief and Deputy Fire Chief, are subject to the injured-on duty benefits as outlined in M.G.L. 111F.

9.2 BEREAVEMENT LEAVE

Bereavement Leave shall be granted as follows:

Paid leave not to exceed five (5) days (fire: 4 shifts) for death of spouse, current domestic partner, child, parent, parent-in-law, stepparent, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, grandparent, or grandchild. Other significant persons may be included by permission of the department head, appealable to the Town Manager.

Extension of bereavement leave may be granted by the Town Manager based upon special conditions affecting any person covered by this agreement to a maximum of five (5) additional days.

9.3 JURY DUTY LEAVE

A full-time or regular part-time employee summoned as a Juror will be granted a leave of absence with pay during the period of their jury duty. However, compensation received as a Juror will be deducted from the employee's compensation from the Town. (Employees, who receive payment for jury service, must give that amount or check to the Town **prior** to receipt of the paycheck covering that period in order to receive a full paycheck.) Written notice of jury duty must be provided to the Town at least two weeks prior to the day(s) to be served. Written notice of service must be provided upon return to work, in order for an employee to be paid for time spent in such service.

9.4 MILITARY LEAVE

A full-time or regular part-time employee who is a member of the National Guard or a U. S. Armed Forces Reserve Unit, and who is required annually to undertake a tour of duty for training purposes of no more than twenty-one (21) days, will be granted a leave of absence with pay for such period. However, compensation received for such tour of duty, including allowances for meals and quarters, will be deducted from the employee's compensation from the Town. The Town shall be supplied with written notice of service at least two weeks prior to the commencement of such service. Failure to notify the Town in a timely manner may reduce your benefits under this section.

If the employee's National Guard or Reserve Unit is activated into federal service, the employee will be granted a leave of absence without pay. However, upon deactivation from such federal service, the employee will be entitled to all re-employment rights with the Town that is provided by federal law.

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9.5 LEAVE OF ABSENCE UNDER FAMILY MEDICAL LEAVE ACTS OF 1993

In accordance with the Family Medical Leave Act of 1993, the Town shall grant to eligible employees up to twelve (12) workweeks of unpaid job protected leave every calendar year for the following reasons:

- a) in connection with the birth of a child, or placement for adoption or foster care placement of a child (such leave must conclude within 12 months of the birth or placement)
- b) when needed to care for a spouse, child, or parent with a serious health condition
- c) the employee’s own serious health condition
- d) employees who are married or domestic partners, and both employed by the Town, are entitled to a combined total of 12 workweeks of family leave for the birth or placement for adoption or foster care of a child, and to care for a parent (but not a parent-in-law) who has a serious health condition.

A serious health condition has been defined as an incapacity requiring absence from work or normal activities of more than three (3) days. Furthermore, the annual twelve (12) workweeks may be taken intermittently if the health condition so requires. If the employee is entitled to any paid leave such as vacation, sick leave, or compensatory time off, the employee shall make use of all such leave as part of the unpaid leave required by federal law.

An eligible employee is one who has completed one (1) year of employment and whose normal workweek is twenty-four (24) hours or more. In the twelve months prior to leave request, the employee must have worked at least 1250 hours as defined in the law.

During such leave, the Town shall continue health care coverage for the employee, including life insurance, provided the employee makes the required contributions to the Plan. Additionally, the period of such leave must be treated as continuous service for vesting of pension benefits and eligibility to participate in the Retirement Plan. Upon completion of the leave, the employee must be reinstated to the same position or an equivalent one that has the same pay, benefits, and working conditions, except as provided for in the law. If an employee fails to return to work after such leave, the Town may recover premiums it paid to maintain health coverage.

9.6 LEAVE OF ABSENCE WITHOUT PAY

A full-time or regular part-time employee who has completed two years of employment may be granted a leave of absence without pay by making a written request stating the reason. The Town Manager may grant such leave request if it is recommended by the Department Head. Such leave will be granted initially for a period not to exceed three (3) months. For good and sufficient reason, the Town Manager has the authority to extend such a leave for two (2) additional three (3) month periods or a total not to exceed nine (9) months in aggregate. The Town Manager shall be the sole judge of whether to extend a leave of absence without pay and shall provide to the employee in writing reasons for denial of any extensions.

During the period of such leave the employee will be eligible, at their own expense, (100% of the cost), to continue to participate in the Town’s health care plan. Should the employee accept other employment during the period of such leave, the balance of the leave will be forfeited, and the employee terminated from the employment of the Town. Failure to report to work upon the expiration of such authorized leave will result in the termination of the employee.

9.7 PERSONAL LEAVE

On July 1 of each year, all full-time employees who have been employed at least six (6) months of service will be granted up to three (3) days off with pay, to be used with the approval of the Department Head or the Town Manager,

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for a personal emergency or personal business, including weather related difficulties. On July 1, of each year, all regular part-time employees with at least six (6) months of service will be granted one and one-half (1.5) personal days with pay to be used with the approval of the Department Head or the Town Manager, for a personal emergency or personal business, including weather related difficulties. After 6 months of employment, employees will receive personal time on a pro-rated basis.

10.0 MEDICAL, DENTAL, LIFE, & OTHER INSURANCE OPPORTUNITIES

The Town will provide health insurance (town’s paid share 65%) in accordance with the current plan, as from time to time amended, and in accordance with specific provisions of M.G.L. Chapter 32B. Eligibility is limited to the full-time employees and regular part-time employees scheduled for 20 hours per week or more. No change will be made to the plan without adherence to M.G.L. Chapter 32B.

Employees may elect to participate in the Town’s Group Life Insurance plan. Employees who elect to have this coverage must contribute one-half (2) of the premium cost.

10.1 VOLUNTARY WAIVER OF HEALTH INSURANCE

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

- (1) \$2,000 for waiving individual health insurance plan coverage, or
- (2) \$5,000 for waiving family health insurance plan coverage.

To be eligible, an employee must completely remove themselves as either a subscriber or dependent on the Town’s health plan, or in the case of new employees, must opt-out at time of hire. An employee is not eligible for the opt-out payment where the employee opts-out of their individual health plan and becomes a dependent on their spouse’s plan, when their spouse is also a subscriber on the Town’s plan.

To be eligible, a current employee must have been a subscriber to the Town’s health plan in the fiscal year prior to agreeing to opt-out of the Town’s health plan and must notify the Town Manager of their intent to opt-out no later than the last day of the Open Enrollment Period.

The Town will make the above payment in bi-annual installments of \$1,000 for an employee waiving individual health insurance or \$2,500 for an employee waiving family health insurance on or about the first pay period in December and June. The bi-annual opt-out payments will be subject to Federal, State, and Medicare taxes.

11.0 RETIREMENT

Full-time and certain regular part-time employees who meet specified conditions of employment automatically become members of the Barnstable County Contributory Retirement Plan and, as such, are eligible for retirement benefits under this Plan. The required level of employee contributions and the retirement benefits provided by the Plan are contained in the Summary Plan Description. (The Town is a participant in the Retirement Plan with other communities and therefore is not in control of the details of plan administration.)

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12.0 TOWN POLICIES

The Town reserves the right to establish policies and procedures that are not inconsistent with the code provisions contained herein or with applicable state or federal laws. The purpose of such policies is to provide clear guidelines for daily behavior. Such policies include, but are not limited to:

- Anti-Discrimination and Harassment Policy
- Professional Conduct Policy
- Workplace Violence Policy
- Drug & Alcohol-Free Workplace Policy
- Electronic Communications Policy
- Town Owned Vehicle Use Policy

Policies are included in this personnel code by inclusion as an appendix. Policies will be provided to each employee upon hire; are available upon request; and employees may be required to periodically acknowledge receipt of such policies. These policies do not constitute a contract and the Town reserves the right to develop other policies that are not inconsistent with this code or state or federal law.

13.0 USE OF PRIVATE VEHICLE

The Town agrees to reimburse the employee for the use of their private automobile for any approved department business when the department employee is required by their supervisor to use their vehicle by their supervisor or designee. Before using a privately owned vehicle for travel the employee must first check to see if a vehicle is available in the shared vehicle pool, this can be done by checking with the Finance Office. Approval from the Department Head must be obtained prior to any such use of a personal vehicle for town business (or, in the case of a Department Head, they should receive sign-off from the Town Manager). As long as prior approval is received and supporting documentation is adequate to the Accounting Department, the employee will be reimbursed for mileage at the IRS rate posted at the time of their travel. Other travel-related expenses (tolls, parking, etc.) must be approved and accompanied by the appropriate receipt for reimbursement to occur. If an employee does not receive prior approval to use a personal vehicle for town business, they will not be reimbursed for any related expenses.

14.0 WELLNESS

The Town agrees to provide as necessary certain health wellness benefits to employees whose position, state mandates, or licensure requires the following: HIV testing, TB testing, Flu Vaccine, and Hepatitis Series. An employee must acknowledge inherent risks in any such inoculations and shall not hold the Town liable for side effects. All such testing when not mandated by the State is at the option of the employee. The Town will arrange for and bear the expense of administration of any of the above tests or vaccines.

Annually the Town shall provide to all employee’s flu vaccine, if available, at a cost of no more than \$10.00 per person.

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15.0 HIRING/LAYOFF AND RECALL

15.1 Vacancies

Whenever a vacancy occurs in a covered position, the Town may post the position internally and externally, or make a promotion as fits the needs of the Town. In most cases, the Town will follow a personnel process that includes internal posting and outside advertising for a vacancy. The Town, however, is not obligated to follow this process except as required by law and is not required to fill any vacancy.

15.2 Probationary Period

A newly hired or promoted employee will be on probationary status for up to twelve (12) months following their initial hiring. Termination with notice is all that is required. A terminated probationary employee is not entitled to a just cause hearing and may not file a grievance.

15.3 Discharge or Suspension

The Town shall not discharge nor suspend any employee without cause. In all cases involving the discharge or suspension of any employee, the Town must immediately notify the employee in writing of their discharge or suspension and the reason therefor.

Any employee discharged must be paid in full for all wages owed him/her by the Town, including earned vacation pay, if any.

Every effort shall be made to employ progressive discipline in an effort to serve notice and correct improper behavior. Progressive discipline steps may (but are not required to include), oral reprimand, written reprimand, suspension, and termination.

15.4 Layoff/Recall

Should it become necessary to reduce the workforce within a department or departments of the Town due to the elimination, reduction or consolidation of their functions, the following policy shall apply.

A reduction in force shall be by job description and seniority.

The Town Manager, with the approval of the Select Board, will determine the nature and extent of such a force reduction and the number of positions to be eliminated.

Non-manager employees under this code may bump to a lesser position for which the Town Manager determines they are qualified, with a reduction of pay to the lesser position step of the current employee. Due to the limited number of positions covered by this code, “bumping” opportunities are very limited.

16.0 PROTECTIVE CLOTHING/UNIFORMS

The Town shall provide certain clothing items and equipment to Public Safety employees covered by this agreement, as is provided in the contracts for police and fire personnel.

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17.0 EMERGENCY CLOSINGS

In the event the Town Hall does not open, or employees are sent home because of inclement weather or emergency conditions, all employees covered by this Code with the exception of the Police Chief, Deputy Police Chief, Police Lieutenant, Fire Chief, and Deputy Fire Chief, shall be entitled for compensation for time not worked. Each employee shall be granted, each fiscal year, one additional personal day (7 or 8 hours) to be used for snow/inclement weather emergencies only. These hours may be used only when Nauset Schools are closed, and the Town Hall is open. This personal day is not cumulative and may not be carried over into the next fiscal year or compensated for upon termination, no matter the cause. In the event that an employee for weather purposes chooses to leave early or take the day off, they shall be required to use the above snow personal day and then accrued time or make up time not worked. (Any time owed in this context shall be made up within the next two pay periods, with the consent of the supervisor.) Employees with accrued comp time must use that time first before using personal or vacation time.

During inclement weather, use of personal time, comp time, or vacation time for compensated time off is permitted. Employees must state, when they call in, what type of time will be used, otherwise the Town may assume that vacation time is being used and so note this on the time record. Personal time adjacent to a holiday, vacation, or a day off may be used for this purpose.

No employee shall be disciplined who declines to report for work due to inclement weather conditions, the employee however must call in and identify the reason for the absence.

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APPENDIX 1 – Pay Plan by Fiscal Year

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TOWN OF EASTHAM,
MASSACHUSETTS
PERSONNEL CODE PAY
SCALE
Effective July 1, 2023
(Fiscal Year 2024)

		2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>
Grade 1										
Hourly	24.14	24.74	25.36	25.99	26.64	27.31	27.99	28.69	29.41	30.15
Annual Pay (Reference Only)										
35 hours per week	44,101.50	45,204.03	46,334.13	47,492.49	48,679.80	49,896.80	51,144.21	52,422.82	53,733.39	55,076.73
40 hours per week	50,401.71	51,661.75	52,953.30	54,277.13	55,634.06	57,024.91	58,450.53	59,911.79	61,409.59	62,944.83
Grade 2										
Hourly	26.53	27.19	27.87	28.57	29.28	30.01	30.76	31.53	32.32	33.13
Annual Pay (Reference Only)										
35 hours	48,464.83	49,676.45	50,918.36	52,191.32	53,496.10	54,833.51	56,204.34	57,609.45	59,049.69	60,525.93
40 hours	55,388.38	56,773.09	58,192.41	59,647.22	61,138.40	62,666.86	64,233.54	65,839.37	67,485.36	69,172.49
Grade 3										
Hourly	29.19	29.92	30.67	31.44	32.22	33.03	33.85	34.70	35.57	36.46
Annual Pay (Reference Only)										

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35 hours	53,333.78	54,667.13	56,033.81	57,434.65	58,870.52	60,342.28	61,850.84	63,397.11	64,982.04	66,606.59
40 hours	60,952.90	62,476.72	64,038.64	65,639.60	67,280.59	68,962.61	70,686.67	72,453.84	74,265.19	76,121.81
Grade 4										
Hourly Annual Pay (Reference Only)	30.57	31.33	32.11	32.92	33.74	34.58	35.45	36.33	37.24	38.17
35 hours	55,843.17	57,239.25	58,670.23	60,136.98	61,640.41	63,181.42	64,760.95	66,379.98	68,039.48	69,740.47
40 hours	63,820.76	65,416.28	67,051.69	68,727.98	70,446.18	72,207.34	74,012.52	75,862.83	77,759.40	79,703.39
Grade 5										
Hourly Annual Pay (Reference Only)	32.09	32.90	33.72	34.56	35.42	36.31	37.22	38.15	39.10	40.08
35 hours	58,633.45	60,099.29	61,601.77	63,141.82	64,720.36	66,338.37	67,996.83	69,696.75	71,439.17	73,225.15
40 hours	67,009.66	68,684.90	70,402.03	72,162.08	73,966.13	75,815.28	77,710.66	79,653.43	81,644.77	83,685.89
Grade 6										
Hourly Annual Pay (Reference Only)	33.69	34.53	35.40	36.28	37.19	38.12	39.07	40.05	41.05	42.08
35 hours	61,554.83	63,093.70	64,671.04	66,287.82	67,945.01	69,643.64	71,384.73	73,169.35	74,998.58	76,873.54
40 hours	70,348.37	72,107.08	73,909.76	75,757.50	77,651.44	79,592.73	81,582.55	83,622.11	85,712.66	87,855.48
Grade 7										
Hourly Annual Pay (Reference Only)	40.21	41.22	42.25	43.30	44.39	45.49	46.63	47.80	48.99	50.22

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35 hours	73,465.04	75,301.67	77,184.21	79,113.81	81,091.66	83,118.95	85,196.92	87,326.85	89,510.02	91,747.77
40 hours	83,960.05	86,059.05	88,210.52	90,415.79	92,676.18	94,993.09	97,367.91	99,802.11	102,297.16	104,854.59
Grade 8										
Hourly Annual Pay (Reference Only)	46.25	47.40	48.59	49.80	51.05	52.33	53.63	54.97	56.35	57.76
35 hours	84,495.10	86,607.47	88,772.66	90,991.98	93,266.78	95,598.45	97,988.41	100,438.12	102,949.07	105,522.80
40 hours	96,565.82	98,979.97	101,454.47	103,990.83	106,590.60	109,255.37	111,986.75	114,786.42	117,656.08	120,597.48
Grade 9										
Hourly Annual Pay (Reference Only)	53.18	54.51	55.87	57.27	58.70	60.16	61.67	63.21	64.79	66.41
35 hours	97,154.38	99,583.24	102,072.82	104,624.64	107,240.26	109,921.26	112,669.29	115,486.03	118,373.18	121,332.51
40 hours	111,033.58	113,809.42	116,654.65	119,571.02	122,560.29	125,624.30	128,764.91	131,984.03	135,283.63	138,665.72
Grade 10										
Hourly Annual Pay (Reference Only)	58.49	59.95	61.45	62.98	64.56	66.17	67.83	69.52	71.26	73.04
35 hours	106,854.84	109,526.21	112,264.36	115,070.97	117,947.74	120,896.44	123,918.85	127,016.82	130,192.24	133,447.05
40 hours	122,119.81	125,172.81	128,302.13	131,509.68	134,797.42	138,167.36	141,621.54	145,162.08	148,791.13	152,510.91
Grade 11 (Grade 7 Scoring) (Open Merit Plan Grade 7)										
Hourly Annual Pay (Reference Only)	40.21									59.31

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35 hours	73,465.04	-	-	-	-	-	-	-	-	-	108,360.93	
40 hours	83,960.05	-	-	-	-	-	-	-	-	-	123,841.07	
Grade 12 (Grade 8 Scoring)												
	(Open Merit Plan Grade 8)											
Hourly	46.25											68.22
Annual Pay (Reference Only)												
35 hours	84,495.10	-	-	-	-	-	-	-	-	-	124,630.27	
40 hours	96,565.82	-	-	-	-	-	-	-	-	-	142,434.59	
Grade 13 (Grade 9 Scoring)												
	(Open Merit Plan Grade 9)											
Hourly	53.18											78.44
Annual Pay (Reference Only)												
35 hours	97,154.38	-	-	-	-	-	-	-	-	-	143,302.71	
40 hours	111,033.58	-	-	-	-	-	-	-	-	-	163,774.52	
Grade 14 (Grade 10 Scoring)												
	(Open Merit Plan Grade 10)											
Hourly	58.49											86.27
Annual Pay (Reference Only)												
35 hours	106,854.84	-	-	-	-	-	-	-	-	-	157,610.88	
40 hours	122,119.81	-	-	-	-	-	-	-	-	-	180,126.72	

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APPENDIX 2 – Town Employment Policies

- 2a – Anti-Discrimination & Harassment Policy
- 2b – Professional Conduct Policy
- 2c – Workplace Violence Prevention Policy
- 2d – Drug & Alcohol-Free Workplace Policy
- 2e – Electronic Communications Policy
- 2f – Town Owned Vehicle Use Policy
- 2g – Fraud Prevention Policy

ANTI-DISCRIMINATION AND HARASSMENT POLICY

I. Introduction

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

Harassment of employees occurring in the workplace, in connection with work related travel, and/or work-sponsored events will not be tolerated. Further, any retaliation against an individual for having complained about harassment or retaliation against individuals for having cooperated with an investigation of a harassment complaint will not be tolerated.

Allegations of harassment will be taken seriously, and responses will be made promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred actions will be taken promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

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

II. Definitions

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

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

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.

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

Under this definition, for example, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

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

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

- Sexual advances – whether they involve physical touching or not.
- 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.
- Displaying sexual suggestive objects, pictures, cartoons.
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual for having complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint will not be tolerated.

III. Complaint Procedures

All employees, managers, and supervisors of the Town share responsibility for avoiding, discouraging, and reporting any form of harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rest with the Town Manager or Human Resources or their designee, who will administer the policy and procedures described herein.

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

Prompt reporting of harassment is in the best interest of all individuals allegedly (or potentially) involved as well as the Town and is essential to a fair, timely and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If any employee wishes to file a complaint, they may do so by contacting the Town Manager or Human Resources. Human Resources will also be available to discuss any concerns the complainant may have and to provide information about the Town's policy on harassment and the complaint process.

IV. Complaint Investigation

When a complaint is received, a prompt investigation of the allegation will be undertaken in a fair and expeditious manner to determine whether there has been a violation of the Town's policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances, but confidentiality cannot be guaranteed. The investigation may include private interviews with the person filing the complaint and with witnesses. In addition, an interview with the person alleged to have committed the harassment may be conducted. The complaint, the person alleged to have committed the harassment, and all witnesses are required to cooperate fully with all aspects of an investigation. When the investigation has been completed, we will inform the person filing the complaint and the person alleged to have committed that the investigation has been completed. Notwithstanding any provision of this policy, the Town reserves the right to investigate and act on the Town's own initiative response to conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

If it is determined that inappropriate conduct has occurred, prompt action will be taken to eliminate the offending conduct and, where it is appropriate, impose disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by any of the Town of Eastham employees, action will be taken as is deemed appropriate under the circumstances. Such action may range from counseling up to and including termination of employment.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both government agencies set forth below. Each of the agencies requires that claims be filed within 300 days of the alleged incident or

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when the complainant became aware of the incident.

[The United States Equal Employment Opportunity Commission](#) ("EEOC")
[The Massachusetts Commission Against Discrimination](#) ("MCAD")

PROFESSIONAL CONDUCT POLICY

I. Introduction

It is the goal of the Town of Eastham to promote a workplace of mutual respect and appropriate conduct. It is expected that employees will take pride in their employment and will conduct themselves in a professional manner in the workplace and when representing the Town at off-site locations and events. The purpose of this policy is to outline the expected conduct of all employees. All employees are responsible for ensuring a professional workplace. Managers are expected to enforce this policy with their respective employees.

As used in this policy, “employees” includes persons appointed to town positions, as well as persons traditionally understood to be “employed” by the Town. Appointed members of boards, commissions, and committees, however, are covered under a separate Code of Ethics and Code of Conduct, adopted by the Select Board.

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

All employees of the Town are expected to act in accordance with the standards, policies, and rules of the Town and to safeguard the Town’s reputation and resources. These expectations and standards of behavior extend to the use of Town’s facilities, equipment, supplies, and technical resources.

II. Employees Responsibilities

- Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization.
- Employees shall carry out their duties in an efficient and competent manner and maintain specified standards of performance.
- Employees shall comply with reasonable employer instructions and policies and to work as directed.
- Employees shall respect the privacy of individuals and use confidential information only for the purposes for which it was intended.
- Employees shall neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes.
- Employees shall incur no liability on the part of the Town without proper authorization to maintain all qualifications necessary for the performance of their duties legally and efficiently.
- Employees shall maintain a professional and respectful image to co-workers and the public.
- Employees shall project a positive and professional image of the Town.
- Employees shall uphold high standards of honesty and integrity; and
- Employees shall work cohesively and cooperatively with fellow employees, inter-departmental staff, officers, and volunteers to accomplish organization-wide directives, goals and tasks requiring mutual coordination, within the context of each employee’s authority.

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The following are examples of conduct that may result in disciplinary action on the part of the Town, up to and including termination or removal as may be applicable:

1. Conduct that adversely affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment.
2. Behavior including, but not limited to, harassment and sexual harassment, bullying and cyber-bullying, unethical, immoral, deceitful, or illegal conduct that is inconsistent with the standards and expectations of the Town.
3. Behavior that infringes on the well-being of others, contributing to a negative work environment and experience for others.
4. Interaction with members of boards, commissions, committees, other employees, members of the public or visitors which lacks respect. Professional respect does not preclude honest differences of opinion but requires respect within those differences.
5. Disclosure of confidential information without authorization.
6. Conduct of official business which gives the clear impression that the employee/appointee may be improperly influenced in the performance of official duties; seeking favor, personal aggrandizement or profit secured by virtue of holding a tow position.
7. Activities prohibited by Town bylaws, rules and regulations, policies, charter, ordinance, or state law.
8. Theft, misuse, negligence destruction or unauthorized use of Town property for personal use or gain. Taking, damaging, or destroying Town property. Lending keys or keycards to Town property to unauthorized persons.
9. Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a supervisor.
10. Deficient job performance.
11. Actions that lack good moral character, reflect dishonesty, or may bring discredit to the Town.
12. Any other conduct or performance that does not meet the expectations of the employees of the Town.

This list is not intended to be and should not be considered an exclusive listing of inappropriate behavior.

V. Disciplinary Action

The Town of Eastham retains complete discretion to administer discipline for behavior it deems

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inappropriate, and to determine the appropriate level of discipline. Be aware that the Town reserves the right to discipline, suspend, terminate, or remove an employee/appointee for criminal, felonious, or other serious acts that occur off Town premises or outside of working hours in addition to those acts occurring while working.

If you have any questions or need clarification about the standards of personal conduct or our overarching Code of Conduct, please talk to your supervisor, department head, Human Resources or Administration.

WORKPLACE VIOLENCE PREVENTION POLICY

I. Introduction

The Town of Eastham endorses the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of the definition of workplace violence, instructing employees regarding the dangers of workplace violence, communicating the sanctions that may be imposed for participating in workplace violence and providing a reporting procedure with which to report incidents of violence without fear of reprisal.

The Town maintains a zero tolerance toward workplace violence, or the threat of violence, by any of its employees, elected officials, volunteers, customers, the general public and/or anyone who conducts business with the Town.

Because the Town of Eastham takes allegations of violence seriously, we will respond promptly to complaints of violence and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. This policy is applicable to all Town employees, subcontractors, independent contractors, elected officials, and volunteers.

Please note that while this policy sets forth our goals of promoting a workplace that is free of violence, 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 workplace violence.

II. Definitions

Violence is defined as physically attacking or harming another, shoving, pushing, intimidation, coercion, brandishing weapons, and threats or talk of violence, and property damage. The following specific definitions are also provided:

- **Workplace violence** includes, but is not limited to, threats and physical attack or property damage.
- **Threat** for purposes of this policy is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the ability to carry out the threat and regardless of whether the threat is contingent, conditional, or future.
- **Physical attack** is intentional, hostile, physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects.
- **Property damage** is intentional damage to property, which includes property owned by the Town, employees, visitors, volunteers, or others.

While it is not possible to list all the circumstances that may constitute workplace violence, the following

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are some examples that may constitute an instance of workplace violence:

- Disruptive behavior intended to disturb, interfere with, or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving of arms or fists)
- Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack)
- Menacing, intimidating, or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individual or property.
- Brandishing a weapon (gun, knife, or an object which appears to be a weapon) with the potential to inflict harm.

The following conduct/actions are specifically prohibited:

- The use, possession, or sale of any weapons on Town property, except as specifically authorized by the Select Board for employees who hold appropriate licenses and only when training is provided for by the Town. Weapons include, by way of example and without limitation, any firearm, any device principally designed to cause bodily injury, any knife, or any explosive device.
- Illegal possession, use or sale of a weapon off Town property that adversely affects the employee's or others' safety at work.
- Conviction for the illegal possession of a weapon or for committing a violent act against the person or property of another, using a weapon.
- Refusing to participate in an investigation pertaining to allegations or suspicion that violence or threat of violence has occurred or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee, co-employee, or co-worker.
- Harming, or threatening to harm, any person while on Town property or at any function at which any person is representing the Town.
- Harming, or threatening to harm any Town property.

III. Reporting and Complaints of Workplace Violence

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, visitor, or volunteer, must be reported to the Department Head or Town Administrator immediately. Department Heads (or Town Manager) will assess and investigate the incident and determine the appropriate action to be taken.

Department Heads will promptly inform the Town Manager of all reported incidents of workplace violence and will inform employees of their right to have the Police Department notified of any incident.

The Town will not discriminate against any victims of workplace violence, or any person who makes a report or participates in an investigation.

IV. Disciplinary Action

If it is determined that inappropriate conduct or an instance of violence has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action. If it is determined that inappropriate conduct or an instance of workplace violence has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

DRUG-FREE WORKPLACE & SUBSTANCE ABUSE POLICY

1. It is the policy of the Town of Eastham to provide a drug free workplace for all of its employees and to comply with the provisions of the United States Drug-Free Workplace Act of 1988. (PL 100-690)
2. Accordingly, the Town of Eastham hereby notifies every employee that the manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is prohibited. Further, the Town of Eastham hereby notifies every employee that as a condition of employment, no alcohol or illegal drugs shall be used or possessed on Town property or equipment by an employee during the work shift of any employee, including all breaks and lunch periods.
3. The Town of Eastham establishes, as a condition of employment, that each employee must abide by the drug-free workplace policies, and that each employee must notify the Department Head, within twenty-four (24) hours of any such conviction, of any conviction for violation of any federal or state criminal drug law occurring in the workplace.
4. The Department Head shall notify the appropriate federal agency and shall have up to ten (10) days from the time of notification by the employee of a conviction for a workplace offense involving drugs to take appropriate personnel action up to and including discharge. The Town of Eastham may require the employee to participate in an approved drug abuse assistance rehabilitation program. Employees having any questions regarding this policy are invited to contact their Department Head to discuss their concerns.
5. If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

ELECTRONIC COMMUNICATIONS POLICY

The following sets forth the Town of Eastham's (the Town's) policies with regard to access, review, or disclosure, of electronic communications sent or received by the Town's staff with the use of the communication systems provided by the Town.

This policy does not constitute a contract and the Town reserves the right to change this policy at any time.

1. **Access, Review, Deletion, Disclosure and Archives**

a. The Town's E-mail, voice mail, phones, Internet access and computer network ("electronic communications") are primarily for business use. E-mail and voice mail messages, Internet communications and computer files are part of the Town's business records and are not to be considered personal records. The Town reserves the right to have authorized personnel monitor, review, track, record, copy and delete all messages, communications, and files to ensure security, to deal with technical and business issues and to prevent abuse, and inappropriate use. Therefore, system activity may be monitored for these purposes.

b. Should staff make incidental use of the electronic communications system to transmit personal messages, such messages will be treated no differently from other messages. Staff should treat the e-mail system, in particular, like a shared file system, with the expectation that messages sent, received, or stored in the system will be available for review by any authorized representative of the Town. Everyone who uses the Town's electronic communication systems must do so in a responsible, ethical, and professional manner. The system is not intended for personal use. Use of the systems for purposes inconsistent with the Town's policies is not permitted and may be a basis for disciplinary action. Prohibited activities include copyright infringement; invasions of privacy; and displaying or transmitting obscene, threatening, racist, sexist, or any form of discriminatory or harassing messages or materials. If you receive a communication you deem to be offensive, *do not delete or forward it*, report it immediately to the Town Manager.

c. All the Town's electronic files, including e-mail messages, are regularly copied to tape archives. A "deleted" text lingers in the computer until the space it occupies is written over, which happens randomly.

d. All electronic files, including those thought to have been "deleted," may be subject to discovery and disclosure by adverse parties in litigation.

2. **E-Mail**

a. Staff must exercise a greater degree of caution in transmitting confidential information on the e-mail system because of the reduced human effort required to redistribute such information electronically.

b. Confidential information should never be transmitted or forwarded to staff, or outside individuals or organizations not authorized to receive that information.

c. Always exercise care when using distribution lists to ensure that all addressees are appropriate recipients of the information. Lists are not always kept current.

d. The Town promotes the use of Internet E-mail capabilities as a communications tool for receiving and sending electronic mail (E-mail) messages. For data security purposes, E-mail messages delivered to an Internet user's personal E-mail address from an unknown sender should not be opened, *particularly if the message contains an attached file*, without contacting MIS. E-mail messages with attached files may potentially contain damaging viruses that can corrupt a computer's files and/or hard drive. Information Systems personnel who manage the Town's electronic E-mail will take the same precautions. E-mail will be considered Town property and is subject to Town policy regarding confidentiality. Misuse and/or improper communication of information will constitute a policy violation and disciplinary procedures (up to and including termination) will apply.

e. In order to further guard against dissemination of confidential Town information, do not access your E-mail for the first time in the presence of others. E-mail windows, as well as other application windows (i.e., MUNIS) should not be left open on the screen when the computer is unattended.

f. Passwords should not be shared.

3. **Internet**

a. Internet Access will be managed through the Management Information Systems (MIS) Department of the Town.

b. The Internet can be accessed through Microsoft Internet Explorer. The Internet will be used to conduct the Town's business and services. The Town also supports the use of the Internet for educational, informational and research purposes.

c. Content of the Town's home page is subject to change. Administration of the home page is to be reviewed and approved by the Town Manager and the MIS Director prior to making the material available for public Internet access.

d. All personal computers and servers, including those having Internet access capabilities, will be equipped with virus scan and virus protection software. When prompted to update virus patterns, Internet access users should perform the update as required.

e. Access, by means of a modem, is limited to "trusted sites" with prior approval by the Town.

f. Downloading of executable files or programs is prohibited. The MIS Director must be contacted with regards to any request to save downloaded files or programs.

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4. **Other**

a. To avoid system problems, do not install any hardware or software of any kind, including screen savers and games, without prior approval from MIS. Failure to comply may result in disciplinary action.

b. The Internet and E-mail systems may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solidifications.

c. Unauthorized software or hardware may be removed without notice. Should you desire additional hardware or software to assist you in your work, contact the MIS Director, who will review your request, approve/disapprove, and install such items at their sole discretion.

d. Signing this Policy acknowledges that you understand and will comply with this Electronic Communications Policy. This acknowledgment will be maintained in your personnel file.

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VEHICLE USE POLICY

Purpose:

The purpose of this policy is to establish guidelines and procedures regulating the use of town owned vehicles and privately owned vehicles for official town business and.

- To encourage safe operation of vehicles used for Town purposes.
- To set forth guidelines under which vehicles may be used.
- To minimize transportation costs and liability.
-

Rules Governing Use of Town Fleet Vehicles:

1. If there is a Town vehicle available for use, an employee must exhaust that option before being eligible to use a personal vehicle and be reimbursed.
2. Town vehicles shall be used for Town business. Minimal use for personal reasons is allowed; however, such use shall be sporadic and not regularly occurring.
3. This policy limits the use of town owned vehicles and privately owned vehicles to employees and officials who have obtained appropriate authorization.
4. Employees are required to provide a copy of their valid driver's license and complete the RMV authorization form annually and return it to the Director of Human Resources if they are driving any Town or private vehicles for Town use.

Town Owned Vehicles:

1. The assignment of Municipal Vehicles to employees is made based upon task and departmental priorities. Department Heads that have municipal vehicles may assign such vehicles in a manner consistent with departmental priorities.
2. The use of all town vehicles assigned to the Fire and Police Departments is administered by the Fire and Police Chiefs in accordance with the provision of M.G.L., Chapter 48, Section 42A and Chapter 41, Section 97A.
3. Proper authorization is required for all town-owned vehicles, by the Department Head and/or Town Manager (or designee) before use.
4. Using town owned vehicles for commuting to and from work is not allowed, except in the case of the Police Chief, Police Deputy Chief, Police Lieutenant, Fire Chief, Deputy Fire Chief, Public Works Superintendent, due to their 'on call' status. When commuting, vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route, considering road and traffic conditions. The vehicle shall not be used for personal reasons.

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5. No town vehicle, except those authorized for commuting purposes, are to be taken home at the end of the workday, without express permission granted by the Town Manager on an exception basis when it is related to business travel.
6. Fuel for town vehicles is available at the DPW.
7. If there are travel-related expenses (fuel, tolls, parking, etc.), the employee must have prior approval from the Department Head and/or Town Manager. Reimbursements will only occur if the travel was approved, and the appropriate receipts are submitted.
8. Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
9. Employees are expected to keep Town vehicles clean, and to report any malfunction or damage to their supervisor immediately.
10. All municipal vehicles shall be parked at the end of each shift in assigned parking areas.
11. Employees shall operate Town vehicles in accordance with the laws and regulations of the Commonwealth of Massachusetts.
 - a. Drivers and all passengers must wear seatbelts in vehicles so equipped during operation of the vehicle.
 - b. At no time shall employees operate Town vehicles under the influence of alcohol, non-prescribed drugs, or prescribed drugs in which labeled directions warn or otherwise prohibit subscriber from driving a motor vehicle. Additionally, Town vehicles shall not be used to transport alcoholic beverages of any kind.
 - c. Pursuant to state law, employees or their passengers are prohibited from smoking while in the Town vehicle.
12. Employees shall remove the keys and lock the vehicle when left unattended.
13. Whenever a municipal vehicle is involved in an accident, or subject to damage, the employee operating the vehicle is required to immediately notify his/her immediate supervisor. The Police must be notified, and a Commonwealth of MA “Motor Vehicle Crash Operator Report” completed by the employee and deliver a copy to their immediate supervisor. The immediate supervisor shall be responsible for notifying the Town Manager or Assistant Town Manager of the incident. Reports must be sent to the Director of Human Resources immediately.

Privately Owned Vehicles Used for Town Business

1. Before using a privately owned vehicle for travel the employee must first check to see if a

vehicle is available in the shared vehicle pool; this can be done by checking the online vehicle calendars.

2. This policy provides for the reimbursement of reasonable expenses incurred as a result of the use of personal automobiles for town business.
3. Approval from the Department Head must be obtained prior to any such use of a personal vehicle for town business (or, in the case of a Department Head, they should receive sign-off from the Town Manager).
4. As long as prior approval is received and supporting documentation is adequate to the Accounting Department, the employee will be reimbursed for mileage at the IRS rate posted at the time of their travel.
5. Other travel-related expenses (tolls, parking, etc.) must be approved and accompanied by the appropriate receipt for reimbursement to occur.
6. If an employee does not receive prior approval to use a personal vehicle for town business, they will not be reimbursed for any related expenses.

FRAUD PREVENTION POLICY

1. **Authority**

This policy was adopted pursuant to the recommendations set forth in the Statement of Auditing Standards (SAS) 112. The Town Administrator has the primary responsibility for the investigation of all suspected acts of fraud as defined in this policy as well as for the institution of practices aimed at preventing future fraudulent acts.

2. **Purpose**

It is the policy of the Town of Eastham to prevent any and all fraudulent activity that could threaten the security of the Town’s assets, resources, or reputation. Consequently, the Town is committed to policies aimed at the prevention, detection, investigation, and corrective actions related to fraud.

3. **Applicability**

This policy applies to all paid and unpaid employees and elected officials of the Town.

While fraud can involve many activities, this policy is directed primarily at financial matters, including but not limited to misappropriation of assets and fraudulent financial reporting.

4. **Definitions**

“*Fraud*” means violation of trust that is defined as deception deliberately practiced to secure unfair or unlawful gain, including deception, bribery, forgery, extortion, theft, embezzlement, false representation, and misappropriation of money or assets.

“*Fraudulent Financial Reporting*” includes, but is not limited to, the following: improper revenue recognition, improper expense recognition, overstatement of assets, understatement of liabilities.

“*Misappropriation of Assets*” includes, but is not limited to, the following: forgery, alteration of financial instruments, unauthorized use of or disposition of funds or property, embezzlement, theft, falsifying time sheets or payroll records, falsifying travel or entertainment expense, use of Town funds to pay for personal expenses or benefits, improper reporting of receipt of funds.

“*Town*” means Town of Eastham.

“*Whistle Blower*” means a person who witnesses or identifies an act of fraud, or suspected acts of fraud, and notifies the appropriate official as required in this regulation.

5. **Regulations and Responsibilities**

The following sections outline specific regulations, and procedures for evaluating suspected fraud within the organization.

1. Department Responsibilities

Each Department Head should be familiar with the types of fraudulent activities that could take place within their areas of responsibility. Department Heads are responsible for establishing, maintaining, and monitoring a risk assessment program and system of internal controls to provide assurances for the prevention and detection of fraud, misappropriations, and other irregularities.

2. Notification of Fraud

Any Department Head, on the discovery of an act of fraud, or suspected act of fraud, must immediately notify the Town Manager.

Further, any employee of the Town who has knowledge of fraudulent conduct, or has reason to suspect that fraud has occurred, shall immediately notify the Town Manager.

When a Department Head or employee has reason to believe that the Town Manager may be involved with a fraudulent activity, the Department Head or employee shall immediately notify the Select Board.

3. Protection of Records and Documents

Once an act of fraud, or suspected acts of fraud, has been reported, the Town Manager shall take whatever action is necessary to secure all records and documents pertinent to the case and to prevent the theft, alteration, or destruction of those records.

If the focus of such suspicion is the Town Manager, the Town Accountant shall be immediately informed by the Chair of the Select Board and shall take whatever action is necessary to secure all records and documents pertinent to the case and to prevent the theft, alteration, or destruction of those records.

4. Investigation of Fraud

The Town Manager will conduct an impartial investigation of any suspected acts of fraud or misappropriation of funds or property. Upon doing so, the Town Manager shall notify the Select Board of said investigation.

Where there are reasonable grounds to believe that fraud has occurred, the Town Manager shall report the incident to the Select Board and other legal authorities, who may then pursue appropriate legal remedies.

In conducting an investigation, the Town Manager shall consult with Town Counsel, Department Heads, and any paid and/or non-paid employees, as defined in Section 3.0

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Applicability of this policy, as appropriate. The Town Administrator shall also coordinate with law enforcement officials when necessary.

When the Town Manager is suspected of fraud, the above procedure shall be followed by the Select Board.

5. Investigation Results

Upon the conclusion of the investigation, the results will be reported to the Select Board and policies and practices will be instituted to prevent a recurrence of fraudulent activity.

6. Recovery of Losses

The Town Manager and/or Department Head will make all reasonable efforts to recoup and recover any monetary or other loss of assets incurred by the Town because of the fraud.

6. Whistle-Blower

All personnel subject to this policy are protected from retaliation in connection with their identification of suspected instances of fraud.

1. Reporting Protection

No employee of the Town, or person acting on behalf of the Town, in attempting to comply with this policy by reporting a fraudulent act or suspected fraudulent acts to the appropriate authorities, shall be dismissed, disciplined, suspended, or otherwise penalized.

2. Allegations Made in Good Faith

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the originator of the allegation.

3. Allegation Made in Bad Faith

If an allegation is made in bad faith, or without a justifiable basis, appropriate disciplinary action may be taken against the individual making the false allegation.

7. Confidentiality

All participants and all persons questioned in a fraud investigation shall keep the details and results of the investigation confidential. Failure to do so could result in disciplinary action.

8. Penalties

Penalties for violating any provision of this policy, including the commission of a fraudulent act, the

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failure to report a fraudulent act, engaging in threatening or intimidating behavior made against a person who makes a fraudulent act known, or a breach in confidentiality, may result in suspension, dismissal, and/or appropriate legal action.

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APPENDIX 3 – Town Manager Operational Policies

3a – Flexible & Remote Work Policy

3b – Social Media Policy

FLEXIBLE AND REMOTE WORK POLICY

I. Introduction

The Town of Eastham will permit flexible work arrangements when it benefits the productivity of the employee and department and is not detrimental to the Town of Eastham. The attached Flexible Work Agreement needs to be completed and approved in order to participate. In general, flexible work options cannot be offered to Public Safety or Public Works employees.

II. Definitions

There are two types of flexible work arrangements available:

Flexible hours – Employees may request on-site flexible hours between the hours of 7:00 AM and 7:00 PM and may request to shorten their lunch hour to one half-hour. (By law, employees must receive a half-hour break after working six hours.)

Remote work – This entails a work-at-home or remote access arrangement for part of the work week on a regular basis, generally capped at 40% of scheduled time and subject to quarterly review. Remote work may be granted to permanent employees whose job responsibilities are suited to such an arrangement. Each request will be decided based on the guidelines outlined below.

In certain cases, remote work may be a requirement of a position as noted in the Job Description. If so, a new permanent employee will be so notified at the time of hire. Those arrangements are not the subject of this document.

III. Eligibility

Remote work requires a position that has considerable flexibility in scheduling and job functions that are easily supported by electronic means. Considerations include jobs that:

- Are focused predominantly on the electronic production and/or exchange of information by means of computers and/or phones.
- Involve measurable or quantifiable work product.
- Have job functions that can be performed at a remote site without diminishing the quality of the work or disrupting the productivity of a unit.
- Do not require an employee's presence at the regularly assigned work site on a daily or routine basis.
- Have a minimal or flexible need for specialized materials or equipment available only at the regularly assigned worksite.
- Allow for an employee to be as effectively supervised.

In addition, an employee must have completed the probationary period, unless remote work is a requirement of the position, or exigency exists for the purposes of continuity of government.

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Positions not suited to remote work are those that require access to information or materials that are available only at the regularly assigned place of employment or are otherwise place-based.

IV. Guidelines

The employee’s Department Head makes the initial determination of the employee’s ability to manage remote work. Some things to consider include:

- Past performance
- Past attendance
- Ability to utilize required technologies.

Remote work scheduling must not be detrimental to the Town. Considerations include:

- Budgetary limitations
- Safety concerns
- Liability issues
- Customer service requirements
- Communication with co-workers
- Equipment availability
- Undue administrative burden
- Confidentiality of information within the home worksite.

The employee and Department Head should identify a specific work schedule, including workdays and hours with a maximum of 14 or 16 hours of remote work per week.

The Department Head and Town Administrator must approve all remote work agreements.

Management must be able to verify the hours worked remotely by an employee. The employee must be able to accurately account for work produced in the remote setting.

The Department Head has the right to return a remote work employee to a standard schedule with reasonable notice. All such agreements will be re-evaluated quarterly.

The employee must provide (at their own expense), a high-speed Internet connection to the Town network using an Internet Service Provider (ISP) of their choosing.

VI. Liability

The employee is responsible for making sure their homeowner or renter’s insurance covers injury arising out of or relating to business use of his or her home. Employees living in rental properties should be aware that some leases may not permit business use of the premises.

VII. Town of Eastham Property

Town of Eastham property such as computers and other equipment loaned to an employee remains the

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property of the Town during the duration of the Remote Work Agreement and must be returned upon termination of the agreement. If Town of Eastham equipment is provided, each piece of equipment must be listed with its serial number when the employee takes possession.

Employees must return the equipment in the same condition in which it was originally received, minus normal wear and tear. Employees are personally liable for missing or damaged equipment.

VIII. Computer Support

If the employee experiences problems with the network connection, they are responsible for working out issues with their Internet Service Provider (ISP). Issues with equipment owned, leased, or rented by the Town of Eastham will be handled by the Town.

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REMOTE WORK AGREEMENT

Employee Name: _____ **Hire Date:** _____

Position: _____ **Department:** _____

Department Head: _____ **Regular Work Hours:** _____

FSLA Status: _____ **Exempt** _____ **Non-exempt**

Start date: _____ **First review date:** _____

Remote work location address: _____

Employee schedule: _____

The Employee agrees to the following conditions:

- I will be accessible and productive during scheduled remote work hours.
- I will record all hours worked, breaks taken and meal periods in accordance with regular timekeeping practices.
- I will obtain supervisor approval in advance for any additional hours beyond my regular schedule.
- I will comply with all Town of Eastham rules, policies, practices, and instructions that would apply if I were on my regular job site. If I have any questions about the application of a policy in a remote setting, I will contact my supervisor.
- I understand my supervisor’s expectations of me while I am in a remote work setting and I will maintain satisfactory performance standards.
- I will keep confidential information protected and secure at the remote work site.
- I will not use Town equipment for non-work purposes nor allow anyone other than myself to use such equipment. I will not make any changes to security or administrative settings, and I will not install other software or applications.
- I will make arrangements for dependent care and understand that remote work arrangements are not a substitute for child or elder care.
- I will report any work-related injuries to my supervisor as soon as practicable.
- I understand the Town reserves the right to inspect my remote work site.
- I understand that this remote work arrangement is at the sole discretion of the Town of Eastham and can be revoked at any time for any reason or no reason.

Employee Signature: _____ **Date:** _____

Department Head Signature: _____ **Date:** _____

Town Administrator Signature: _____ **Date:** _____

SOCIAL MEDIA POLICY

I. Introduction

The Town of Eastham (“Town”) recognizes the importance of online social media networks as a communication tool. The use of social media presents certain risks and carries with it certain responsibilities. Social Media does not change the law or expectations around public service. The Town recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Town in promoting accountability, responsible and mature judgment, and the efficiency of the public services it performs through its employees and officials. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

To that end, this policy establishes guidelines for employees’ personal use of social media (Section II), as well as for the official use of social media by Town employees and officials for government-related purposes (Section III).

The Policy applies to all employees, officers, and officials (elected and appointed) of the Town of Eastham.

This Policy is to be read in conjunction with all other applicable policies and rules of the Town, including but not limited to the Town’s Personnel Code. It may be amended from time to time and may be supplemented with additional administrative procedures and rules as may be issued.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, union Activities).

II. Definitions

The following definitions apply for the purposes of this Policy.

1. “*Social media*” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.
2. “*Social media sites*” and “*social networking sites*” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.
3. A “*social media identity*” is a specific user identity or account that has been registered on a third-party social media site.

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4. A “*blog*” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
5. A “*moderator*” is an authorized Town of Eastham official (appointed or elected) or employee, who reviews, authorizes, and allows content submitted by Town officials, employees, and public commentators to be posted to a Town of Sandwich social media site or sites.
6. “Town Systems” are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, “smartphone”/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.
7. “Town social media site” is any official social media site established by or for a Town department, with the authorization of the Town Administrator.

III. Personal Use of Social Media

All employees and officials are responsible for what they post online. Through this Policy, the Town is not intending to act as “thought police” or otherwise unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of Town government to function efficiently and effectively cannot be ignored. Any conduct that exposes the Town to legal liability may result in disciplinary action up to and including termination.

A. Required Conduct

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, all personal posts on any social media site shall contain an express statement that “The postings on this site are my own and do not represent the views, positions or opinions of the Town” or similar disclaimer. Employees and officials should not, except as authorized by their supervisor or board, represent themselves as a spokesperson for the Town.
2. Employees and officials should be mindful that social media activity that violates any of the Town’s policies may result in disciplinary action, up to and including termination. Such policies include, but are not limited to, the Town’s Electronic Communication Policy, Anti-Discrimination and Harassment Policy as well as the other policies of the Personnel Code.
3. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public’s perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.

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B. Prohibited Conduct

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. No personal posts shall be made during work time.
3. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
4. No employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Administrator.
5. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
6. Do not post internal reports, draft policies, procedures, or other internal confidential communications or documents. Employees shall maintain the confidentiality of the Town's procedures for the development of policy and other such data exempt from the Public Records Law. The state's Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, they should contact the Eastham Town Clerk.
7. Do not post information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information and any other personal medical information, information concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.
8. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that "The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town."
9. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission's

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jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction and may constitute improper deliberation among the members of a board or committee.

C. Permitted Conduct

1. Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town sponsored events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per Section III.A. (1) and Section III.A (14) of this policy.

IV. Social Media Sites for Official Town of Eastham Purposes

The Town of Eastham permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of the department’s goals and objectives. Town of Eastham officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town of Sandwich business. Social media sites facilitate further discussion of Town of Eastham government business, operations, and services by providing members of the public the opportunity to participate in many ways using the Internet. The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town of Eastham purposes, as well as explanatory guidance.

A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites

1. Posting for the Town on such sites shall only be performed by the Town Manager or their designee(s).
2. Subject to prior approval of the Town Manager, departments have the option of allowing employees to participate in existing social media sites as part of their job duties or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state and federal laws, regulations, and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.
5. Because the Public Records Law applies to social media content, all posts, once made, may not be deleted, or amended, except to correct typographical errors, and a record shall be kept of any such modifications.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Eastham website for forms, documents, and other information.

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7. All Town social media sites shall clearly indicate that they are maintained by the Town of Eastham and shall have the Town of Eastham contact information prominently displayed, and, if possible, the Town Seal.

8. Town social media content shall not contain the following:

- a. Profane, obscene, or vulgar language or content.
- b. Comments or content that are denigrating, threatening, insulting, bullying, or harassing.
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions, genetic information, active military status, or any other status protected by state or federal law.
- d. Sexual content or links to sexual content.
- e. Conduct or encouragement of illegal activity.
- f. Information that may tend to compromise the safety or security of the public or public systems.
- g. Content that violates the legal ownership interest of any other party.
- h. Protected health information.
- i. Personnel data; or
- j. Other information that is not public record or is otherwise privileged from public disclosure.

9. All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.

10. To the extent applicable, the Town’s IT security policies shall apply to all social media sites and articles.

11. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town of Eastham. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.

12. No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers, or other stakeholders. Employees may not engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.

13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

B. Employee Use of Official Town Social Media Sites

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The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

1. Electronic Communications Policy. All employees are responsible for understanding and complying with the Town's Electronic Communications and Computer Usage Policy.
2. First Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e., subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.
3. Copyright Law. Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography, and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.
4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of G.L. c. 268A.
5. Protected Confidential Information. Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Manager. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Manager or relevant Department Head, for instance, where public comment or input is being solicited.
6. Carefully Consider Content. Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream media, and therefore, consideration needs be exercised to use social media in a way that benefits both the Town and the public.
7. Handling Negative Comments. Town Employees and Officials shall only post factual information as it relates to a Town-related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:
 - a. Provide accurate information in the spirit of being helpful.

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- b. Remain respectful; and
- c. Notify the moderator to address the matter prior to any escalation.

8. Respect the Audience and Town Employees and Officials. Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.

9. Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission. All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of serving the public. What is published on Town social media sites reflects the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:

- a. Helping Town employees and officials perform their jobs better.
- b. Informing citizens about government services and how to access them.
- c. Making government operations transparent and accessible to the public.
- d. Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e. Encouraging civic engagement.

10. Mistakes. The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:

- a. Strike through the error and correct; or
- b. Create a new post with the correct information, and link to it from the post that is being corrected or clarified.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.

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12. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and therefore constitute Public Records. Officials must ensure that the Town or department retains a copy of the social media content in accordance with applicable Public Records Retention Schedules and in accordance with the Public Records Law.

V. Retaliation Prohibited

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

VI. Disciplinary Action

The Town of Eastham retains complete discretion to administer discipline for behavior it deems inappropriate, and to determine the appropriate level of discipline. Be aware that the Town reserves the right to discipline, suspend, terminate, or remove an employee/appointee for criminal, felonious, or other serious acts that occur off Town premises or outside of working hours in addition to those acts occurring while working.

If you have any questions or need clarification about the Social Media, please talk to your supervisor, department head, Human Resources or Administration.

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